

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-FOURTH DAY
(Wednesday, May 24, 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.

The Reverend David Peters, Saint Mark's Episcopal Church, Austin, offered the invocation as follows:

O God, as Memorial Day draws near, we remember before You with grateful hearts the women and men of Texas who in the day of decision ventured much for the liberties we now enjoy. Thank You for how earlier generations of Texans remembered them on many of the monuments that surround this building. We remember their young lives and their early deaths, their smiles and their laughter, their bravery and their fortitude. I thank You that I had a chance to serve with some of them in Iraq, and I pray for all those who miss them that they will find comfort in their grief. Grant that we may not rest until all the people of this land share the benefits of true freedom and sow the seeds that bring a harvest of peace and love. For thine is the kingdom and the power and the glory, forever and ever. 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 Buckingham was recognized and presented Dr. Nina Desai of Austin as the Physician of the Day.

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

GUESTS PRESENTED

Senator Huffines was recognized and introduced to the Senate Akiba Academy of Dallas seventh-grade students.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Nova Academy eighth-grade students, accompanied by Michelle Nash and David Wilson.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 11:49 a.m. announced the conclusion of morning call.

(Senator Campbell in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 3675 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 3675** at this time on its second reading:

CSHB 3675, Relating to the provision of eye health care by certain professionals and institutions as providers in the Medicaid managed care program.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3675 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 3675** 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 1081 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSHB 1081** at this time on its second reading:

CSHB 1081, Relating to the new instructional facility allotment under the foundation school program.

The motion prevailed.

Senators Campbell, Creighton, Hancock, 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: Campbell, Creighton, Hancock, Taylor of Collin.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1081 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1081** be placed on its third reading and final passage.

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

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

Nays: Campbell, Creighton, Hancock, Taylor of Collin.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3136 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 3136** at this time on its second reading:

CSHB 3136, Relating to the creation of the Windsor Hills Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments.

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 3136 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 **CSHB 3136** 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 2537 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **HB 2537** at this time on its second reading:

HB 2537, Relating to requiring public schools to provide information to certain students on the availability of financial assistance for postsecondary education.

The motion prevailed.

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

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

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

Nays: Huffines.

HOUSE BILL 2537 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 2537** be placed on its third reading and final passage.

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

Nays: Huffines.

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

HOUSE BILL 1948 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 1948** at this time on its second reading:

HB 1948, Relating to the administration and operation of certain trusts created to provide for the general care and maintenance of perpetual care cemeteries.

The motion prevailed.

Senators Garcia and Taylor of Galveston 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, Taylor of Galveston.

HOUSE BILL 1948 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 1948** be placed on its third reading and final passage.

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

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

Nays: Garcia, Taylor of Galveston.

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

(President in Chair)

COMMITTEE SUBSTITUTE HOUSE BILL 1111 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSHB 1111** at this time on its second reading:

CSHB 1111, Relating to the child safety zone applicable to registered sex offenders and to certain other persons who are released on parole or to mandatory supervision.

The motion prevailed.

Senators Hancock, Kolkhorst, 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: Hancock, Kolkhorst, Schwertner.

COMMITTEE SUBSTITUTE HOUSE BILL 1111 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 1111** 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, Huffman, Hughes, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hancock, Kolkhorst, Schwertner.

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

(Senator Hancock in Chair)

HOUSE BILL 1170 ON SECOND READING

Senator Miles moved to suspend the regular order of business to take up for consideration **HB 1170** at this time on its second reading:

HB 1170, Relating to the authority of counties to advertise on personal property owned or leased by the county.

The motion prevailed.

Senators Campbell and Hancock 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: Campbell, Hancock.

HOUSE BILL 1170 ON THIRD READING

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1170** 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, Creighton, Estes, Garcia, Hall, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Campbell, Hancock.

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

HOUSE BILL 2039 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 2039** at this time on its second reading:

HB 2039, Relating to creating an early childhood certification to teach students in prekindergarten through grade three.

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

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 23, Nays 8. (Same as previous roll call)

HOUSE BILL 2039 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 2039** be placed on its third reading and final passage.

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

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

Nays: Burton, Hall, Kolkhorst, Nelson.

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

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

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

COMMITTEE SUBSTITUTE HOUSE BILL 4102 ON SECOND READING

On motion of Senator Garcia and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 4102** at this time on its second reading:

CSHB 4102, Relating to establishing and funding a grant program for testing evidence collected in relation to sexual assaults or other sex offenses; authorizing voluntary contributions.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4102** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly.

SECTION _____. Subchapter H, Chapter 502, Transportation Code, is amended by adding Section 502.414 to read as follows:

Sec. 502.414. VOLUNTARY CONTRIBUTION TO ENDING HOMELESSNESS FUND. (a) When a person registers or renews the registration of a motor vehicle under this chapter, the person may contribute any amount to the Ending Homelessness fund under Subsection (f).

(b) The department shall provide, in a conspicuous manner, an opportunity to contribute to the Ending Homelessness fund in any registration renewal system used by the department.

(c) If a person makes a contribution under this section and does not pay the full amount of a registration fee, the county assessor-collector may credit all or a portion of the contribution to the person's registration fee.

(d) The county assessor-collector shall send any contribution made under this section to the comptroller for deposit to the Ending Homelessness fund before the 31st day after the date the contribution is made.

(e) The department shall consult with the Texas Department of Housing and Community Affairs in performing the department's duties under this section.

(f) The Ending Homelessness fund is created as a trust fund outside the state treasury to be held by the comptroller and administered by the Texas Department of Housing and Community Affairs as trustee. The fund is composed of money deposited to the credit of the fund under this section. Money in the fund shall be used to provide grants to counties and municipalities to combat homelessness.

(g) The Texas Department of Housing and Community Affairs shall adopt rules governing application for grants from the Ending Homelessness fund and the issuance of those grants.

The amendment to **CSHB 4102** was read and was adopted by the following vote: Yeas 15, Nays 13.

Yeas: Estes, Garcia, Hancock, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Seliger, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Hall, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Schwertner.

Absent: Hughes, Perry, Taylor of Galveston.

CSHB 4102 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 4102 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 4102** 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 1631 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1631** at this time on its second reading:

HB 1631, Relating to an election of the board of directors of the Ochiltree County Hospital District.

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 1631 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1631** 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 2962 ON THIRD READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 2962** at this time on its third reading and final passage:

HB 2962, Relating to reporting requirements by certain physicians and health care facilities for abortion complications; authorizing a civil penalty.

The motion prevailed 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.

The bill was read third time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **HB 2962** on third reading in SECTION 1 of the bill, by striking added Section 171.006(b)(1), Health and Safety Code, and substituting the following:

(1) a physician at an abortion facility who:

(A) performs an abortion at the facility if the abortion results in an abortion complication that is diagnosed or treated by that physician; or

(B) diagnoses or treats an abortion complication at the facility that is the result of an abortion performed by another physician at the facility; or

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 on Third Reading.

HB 2962 as amended was finally passed 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.

COMMITTEE SUBSTITUTE HOUSE BILL 4303 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 4303** at this time on its second reading:

CSHB 4303, Relating to the creation of the Prairie Ridge Municipal Management District No. 1 and to the correction of defined terms in the law governing the Joshua Farms Municipal Management District No. 1 and the law governing the Joshua Farms Municipal Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes; granting a limited power of eminent domain.

The motion prevailed.

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

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

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4303** (senate committee report) as follows:

(1) In SECTION 3 of the bill, in added Subchapter A, Chapter 3954, Special District Local Laws Code (page 3, between lines 27 and 28), insert the following:

Sec. 3954.010. CONFLICT WITH REGIONAL WATER DISTRICT. To the extent any authority or power granted to the district conflicts with any authority or power granted to the Tarrant Regional Water District, the authority or power granted to the Tarrant Regional Water District supersedes and controls over the authority or power granted to the district, unless the Tarrant Regional Water District consents to the exercise of the authority or power by the district.

(2) In SECTION 3 of the bill, strike the heading to added Section 3954.010, Special District Local Laws Code (page 3, line 28) and substitute "Sec. 3954.011. CONSTRUCTION OF CHAPTER."

(3) In SECTION 3 of the bill, strike added Section 3954.103(b), Special District Local Laws Code (page 4, lines 19 through 21), and substitute the following:

(b) The district may add territory as described by Subsection (a) only if the district obtains written consent from:

(1) the governing body of the city; and

(2) any public entity that owns facilities for the inter-county transportation of water in the area proposed to be annexed.

(4) In SECTION 3 of the bill, in added Section 3954.154, Special District Local Laws Code (page 5, between lines 41 and 42), insert the following:

(e) The district may not impose an assessment on property or facilities owned, controlled, or operated by a public entity.

(5) Strike the text of SECTION 4 of the bill (page 7, line 8, through page 12, line 39) and substitute the following:

(a) TRACT 1:

BEING a part of a tract or parcel of land situated in the Joseph Stewart Survey, Abstract No. 754, Heirs of Allen Larsen, Survey No. 497, T. Stanbury Survey, Abstract 762, and the J. H. Working Survey, Abstract No. 897, Johnson County, Texas, and being part of that same tract of land from Karal Kay Cannon, as described in Volume 02111, Page 0850, Deed Records, Ellis County, Texas, and as described in Book 3500, Page 0941, Official Public Records of Johnson County, Texas, and all of a tract from Billy D. Cannon and Michelle Cannon, to PRA Prairie Ridge, L.P. as described in Book 3500, Page 0941, Official Public Records of Johnson County, Texas, and a tract of land from Phillip Nabors Smauder and Jennie Smauder Pope, to PRA Prairie Ridge, L.P. as described in County Clerk File No. 2104-00248, Official Public Records of Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a point in County Road 506 at an intersection with the Ellis County and Johnson County limits line along with the intersection of the Joseph Stewart Survey, Abstract No. 961, the Joseph Stewart Survey, Abstract No. 754, and the John H. Working Survey, Abstract No. 897;

THENCE South 00°47'39" East, departing from said county road and along the said Johnson and Ellis County lines, a distance of 5474.77 feet to a 1/2" iron rod found;

THENCE South 59°47'49" West, along a north line of Bennett W. Cervin tract one as described in Volume 2001, Page 0749, Deed Records, Ellis County, Texas, a distance of 537.29 feet to a 1/2" iron rod found;

THENCE North 30°19'12" West, along an east line of a Jeniffer N. Sweeney tract described in Book 0608, Page 830, Deed Records, Johnson County, Texas, a distance of 767.82 feet to a 1/2" iron rod found;

THENCE South 59°32'27" West, along a north line of said Jeniffer N. Sweeney tract, a distance of 5401.00 feet to a 1/2" iron rod found;

THENCE North 30°44'12" West, along County Road 619, a distance of 1053.81 feet to a 1/2" iron rod found;

THENCE North 59°59'51" East, leaving said county road, along a north line of a tract of land from Phillip Nabors Smauder and Jennie Smauder Pope, to PRA Prairie Ridge, L.P. as described in County Clerk File No. 2104-00248, Official Public Records of Johnson County, Texas a distance of 291.69 feet;

THENCE North 30°44'47" West, along a west line of said Smauder tract, a distance of 150.00 feet to a 1/2" iron rod found;

THENCE South 59°59'52" West, along a south line of Smauder tract, to County Road 619, a distance of 291.67 feet to a 1/2" iron rod found;

THENCE North 30°44'12" West, along a west line of said Smauder tract a distance of 2672.24 feet to a 1/2" iron rod found;

THENCE North 59°59'42" East, along a north line of said Smauder tract, a distance of 888.13 feet to a 1/2" iron rod found;

THENCE North 60°06'44" East, along a north line of said Smauder tract, a distance of 1077.88 feet to a 1/2" iron rod found;

THENCE North 59°33'36" East, along a north line of said Smauder tract, a distance of 1233.53 feet to a 1/2" iron rod found;

THENCE North 60°12'38" East, along a north line of said Smauder tract, a distance of 2229.85 feet to a 1/2" iron rod found;

THENCE North 56°47'57" East, reaching a northeasterly 90° elbow in County Road 506, along a south line of tract described in Book 3256, Page 0733, Deed Records, Johnson County, Texas, a distance of 3239.36 feet to the POINT OF BEGINNING, containing 678.614 acres, more or less.

TRACT 2:

Being all those certain Lots, Tracts or Parcels of Land situated in the R.K. Wines Survey, Abstract 1178, Ellis County, Texas, and being part of that certain contract of land conveyed to John W. Brumbeloe, Sr. (referred to as Tract III) as recorded in Volume 558, Page 209, Deed Records, Ellis County, Texas and being known as designated at Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, Sunset Park (referred to as Tract II), an addition to Ellis County, Texas, according to the plat filed of record in Cabinet "B", Slide 13, plat records, Ellis County, Texas, and being more particularly described as follows:

Commencing at a found 1-inch iron pipe from the southeast corner of a tract of land conveyed to Edward J. Kilchenstein, as recorded in Volume 710, Page 627, Deed Records, Ellis County, Texas and the north line of a tract of land conveyed to Lia Vang and wife, Xia Vang, Jeff V. Hang and wife, Melissa S. Hang, Chue Moua and wife, Maikoulap Moura as recorded in Volume 1832, Page 2002, Deed Records, Ellis County, Texas;

Thence S 59°29'25" W, along the common line of said Kilchenstein tract and the Vang, Hang, Moua tract, a distance of 339.40 feet to a found 3/8-inch iron rod with a yellow plastic cap stamped "RPLS 446" at the Northwest corner of said Vang, Hang, Moua tract and the Northeast corner of said Brumbeloe tract, said point being the place of Beginning of this herein described tract of land;

Thence S 01°22'20" E, along the common line of said Vang, Hang, Moua tract, passing a found 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 4466" at 1,372.08 continuing for a total distance of 1,406.52 feet to a found 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 4466" in the centerline of County Road 506 Greasy Road (Lakeview Road);

Thence S 59°39'02" W, along the centerline of said County Road, a distance of 1,015.46 feet to a found 5/8-inch iron rod with a yellow plastic cap stamped "Cotton Surveying" (hereinafter referred to as set iron rod) for corner;

Thence S 59°43'42" W, continuing along the centerline of said County Road, a distance of 402.48 feet to a found railroad spike at the intersection of said County Road and Cypress Road, said point being the South corner of said Sunset Park Addition and the South corner of this herein described tract of land;

Thence N 00°14'22" W, along the centerline of Cypress Road, the West line of said Sunset Park Addition, a distance of 865.02 feet to a found 1/2-inch iron rod for corner;

Thence N 59°30'57" E, passing a 1/2-inch iron rod at 37.40 at the Southwest corner of the Sunset Park, Phase 2 Addition, according to the plat thereof recorded in Cabinet "C", Slide 438, plat records, Ellis County, Texas, continuing for a total distance of 417.09 feet to a found 1/2-inch iron rod with a yellow plastic cap at the Southeast Corner of said Sunset Park Phase 2 Addition and the West line of said Brumbeloe tract for corner;

Thence N 03°03'40" E, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 103.80 feet to a found 1/2-inch iron rod;

Thence N 00°31'47" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 60.37 feet to a found 1/2-inch iron rod for corner;

Thence N 00°05'09" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 129.83 feet to a 2-inch iron pipe for corner;

Thence N 01°06'07" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 130.88 feet to a found 1-inch iron pipe for corner;

Thence N 01°03'32" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 129.92 feet to a found 1-inch iron pipe in the South line of said Kilchenstein tract and Northwest corner of said Brumbeloe tract, said point being Northeasterly corner of said Sunset Park Phase 2 Addition;

Thence N 59°32'07" E, along the South line of said Kilchenstein tract, a distance of 968.19 feet to the Place of Beginning and having an area of 1,521,385 square feet, or 34.926 acres of land, more or less.

TRACT 3:

BEING all those certain lots, tracts, or parcels of land situated in the Joseph Stewart Survey, Abstract No. 961, Ellis County, Texas and being those same tracts of land conveyed to PRA Prairie Ridge, L.P. as recorded in Volume 2111, Page 0866, Deed Records, Ellis County, Texas and being more particularly described as follows:

POINT OF BEGINNING at a 1/2-inch iron rod found for the west corner of a tract of land conveyed to Tom Lamon, and wife, Crystal Lamon, as recorded in Volume 924, Page 46, Deed Records, Ellis County, Texas, said point being on the Southeast edge of County Road 506/Greasy Road (Lakeview Road);

THENCE South 31°46'30" East, along the Southwest line of said Lamon tract, a distance of 609.38 feet to a 3/4-inch pipe found on the North line of a tract of land conveyed to Waltmore, L.L.C. DBA Lakeside Ranch (described as Tract 1), as

recorded in Volume 1607, Page 392, Deed Records, Ellis County, Texas, the Southwest corner of said Lamson tract and an exterior ell corner of this herein described tract of land;

THENCE South $58^{\circ}10'54''$ West, along the Northwest line of said Waltmore tract, a distance of 419.44 feet to a rod nail found for the West corner of said Waltmore tract and an interior ell corner of this herein described tract of land;

THENCE South $25^{\circ}14'30''$ East, continuing along the Northwest line of said Waltmore tract, a distance of 849.17 feet to a set 5/8-inch iron rod with yellow plastic cap stamped "Cotton Surveying" (hereinafter referred to as set iron rod) for corner;

THENCE across land described in Volume 02111, Page 0866, Deed Records of Ellis County, Texas, the following course and distances:

Southwesterly along a curve to the right having a central angle of $43^{\circ}44'52''$, a radius of 1000.00 feet, whose chord bears South $55^{\circ}28'14''$ West, a chord distance of 745.13 feet, and an arc length of 763.54 feet to a set iron rod for corner;

South $77^{\circ}20'40''$ West a distance of 437.24 feet to a set iron rod for corner;

Westerly along a curve to the right having a central angle of $11^{\circ}17'25''$, a radius of 1350.00 feet, whose chord bears South $82^{\circ}59'23''$ West, a chord distance of 265.59 feet, and an arc length of 266.02 feet to a set iron rod for corner;

South $88^{\circ}38'05''$ West a distance of 288.43 feet to a set iron rod for corner;

South $88^{\circ}38'05''$ West a distance of 33.98 feet to a set iron rod for corner;

North $01^{\circ}21'55''$ West a distance of 180.00 feet to a point for corner;

South $88^{\circ}38'05''$ West a distance of 15.94 feet to a point for corner;

Northerly along a curve to the left having a central angle of $15^{\circ}26'09''$, a radius of 231.08 feet, whose chord bears North $14^{\circ}21'12''$ West, a chord distance of 62.07 feet, and an arc length of 62.26 feet to a set iron rod for corner;

North $22^{\circ}05'57''$ West a distance of 73.92 feet to a set iron rod for corner;

Northerly along a curve to the right having a central angle of $20^{\circ}45'58''$, a radius of 325.00 feet, whose chord bears North $11^{\circ}42'58''$ West, a chord distance of 117.15 feet, and an arc length of 117.79 feet to a set iron rod for corner;

North $01^{\circ}19'06''$ West a distance of 125.01 feet to a point for corner;

Northerly along a curve to the right having a central angle of $22^{\circ}31'56''$, a radius of 15.50 feet, whose chord bears North $09^{\circ}56'52''$ East, a chord distance of 6.06 feet, and an arc length of 6.10 feet to a set iron rod for corner;

Northwesterly along said curve to the left having a central angle of $71^{\circ}14'05''$, a radius of 50.00 feet, whose chord bears North $14^{\circ}24'13''$ West, a chord distance of 58.24 feet, and an arc length of 62.16 feet to a set iron rod for corner;

North $01^{\circ}21'55''$ West, a distance of 113.61 feet to a set iron rod for corner;

THENCE North $60^{\circ}04'57''$ East, along the Southeast line of a tract described to Robert A. Willis and wife, Lonnie L. Willis, as recorded in Volume 1298, Page 646, Deed Records of Ellis County, Texas, a distance of 205.36 feet to a found 1/2-inch iron rod for corner;

THENCE North $25^{\circ}47'09''$ West, along the Northeast line of said Willis tract, a distance of 450.38 feet to a found 1/2-inch iron rod for the North corner of said Willis tract;

THENCE North $59^{\circ}39'02''$ East, a distance of 1,650.09 feet to the POINT OF BEGINNING and containing 55.967 acres of land, more or less.

TRACT 4:

BEING a tract of land situated in the Joseph Stewart Survey, Abstract No. 961, in Ellis County, Texas, said tract being all of a called 17.119 acre tract of land described in a deed to Texas Midstream Gas Services, L.L.C., recorded in Volume 2342, Page 136, Deed Records, Ellis County, Texas, and being more particularly described as follows:

BEGINNING and a 1/2-inch iron rod found in the approximate center of Lakeview Drive for the most westerly corner of said 17.119 acre tract, the north corner of a called 213.7845 acre tract of land described in a deed to PRA Prairie Ridge, L.P., recorded in Volume 2111, Page 866 of said Deed Records and on the southeasterly boundary of a called 198.758 acre tract described in a deed to Harper Cattle Company, recorded in Volume 1205, Page 47 of said Deed Records;

THENCE North 59 degrees 35 minutes 08 seconds East, along the approximate center of Lakeview Drive, a distance of 1,186.71 feet to a 1/2-inch iron rod found for the most northerly corner of said 17.119 acre tract and the west corner of a called 0.057 acre tract described in a deed to the State of Texas, recorded in Volume 340, Page 390 of said Deed Records;

THENCE South 29 degrees 53 minutes 02 seconds East, along the common boundary between said 17.119 acre tract and said 0.057 acre tract, a distance of 49.83 feet to a 1/2-inch iron rod found for an interior ell corner of said 17.119 acre tract and the south corner of said 0.057 acre tract;

THENCE North 59 degrees 29 minutes 07 seconds East, continuing along the common boundary between said 17.119 acre tract and said 0.057 acre tract, a distance of 50.09 feet to a 1/2-inch iron rod found for the northerly northeast corner of said 17.119 acre tract and the east corner of said 0.057 acre tract, and on the southwesterly boundary of a called 10 acre tract described as Tract 6 in a deed to Bennett W. Cervin recorded in Volume 2001, Page 749 of said Deed Records;

THENCE South 30 degrees 08 minutes 24 seconds East, along the common boundary between said 17.119 acre tract and said 10 acre tract, a distance of 559.67 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the most easterly corner of said 17.119 acre tract and the most northerly corner of a called 461.178 acre tract described in a deed to PRA Prairie Ridge Development Corp., recorded in Volume 2325, Page 470 of said Deed Records;

THENCE South 59 degrees 35 minutes 41 seconds West, along the common boundary between said 17.119 acre tract and said 461.178 acre tract, a distance of 1,219.26 feet to a 1-inch iron pipe found for the most easterly northeast corner of said 213.7845 acre tract, an exterior ell corner of said 461.178 acre tract and the most southerly corner of said 17.119 acre tract;

THENCE North 31 degrees 46 minutes 05 seconds West, along the common boundary between said 17.119 acre tract and said 213.7845 acre tract, a distance of 609.38 feet to the POINT OF BEGINNING and containing 745,700 square feet, or 17.119 acres of land, more or less.

TRACT 5:

BEING a part of a tract or parcel of land situated in the Joseph Stewart Survey, Abstract No. 961, Ellis County, Texas and, and being part of that same tract of land from Karal Kay Cannon, to PRA Prairie Ridge, L.P. as recorded in Book 3500, Page

0941, Volume 02111, Page 0873, Volume 02111, Page 0866, official public records of Johnson county, texas and Volume 02111, Page 0850, Deed Records, Ellis County, Texas, and all of a tract from Chris D. Cannon and Deanna G. Cannon to PRA Prairie Ridge L.P., as described in Volume 02111, Page 0860, Deed Records of Ellis County, Texas, and Book 3500, Page 0958, of the Official Public Records of Johnson County, Texas, and being more particularly described as follows:

POINT OF BEGINNING at a found 1/2-inch iron rod in County Road 506 at an intersection with the Ellis County and Johnson County limits line along with the intersection of the Joseph Stewart Survey, Abstract No. 961, the Joseph Stewart Survey, Abstract No. 754, and the John H. Working Survey, Abstract No. 897;

THENCE North $56^{\circ}14'52''$ East, along County Road 506, also known as Lakeview Road, a distance of 892.63 feet to a set 5/8-inch iron rod with yellow plastic cap stamped "Cotton Surveying" (hereinafter referred to as set iron rod) for corner;

THENCE North $59^{\circ}39'02''$ East, along said road, a distance of 4140.12 feet to a found 1/2-inch iron rod for corner;

THENCE South $25^{\circ}48'57''$ East, leaving said road and along the west line of a tract described to Robert A. Willis and wife, Lonnie L. Willis in Volume 1298, Page 646, Deed Records of Ellis County Texas, a distance of 448.65 feet to a found 1/2-inch iron rod for corner;

THENCE North $60^{\circ}04'57''$ East, along a South line of above described tract, a distance of 2039 feet to a set iron rod for corner;

THENCE South $01^{\circ}21'55''$ East, along a west line of a tract from Richard J. Bantke and wife, Sandra Sue Bantke, to PRA Prairie Ridge L.P., as described in Volume 02111, Page 0866, Deed Records of Ellis County, Texas, a distance of 113.61 feet to a set iron rod for corner;

THENCE along west line of said property, with a curve right having a radius of 50.00 feet and a central angle of $71^{\circ}14'05''$ and being subtended by a chord which bears South $14^{\circ}24'13''$ East, 58.24 feet;

THENCE southeasterly and southerly along said curve, a distance of 52.16 feet to a point of reverse curve, to a set iron rod for corner;

THENCE along west line of said property, with a curve left having a radius of 15.50 feet and a central angle of $22^{\circ}31'56''$ and being subtended by a chord which bears South $09^{\circ}56'52''$ West 6.06 feet;

THENCE southerly along said curve, a distance of 6.10 feet to a set iron rod for corner;

THENCE South $01^{\circ}19'06''$ East, along west line of said property, tangent to said curve, a distance of 125.01 feet to a set iron rod for corner;

THENCE along west line of said property, with a curve left having a radius of 325.00 feet and a central angle of $20^{\circ}45'58''$ and being subtended by a chord which bears South $11^{\circ}42'58''$ East, 117.15 feet;

THENCE southerly along said curve, along west line of said property, a distance of 117.79 feet to a set iron rod for corner;

THENCE South $22^{\circ}05'57''$ East, along west line of said property, tangent to said curve, a distance of 73.92 feet to a point for corner;

THENCE along west line of said property, with a curve right having a radius of 231.08 feet and a central angle of $15^{\circ}26'09''$ and being subtended by a chord which bears South $14^{\circ}21'12''$ East 62.07 feet;

THENCE southerly along said curve, along west line of said property, a distance of 52.26 feet to a set iron rod for corner;

THENCE North $88^{\circ}38'05''$ East, along south line of said property, with a distance of 15.94 feet to a set iron rod for corner;

THENCE South $01^{\circ}21'55''$ East, along west line of said property, a distance of 180.00 feet to a set iron rod for corner;

THENCE North $88^{\circ}38'05''$ East, along south line of said property, a distance of 322.41 feet to the beginning of a curve tangent to said line to a set iron rod for corner;

THENCE easterly, along south line of said property, along the curve left, having a radius of 1350.00 feet and a central angle of $11^{\circ}17'25''$ and being subtended by a chord which bears North $82^{\circ}59'23''$ East, 265.59 feet;

THENCE easterly and northeasterly a distance of 266.02 feet along the said curve to a set iron rod for corner;

THENCE North $77^{\circ}20'40''$ East tangent to said curve, a distance of 437.24 feet to the beginning of a curve tangent to said line to a set iron rod for corner;

THENCE easterly, along south line of said property, with a curve left, having a radius of 1000.00 feet and a central angle of $43^{\circ}44'52''$ and being subtended by a chord which bears North $55^{\circ}28'14''$ East, 745.13 feet;

THENCE easterly and northeasterly a distance of 763.54 feet along the said curve to a set iron rod for corner;

THENCE North $25^{\circ}14'30''$ West, along east line of said property, a distance of 849.17 feet to a found rod nail for corner;

THENCE North $58^{\circ}10'54''$ East, along the south line of property of Tom Larnon and wife, Crystal Larnon, as described in Volume 924, Page 0046. Deed Records of Ellis County, Texas, a distance of 419.44 feet to a found 3/4-inch pipe for corner;

THENCE North $59^{\circ}34'27''$ East, along said south line, a distance of 1219.45 feet to a set iron rod for corner;

THENCE South $30^{\circ}11'50''$ East, along the west line of the fifth and sixth tracts of Bennett W. Cervin, as described in Volume 2001, Page 0749, Deed Records of Ellis County, Texas, a distance of 823.56 feet to a set iron rod for corner;

THENCE South $30^{\circ}19'53''$ East, along said west line of part of the said fifth tract, a distance of 335.08 feet to a set iron rod for corner;

THENCE South $59^{\circ}31'20''$ West, along the north line of the first tract of Bennett W. Cervin as described in Volume 2001, Page 0749, Deed Records of Ellis County, Texas, a distance of 1739.27 feet to a found 1/2-inch iron rod for corner;

THENCE South $59^{\circ}35'19''$ West, along north line of said first tract of Bennett W. Cervin as described in Volume 2001, Page 0749, Ellis County, Texas, a distance of 5098.10 feet to a found 3/4-inch iron rod for corner;

THENCE South $30^{\circ}20'14''$ East, along the west line of the said second tract, a distance of 2453.47 feet to a set iron rod for corner;

THENCE South $59^{\circ}47'54''$ West, along a north line of tract one of Bennett W. Cervin, as described in Volume 2001, Page 0749 of the Deed Records of Ellis County, Texas, a distance of 2411.12 feet to a set iron rod for corner;

THENCE South 30°12'06" East, along a west line of the said tract one, a distance of 596.60 feet to a set iron rod for corner;

THENCE South 59°47'49" West, along a north line of said tract one, a distance of 1589.67 feet to a found 1/2-inch iron rod for corner;

THENCE North 00°47'39" West, along the Ellis County and Johnson County limits, a distance of 5474.77 feet to the POINT OF BEGINNING and containing 461.176 acres, more or less.

(b) There is saved and excepted from the land included within the district, and excluded therefrom, the following tracts:

SAVE AND EXCEPT TRACT "A"

Property Description

Being 7.016-acres (305,615 square feet) of land situated in the Joseph Stewart Survey, Abstract Number 961, Ellis County, Texas, and more particularly that certain 461.178 acre tract conveyed to PRA Prairie Ridge Development Corp., as recorded in Volume 2325, Page 470, Official Public Records, Ellis County, Texas, (O.P.R.E.C.T.), and being further described as follows:

COMMENCING at a point at an ell corner of said PRA Prairie Ridge Development Corp. tract and at the Northwest corner of a tract of land to Nita Carol Cervin Miskovitch Trust and Bennett W. Cervin, recorded in Volume 1999, Page 235, O.P.R.E.C.T., from which a found 3/4 inch iron pipe bears N 59°35'16" E, 1.92 feet;

THENCE N 59°35'16" E, along the South line of said PRA Prairie Ridge Development Corp. tract and the North line of said Cervin tract, a distance of 1,436.81 feet to a set 5/8" iron rod with Transystems cap at the Southwest corner of tract herein described and the POINT OF BEGINNING (N: 6,866,906.023, E: 2,407,278.644 Grid);

(1) THENCE N 1°15'48" W, along the West line of tract herein described, a distance of 2,037.32 feet to a set PK Nail for the Northwest corner of tract herein described, also being in the centerline of CR 506 (Lakeview Road), a 60 foot Right-of-Way, no deed of record found, and on the South line of a tract of land to Cynthia L. Roe, as recorded in Volume 767, Page 521, D.R.E.C.T.;

(2) THENCE N 59°31'17" E, along the North line of tract herein described, the South line of said Roe tract and the centerline of said CR 506, a distance of 171.86 feet to a set PK Nail for the Northeast corner of tract herein described;

(3) THENCE S 1°15'48" E, along the East line of tract herein described, a distance of 2,037.55 feet to a set 5/8" iron rod with Transystems cap for the Southeast corner of tract herein described also on the North line of said Cervin tract;

(4) THENCE S 59°35'16" W, along the South line of tract herein described and the North line of said Cervin tract, a distance of 64.00 feet to a point, from which a found 5/8 inch iron rod bears S 30°24'17" E, 1.14 feet;

(5) THENCE S 59°35'16" W, along the South line of tract herein described and the North line of said Cervin tract, a distance of 107.75 feet to the POINT OF BEGINNING, containing 7.016-acres (305,615 square feet) of land, more or less.

SAVE AND EXCEPT TRACT B

Property Description

Being 2.285-acres (99,535 square feet) of land situated in the Joseph Stewart Survey, Abstract Number 961, Ellis County, Texas, and more particularly that certain 461.178 acre tract conveyed to PRA Prairie Ridge Development Corp., as recorded in Volume 2325, Page 470, Official Public Records, Ellis County, Texas, (O.P.R.E.C.T.), and being further described as follows:

COMMENCING at a PK Nail found at the Southwest corner of a tract of land conveyed to Cynthia L. Roe, as recorded in Volume 767, Page 521, D.R.E.C.T.;

THENCE N 59°31'17" E, along the South line of said Cynthia L. Roe tract and the North line of said PRA Prairie Ridge Development Corp. tract, also being in the centerline of CR 506 (Lakeview Road), a 60 foot Right-of-Way, no deed of record found, a distance of 302.39 feet to a PK Nail set at the Northwest corner of tract herein described and the POINT OF BEGINNING (N: 6,868,884.500, E: 2,407,135.005 Grid);

(1) THENCE N 59°31'17" E, along the South line of said Cynthia L. Roe tract, on the centerline of said CR 506 (Lakeview Road), the North line of said PRA Prairie Ridge Development Corp. tract, and the North line of tract herein described, a distance of 114.57 to a PK Nail set;

(2) THENCE S 01°15'48" E, along the East line of tract herein described, a distance of 1,012.01 feet to a set 5/8" iron rod with Transystems cap for the Southeast corner of tract herein described, being on the North line of a 60' Easement and Right-of-Way to Brazos Electric Power Cooperative, Inc., as recorded in Volume 428, Page 433, Deed Records, Johnson County Texas;

(3) THENCE S 75°59'42" W, along the South line of tract herein described and the North line of said Brazos Electric tract, a distance of 102.52 feet to a set 5/8" iron rod with Transystems cap for the Southwest corner of tract herein described;

(4) THENCE N 01°15'48" W, along the West line of tract herein described, a distance of 978.70 feet to the POINT OF BEGINNING, containing 2.285-acres (99,535 square feet) of land, more or less.

NOTE: Basis of bearing is the Texas State Plane Coordinate System, North Central Zone (4202), North American Datum 1983 NAD 83)(2007) with all distances adjusted to surface by project combined scale factor of 0.9998802448.

The amendment to **CSHB 4303** was read.

On motion of Senator Birdwell, further consideration of the bill was temporarily postponed.

Question: Shall Floor Amendment No. 1 to **CSHB 4303** be adopted?

HOUSE BILL 1545 ON SECOND READING

Senator Nichols moved to suspend the regular order of business to take up for consideration **HB 1545** at this time on its second reading:

HB 1545, Relating to the acceptance of certain high school courses to satisfy part of the training required to obtain a peace officer license.

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 1545 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 1545** 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)

COMMITTEE SUBSTITUTE HOUSE BILL 4303 ON SECOND READING

The Presiding Officer laid before the Senate **CSHB 4303** by Senator Birdwell on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed:

CSHB 4303, Relating to the creation of the Prairie Ridge Municipal Management District No. 1 and to the correction of defined terms in the law governing the Joshua Farms Municipal Management District No. 1 and the law governing the Joshua Farms Municipal Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes; granting a limited power of eminent domain.

Question: Shall Floor Amendment No. 1 to **CSHB 4303** be adopted?

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 except as follows:

Nays: Hall.

Present-not voting: Huffines.

CSHB 4303 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.

Present-not voting: Huffines.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4303 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 **CSHB 4303** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Hall.

Present-not voting: Huffines.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2938 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSHB 2938** at this time on its second reading:

CSHB 2938, Relating to the Sienna Plantation Levee Improvement District of Fort Bend County, Texas.

The motion prevailed.

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

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2938** (senate committee report) in SECTION 1 of the bill, in amended Section 8, Chapter 986, Acts of the 78th Legislature, Regular Session, 2003 (page 1, between lines 46 and 47), by inserting Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), the outstanding principal balance of bonds, notes, and other obligations to finance parks and recreational facilities supported by ad valorem taxation authorized by an election held before January 1, 2017, may not exceed an amount equal to one percent of the taxable property in the district unless a majority of the voters voting in an election held for that purpose after the effective date of the Act enacting this subsection approve a proposition authorizing the issuance

of additional bonds, notes, or other obligations to finance parks and recreational facilities supported by ad valorem taxation in a total outstanding principal balance not to exceed two percent of the taxable property in the district.

The amendment to **CSHB 2938** 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 2938 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, Hall.

COMMITTEE SUBSTITUTE HOUSE BILL 2938 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 2938** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, 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 3124 ON THIRD READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 3124** at this time on its third reading and final passage:

HB 3124, Relating to certain physician-specific comparison data compiled by a health benefit plan issuer, including the release of that data to physicians participating in certain physician-led organizations.

The motion prevailed 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.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

HOUSE BILL 3576 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **HB 3576** at this time on its second reading:

HB 3576, Relating to the investigation of, and release of information concerning, communicable disease, including the Zika virus and other high consequence communicable diseases.

The motion prevailed.

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

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3576** (senate committee report) in SECTION 2 of the bill, in added Section 81.046(c-3), Health and Safety Code (page 2, line 5), by striking "such as" and substituting "as defined by the department, including".

The amendment to **HB 3576** 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 3576 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.

HOUSE BILL 3576 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 3576** be placed on its third reading and final passage.

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

Nays: Hall.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2305 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSHB 2305** at this time on its second reading:

CSHB 2305, Relating to the operations, reports, records, communications, information technology, and notice procedures of state agencies.

The motion prevailed.

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

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2305** (senate committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 651.004, Government Code, is repealed.

The amendment to **CSHB 2305** 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 Estes offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2305** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent 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 (h), 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.~~

~~(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 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:

- (g); and
- (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) [(40)] 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 2305** 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 Buckingham offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 2305** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0147 to read as follows:

Sec. 403.0147. REPORT ON STATE PROGRAMS NOT FUNDED BY APPROPRIATIONS. (a) In this section, "state agency" means an agency, department, board, commission, or other entity in the executive, legislative, or judicial branch of state government.

(b) Not later than December 31 of each year, the comptroller shall submit a report to the legislature that identifies for each state agency:

(1) each program the state agency is statutorily required to implement for which no appropriation was made for the preceding state fiscal year, along with a citation to the law imposing the requirement; and

(2) the amount and source of money the state agency spent, if any, to implement any portion of the program described by Subdivision (1) during the preceding state fiscal year.

(c) A state agency shall provide to the comptroller not later than September 30 of each year information necessary for the comptroller to prepare the report required by this section. The comptroller may prescribe the form and content of the information a state agency must provide.

(b) The comptroller of public accounts shall submit the initial report required by Section 403.0147, Government Code, as added by this section, not later than December 31, 2017.

(c) This section takes effect immediately if this Act 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 this section to have immediate effect, this section takes effect September 1, 2017.

The amendment to **CSHB 2305** 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 2305** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 61.0512(a), Education Code, is amended to read as follows:

(a) A new degree or certificate program may be added at an institution of higher education only with specific prior approval of the board. A degree or certificate program offered at an off-campus academic or research site is considered a new degree or certificate program if not previously offered at the off-campus academic or research site. A new degree or certificate program is considered approved if the board has not completed a review under this section and acted to approve or disapprove the proposed program before the first anniversary of the date on which an institution of higher education submits a completed application for approval to the board. The board may not summarily disapprove a program without completing the review required by this section. The board shall specify by rule the elements that constitute a completed application and shall make an administrative determination of the completeness of the

application not later than the fifth business day after receiving the application. A request for additional information in support of an application that has been determined administratively complete does not toll the period within which the application is considered approved under this section.

SECTION _____. Section 61.0572(d), Education Code, is amended to read as follows:

(d) The board may review purchases of improved real property added to an institution's educational and general buildings and facilities inventory to determine whether the property meets the standards adopted by the board for cost, efficiency, space need, and space use, but subject to Section 61.0584 the purchase of the improved real property is not contingent on board review or approval. Standards must be adopted by the board using the negotiated rulemaking procedures under Chapter 2008, Government Code. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing board of the applicable institution, and the Legislative Budget Board. This subsection does not impair the board's authority to collect data relating to the improved real property that is added each year to the educational and general buildings and facilities inventory of institutions of higher education.

SECTION _____. Section 61.058(b), Education Code, is amended to read as follows:

(b) The board may review all construction, repair, or rehabilitation of buildings and facilities at institutions of higher education to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, space need, and space use, but subject to Section 61.0584 the construction, rehabilitation, or repair is not contingent on board review or approval. Standards must be adopted by the board using the negotiated rulemaking procedures under Chapter 2008, Government Code. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing boards of the applicable institutions, and the Legislative Budget Board. This subsection does not impair the board's authority to collect data relating to the construction, repair, or rehabilitation of buildings and facilities occurring each year at institutions of higher education.

SECTION _____. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0584 to read as follows:

Sec. 61.0584. OFF-CAMPUS ACADEMIC OR RESEARCH SITE. (a) This section does not apply to buildings and facilities that are located on an off-campus academic or research site, that are to be used exclusively for auxiliary enterprises, and that will not require appropriations from the legislature for operation, maintenance, or repair.

(b) Based on criteria established under Subsection (d), the board shall review and shall approve or disapprove an action taken by the governing board of an institution of higher education or university system, through purchase, lease, or otherwise, to:

(1) acquire improved or unimproved real property for use at a new or existing off-campus academic or research site; or

(2) acquire or construct a building or facility for use at a site described by Subdivision (1).

(c) The board, using the negotiated rulemaking procedures under Chapter 2008, Government Code, shall develop a procedure for each institution of higher education or university system to use to identify, for purposes of the board review required by this section, the scope and character of projects that are proposed for:

(1) an off-campus academic or research site, including projects relating to:

(A) a multi-institution teaching center (MITC);

(B) a medical school;

(C) a branch campus;

(D) a satellite campus; and

(E) a health science center; and

(2) any other location that is separate from the main campus of an institution and that is to be used for academic or research purposes.

(d) Using the negotiated rulemaking procedures under Chapter 2008, Government Code, the board shall establish criteria for reviewing and for approving or disapproving an action taken by the governing board of an institution of higher education or university system as described by Subsection (b). Criteria adopted under this subsection must prioritize the academic and research needs of institutions of higher education while preventing unnecessary duplication in program offerings, faculties, and physical plants.

(e) Information related to the board's findings and determinations under this section is not subject to the required disclosure under Chapter 552, Government Code.

(f) The board may conduct a closed meeting pursuant to Section 551.072, Government Code, to deliberate the approval or disapproval of any action subject to that section and taken by the governing board of an institution of higher education or university system as described by Subsection (b). As necessary and appropriate, the board may hold its closed meeting as an emergency meeting under Section 551.045, Government Code.

(g) The board shall report its findings and determinations under this section to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the governing boards of the applicable institutions of higher education or university systems.

SECTION _____. The changes in law made by this Act in amending Chapter 61, Education Code, apply only to a proposal for acquisition or construction made on or after September 1, 2017. A proposal for acquisition or construction made before September 1, 2017, is governed by the law in effect on the date the proposal was made, and the former law is continued in effect for that purpose.

The amendment to **CSHB 2305** was read and was adopted by a viva voce vote.

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

Nays: Nichols.

Senator Burton offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 2305** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 140, Local Government Code, is amended by adding Section 140.012 to read as follows:

Sec. 140.012. EXPENDITURES FOR LOBBYING ACTIVITIES. (a) This section applies only to:

- (1) a political subdivision that imposes a tax;
- (2) a political subdivision or special district that has the authority to issue bonds, including revenue bonds;
- (3) a regional mobility authority;
- (4) a transit authority;
- (5) a regional tollway authority;
- (6) a special purpose district;
- (7) a public institution of higher education;
- (8) a community college district;
- (9) a utility owned by the state or a political subdivision; or
- (10) a river authority.

(b) A political subdivision or entity described by Subsection (a) may enter into a contract to spend money to directly or indirectly influence or attempt to influence the outcome of any legislation only if the contract, purpose of the contract, recipient of the contract, and amount of the contract expenditure are authorized by a majority vote of the governing body of the political subdivision or entity in an open meeting of the governing body. The contract expenditure must be voted on by the governing body as a stand-alone item on the agenda at the meeting. The governing body may approve multiple contract expenditures for the purpose described by this subsection by a single vote of the governing body, if the total amount of those expenditures is stated as a separate item on the meeting agenda.

(c) A political subdivision or entity described by Subsection (a) shall report to the Texas Ethics Commission and publish on the political subdivision's or entity's Internet website:

- (1) the amount of money authorized under Subsection (b) for the purpose of directly or indirectly influencing or attempting to influence the outcome of any legislation pending before the legislature;
- (2) the name of any person required to register under Chapter 305, Government Code, retained or employed by the political subdivision or entity for the purpose described by Subdivision (1); and
- (3) an electronic copy of any contract for services described by Subdivision (1) entered into by the political subdivision or entity with each person listed under Subdivision (2).

(d) In addition to the requirements of Subsection (c), the political subdivision or entity described by Subsection (a) shall report to the Texas Ethics Commission and publish on the political subdivision's or entity's Internet website the amount of public money spent for membership fees and dues of any nonprofit state association or

organization of similarly situated political subdivisions or entities that directly or indirectly influences or attempts to influence the outcome of any legislation pending before the legislature.

(e) The Texas Ethics Commission shall make available to the public an online searchable database on the commission's Internet website containing the reports submitted to the commission under Subsection (c).

(f) If any political subdivision or entity described by Subsection (a) does not comply with the requirements of this section, an interested party is entitled to appropriate injunctive relief to prevent any further activity in violation of this section. For purposes of this subsection, "interested party" means a person who:

(1) is a taxpayer of a political subdivision or entity described by Subsection (a); or

(2) is served by or receives services from a political subdivision or entity described by Subsection (a).

(g) This section does not apply to expenditures or contracts of a political subdivision or entity described by Subsection (a) that are related to a person who is a full-time employee of the political subdivision or entity or to the reimbursement of expenses for a full-time employee of the political subdivision or entity.

The amendment to **CSHB 2305** 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: Zaffirini.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 2305** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. AGRICULTURE POLICY BOARD. (a) The Agriculture Policy Board is abolished.

(b) Section 2.004, Agriculture Code, is repealed.

SECTION _____. TEXAS BIOENERGY POLICY COUNCIL; TEXAS BIOENERGY RESEARCH COMMITTEE. (a) The Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee are abolished.

(b) Chapter 50D, Agriculture Code, is repealed.

SECTION _____. PROPERTY, RECORDS, OR OTHER ASSETS. If an entity that is abolished by this Act has property, records, or other assets, including unspent and unobligated appropriations, the Department of Agriculture shall take custody of the entity's property, records, or other assets.

The amendment to **CSHB 2305** was read.

Senator Buckingham temporarily withdrew Floor Amendment No. 6.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 2305** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Amend Subchapter G, Chapter 2054, Government Code, by adding Section 2054.155 to read as follows:

Sec. 2054.155. Guidelines on Use of Information Technology Staff Augmentation. In developing the guidelines under 2054.153, the department shall include parameters governing the use of staff augmentation by state agencies. The parameters shall be based on the following:

- (1) risks associated with project completion;
- (2) agency ability to organize, monitor, and control work activities;
- (3) appropriate utilization of staff augmentation based on size and duration of project; and
- (4) industry best practices as referenced Project Management Body of Knowledge, Information Systems Audit and Control Association, or similar national organization.

The amendment to **CSHB 2305** was read.

Senator Hughes withdrew Floor Amendment No. 7.

Senator Huffines offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSHB 2305** by adding the following appropriately number SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 551, Government Code, is amended by adding Section 551.024 to read as follows:

Sec. 551.024. INTERNET BROADCAST AND ARCHIVE OF OPEN MEETINGS. (a) This section applies only to a governmental body that is an agency within the executive or legislative branch of state government to which the total appropriation made in the General Appropriations Act from general revenue for any fiscal year beginning on or after September 1, 2017, including any amount of general revenue transferred to the governmental body under that Act for that fiscal year, is greater than \$40 million and for which the bill pattern for the General Appropriations Act for the same fiscal year designates 250 or more full-time employees.

(b) A governmental body that becomes subject to this section under Subsection (a) for a fiscal year shall comply with this section in each following fiscal year.

(c) A governmental body subject to this section shall broadcast over the Internet live video and audio of each open meeting of the governmental body. The governmental body shall provide access to the broadcast on the governmental body's Internet website.

(d) Not later than the seventh day after the date an open meeting is broadcast under this section, the governmental body shall make available through the governmental body's Internet website archived video and audio of the open meeting.

The governmental body shall maintain the archived video and audio of the open meeting on the governmental body's Internet website until the second anniversary of the date the archived video and audio was first made available on the website.

(e) The governmental body shall provide on the governmental body's Internet website the same notice of the open meeting that the governmental body is required to post under Subchapter C. The notice must be posted on the governmental body's Internet website within the time required for posting notice under Subchapter C.

(f) The governmental body may use for an Internet broadcast of an open meeting of the governmental body a room made available to the governmental body on request in any state building, as that term is defined by Section 2165.301.

(g) The governmental body is exempt from the requirements of this section to the extent a catastrophe, as defined by Section 551.0411, or a technical breakdown prevents the governmental body from complying with this section. Following the catastrophe or technical breakdown, the governmental body shall make all reasonable efforts to make the required video and audio of the open meeting available in a timely manner.

(h) The governmental body shall consider contracting through competitive bidding with a private individual or entity to broadcast and archive an open meeting subject to this section to minimize the cost of complying with this section.

SECTION ____ . Section 551.024, Government Code, as added by this Act, applies only to an open meeting held on or after September 1, 2019.

The amendment to **CSHB 2305** was read and was adopted by the following vote: Yeas 20, Nays 11.

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

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

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSHB 2305** (senate 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 diagnosed mental illness, including post-traumatic stress disorder, or a diagnosed 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 diagnosed mental illness, including post-traumatic stress disorder, or a diagnosed 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; and

(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.

(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 residence is in this state;

(D) the military member suffers from a diagnosed mental illness, including post-traumatic stress disorder, or a diagnosed traumatic brain injury; and

(E) the military member is under the care of a physician or a court-appointed guardian;

(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; and

(4) believes sufficient information that could assist in locating the missing military member is available to disseminate to the public.

(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 or traumatic brain injury and of the military member's care to verify whether the member satisfies the requirements of Subsections (a)(2)(D) and (E); 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, which may include:

(A) the missing military member's name, age, identifying marks, picture, and vehicle information; and

(B) the general location from which the military member is missing; 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.

Sec. 411.450. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2021.

The amendment to **CSHB 2305** 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 Buckingham offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSHB 2305** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill 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 2305** 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.

Floor Amendment No. 6

Senator Buckingham again offered Floor Amendment No. 6 to **CSHB 2305**.

The amendment was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

CSHB 2305 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: Taylor of Collin.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2305 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 2305** be placed on its third reading and final passage.

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

Nays: Taylor of Collin.

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

RECESS

On motion of Senator Whitmire, the Senate at 3:38 p.m. recessed until 4:10 p.m. today.

AFTER RECESS

The Senate met at 4:23 p.m. and was called to order by Senator Hancock.

HOUSE BILL 3767 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **HB 3767** at this time on its second reading:

HB 3767, Relating to annual reporting regarding the establishment of certain school district planning and decision-making committees.

The motion prevailed.

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

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3767** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, providing for the applicability of the Act (page 1, line 30), strike "This Act" and substitute "Section 11.251(h), Education Code, as added by this Act,".

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

SECTION _____. Section 11.164, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Not less than once each school year, each district-level committee established under Section 11.251 shall review paperwork requirements imposed on classroom teachers and shall make recommendations to the board of trustees of the school district regarding the transfer to existing noninstructional staff of a reporting task that can reasonably be accomplished by that staff as authorized by Subsection (b).

The amendment to **HB 3767** 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 Buckingham offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 3767** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike the recital (page 1, lines 24-25), and substitute the following:

SECTION 1. Section 11.251, Education Code is amended by adding Subsections (h) and (h-1) to read as follows:

(2) In SECTION 1 of the bill, on page 1 between lines 29 and 30, insert the following:

(h-1) The report should include information regarding the district's procedure for the election of professional staff representatives to a campus-level or district-level committee under Subsection (e) and if this procedure:

(1) provides for appropriate and inclusive representation of the district's professional staff; and

(2) if the procedure limits eligibility for election to members of a single professional association or organization.

(3) Insert the following appropriately numbered SECTION:

SECTION _____. This Act applies beginning with the 2017-2018 school year.

(4) Renumber the SECTIONS of the bill accordingly.

The amendment to **HB 3767** 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 3767 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 3767 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 3767** 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 3254 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 3254** at this time on its second reading:

CSHB 3254, Relating to the regulation of a motor carrier and the enforcement of motor carrier regulations; authorizing the imposition of a fee.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3254** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 644.151, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A person commits an offense if the person:

(1) violates a rule adopted under this chapter; ~~or~~

(2) does not permit an inspection authorized under Section 644.104; or

(3) knowingly operates a commercial motor vehicle in violation of an out-of-service order issued under 49 C.F.R. Section 385.13(d)(1) or owns, leases, or assigns a person to drive a commercial motor vehicle that is knowingly operated in violation of an out-of-service order issued under 49 C.F.R. Section 385.13(d)(1).

(b) An offense under Subsection (a)(1) or (2) [this section] is a Class C misdemeanor.

(b-1) An offense under Subsection (a)(3) is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle accident that resulted in bodily injury; or

(2) a felony of the second degree if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle accident that resulted in the death of a person.

The amendment to **CSHB 3254** 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 Hughes offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 3254** (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 3254** was read.

Senator Hughes withdrew Floor Amendment No. 2.

CSHB 3254 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 3254 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 3254** 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 3349 ON SECOND READING

On motion of Senator Taylor of Collin and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3349** at this time on its second reading:

HB 3349, Relating to creating an abbreviated certification program and probationary and standard certificates for trade and industrial workforce training.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 3349** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

The amendment to **HB 3349** 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 3349 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 3349 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 3349** 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 2937 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSHB 2937** at this time on its second reading:

CSHB 2937, Relating to the establishment of a pilot program under which a licensed hospital may offer dual credit courses to public high school students.

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

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

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

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2937** (senate committee printing) in SECTION 1 of the bill as follows:

(1) Strike added Section 61.0764(b), Education Code (page 1, lines 34 through 45), and substitute the following:

(b) The board shall select one licensed hospital located in a county that borders the United Mexican States and that has a population of at least 700,000 and not more than 800,000 to participate in the pilot program. The hospital must be accredited by The Joint Commission and:

(1) have been issued:

(A) a certificate of approval to offer a program of instruction by the Texas Workforce Commission under Subchapter C, Chapter 132; or

(B) a certificate of authority to award a degree for a program of study by the board under Subchapter G of this chapter;

(2) be accredited to offer a degree program by the appropriate recognized regional accrediting agency; or

(3) must:

(A) have entered into a partnership with an institution of higher education to offer dual credit courses under the pilot program; and

(B) be seeking authorization to offer a program of instruction or study as described by Subdivision (1) or accreditation to offer a degree program as described by Subdivision (2).

(2) In added Section 61.0764(c), Education Code (page 1, lines 46 through 50), strike the text and substitute the following:

(c) The licensed hospital selected under Subsection (b):

(1) may offer under the pilot program only dual credit courses that are in the curriculum of the hospital's program of instruction or study or degree program described by Subsection (b)(1), (2), or (3), as applicable; and

(3) In added Section 61.0764(d), Education Code (page 1, line 56), strike "A" and substitute "The".

(4) In added Section 61.0764(f), Education Code (page 2, lines 18 and 19), strike "offering the course".

The amendment to **CSHB 2937** 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 Seliger offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2937** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 61.0512(a), Education Code, is amended to read as follows:

(a) A new degree or certificate program may be added at an institution of higher education only with specific prior approval of the board. A degree or certificate program offered at an off-campus academic or research site is considered a new degree or certificate program if not previously offered at the off-campus academic or research site. A new degree or certificate program is considered approved if the board has not completed a review under this section and acted to approve or disapprove the proposed program before the first anniversary of the date on which an institution of higher education submits a completed application for approval to the board. The board may not summarily disapprove a program without completing the review required by this section. The board shall specify by rule the elements that constitute a completed application and shall make an administrative determination of the completeness of the application not later than the fifth business day after receiving the application. A request for additional information in support of an application that has been determined administratively complete does not toll the period within which the application is considered approved under this section.

SECTION _____. Section 61.0572(d), Education Code, is amended to read as follows:

(d) The board may review purchases of improved real property added to an institution's educational and general buildings and facilities inventory to determine whether the property meets the standards adopted by the board for cost, efficiency, space need, and space use, but subject to Section 61.0584 the purchase of the improved real property is not contingent on board review or approval. Standards must be adopted by the board using the negotiated rulemaking procedures under Chapter 2008, Government Code. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing board of the applicable institution, and the Legislative Budget Board. This subsection does not impair the board's authority to collect data relating to the improved real property that is added each year to the educational and general buildings and facilities inventory of institutions of higher education.

SECTION _____. Section 61.058(b), Education Code, is amended to read as follows:

(b) The board may review all construction, repair, or rehabilitation of buildings and facilities at institutions of higher education to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, space need, and space use, but subject to Section 61.0584 the construction, rehabilitation, or repair is not contingent on board review or approval. Standards must

be adopted by the board using the negotiated rulemaking procedures under Chapter 2008, Government Code. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing boards of the applicable institutions, and the Legislative Budget Board. This subsection does not impair the board's authority to collect data relating to the construction, repair, or rehabilitation of buildings and facilities occurring each year at institutions of higher education.

SECTION _____. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0584 to read as follows:

Sec. 61.0584. OFF-CAMPUS ACADEMIC OR RESEARCH SITE. (a) This section does not apply to buildings and facilities that are located on an off-campus academic or research site, that are to be used exclusively for auxiliary enterprises, and that will not require appropriations from the legislature for operation, maintenance, or repair.

(b) Based on criteria established under Subsection (d), the board shall review and shall approve or disapprove an action taken by the governing board of an institution of higher education or university system, through purchase, lease, or otherwise, to:

(1) acquire improved or unimproved real property for use at a new or existing off-campus academic or research site; or

(2) acquire or construct a building or facility for use at a site described by Subdivision (1).

(c) The board, using the negotiated rulemaking procedures under Chapter 2008, Government Code, shall develop a procedure for each institution of higher education or university system to use to identify, for purposes of the board review required by this section, the scope and character of projects that are proposed for:

(1) an off-campus academic or research site, including projects relating to:

(A) a multi-institution teaching center (MITC);

(B) a medical school;

(C) a branch campus;

(D) a satellite campus; and

(E) a health science center; and

(2) any other location that is separate from the main campus of an institution and that is to be used for academic or research purposes.

(d) Using the negotiated rulemaking procedures under Chapter 2008, Government Code, the board shall establish criteria for reviewing and for approving or disapproving an action taken by the governing board of an institution of higher education or university system as described by Subsection (b). Criteria adopted under this subsection must prioritize the academic and research needs of institutions of higher education while preventing unnecessary duplication in program offerings, faculties, and physical plants.

(e) Information related to the board's findings and determinations under this section is not subject to the required disclosure under Chapter 552, Government Code.

(f) The board may conduct a closed meeting pursuant to Section 551.072, Government Code, to deliberate the approval or disapproval of any action subject to that section and taken by the governing board of an institution of higher education or

university system as described by Subsection (b). As necessary and appropriate, the board may hold its closed meeting as an emergency meeting under Section 551.045, Government Code.

(g) The board shall report its findings and determinations under this section to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the governing boards of the applicable institutions of higher education or university systems.

SECTION _____. The changes in law made by this Act in amending Chapter 61, Education Code, apply only to a proposal for acquisition or construction made on or after the effective date of this Act. A proposal for acquisition or construction made before the effective date of this Act is governed by the law in effect on the date the proposal was made, and the former law is continued in effect for that purpose.

The amendment to **CSHB 2937** was read and was adopted by the following vote: Yeas 21, Nays 10.

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

Nays: Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffines, Nichols, Taylor of Collin.

CSHB 2937 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: Campbell, Creighton, Hall, Kolkhorst, Nichols, Taylor of Collin.

COMMITTEE SUBSTITUTE HOUSE BILL 2937 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 2937** 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, Estes, Garcia, Hancock, Hinojosa, Huffines, Huffman, Hughes, Lucio, Menéndez, Miles, Nelson, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Campbell, Creighton, Hall, Kolkhorst, Nichols, Taylor of Collin.

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

(President in Chair)**COMMITTEE SUBSTITUTE
HOUSE BILL 2442 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 **CSHB 2442** at this time on its second reading:

CSHB 2442, Relating to the minimum amount of student instruction required to be provided by public schools and education programs and calculation of average daily attendance for public school students.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSHB 2442** (senate committee printing) in SECTION 3 of the bill, amending Section 42.005, Education Code, by striking added Section 42.005(a-1) and substituting the following:

(a-1) For purposes of calculating average daily attendance, a student must be enrolled for at least 240 minutes of instructional time to be eligible for a full day of attendance.

The amendment to **CSHB 2442** 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 **CSHB 2442** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 21.401, Education Code, is amended by amending Subsection (b) and adding Subsection (c-1) to read as follows:

(b) Except as provided by Subsection (c-1), an ~~Am~~ educator employed under a 10-month contract must provide a minimum of 187 days of service.

(c-1) If a school district anticipates providing less than 180 days of instruction for students during a school year, as indicated by the district's academic calendar, the district may reduce the number of days of service required by this section proportionately. A reduction by the district does not reduce an educator's salary.

SECTION _____. Section 21.401, Education Code, as amended by this Act, applies only to a contract executed on or after the effective date of this Act. A contract executed before the effective date of this Act is governed by the law in effect on the date the contract was executed, and the former law is continued in effect for that purpose.

The amendment to **CSHB 2442** 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 2442 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 2442 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 **CSHB 2442** 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 3292 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 3292** at this time on its second reading:

CSHB 3292, Relating to the continuation of medical assistance for certain individuals.

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 3292 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 3292** 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 2010 ON SECOND READING

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **HB 2010** at this time on its second reading:

HB 2010, Relating to providing workplace safety training information for use in the public school curriculum.

The motion prevailed.

Senators Hall 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: Hall, Schwertner.

HOUSE BILL 2010 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 2010** 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, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hall, 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 156 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 156** at this time on its second reading:

HB 156, Relating to establishing a pilot program in designated public high schools in certain municipalities for placement of students in Junior Reserve Officers' Training Corps programs as an alternative to placement in disciplinary or juvenile justice alternative education programs.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 156** (senate committee printing), in SECTION 1 of the bill, as follows:

(1) In added Section 37.032, Education Code (page 2, lines 1-11), strike Subsection (a) and substitute the following:

(a) Notwithstanding any other provision of Subchapter A and except as provided by Subsection (c), a student subject to this subchapter who is otherwise required or permitted under Subchapter A to be placed in a disciplinary alternative education program or juvenile justice alternative education program may, instead of that placement, choose to participate in a Junior Reserve Officers' Training Corps program if the student meets the initial eligibility requirements for the program.

(2) In added Section 37.032(b), Education Code (page 2, line 12), strike "required" and substitute "who chooses".

(3) In added Section 37.032(b), Education Code (page 2, line 16), strike "required".

(4) In added Section 37.033(a), Education Code (page 2, lines 36-65), strike Subdivisions (1)-(5), and substitute the following:

(1) specify conditions that authorize a principal or other appropriate administrator to permit a student to choose to participate in a Junior Reserve Officers' Training Corps program as an alternative to placement in a disciplinary alternative education program or juvenile justice alternative education program;

(2) specify that consideration will be given, as a factor in each decision concerning alternative participation in a Junior Reserve Officers' Training Corps program, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history; or

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(3) provide guidelines that promote positive student educational outcomes for students choosing to participate in a Junior Reserve Officers' Training Corps program as an alternative to placement in a disciplinary alternative education program or juvenile justice alternative education program;

(4) provide guidelines for setting the length of a term of participation in a Junior Reserve Officers' Training Corps program as an alternative to placement in a disciplinary alternative education program or juvenile justice alternative education program; and

(5) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in the student's choice to participate in a Junior Reserve Officers' Training Corps program as an alternative to placement in a disciplinary alternative education program or a juvenile justice alternative education program.

(5) In added Section 37.033(b), Education Code (page 2, line 67), strike "required".

(6) In added Section 37.035(a), Education Code (page 3, line 3), strike "be required to".

(7) In added Section 37.035(a), Education Code (page 3, lines 6-7), strike "and request and obtain consent for the student's placement in the program".

(8) In added Section 37.036(a), Education Code (page 3, line 17), strike "required".

(9) In added Section 37.036(b), Education Code (page 3, line 25), strike "be required to".

(10) In added Section 37.036(b), Education Code (page 3, line 31), strike "required".

(11) In added Section 37.037(a), Education Code (page 3, line 38), strike "required to participate" and substitute "participating".

(12) In added Section 37.038(a), Education Code (page 3, line 49), strike "required to participate" and substitute "participating".

(13) In added Section 37.038(a), Education Code (page 3, lines 51-52), strike "the period of required participation" substitute "the designated period of participation".

(14) In added Section 37.038(a), Education Code (page 3, line 53), strike "requiring the participation" and substitute "in which the student was participating in the program".

(15) In added Section 37.038(c), Education Code (page 3, lines 68-69), strike "completing the period of required participation" and substitute "completing the designated period of participation".

(16) Strike added Section 37.039, Education Code (page 4, lines 7-18) and substitute the following:

Sec. 37.039. PROCEDURE FOR ADDRESSING FAILURE TO COMPLETE DESIGNATED PERIOD OF PARTICIPATION OR SUBSEQUENT CONDUCT AFTER PROGRAM PARTICIPATION. A student who chooses to participate in a Junior Reserve Officers' Training Corps program as authorized under this subchapter is subject to the provisions of Subchapter A relating to removal from class and placement in a disciplinary alternative education program or juvenile justice alternative education program if the student:

(1) except as provided by Section 37.038(c), fails to complete the designated period of participation under the terms of an order as authorized by this section; or

(2) after completion of any participation in a Junior Reserve Officers' Training Corps program as authorized under this subchapter, engages in subsequent conduct requiring or permitting the student to be removed from class and placed in a disciplinary alternative education program or juvenile justice alternative education program under Subchapter A.

The amendment to **HB 156** 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 156 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 156 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 156** 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 4347 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 4347** at this time on its second reading:

CSHB 4347, Relating to the creation of the Midlothian Municipal Management District No. 3; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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.

COMMITTEE SUBSTITUTE HOUSE BILL 4347 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 **CSHB 4347** 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)

HOUSE BILL 553 ON SECOND READING

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 553** at this time on its second reading:

HB 553, Relating to the creation of a task force to identify opportunities for academic credit and industry recognition for inmates of the Texas Department of Criminal Justice.

The bill was read second time.

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 553** (senate committee printing) in SECTION 1 of the bill as follows:

(1) Strike added Section 19.012(g), Education Code (page 1, line 61, through page 2, line 2), and substitute the following:

(g) The task force shall meet at the call of the presiding officer.

(2) In added Section 19.012(j), Education Code (page 2, line 18), strike "less than once every four years" and substitute "later than September 1, 2021".

(3) Strike added Sections 19.012(k) and (l), Education Code (page 2, lines 27-31), and substitute the following:

(k) This section expires December 1, 2021.

The amendment to **HB 553** 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 Miles offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 553** (senate committee printing) in SECTION 1 of the bill, in added Section 19.012, Education Code, as follows:

Strike Subsection (e) (page 1, lines 55-58), and reletter subsequent subsections and cross-references to those subsections accordingly.

The amendment to **HB 553** 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 553 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 553 ON THIRD READING

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 553** 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.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Team West legislative interns: Brandy Douglas, Kathryn Clark, and Cassie Davis in attendance, and acknowledged Holly Stephens, Myzar Mendoza, Louis Bedford, Dillon Lucas, and Alex Shahrestani.

The Senate welcomed its guests.

(Senator Whitmire in Chair)

HOUSE BILL 1204 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 1204** at this time on its second reading:

HB 1204, Relating to the provision of services as an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct.

The bill was read second time.

Senator Burton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1204** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) The Office of Court Administration of the Texas Judicial System shall conduct a study to examine the use of the terms "juvenile," "child," and "minor" throughout the criminal justice and juvenile justice statutes of this state and the varying definitions assigned those terms. The study shall also determine whether:

(1) adjudication under the adult criminal justice system of juveniles charged with misdemeanors punishable by fine only is just and efficient; and

(2) certain procedures under the juvenile justice system if used in the adjudication of juveniles charged with misdemeanors punishable by fine only would provide a more just and efficient process for responding to violations of the law by juvenile offenders.

(b) In conducting the study under Subsection (a) of this section, the Office of Court Administration of the Texas Judicial System shall consult with the chair of the senate criminal justice committee, the chair of the juvenile justice and family issues committee of the house of representatives, and the chair of the corrections committee of the house of representatives.

(c) Not later than December 1, 2018, the Office of Court Administration of the Texas Judicial System shall submit a report containing the results of the study conducted under Subsection (a) of this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the senate and the house of representatives.

(d) This section expires December 1, 2019.

The amendment to **HB 1204** 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 1204 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 1204 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 1204** 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.

BILLS AND RESOLUTIONS SIGNED

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

SB 59, SB 802, SB 854, SB 869, SB 1318, SB 1446, SB 1465, SB 1480, SB 1559, SB 1599, SB 1677, SB 1679, SB 1709, SB 1710, SB 1912, SJR 1, SJR 6, SJR 34, HB 268, HB 493, HB 804, HB 961, HB 1178, HB 1186, HB 1187, HB 1249, HB 1264, HB 1303, HB 1410, HB 1463, HB 1468, HB 1512, HB 1526, HB 1810, HB 1859, HB 1891, HB 1913, HB 2019, HB 2029, HB 2040, HB 2048, HB 2064, HB 2095, HB 2115, HB 2130, HB 2207, HB 2413, HB 2700, HB 2761, HB 2943, HB 2999, HB 3018, HB 3177, HB 3232, HB 3275, HB 3329, HB 3389, HB 3433, HB 4054, HB 4056, HCR 144.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 24, 2017 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- | | | |
|---|------------|---------------------|
| SB 15 | Huffines | Sponsor: Fallon |
| Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a first responder who is killed or fatally injured in the line of duty. | | |
| SB 132 | Creighton | Sponsor: Parker |
| Relating to the savings incentive program for state agencies. | | |
| SB 261 | Zaffirini | Sponsor: Guillen |
| Relating to the bulk purchase of information technology commodity items by the Department of Information Resources. | | |
| SB 314 | Schwertner | Sponsor: Flynn |
| Relating to the continuation and functions of the Texas Optometry Board; authorizing a reduction in fees. | | |
| SB 584 | West | Sponsor: Rose |
| Relating to guidelines for prescribing opioid antagonists. | | |
| SB 625 | Kolkhorst | Sponsor: Stephenson |
| Relating to public access to financial and tax rate information of certain special purpose districts; imposing a civil penalty. | | |
| SB 670 | Birdwell | Sponsor: Price |
| Relating to the appointment of the commissioners of the health and human services agencies by the governor. | | |

- SB 679** Hancock Sponsor: Dale
Relating to the authority of chiropractors to form certain business entities with certain other professions.
- SB 919** Rodríguez Sponsor: Coleman
Relating to the authority of an advanced practice registered nurse or physician assistant to sign a death certificate in limited situations.
- SB 1016** Creighton Sponsor: Bell
Relating to the appointment and duties of court investigators for certain courts in guardianship proceedings.
- SB 1138** Whitmire Sponsor: Krause
Relating to the creation of the blue alert system to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer.
- SB 1557** Kolkhorst Sponsor: Shine
Relating to the administration of gasoline and diesel fuel motor fuels taxes and the fee on the delivery of certain petroleum products.
- SB 1664** Huffman Sponsor: Flynn
Relating to contributions to, benefits from, membership in, and the administration of systems and programs administered by the Teacher Retirement System of Texas.
- SB 1665** Huffman Sponsor: Flynn
Relating to the investment authority of the Teacher Retirement System of Texas.
- SB 1680** Lucio Sponsor: Raymond
Relating to a task force of border health officials.
- SB 1780** Zaffirini Sponsor: Guillen
Relating to the amount of compensation and allowances of a county auditor in certain counties.
- SB 1805** Lucio Sponsor: Lucio III
Relating to the multiuse training and operations center facility.
- SB 1963** Creighton Sponsor: Phelan
Relating to requirements for educator preparation program support for certain candidates for certification.
- SCR 26** Estes Sponsor: Darby
Urging Congress to review federal regulations on the oil and gas industry.

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 550

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 85th Legislature, the house hereby returns house bill 550 to the senate for further consideration due to non germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 24, 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 5 Huffman Sponsor: King, Phil
Relating to requiring a voter to present proof of identification; providing a criminal penalty.

(Amended)

SB 195 Garcia Sponsor: Allen
Relating to funding under the transportation allotment for public school students subject to a high risk of violence while walking to school.

(Amended)

SB 196 Garcia Sponsor: Coleman
Relating to a notification requirement if a public school, including an open-enrollment charter school, does not have a nurse, school counselor, or librarian assigned to the school during all instructional hours.

(Amended)

SB 224 Watson Sponsor: Davis, Sarah
Relating to the sunset review date for the Cancer Prevention and Research Institute of Texas and the time for awarding cancer research and prevention grants.

(Amended)

SB 248 Schwertner Sponsor: Shine
Relating to the dissolution of the Chisholm Trail Special Utility District.

(Committee Substitute/Amended)

SB 255 Zaffirini Sponsor: Simmons
Relating to contracts with and training for governmental entities and vendors, including purchasing and contract management training; authorizing fees.

(Amended)

SB 262 Zaffirini Sponsor: Guillen
Relating to certain purchasing by state agencies and local governments.

(Amended)

SB 468 Lucio Sponsor: Oliveira
Relating to the extraterritorial jurisdiction of certain municipalities in coastal border counties.

(Committee Substitute)

- SB 490** Lucio Sponsor: Huberty
Relating to information regarding the number of school counselors in public schools.
(Amended)
- SB 491** Watson Sponsor: Howard
Relating to the statewide preceptorship program in family medicine.
(Amended)
- SB 719** Zaffirini Sponsor: Raney
Relating to requiring the Texas Higher Education Coordinating Board to collect and study data on the participation of persons with intellectual disabilities in workforce education programs.
(Amended)
- SB 801** Seliger Sponsor: King, Ken
Relating to the instructional material list and supplemental instructional materials adopted by the State Board of Education.
(Amended)
- SB 807** Creighton Sponsor: Workman
Relating to choice of law and venue for certain construction contracts.
(Committee Substitute)
- SB 810** Kolkhorst Sponsor: Howard
Relating to the use of open educational resources.
(Amended)
- SB 1091** Seliger Sponsor: Howard
Relating to limitations on courses that may be offered for dual credit by school districts and public institutions of higher education.
(Committee Substitute/Amended)
- SB 1148** Buckingham Sponsor: Bonnen, Greg
Relating to maintenance of certification by a physician or an applicant for a license to practice medicine in this state.
(Committee Substitute/Amended)
- SB 1215** Hughes Sponsor: Shine
Relating to responsibility for the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improvement to real property.
(Amended)
- SB 1450** Taylor, Larry Sponsor: Bonnen, Greg
Relating to the rulemaking authority of the commissioner of insurance with respect to certain agreements and the effect of those agreements on this state's authority to regulate insurance.
(Amended)
- SB 1511** Perry Sponsor: Price
Relating to the state and regional water planning process and the funding of projects included in the state water plan.
(Committee Substitute/Amended)

SB 1525 Perry Sponsor: Larson
 Relating to a study by the Texas Water Development Board of water needs and availability in this state.
 (Amended)

SB 1553 Menéndez Sponsor: Bernal
 Relating to the refusal of entry to or ejection from school district property.
 (Committee Substitute/Amended)

SB 1566 Kolkhorst Sponsor: King, Ken
 Relating to certain powers and duties of the board of trustees of an independent school district and the governing body of an open-enrollment charter school.
 (Amended)

SB 1633 Perry Sponsor: Oliverson
 Relating to the provision of pharmacy services through a telepharmacy system; establishing a remote dispensing site license.
 (Amended)

SB 1663 Huffman Sponsor: Flynn
 Relating to contributions to, benefits from, late fees imposed by, and the administration of systems and programs administered by the Teacher Retirement System of Texas.
 (Committee Substitute/Amended)

SB 1698 Lucio Sponsor: Thompson, Senfronia
 Relating to outreach and awareness for women veterans in this state.
 (Amended)

SB 1731 Birdwell Sponsor: Meyer
 Relating to the repeal of laws governing certain state entities, including the functions of those entities.
 (Amended)

SB 1929 Kolkhorst Sponsor: Burkett
 Relating to maternal mortality and morbidity and pregnancy-related deaths, including postpartum depression.
 (Amended)

Respectfully,
 /s/Robert Haney, Chief Clerk
 House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 24, 2017 - 3

The Honorable President of the Senate
 Senate Chamber
 Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

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

- HB 51** (119 Yeas, 25 Nays, 2 Present, not voting)
- HB 136** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 298** (146 Yeas, 0 Nays, 2 Present, not voting)
- HB 478** (145 Yeas, 0 Nays, 2 Present, not voting)
- HB 658** (130 Yeas, 14 Nays, 3 Present, not voting)
- HB 674** (104 Yeas, 40 Nays, 3 Present, not voting)
- HB 1207** (135 Yeas, 10 Nays, 3 Present, not voting)
- HB 1208** (119 Yeas, 22 Nays, 3 Present, not voting)
- HB 1486** (140 Yeas, 0 Nays, 2 Present, not voting)
- HB 1608** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 1764** (116 Yeas, 26 Nays, 2 Present, not voting)
- HB 1884** (136 Yeas, 7 Nays, 3 Present, not voting)
- HB 1934** (144 Yeas, 0 Nays, 2 Present, not voting)
- HB 1978** (145 Yeas, 0 Nays, 2 Present, not voting)
- HB 2004** (126 Yeas, 9 Nays, 2 Present, not voting)
- HB 2533** (146 Yeas, 0 Nays, 2 Present, not voting)
- HB 2565** (130 Yeas, 15 Nays, 3 Present, not voting)
- HB 2662** (137 Yeas, 5 Nays, 2 Present, not voting)
- HB 2671** (146 Yeas, 0 Nays, 2 Present, not voting)
- HB 2762** (141 Yeas, 4 Nays, 2 Present, not voting)
- HB 2774** (121 Yeas, 18 Nays, 2 Present, not voting)
- HB 2776** (144 Yeas, 0 Nays, 2 Present, not voting)
- HB 2825** (143 Yeas, 1 Nays, 3 Present, not voting)
- HB 2848** (145 Yeas, 0 Nays, 2 Present, not voting)
- HB 3016** (143 Yeas, 3 Nays, 2 Present, not voting)
- HB 3178** (138 Yeas, 0 Nays, 4 Present, not voting)
- HB 3198** (142 Yeas, 0 Nays, 2 Present, not voting)
- HB 3287** (115 Yeas, 30 Nays, 2 Present, not voting)
- HB 3496** (138 Yeas, 7 Nays, 2 Present, not voting)
- HB 3647** (144 Yeas, 0 Nays, 2 Present, not voting)

HB 3784 (140 Yeas, 0 Nays, 2 Present, not voting)

HB 3976 (139 Yeas, 0 Nays, 2 Present, not voting)

HB 4007 (141 Yeas, 0 Nays, 2 Present, not voting)

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

HB 21 (non-record vote)

House Conferees with Instructions: Huberty - Chair/Ashby/Bernal/King, Ken/VanDeaver

HB 284 (non-record vote)

House Conferees: Springer - Chair/Coleman/Frank/Goldman/Keough

HB 501 (non-record vote)

House Conferees: Capriglione - Chair/Clardy/Davis, Sarah/Moody/Phillips

HB 555 (non-record vote)

House Conferees: Springer - Chair/Clardy/King, Tracy O./Phillips/Roberts

HB 2552 (non-record vote)

House Conferees: Thompson, Senfronia - Chair/Collier/Farrar/Paddie/Schofield

HB 2950 (non-record vote)

House Conferees: Burkett - Chair/Klick/Oliverson/Raymond/Thompson, Senfronia

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

SB 312 (non-record vote)

House Conferees: Gonzales, Larry - Chair/Burkett/Morrison, Geanie W./Raymond/Thompson, Senfronia

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 2190 (103 Yeas, 43 Nays, 3 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 1886 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **HB 1886** at this time on its second reading:

HB 1886, Relating to dyslexia screening and testing, the employment of dyslexia specialists by regional education service centers, and the development by the Texas Education Agency of a list of training opportunities for educators regarding dyslexia.

The motion prevailed.

Senators Hall, Hancock, Huffines, and Schwertner 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 1886** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 29.006, Education Code, is amended by adding Subsections (d), (e), (f), (g), and (h) to read as follows:

(d) Committee meetings must be conducted in compliance with Chapter 551, Government Code.

(e) The committee shall provide a procedure for members of the public to speak at committee meetings. The procedure may not require a member of the public to register to speak earlier than the day of the meeting.

(f) The agency must post on the agency's Internet website:

(1) contact information for each member of the committee;

(2) notice of each open meeting of the committee;

(3) minutes of each open meeting of the committee; and

(4) guidance concerning how to submit public comments to the committee.

(g) The committee shall develop a policy to encourage public participation with the committee.

(h) Not later than January 1 of each odd-numbered year, the committee shall submit a report to the legislature with recommended changes to state law and agency rules relating to special education. The committee shall include the committee's current policy on encouraging public participation, as required by Subsection (g), in the report.

SECTION _____. Section 29.006(d), Education Code, as added by this Act, applies only to an open meeting of the special education continuing advisory committee held on or after the effective date of this Act.

The amendment to **HB 1886** 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 **HB 1886** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 29.011, Education Code, is amended to read as follows:

Sec. 29.011. TRANSITION PLANNING. (a) The commissioner shall by rule adopt procedures for compliance with federal requirements relating to transition services for students who are enrolled in special education programs under this

subchapter. The procedures must specify the manner in which a student's admission, review, and dismissal committee must consider, and if appropriate, address the following issues in the student's individualized education program:

(1) appropriate student involvement in the student's transition to life outside the public school system;

(2) if the student is younger than 18 years of age, appropriate ~~parental~~ involvement in the student's transition by the student's parents and other persons invited to participate by:

(A) the student's parents; or

(B) the school district in which the student is enrolled;

(3) if the student is at least 18 years of age, ~~appropriate parental~~ involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:

(A) is invited to participate by the student or the school district in which the student is enrolled; or

(B) has the student's consent to participate pursuant to a supported decision-making agreement under Chapter 1357, Estates Code;

(4) appropriate ~~any~~ postsecondary education options, including preparation for postsecondary-level coursework;

(5) an appropriate ~~a~~ functional vocational evaluation;

(6) appropriate employment goals and objectives;

(7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives;

(8) appropriate independent living goals and objectives; ~~and~~

(9) appropriate circumstances for facilitating a referral of ~~referring~~ a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c)); and

(10) the use and availability of appropriate:

(A) supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and

(B) supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Chapter 1357, Estates Code.

(a-1) A student's admission, review, and dismissal committee shall annually review the issues described by Subsection (a) and, if necessary, update the portions of the student's individualized education program that address those issues.

(a-2) The commissioner shall develop and post on the agency's Internet website a list of services and public benefits for which referral may be appropriate under Subsection (a)(9).

(b) The commissioner shall require each school district or shared services arrangement to designate at least one employee to serve as the district's or shared services arrangement's designee on transition and employment services for students enrolled in special education programs under this subchapter. The commissioner shall develop minimum training guidelines for a district's or shared services arrangement's designee. An individual designated under this subsection must provide information and resources about effective transition planning and services, including each issue described by Subsection (a), and interagency coordination to ensure that local school staff communicate and collaborate with:

(1) students enrolled in special education programs under this subchapter and the parents of those students; and

(2) as appropriate, local and regional staff of the:

(A) Health and Human Services Commission;

(B) Texas Workforce Commission [~~Department of Aging and Disability Services~~];

(C) [~~Department of Assistive and Rehabilitative Services~~;

~~(D)~~] Department of State Health Services; and

(D) [~~E~~] Department of Family and Protective Services.

(c) The commissioner shall review and, if necessary, update the minimum training guidelines developed under Subsection (b) at least once every four years. In reviewing and updating the guidelines, the commissioner shall solicit input from stakeholders.

SECTION _____. Sections 29.0112(b) and (e), Education Code, are amended to read as follows:

(b) The transition and employment guide must be written in plain language and contain information specific to this state regarding:

(1) transition services;

(2) employment and supported employment services;

(3) social security programs;

(4) community and long-term services and support, including the option to place the student on a waiting list with a governmental agency for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c));

(5) postsecondary educational programs and services, including the inventory maintained by the Texas Higher Education Coordinating Board under Section 61.0663;

(6) information sharing with health and human services agencies and providers;

(7) guardianship and alternatives to guardianship, including a supported decision-making agreement under Chapter 1357, Estates Code;

(8) self-advocacy, person-directed planning, and self-determination; and

(9) contact information for all relevant state agencies.

(e) A school district shall:

(1) post the transition and employment guide on the district's website if the district maintains a website; [~~and~~]

(2) provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:

(A) the first meeting of the student's admission, review, and dismissal committee at which transition is discussed; and [or]

(B) the first committee meeting at which transition is discussed that occurs after the date on which the guide is updated; and

(3) on request, provide a printed copy of the guide to a student or parent [becomes available, if a student has already had an admission, review, and dismissal committee meeting discussing transition].

SECTION ____ . Section 29.017, Education Code, is amended by amending Subsections (c) and (d) and adding Subsections (c-1), (c-2), (c-3), (e), and (f) to read as follows:

(c) Not later than one year before the 18th birthday of a student with a disability, the school district at which the student is enrolled shall:

(1) provide to the student and the student's parents:

(A) written notice regarding the transfer of rights under this section; and

(B) information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Chapter 1357, Estates Code, and other supports and services that may enable the student to live independently; and

(2) ensure that the student's individualized education program includes a statement that the district provided the notice, information, and resources required under Subdivision (1).

(c-1) In accordance with 34 C.F.R. Section 300.520 [300.517], the school district shall provide written notice to [notify] the student and the student's parents of the transfer of rights under this section. The notice must include the information and resources provided under Subsection (c)(1)(B).

(c-2) If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship from the school district at which the student is enrolled, the school district shall provide to the student or parent information and resources on supported decision-making agreements under Chapter 1357, Estates Code.

(c-3) The commissioner shall develop and post on the agency's Internet website a model form for use by school districts in notifying students and parents as required by Subsections (c) and (c-1). The form must include the information and resources described by Subsection (c). The commissioner shall review and update the form, including the information and resources, as necessary.

(d) The commissioner shall develop and post on the agency's Internet website the information and resources described by Subsections (c), (c-1), and (c-2).

(e) Nothing in this section prohibits a student from entering into a supported decision-making agreement under Chapter 1357, Estates Code, after the transfer of rights under this section.

(f) The commissioner shall adopt rules implementing the provisions of 34 C.F.R. Section 300.520(b) [300.517(b)].

SECTION ____ . Sections 29.011, 29.0112, and 29.017, Education Code, as amended by this Act, apply beginning with the 2018-2019 school year.

The amendment to **HB 1886** 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 1886 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, Hancock, Huffines, Schwertner.

HOUSE BILL 1886 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 1886** be placed on its third reading and final passage.

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

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

Nays: Hall, Hancock, Huffines, Schwertner.

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

HOUSE BILL 435 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **HB 435** at this time on its second reading:

HB 435, Relating to the application of certain weapons laws to and liability for certain actions of volunteer emergency services personnel licensed to carry a handgun.

The motion prevailed.

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

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 435** (senate committee printing) as follows:

(1) In SECTION 6 of the bill, in amended Section 46.15(a)(6), Penal Code (page 2, line 49), strike "a district attorney" and substitute "the attorney general or a United States attorney, district attorney".

(2) In SECTION 6 of the bill, in amended Section 46.15(a)(7), Penal Code (page 2, line 52), strike "an assistant district attorney" and substitute "an assistant United States attorney, assistant attorney general, assistant district attorney".

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

SECTION _____. Section 411.179(c), Government Code, is amended to read as follows:

(c) In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a qualified handgun instructor or of the attorney general or a judge, justice, United States attorney, assistant United States attorney, assistant attorney general, prosecuting attorney, or assistant prosecuting attorney, as described by Section 46.15(a)(4), ~~[(6), or (7)]~~, Penal Code, to indicate on the license the license holder's status as a qualified handgun instructor or as the attorney general or a judge, justice, United States attorney, assistant United States attorney, assistant attorney general, district attorney, criminal district attorney, or county attorney. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status under this subsection.

SECTION _____. Section 411.1882(a), Government Code, is amended to read as follows:

(a) A person who is serving in this state as the attorney general or as a judge or justice of a federal court, as an active judicial officer as defined by Section 411.201, as a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney, as a supervision officer as defined by [Section 2,] Article 42A.001 [42-12], Code of Criminal Procedure, or as a juvenile probation officer may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Texas Commission on Law Enforcement for purposes of Section 1702.1675, Occupations Code, a sworn statement that indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns.

SECTION _____. Section 411.201(h), Government Code, is amended to read as follows:

(h) The department shall issue a license to carry a handgun under the authority of this subchapter to a United States attorney or an assistant United States attorney, or to an [elected] attorney elected or employed to represent [representing] the state in the prosecution of felony cases, who meets the requirements of this section for an active judicial officer. The department shall waive any fee required for the issuance of an original, duplicate, or renewed license under this subchapter for an applicant who is a United States attorney or an assistant United States attorney or who is an attorney elected or employed to represent the state in the prosecution of felony cases.

SECTION _____. Section 46.035(h-1), Penal Code, as added by Chapter 1222 (H.B. 2300), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(h-1) It is a defense to prosecution under Subsections (b)(1), (2), (4), (5), and (6) ~~[(4)-(6),]~~ and (c) that at the time of the commission of the offense, the actor was:

(1) a judge or justice of a federal court;

(2) an active judicial officer, as defined by Section 411.201, Government Code; or

(3) the attorney general or a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.

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

The amendment to **HB 435** was read and was adopted by a viva voce vote.

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

Nays: Garcia.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 435** by Perry (senate committee report) by inserting the following appropriately numbered sections:

SECTION _____. The heading to Section 411.209, Government Code, is amended to read as follows:

Sec. 411.209. WRONGFUL EXCLUSION OF [CONCEALED] HANDGUN LICENSE HOLDER.

SECTION _____. Section 411.209, Government Code, is amended by amending Subsections (a) and (d) and adding Subsection (i) to read as follows:

(a) Except as provided by Subsection (i), a [A] state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a [concealed handgun] license to carry a handgun, that a license holder carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code.

(d) A resident [~~citizen~~] of this state or a person licensed to carry a [~~concealed~~] handgun under this subchapter may file a complaint with the attorney general that a state agency or political subdivision is in violation of Subsection (a) if the resident [~~citizen~~] or person provides the agency or subdivision a written notice that describes the violation and specific location of the sign found to be in violation and the agency or subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice. A complaint filed under this subsection must include evidence of the violation and a copy of the written notice.

(i) Subsection (a) does not apply to a written notice provided by a state hospital under Section 552.002, Health and Safety Code.

SECTION _____. Subchapter A, Chapter 552, Health and Safety Code, is amended by adding Section 552.002 to read as follows:

Sec. 552.002. CARRYING OF HANDGUN BY LICENSE HOLDER IN STATE HOSPITAL. (a) In this section:

(1) "License holder" has the meaning assigned by Section 46.035(f), Penal Code.

(2) "State hospital" means the following facilities:

- (A) the Austin State Hospital;
- (B) the Big Spring State Hospital;
- (C) the El Paso Psychiatric Center;
- (D) the Kerrville State Hospital;
- (E) the North Texas State Hospital;
- (F) the Rio Grande State Center;
- (G) the Rusk State Hospital;
- (H) the San Antonio State Hospital;
- (I) the Terrell State Hospital; and
- (J) the Waco Center for Youth.

(3) "Written notice" means a sign that is posted on property and that:

(A) includes in both English and Spanish written language identical to the following: "Pursuant to Section 552.002, Health and Safety Code (carrying of handgun by license holder in state hospital), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun";

(B) appears in contrasting colors with block letters at least one inch in height; and

(C) is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

(b) A state hospital may prohibit a license holder from carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code, on the property of the hospital by providing written notice.

(c) A license holder who carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, on the property of a state hospital at which written notice is provided is liable for a civil penalty in the amount of:

- (1) \$100 for the first violation; or
- (2) \$500 for the second or subsequent violation.

(d) The attorney general or an appropriate prosecuting attorney may sue to collect a civil penalty under this section.

The amendment to **HB 435** 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 435 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, Menéndez, Rodríguez.

HOUSE BILL 435 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 435** 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, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Garcia, Menéndez, Rodríguez.

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

HOUSE BILL 810 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 810** at this time on its second reading:

HB 810, Relating to the provision of certain investigational stem cell treatments to patients with certain severe chronic diseases or terminal illnesses and regulating the possession, use, and transfer of adult stem cells; creating a criminal offense.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 810** (senate committee printing) in SECTION 3 of the bill, by striking added Section 1003.055, Health and Safety Code (page 2, lines 17-23).

The amendment to **HB 810** was read and was adopted by a viva voce vote.

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

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

Floor Amendment No. 2

Amend **HB 810** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, between added Sections 1003.054 and 1003.055, Health and Safety Code (page 2, between lines 16 and 17), insert the following:

Sec. 1003.0545. TREATMENT REQUIREMENTS; COMPLIANCE WITH TEXAS MEDICAL BOARD RULES. (a) Treatment provided under this subchapter must be:

(1) administered directly by a physician certified under Subsection (c);

(2) overseen by an institutional review board described by Subsection (d);

and

(3) provided at:

(A) a hospital licensed under Chapter 241;

(B) an ambulatory surgical center licensed under Chapter 243; or

(C) a medical school, as defined by Section 61.501, Education Code.

(b) A physician administering an investigational stem cell treatment under this subchapter shall comply with all applicable Texas Medical Board rules.

(c) An institutional review board described by Subsection (d) may certify a physician to provide an investigational stem cell treatment under this subchapter.

(d) An institutional review board that oversees investigational stem cell treatments administered under this subchapter must:

(1) be affiliated with:

(A) a medical school, as defined by Section 61.501, Education Code; or

(B) a hospital licensed under Chapter 241 that has a minimum of 150

beds; and

(2) comply with all applicable rules under 21 C.F.R. Part 1271 related to human cells as of September 1, 2017.

(e) The Texas Medical Board may adopt rules as necessary to implement this section for institutional review boards.

(2) In SECTION 3 of the bill, immediately following added Section 1003.058, Health and Safety Code (page 2, between lines 46 and 47), insert the following:

Sec. 1003.059. INSTITUTIONAL REVIEW BOARD DOCUMENTATION; REPORT. (a) An institutional review board overseeing an investigational stem cell treatment under this subchapter shall keep a record on each person to whom a physician administers the treatment and document in the record the provision of each treatment and the effects of the treatment on the person throughout the period the treatment is administered to the person.

(b) Each institutional review board overseeing an investigational stem cell treatment under this subchapter shall submit an annual report to the Texas Medical Board on the board's findings based on records kept under Subsection (a). The report may not include any patient identifying information and must be:

(1) written;

(2) electronic; and

(3) made available to the public.

The amendment to **HB 810** 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 810 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 810 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 810** 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)**HOUSE BILL 3281 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 3281** at this time on its second reading:

HB 3281, Relating to the eligibility of certain municipalities to establish homestead preservation districts and reinvestment zones.

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

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

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

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3281** (senate committee report) as follows:

(1) On page 1, line 21, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (c)".

(2) On page 1, between lines 31 and 32, insert the following:

(c) Notwithstanding any other law, a municipality to which this chapter applies may not designate a district under this chapter if the municipality has adopted a requirement in any form, including through an ordinance or regulation or as a condition for granting a building permit, that establishes a maximum sales price for a privately produced housing unit or residential building lot. The restriction described by this subsection does not apply to property that is part of an urban land bank program.

The amendment to **HB 3281** 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 3281 as amended was passed to third reading by the following vote: Yeas 23, Nays 8.

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

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

HOUSE BILL 3281 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 3281** 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 23, Nays 8.

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

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

HOUSE BILL 2729 ON SECOND READING

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2729** at this time on its second reading:

HB 2729, Relating to an inventory of credentials and certificates that may be earned by a public high school student through a career and technology education program.

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

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

HOUSE BILL 2729 ON THIRD READING

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2729** 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 240 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSHB 240** at this time on its second reading:

CSHB 240, Relating to evidence in a suit to abate certain common nuisances.

The motion prevailed.

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

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 240** (senate committee printing) as follows:

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

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

Sec. 125.0017. NOTICE OF ARREST FOR CERTAIN ACTIVITIES. If a law enforcement agency makes an arrest related to an activity described by Section 125.0015(a)(6), (7), or (18) that occurs at property leased to a person operating a massage establishment as defined by Section 455.001, Occupations Code, not later than the 14th day after the date of the arrest, the law enforcement agency may provide written notice by certified mail to each person maintaining the property of the arrest.

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

(2) In the recital to SECTION 1 of the bill amending Section 125.004, Civil Practice and Remedies Code (page 1, line 24), between the comma and "and", insert "(a-3),".

(3) In the recital to SECTION 1 of the bill amending Section 125.004, Civil Practice and Remedies Code (page 1, line 24), between "(e)" and "to", insert "and amending Subsection (d)".

(4) In SECTION 1 of the bill, in added Section 125.004(a-1), Civil Practice and Remedies Code (page 1, line 30), between "services" and "is", insert "after notice of an arrest was provided to the defendant in accordance with Section 125.0017".

(5) In SECTION 1 of the bill, in added Section 125.004(a-2), Civil Practice and Remedies Code (page 1, lines 33-34), between "defendant" and "is", insert "after notice of an arrest was provided to the defendant in accordance with Section 125.0017".

(6) In SECTION 1 of the bill, between added Sections 125.004(a-2) and (e), Civil Practice and Remedies Code (page 1, between lines 37 and 38), insert the following:

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

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

defendant refused to cooperate with law enforcement or emergency services with respect to the activity is admissible. The posting of a sign prohibiting the activity alleged is not conclusive evidence that the owner did not tolerate the activity.

(7) Renumber the SECTIONS of the bill appropriately.

The amendment to **CSHB 240** 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 240 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: Estes, Hall, Hancock.

COMMITTEE SUBSTITUTE HOUSE BILL 240 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 240** 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, Garcia, 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: Estes, Hall, Hancock.

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

HOUSE BILL 3295 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 3295** at this time on its second reading:

HB 3295, Relating to the delivery of certain Medicaid services to persons with an intellectual or developmental disability.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3295** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. (a) Using existing resources, the Health and Human Services Commission shall:

(1) identify and evaluate barriers preventing Medicaid recipients enrolled in the STAR + PLUS Medicaid managed care program or a home and community-based services waiver program from choosing the consumer directed services option and develop recommendations for increasing the percentage of Medicaid recipients enrolled in those programs who choose the consumer directed services option; and

(2) study the feasibility of establishing a community attendant registry to assist Medicaid recipients enrolled in the community attendant services program in locating providers.

(b) Not later than December 1, 2018, the Health and Human Services Commission shall submit a report containing the commission's findings and recommendations under Subsection (a) of this section to the governor, the legislature, and the Legislative Budget Board. The report required by this subsection may be combined with any other report required by this Act or other law.

SECTION _____. (a) The Health and Human Services Commission shall conduct a study of the provision of dental services to adults with disabilities under the Medicaid program, including:

(1) the types of dental services provided, including preventive dental care, emergency dental services, and periodontal, restorative, and prosthodontic services;

(2) limits or caps on the types and costs of dental services provided;

(3) unique considerations in providing dental care to adults with disabilities, including additional services necessary for adults with particular disabilities; and

(4) the availability and accessibility of dentists who provide dental care to adults with disabilities, including the availability of dentists who provide additional services necessary for adults with particular disabilities.

(b) In conducting the study under Subsection (a) of this section, the Health and Human Services Commission shall:

(1) identify the number of adults with disabilities whose Medicaid benefits include limited or no dental services and who, as a result, have sought medically necessary dental services during an emergency room visit;

(2) if feasible, estimate the number of adults with disabilities who are receiving services under the Medicaid program and who have access to alternative sources of dental care, including pro bono dental services, faith-based dental services providers, and other public health care providers; and

(3) collect data on the receipt of dental services during emergency room visits by adults with disabilities who are receiving services under the Medicaid program, including the reasons for seeking dental services during an emergency room visit and the costs of providing the dental services during an emergency room visit, as compared to the cost of providing the dental services in the community.

(c) Not later than December 1, 2018, the Health and Human Services Commission shall submit a report containing the results of the study conducted under Subsection (a) of this section and the commission's recommendations for improving access to dental services in the community for and reducing the provision of dental services during emergency room visits to adults with disabilities receiving services under the Medicaid program to the governor, the legislature, and the Legislative Budget Board. The report required by this subsection may be combined with any other report required by this Act or other law.

The amendment to **HB 3295** 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 3295 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 3295 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 3295** 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 2912 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **CSHB 2912** at this time on its second reading:

CSHB 2912, Relating to the creation of the New Fairview Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

The motion prevailed.

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

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2912** (senate committee printing) in SECTION 1 of the bill (page 2, lines 20 through 22), by striking added Section 7987.007, Special District Local Laws Code, and renumbering the subsequent section of the added subchapter accordingly.

The amendment to **CSHB 2912** 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 Estes offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2912** by adding the following appropriately numbered SECTION to the bill and renumbering accordingly subsequent SECTIONS of the bill:

SECTION _____. (a) Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8011 to read as follows:

CHAPTER 8011. FAR NORTH FORT WORTH MUNICIPAL UTILITY
DISTRICT NO. 1 OF TARRANT AND WISE COUNTIES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8011.001. DEFINITION. In this chapter, "district" means the Far North Fort Worth Municipal Utility District No. 1 of Tarrant and Wise Counties.

Sec. 8011.002. 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. 8011.051. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8011.052. 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. 8011.053. 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. 8011.054. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, 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, subdivision requirements, 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.

SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

Sec. 8011.101. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for a road project authorized by Section 8011.053.

(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. 8011.102. 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 as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

(b) The Far North Fort Worth Municipal Utility District No. 1 of Tarrant and Wise Counties retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

(c) The legislature validates and confirms all governmental acts and proceedings of the Far North Fort Worth Municipal Utility District No. 1 of Tarrant and Wise Counties that were taken before the effective date of this Act. This subsection 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 court judgment; or

(2) has been held invalid by a final court judgment.

(d) The legal notice of the intention to introduce a bill to amend the laws governing the Far North Fort Worth Municipal Utility District No. 1 of Tarrant and Wise Counties, setting forth the general substance of this section of this Act, has been published as provided by law, and the notice and a copy of a bill to amend the laws governing the Far North Fort Worth Municipal Utility District No. 1 of Tarrant and Wise Counties 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.

(e) The governor, one of the required recipients, has submitted the notice and a copy of a bill to amend the laws governing the Far North Fort Worth Municipal Utility District No. 1 of Tarrant and Wise Counties to the Texas Commission on Environmental Quality.

(f) The Texas Commission on Environmental Quality has filed its recommendations relating to a bill to amend the laws governing the Far North Fort Worth Municipal Utility District No. 1 of Tarrant and Wise Counties with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(g) 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 a bill to amend the laws governing the Far North Fort Worth Municipal Utility District No. 1 of Tarrant and Wise Counties have been fulfilled and accomplished.

The amendment to **CSHB 2912** 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 Estes offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 2912** by adding the following appropriately numbered SECTION to the bill and renumbering accordingly the SECTIONS of the bill and the cross-references within added Sections 3959.005 and 3959.108, Special District Local Laws Code:

SECTION _____. (a) Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3959 to read as follows:

CHAPTER 3959. NORTH CELINA MUNICIPAL MANAGEMENT DISTRICT NO.

3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3959.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "City" means the City of Celina, Texas.
- (3) "Commission" means the Texas Commission on Environmental Quality.
- (4) "Director" means a board member.
- (5) "District" means the North Celina Municipal Management District

No. 3.

Sec. 3959.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3959.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) The district is created to supplement and not to supplant city services provided in the district.

Sec. 3959.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment;
- (3) developing or expanding transportation and commerce; and
- (4) providing quality residential housing.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a residential community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, vehicle parking, and street art objects are parts of and necessary components of a street and are considered to be an improvement project that includes a street or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3959.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section ___(b) of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section ___(b) of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3959.006. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. Except as provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3959.007. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The initial directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 3959.008. CONSENT OF MUNICIPALITY REQUIRED. The initial directors may not hold an election under Section 3959.007 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 3959.009. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. (a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or

(3) an enterprise zone created under Chapter 2303, Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code; and

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Section 3959.201.

(c) If the city creates a tax increment reinvestment zone described by Subsection (a), the city may determine the percentage of the property in the zone that may be used for residential purposes and is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3959.010. EFFECT OF ANNEXATION. Notwithstanding any other law, if all of the territory of the district is annexed by the city into the city's corporate limits, the district:

(1) retains all of the district's outstanding debt and obligations;

(2) is not dissolved; and

(3) continues to operate under this chapter until the district is dissolved under Subchapter F.

Sec. 3959.011. CONSTRUCTION OF CHAPTER. This chapter shall be construed liberally in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3959.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3959.054, directors serve staggered four-year terms, with two or three directors' terms expiring June 1 of each odd-numbered year.

Sec. 3959.052. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public and located in the city.

Sec. 3959.053. REMOVAL OF DIRECTORS. (a) The board may remove a director by unanimous vote of the other directors if the director has missed at least half of the meetings scheduled during the preceding 12 months.

(b) A director removed under this section may file a written appeal with the commission not later than the 30th day after the date the director receives written notice of the board action. The commission may reinstate the director if the commission finds that the removal was unwarranted under the circumstances after considering the reasons for the absences, the time and place of the meetings, the business conducted at the meetings missed, and any other relevant circumstances.

Sec. 3959.054. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>John Peavy</u>
<u>2</u>	<u>Charles Taylor</u>
<u>3</u>	<u>Steve Cook</u>
<u>4</u>	<u>Paul Schlosberg</u>
<u>5</u>	<u>Russell Miller</u>

(b) Initial directors serve until the earlier of:

(1) the date permanent directors are elected under Section 3959.007; or
(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 3959.007 and the terms of the initial directors have expired, successor initial directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 3959.007; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the commission requesting that the commission appoint as successor initial directors the five persons named in the petition. The commission shall appoint as successor initial directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3959.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3959.102. PUBLIC IMPROVEMENT DISTRICT POWERS. The district has the powers provided by Chapter 372, Local Government Code, to a municipality or county.

Sec. 3959.103. IMPROVEMENT PROJECTS AND SERVICES. (a) Subject to Subsection (c), the district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may undertake an improvement project or service that confers a special benefit on a definable area in the district and levy and collect a special assessment on benefited property in the district in accordance with:

(1) Chapter 372, Local Government Code; or

(2) Chapter 375, Local Government Code.

(c) The district may not construct or finance an improvement project, other than a water, sewer, or drainage facility or road, without obtaining the written consent of the city's governing body.

Sec. 3959.104. LOCATION OF IMPROVEMENT PROJECT. A district improvement project may be located inside or outside of the district.

Sec. 3959.105. OWNERSHIP OF IMPROVEMENT PROJECTS. (a) Before a district improvement project may be put into operation, the district must transfer ownership of the project to the city.

(b) The transfer of ownership is complete on the city's acceptance of ownership.

Sec. 3959.106. RETAIL WATER AND SEWER SERVICES PROHIBITED. The district may not provide retail water or sewer services.

Sec. 3959.107. ADDING OR REMOVING TERRITORY. (a) Subject to Subsections (b) and (c), the board may add or remove territory as provided by Subchapter J, Chapter 49, Water Code.

(b) The district may add territory as described by Subsection (a) only if the district obtains written consent from the governing body of the city.

(c) The district and any district created under Section 3959.108 may not add a total area of more than 100 acres.

Sec. 3959.108. DIVISION OF DISTRICT. (a) The district may be divided into two or more new 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) Any 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

(b) of the Act enacting this chapter.

(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) The board may adopt an order dividing the district before or after the date the board holds an election under Section 3959.007 to confirm the creation of the district.

(f) An order dividing the district must:

(1) name each new district;

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

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

(4) provide for the division of assets and liabilities between or among the new districts.

(g) 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 commission and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 3959.007.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 3959.008 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

(j) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

(k) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.

Sec. 3959.109. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3959.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3959.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, operate, maintain, or finance an improvement project or service authorized by this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3959.153. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3959.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by order may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district in the manner provided for:

(1) a district under Subchapters A, E, and F, Chapter 375, Local Government Code; or

(2) a municipality or county under Subchapter A, Chapter 372, Local Government Code.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district are:

(1) a first and prior lien against the property assessed;

(2) superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

(e) The district may not impose an assessment on a municipality, county, or other political subdivision.

Sec. 3959.155. NOTICE OF ASSESSMENTS. Annually, the board shall file with the secretary of the city written notice that specifies the assessments the district will impose in the district's next fiscal year in sufficient clarity to describe the assessments for the operation and maintenance of the district and the assessments for the payment of debt service of obligations issued or incurred by the district.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3959.201. BONDS AND OTHER OBLIGATIONS. (a) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes or assessments in the manner provided by:

(1) Subchapter J, Chapter 375, Local Government Code; or

(2) Subchapter A, Chapter 372, Local Government Code, if the improvements financed by an obligation issued under this section will be conveyed to or operated and maintained by a municipality or other retail utility provider pursuant to an agreement with the district entered into before the issuance of the obligation.

(b) In exercising the district's borrowing power, the district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

(c) In addition to the sources of money described by Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local Government Code, district bonds may be secured and made payable wholly or partly by a pledge of any part of the money the district receives from improvement revenue or from any other source.

(d) Not later than the 30th day before the date the district holds a bond sale, the district shall provide the governing body of the city written notice of the sale.

(e) The district may issue bonds, notes, or other obligations to maintain or repair an existing improvement project only if the district obtains written consent from the governing body of the city.

SUBCHAPTER F. DISSOLUTION

Sec. 3959.251. DISSOLUTION BY CITY ORDINANCE. (a) The governing body of the city may dissolve the district by ordinance.

(b) The governing body may not dissolve the district until:

(1) water, sanitary, sewer, and drainage improvements and roads have been constructed to serve at least 80 percent of the net developable territory of the district; and

(2) the district has reimbursed a developer in the district for all costs advanced to or on behalf of the district.

(c) Until the district is dissolved, the district is responsible for all bonds and other obligations of the district.

Sec. 3959.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, other than revenue from ad valorem taxes:

(1) the assessments remain in effect; and

(2) the city shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations.

Sec. 3959.253. ASSUMPTION OF ASSETS AND LIABILITIES. After the city dissolves the district, the city assumes, subject to the appropriation and availability of funds, the obligations of the district, including any bonds or other debt payable from taxes, assessments, or other district revenue and any assets of the district.

SUBCHAPTER Z. SPECIAL BOND PROVISIONS

Sec. 3959.901. APPLICABILITY. This subchapter applies to bonds payable wholly or partly from revenue derived from assessments on real property in the district.

Sec. 3959.902. CONFLICT OF LAWS. In the event of a conflict between this subchapter and any other law, this subchapter prevails.

Sec. 3959.903. WRITTEN AGREEMENT REGARDING SPECIAL APPRAISALS. Before an election may be held on the question of issuing bonds, including an election that combines the question of confirming the creation of the district with the question of authorizing the district to issue bonds, the district and any person to whom the governing body of the district intends that proceeds of the bonds be distributed, including the developer, another owner of land in the district, and any entity acting as a lender to the developer or other landowner for the purpose of a project relating to the district, must enter into a written agreement that:

(1) waives for the term of the agreement the right to a special appraisal with respect to taxation by the district under Subchapters B, C, D, E, F, and H, Chapter 23, Tax Code; and

(2) remains in effect for 30 years and is binding on the parties, on entities related to or affiliated with the parties, and on their successors and assignees.

Sec. 3959.904. REQUIREMENTS FOR ADVERTISING BOND ISSUE. A district may not advertise for an issuance of bonds until the completion of at least 25 percent of the projected value of the improvements, including houses and other buildings, that are liable for district assessments and necessary to support the district bonds.

Sec. 3959.905. REQUIREMENTS FOR BOND ISSUE. The district may not issue bonds until:

(1) the issuance of the bonds is approved by a majority of the district voters voting at an election called for that purpose;

(2) the district submits to the commission:

(A) an engineer's report describing the project for which the bonds will provide funding, including data, profiles, maps, plans, and specifications related to the project; and

(B) a cash flow analysis to determine the projected rate of assessment, which includes the following assumptions:

(i) each ending balance for debt service in the analysis is not less than 25 percent of the following year's debt service requirement;

(ii) interest income is only shown on the ending balance for debt service for the first two years; and

(iii) the projected rate of assessment is level or decreasing for the life of the bonds issued by the district;

(3) the completion of at least 75 percent of the projected value of the improvements, including houses and other buildings, that are liable for district assessments and necessary to support the district bonds; and

(4) the district has obtained an independent market study from a firm recognized in the area of real estate market analysis supporting the development projects for the real property that is liable for district assessments and necessary to support the district bonds.

Sec. 3959.906. REQUIREMENTS FOR COLLECTION OF REVENUE TO PAY BONDS. The district may not collect an assessment to be used for the payment of bonds until:

(1) the completion of at least 95 percent of the underground water, wastewater, and drainage facilities financed from bond proceeds that are necessary to serve the projected build-out, as certified by the district's engineer;

(2) the district or other appropriate party has secured the groundwater, surface water, and water discharge permits that are necessary to secure capacity to support the projected build-out;

(3) the completion of at least 95 percent of lift station, water plant, and sewage treatment plant capacity sufficient to serve the connections constructed in the project for a period of not less than 18 months, as certified by the district's engineer; and

(4) the completion of at least 95 percent of the streets and roads that are necessary to provide access to the areas served by utilities and financed by the proceeds of bonds issued by the district, as certified by the district's engineer and constructed in accordance with municipal or county standards.

(b) The North Celina Municipal Management District No. 3 initially includes all the territory contained in the following area:

TRACT 1: 2178 ACRES MORE OR LESS

LEGAL DESCRIPTION CONSISTING OF 2178.085 ACRES MORE OR LESS BY COMPILING DEEDS DESCRIBED AS TRACT II IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, A 218.360 ACRE TRACT OF LAND DESCRIBED AS TRACT NO. 1, A CALLED 161.910 ACRE TRACT OF LAND DESCRIBED AS TRACT NO. 2 IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 125 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS AND A 1215.843 ACRE TRACT DESCRIBED IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 110, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS.

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. W. HAYNES SURVEY, ABSTRACT # 453, J. CUMBA SURVEY, ABSTRACT # 242, THE J DAVIS SURVEY, ABSTRACT # 254, THE B.B.B. & C.R.R. SURVEY, ABSTRACT # 131, THE H. COCHRAN SURVEY, ABSTRACT # 192, THE T & P. RR CO. SURVEY, ABSTRACT # 1054, THE J.F. SMILEY SURVEY, ABSTRACT 869, THE J. WORRALL SURVEY, ABSTRACT # 1036, THE J. QUEEN SURVEY, ABSTRACT # 733, THE J. H. BIGGS SURVEY, ABSTRACT # 51, THE E. ALEXANDER SURVEY, ABSTRACT # 19, THE SA & MG RR CO SURVEY, ABSTRACT # 876 AND THE P. NEWSON, SURVEY, ABSTRACT # 665 AND BEING ALL OF A CALLED 579.400 ACRE TRACT OF LAND DESCRIBED AS TRACT II IN THE DEED TO DYNAVEST JOINT

VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, ALL OF A CALLED 218.360 ACRE TRACT OF LAND DESCRIBED AS TRACT NO. 1 AND ALL OF A CALLED 161.910 ACRE TRACT OF LAND DESCRIBED AS TRACT NO. 2 IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 125 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS AND ALL OF A CALLED 1215.843 ACRE TRACT DESCRIBED IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 110, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEGINNING AT A THE SOUTHWEST CORNER OF THE TRACT BEING DESCRIBED HEREIN AT THE SOUTHWEST CORNER OF SAID 579.400 ACRE TRACT IN THE NORTH RIGHT-OF-WAY LINE OF F. M. # 455;

THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST A DISTANCE OF 6447.04 FEET TO A POINT FOR CORNER AT THE NORTHWEST CORNER OF SAID 579.400 ACRE TRACT;

THENCE SOUTH 89 DEGREES 27 MINUTES 28 SECONDS EAST A DISTANCE OF 2678.28 FEET TO A POINT FOR CORNER;

THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS EAST A DISTANCE OF 1013.53 FEET TO A POINT FOR CORNER AT THE MOST NORTHERLY NORTHWEST CORNER OF SAID 579.400 ACRE TRACT;

THENCE NORTH 89 DEGREES 27 MINUTES 02 SECONDS EAST A DISTANCE OF 2192.86 FEET TO A POINT FOR CORNER IN ELM CREEK;

THENCE NORTH 41 DEGREES 45 MINUTES 00 SECONDS EAST ALONG THE CENTER OF ELM CREEK A DISTANCE OF 693.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 48 DEGREES 30 MINUTES 00 SECONDS EAST ALONG THE CENTER OF ELM CREEK A DISTANCE OF 417.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 10 DEGREES 40 MINUTES 00 SECONDS EAST ALONG THE CENTER OF ELM CREEK A DISTANCE OF 274.20 FEET TO A POINT FOR CORNER;

THENCE NORTH 74 DEGREES 54 MINUTES 00 SECONDS EAST ALONG THE CENTER OF ELM CREEK A DISTANCE OF 211.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 65 DEGREES 52 MINUTES 00 SECONDS EAST ALONG THE CENTER OF ELM CREEK A DISTANCE OF 282.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 26 DEGREES 53 MINUTES 00 SECONDS EAST ALONG THE CENTER OF ELM CREEK A DISTANCE OF 1077.50 FEET TO A POINT FOR CORNER TO THE MOST NORTHERLY NORTHWEST CORNER OF SAID 1215.843 ACRE TRACT;

THENCE SOUTH 87 DEGREES 54 MINUTES 00 SECONDS EAST A DISTANCE OF 271.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89 DEGREES 54 MINUTES 00 SECONDS EAST A DISTANCE OF 127.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 88 DEGREES 58 MINUTES 00 SECONDS EAST A DISTANCE OF 560.00 FEET TO A POINT FOR CORNER;
THENCE NORTH 87 DEGREES 46 MINUTES 00 SECONDS EAST A DISTANCE OF 917.00 FEET TO A POINT FOR CORNER;
THENCE SOUTH 86 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF 411.00 FEET TO A POINT FOR CORNER TO THE MOST NORTHERLY NORTHEAST CORNER OF SAID 1215.843 ACRE TRACT
THENCE SOUTH 01 DEGREES 44 MINUTES 00 SECONDS EAST A DISTANCE OF 889.00 FEET TO A POINT FOR CORNER;
THENCE SOUTH 58 DEGREES 17 MINUTES 00 SECONDS EAST A DISTANCE OF 675.00 FEET TO A POINT FOR CORNER;
THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS EAST A DISTANCE OF 611.00 FEET TO A POINT FOR CORNER;
THENCE SOUTH 00 DEGREES 52 MINUTES 00 SECONDS WEST A DISTANCE OF 529.00 FEET TO A POINT FOR CORNER;
THENCE SOUTH 00 DEGREES 19 MINUTES 00 SECONDS WEST A DISTANCE OF 3775.00 FEET TO A POINT FOR CORNER;
THENCE SOUTH 03 DEGREES 39 MINUTES 54 SECONDS WEST A DISTANCE OF 491.83 FEET TO A POINT FOR CORNER;
THENCE SOUTH 00 DEGREES 21 MINUTES 00 SECONDS WEST A DISTANCE OF 271.50 FEET TO A POINT FOR CORNER;
THENCE SOUTH 02 DEGREES 03 MINUTES 09 SECONDS EAST A DISTANCE OF 560.34 FEET TO A POINT FOR CORNER;
THENCE SOUTH 86 DEGREES 42 MINUTES 28 SECONDS WEST A DISTANCE OF 66.00 FEET TO A POINT FOR CORNER;
THENCE SOUTH 01 DEGREES 07 MINUTES 18 SECONDS EAST A DISTANCE OF 2883.84 FEET TO A POINT FOR CORNER AT THE MOST EASTERLY SOUTHEAST CORNER OF SAID 1215.843 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 161.91 ACRE TRACT;
THENCE SOUTH 01 DEGREES 59 MINUTES 59 SECONDS EAST A DISTANCE OF 271.54 FEET TO A POINT FOR CORNER;
THENCE SOUTH 02 DEGREES 49 MINUTES 01 SECONDS EAST A DISTANCE OF 698.98 FEET TO A POINT FOR CORNER;
THENCE SOUTH 02 DEGREES 27 MINUTES 24 SECONDS EAST A DISTANCE OF 849.68 FEET TO A POINT FOR CORNER TO THE SOUTHEAST CORNER OF SAID 161.91 ACRE TRACT;
THENCE SOUTH 88 DEGREES 39 MINUTES 30 SECONDS WEST A DISTANCE OF 2104.21 FEET TO A POINT FOR CORNER;
THENCE SOUTH 87 DEGREES 44 MINUTES 05 SECONDS WEST A DISTANCE OF 986.67 FEET TO A POINT FOR CORNER;
THENCE SOUTH 89 DEGREES 09 MINUTES 32 SECONDS WEST A DISTANCE OF 508.11 FEET TO A POINT FOR CORNER;
THENCE SOUTH 87 DEGREES 55 MINUTES 18 SECONDS WEST A DISTANCE OF 230.84 FEET TO A POINT FOR CORNER;
THENCE SOUTH 88 DEGREES 45 MINUTES 02 SECONDS WEST A DISTANCE OF 285.38 FEET TO A POINT FOR CORNER;

THENCE NORTH 74 DEGREES 25 MINUTES 03 SECONDS WEST A DISTANCE OF 1160.29 FEET TO A POINT FOR CORNER;

THENCE NORTH 74 DEGREES 36 MINUTES 18 SECONDS WEST A DISTANCE OF 404.97 FEET TO A POINT FOR CORNER TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF FM # 455;

THENCE NORTH 15 DEGREES 23 MINUTES 42 SECONDS EAST WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 40.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 74 DEGREES 36 MINUTES 18 SECONDS WEST WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 179.93 FEET TO A POINT FOR CORNER;

THENCE NORTH 52 DEGREES 06 MINUTES 25 SECONDS WEST WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 697.67 FEET TO A POINT FOR CORNER;

THENCE WITH SAID RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 363.14 FEET, WITH A RADIUS OF 986.86 FEET, WITH A CHORD BEARING OF NORTH 62 DEGREES 38 MINUTES 55 SECONDS WEST, AND WITH A CHORD LENGTH OF 361.09 FEET TO A POINT FOR CORNER;

THENCE NORTH 73 DEGREES 11 MINUTES 25 SECONDS WEST WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 199.75 FEET TO A POINT FOR CORNER;

THENCE WITH SAID RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 254.11 FEET, WITH A RADIUS OF 1367.32 FEET, WITH A CHORD BEARING OF NORTH 78 DEGREES 37 MINUTES 35 SECONDS WEST, AND WITH A CHORD LENGTH OF 253.75 FEET;

THENCE NORTH 83 DEGREES 34 MINUTES 06 SECONDS WEST WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 104.02 FEET TO A POINT FOR CORNER;

THENCE NORTH 83 DEGREES 34 MINUTES 06 SECONDS WEST WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 2140.11 FEET TO A POINT FOR CORNER;

THENCE WITH SAID RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 283.92 FEET, WITH A RADIUS OF 528.70 FEET, WITH A CHORD BEARING OF NORTH 68 DEGREES 22 MINUTES 06 SECONDS WEST, AND WITH A CHORD LENGTH OF 280.52 FEET TO A POINT FOR CORNER,;

THENCE NORTH 53 DEGREES 10 MINUTES 06 SECONDS WEST WITH SAID RIGHT-OF-WAY LINE A DISTANCE OF 766.67 FEET TO THE POINT OF BEGINNING AND ENCLOSING 2178.085 ACRES OF LAND, MORE OR LESS.

TRACT 2: 100.474 ACRES MORE OR LESS

LEGAL DESCRIPTION CONSISTING OF 100.474 ACRES MORE OR LESS BY COMPUTING EXHIBIT A IN THE DEED TO THE TRACT OF LAND DESCRIBED AS TRACT I IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. DAVIS SURVEY, ABSTRACT # 254, THE W.P. ALLEN SURVEY, ABSTRACT # 24, AND THE J. HOWARD SURVEY, ABSTRACT # 442 AND BEING ALL OF A CALLED 100.474 ACRE TRACT OF LAND DESCRIBED AS TRACT I IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT BEING DESCRIBED HEREIN AT THE INTERSECTION OF THE WEST LINE OF SAID COLLIN COUNTY WITH THE SOUTHWEST CORNER OF SAID 100.474 ACRE TRACT OF LAND;

THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST, A DISTANCE OF 1213.34 FEET TO A POINT FOR CORNER;

THENCE NORTH 89 DEGREES 57 MINUTES 51 SECONDS EAST, A DISTANCE OF 3608.95 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00 DEGREES 56 MINUTES 02 SECONDS EAST, A DISTANCE OF 1192.20 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89 DEGREES 11 MINUTES 58 SECONDS WEST, A DISTANCE OF 1594.31 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89 DEGREES 57 MINUTES 51 SECONDS WEST, A DISTANCE OF 2038.77 FEET TO THE POINT OF BEGINNING AND ENCLOSING 100.474 ACRES OF LAND, MORE OR LESS.

TRACT 3: 958.042 ACRES MORE OR LESS

LEGAL DESCRIPTION CONSISTING OF 958.042 ACRES MORE OR LESS BY COMPUTING EXHIBIT A IN THE DEED TO THE TRACT OF LAND DESCRIBED IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 114 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. W. HAYNES SURVEY, ABSTRACT # 453, J. CUMBA SURVEY, ABSTRACT # 242, THE J. QUEEN SURVEY, ABSTRACT # 733, THE J. QUEEN SURVEY, ABSTRACT # 1111, THE A. H. GEE SURVEY, ABSTRACT # 1104, THE H. COCHRAN SURVEY, ABSTRACT # 191, THE J. RAGSDALE SURVEY, ABSTRACT # 735 AND THE GERMAN IMIGRATION CO. SURVEY, ABSTRACT # 356 AND BEING ALL OF A CALLED 957.743 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 144 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT BEING DESCRIBED HEREIN AT A POINT AT THE NORTHWEST CORNER OF SAID 957.743 ACRE TRACT IN THE SOUTH RIGHT-OF-WAY LINE OF FM # 455;
THENCE SOUTH 53 DEGREES 10 MINUTES 06 SECONDS EAST WITH SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 699.50 FEET TO A POINT FOR CORNER;
THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 332.25 FEET, WITH A RADIUS OF 618.70 FEET, WITH A CHORD BEARING OF SOUTH 68 DEGREES 22 MINUTES 06 SECONDS EAST, AND WITH A CHORD LENGTH OF 328.27 FEET TO A POINT FOR CORNER;
THENCE SOUTH 83 DEGREES 34 MINUTES 06 SECONDS EAST WITH SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 2243.84 FEET TO A POINT FOR CORNER;
THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 237.99 FEET, WITH A RADIUS OF 1277.20 FEET, WITH A CHORD BEARING OF SOUTH 78 DEGREES 38 MINUTES 21 SECONDS EAST, AND WITH A CHORD LENGTH OF 237.64 FEET TO A POINT FOR CORNER;
THENCE SOUTH 73 DEGREES 11 MINUTES 25 SECONDS EAST WITH SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 131.75 FEET TO A POINT FOR CORNER;
THENCE SOUTH 16 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF 103.35 FEET TO A POINT FOR CORNER;
THENCE SOUTH 40 DEGREES 22 MINUTES 29 SECONDS WEST A DISTANCE OF 414.21 FEET TO A POINT FOR CORNER;
THENCE SOUTH 50 DEGREES 17 MINUTES 10 SECONDS EAST A DISTANCE OF 174.16 FEET TO A POINT FOR CORNER;
THENCE SOUTH 04 DEGREES 36 MINUTES 13 SECONDS EAST A DISTANCE OF 103.17 FEET TO A POINT FOR CORNER;
THENCE SOUTH 53 DEGREES 02 MINUTES 05 SECONDS WEST A DISTANCE OF 256.14 FEET TO A POINT FOR CORNER;
THENCE SOUTH 23 DEGREES 11 MINUTES 46 SECONDS WEST A DISTANCE OF 269.21 FEET TO A POINT FOR CORNER;
THENCE SOUTH 66 DEGREES 05 MINUTES 31 SECONDS EAST A DISTANCE OF 178.82 FEET TO A POINT FOR CORNER;
THENCE SOUTH 04 DEGREES 58 MINUTES 45 SECONDS EAST A DISTANCE OF 193.80 FEET TO A POINT FOR CORNER;
THENCE SOUTH 50 DEGREES 28 MINUTES 50 SECONDS WEST A DISTANCE OF 169.49 FEET TO A POINT FOR CORNER;
THENCE SOUTH 87 DEGREES 27 MINUTES 53 SECONDS WEST A DISTANCE OF 174.71 FEET TO A POINT FOR CORNER;
THENCE SOUTH 00 DEGREES 14 MINUTES 15 SECONDS WEST A DISTANCE OF 763.18 FEET TO A POINT FOR CORNER;
THENCE NORTH 86 DEGREES 32 MINUTES 52 SECONDS EAST A DISTANCE OF 1464.77 FEET TO A POINT FOR CORNER;

THENCE NORTH 89 DEGREES 13 MINUTES 02 SECONDS EAST A DISTANCE OF 524.81 FEET TO A POINT FOR CORNER IN THE WEST RIGHT-OF-WAY LINE OF FM # 455;

THENCE SOUTH 03 DEGREES 06 MINUTES 54 SECONDS WEST WITH SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 37.23 FEET TO A POINT FOR CORNER;

THENCE WITH SAID WEST RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 577.39 FEET, WITH A RADIUS OF 1477.38 FEET, WITH A CHORD BEARING OF SOUTH 08 DEGREES 00 MINUTES 36 SECONDS EAST , AND WITH A CHORD LENGTH OF 573.72 FEET TO A POINT FOR CORNER;

THENCE SOUTH 19 DEGREES 08 MINUTES 06 SECONDS EAST WITH SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 354.02 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89 DEGREES 08 MINUTES 02 SECONDS WEST A DISTANCE OF 974.20 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00 DEGREES 24 MINUTES 13 SECONDS EAST A DISTANCE OF 1724.68 FEET TO A POINT FOR CORNER;

THENCE SOUTH 01 DEGREES 25 MINUTES 40 SECONDS EAST A DISTANCE OF 2948.48 FEET TO A POINT FOR CORNER;

THENCE NORTH 88 DEGREES 01 MINUTES 35 SECONDS EAST A DISTANCE OF 1138.15 FEET TO A POINT FOR CORNER;

THENCE SOUTH 01 DEGREES 46 MINUTES 21 SECONDS EAST A DISTANCE OF 1965.29 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89 DEGREES 32 MINUTES 30 SECONDS WEST A DISTANCE OF 5389.11 FEET TO A POINT FOR CORNER;

THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST A DISTANCE OF 10550.55 FEET TO A POINT FOR CORNER;

AND ENCLOSING 958.042 ACRES OF LAND, MORE OR LESS.

(c) The legal notice of the intention to introduce a bill to create the North Celina Municipal Management District No. 3, setting forth the general substance of this section of this Act, has been published as provided by law, and the notice and a copy of a bill to create the North Celina Municipal Management District No. 3 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 copy of a bill to create the North Celina Municipal Management District No. 3 to the Texas Commission on Environmental Quality.

(e) The Texas Commission on Environmental Quality has filed its recommendations relating to a bill to create the North Celina Municipal Management District No. 3 with the governor, lieutenant governor, and 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 a bill to create the North Celina Municipal Management District No. 3 have been fulfilled and accomplished.

The amendment to **CSHB 2912** 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:

Present-not voting: Huffines.

CSHB 2912 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.

COMMITTEE SUBSTITUTE HOUSE BILL 2912 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 2912** be placed on its third reading and final passage.

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

Nays: Hall.

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

HOUSE BILL 2886 ON SECOND READING

On motion of Senator Burton and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2886** at this time on its second reading:

HB 2886, Relating to limiting the liability of certain health care providers.

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 2886 ON THIRD READING

Senator Burton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2886** 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 1317 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1317** at this time on its second reading:

HB 1317, Relating to the designation of U.S. Highway 287 in Claude as the Charles H. Roan Memorial Highway.

The bill was read second time.

Senator Rodriguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1317** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 442, Government Code, is amended by adding Section 442.019 to read as follows:

Sec. 442.019. TOM LEA TRAIL. (a) The commission shall develop a Tom Lea Trail program to commemorate the life and art of Tom Lea.

(b) The program, at a minimum, shall include:

(1) designation of locations that are historically significant to the life and art of Tom Lea;

(2) adoption of an icon, symbol, or other identifying device to represent a designation under this section;

(3) the use of the icon, symbol, or other identifying device in promoting tourism around this state by the commission and at locations designated under this section; and

(4) the development of itineraries and maps to guide tourists to locations designated under this section.

(c) The commission shall adopt:

(1) eligibility criteria for a designation under this section; and

(2) procedures to administer the program created under this section.

(d) A historic marker or sign relating to the life and art of Tom Lea that is erected or maintained pursuant to the program adopted under this section must be located not more than five miles from a location designated under Subsection (b)(1).

(e) The commission may, as necessary, enter into a memorandum of understanding with the Texas Economic Development and Tourism Office and the Texas Department of Transportation to implement this section.

(f) The commission may solicit and accept gifts, grants, and other donations from any source to implement this section. The commission is not required to promote or market the Tom Lea Trail unless the commission receives funds raised from private entities for that purpose.

(g) The following segments of highway shall constitute the Tom Lea Trail:

(1) Interstate Highway 10 from its intersection with the northern municipal boundary of El Paso to its intersection with Interstate Highway 20;

(2) Interstate Highway 20 from its intersection with Interstate Highway 10 to its intersection with the western municipal boundary of Sweetwater;

(3) Interstate Highway 20 from its intersection with the eastern municipal boundary of Sweetwater to its intersection with U.S. Highway 277;

(4) U.S. Highway 277 from its intersection with Interstate Highway 10 to its intersection with State Highway 114 in Seymour;

(5) State Highway 114 from its intersection with U.S. Highway 277 in Seymour to its intersection with State Highway 199;

(6) State Highway 199 from its intersection with U.S. Highway 281 to its intersection with Interstate Highway 30;

(7) Interstate Highway 30 from its intersection with State Highway 199 to its intersection with Interstate Highway 35 East in Dallas;

(8) Interstate Highway 35 East from its intersection with Interstate Highway 30 in Dallas to its intersection with State Highway 6 outside of the southern municipal boundary of Waco;

(9) State Highway 6 from its intersection with Interstate 35 East to its intersection with State Highway 30 in College Station;

(10) State Highway 30 from its intersection with State Highway 6 in College Station to its intersection with Interstate Highway 45;

(11) Interstate Highway 45 from its intersection with State Highway 30 to its terminus in Galveston;

(12) State Highway 21 from its intersection with State Highway 6 to its intersection with U.S. Highway 290;

(13) U.S. Highway 290 from its intersection with State Highway 21 to its intersection with the eastern municipal boundary of Austin;

(14) U.S. Highway 290 from its intersection with the western municipal boundary of Austin to its intersection with the eastern municipal boundary of Fredericksburg;

(15) U.S. Highway 290 from its intersection with the western municipal boundary of Fredericksburg to its intersection with Interstate Highway 10;

(16) Interstate Highway 10 from its intersection with U.S. Highway 290:

(A) west to its intersection with U.S. Highway 385; and

(B) east to its intersection with Interstate Highway 37;

(17) U.S. Highway 385 from its intersection with Interstate Highway 10 to its intersection with the southern municipal boundary of Odessa;

(18) Interstate Highway 37 from its intersection with Interstate Highway 10 to its intersection with U.S. Highway 77;

(19) U.S. Highway 77 from its intersection with Interstate Highway 37 to its intersection with the northern municipal boundary of Kingsville;

(20) U.S. Highway 77 from its intersection with the southern municipal boundary of Kingsville to its intersection with State Highway 285 in Riviera; and

(21) State Highway 285 from its intersection with U.S. Highway 77 in Riviera to its intersection with the eastern municipal boundary of Hebronville.

(h) In this section, a reference to a municipal boundary means that boundary as it exists on September 1, 2017.

(i) A designation of highway segments as the Tom Lea Trail may not be construed as a designation under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.).

The amendment to **HB 1317** was read and was adopted by a viva voce vote.

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

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1317** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In the recital (page 1, line 23), strike "Section 225.123" and substitute "Sections 225.123 and 225.124".

(2) Immediately following added Section 225.123, Transportation Code (page 1, between lines 32 and 33), add the following:

Sec. 225.124. KOLLYN BARTON MEMORIAL HIGHWAY. (a) The portion of Farm-to-Market Road 666 in Nueces County between its intersection with State Highway 44 and Farm-to-Market Road 624 is designated as the Kollyn Barton Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Kollyn Barton Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

The amendment to **HB 1317** 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 **HB 1317** by K. King (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 **HB 1317** 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 1317 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 1317 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1317** 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 4334 ON SECOND READING

Senator Nichols moved to suspend the regular order of business and Senate Rule 7.12(a) to take up for consideration **CSHB 4334** at this time on its second reading:

CSHB 4334, Relating to the creation of the Liberty County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The motion prevailed.

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

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4334** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 8119.002, Special District Local Laws Code, is amended to read as follows:

Sec. 8119.002. NATURE OF DISTRICT; FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit [a municipal utility district in Montgomery County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution].

(b) The creation of the district is essential 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.

(b) Subchapter C, Chapter 8119, Special District Local Laws Code, is amended by adding Sections 8119.104 and 8119.105 to read as follows:

Sec. 8119.104. 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. 8119.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, 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, subdivision requirements, 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.

(c) Chapter 8119, Special District Local Laws Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. BONDS

Sec. 8119.151. BONDS FOR ROAD PROJECTS. 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.

(d) The legal notice of the intention to introduce this section, setting forth the general substance of this section, has been published as provided by law, and the notice and a copy of this section 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.

(e) The governor, one of the required recipients, has submitted the notice and section to the Texas Commission on Environmental Quality.

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

(g) 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 section are fulfilled and accomplished.

The amendment to **CSHB 4334** 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 Nichols offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 4334** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. (a) Section 8120.002, Special District Local Laws Code, is amended to read as follows:

Sec. 8120.002. NATURE OF DISTRICT; FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit [~~a municipal utility district in Montgomery County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution~~].

(b) The creation of the district is essential 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.

(b) Subchapter C, Chapter 8120, Special District Local Laws Code, is amended by adding Sections 8120.104 and 8120.105 to read as follows:

Sec. 8120.104. 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. 8120.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, 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, subdivision requirements, 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.

(c) Chapter 8120, Special District Local Laws Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. BONDS

Sec. 8120.151. BONDS FOR ROAD PROJECTS. 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.

(d) The legal notice of the intention to introduce this section, setting forth the general substance of this section, has been published as provided by law, and the notice and a copy of this section 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.

(e) The governor, one of the required recipients, has submitted the notice and section to the Texas Commission on Environmental Quality.

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

(g) 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 section are fulfilled and accomplished.

The amendment to **CSHB 4334** 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 4334 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.

COMMITTEE SUBSTITUTE HOUSE BILL 4334 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 4334** be placed on its third reading and final passage.

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

Nays: Hall.

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

COMMITTEE SUBSTITUTE HOUSE BILL 4345 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSHB 4345** at this time on its second reading:

CSHB 4345, Relating to the creation of the Rio de Vida Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

The motion prevailed.

Senators Hall, Hancock, 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 Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4345** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 8013.401, Special District Local Laws Code (page 6, lines 1 through 5).

(2) In SECTION 1 of the bill, in added Subchapter H, Chapter 8013, Special District Local Laws Code, renumber sections of that subchapter and any cross-references to those sections appropriately.

The amendment to **CSHB 4345** 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 4345 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, Hancock, Taylor of Collin.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4345 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4345** 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, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hall, Hancock, Taylor of Collin.

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

(President in Chair)
**COMMITTEE SUBSTITUTE
HOUSE BILL 7 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 7** at this time on its second reading:

CSHB 7, Relating to child protective services suits, motions, and services by the Department of Family and Protective Services.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 7** (senate committee report) in SECTION 8 of the bill, in added Section 161.206(a-1), Family Code (page 3, lines 48 and 49), by striking "one of the parents" and substituting "the parent".

The amendment to **CSHB 7** 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 Uresti offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 7** (senate committee report) as follows:

(1) In SECTION 17 of the bill, in added Section 263.002(b), Family Code (page 6, line 53), between "each" and "hearing", insert "permanency".

(2) In SECTION 17 of the bill, in added Section 263.002(c), Family Code (page 6, line 60), strike "under this chapter" and substitute "before the final order".

The amendment to **CSHB 7** 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 Uresti offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 7** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 107.004, Family Code, is amended by adding Subsection (d-3) to read as follows:

(d-3) An attorney ad litem appointed to represent a child in the managing conservatorship of the Department of Family and Protective Services shall periodically continue to review the child's safety and well-being, including any effects of trauma to the child, and take appropriate action, including requesting a review hearing when necessary to address an issue of concern.

The amendment to **CSHB 7** 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 Menéndez offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 7** (senate committee printing) as follows:

(1) In SECTION 7 of the bill, strike added Section 161.001(c)(4), Family Code (page 3, lines 25-27), and substitute the following:

(4) provided or administered medical cannabis to a child for the treatment of symptoms related to epilepsy or autism, if the parent believes that the provision or administration is in the best interest of the child, and was recommended by at least two physicians; or

(2) In SECTION 13 of the bill, strike added Section 262.116(a)(4), Family Code (page 5, lines 54-56), and substitute the following:

(4) provided or administered medical cannabis to a child for the treatment of symptoms related to epilepsy or autism, if the parent believes that the provision or administration is in the best interest of the child, and was recommended by at least two physicians; or

The amendment to **CSHB 7** was read.

Senator Menéndez withdrew Floor Amendment No. 4.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 7** (senate committee report) by adding the following appropriately numbered SECTIONS and renumbering the SECTIONS of the bill as appropriate:

SECTION _____. Section 109.331(d), Alcoholic Beverage Code, is amended to read as follows:

(d) This section does not apply to a [~~foster group home, foster family home,~~] family home, specialized child-care [~~agency group~~] home, or agency foster home as those terms are defined by Section 42.002, Human Resources Code.

SECTION _____. Section 29.081(d), Education Code, is amended to read as follows:

(d) For purposes of this section, "student at risk of dropping out of school" includes each student who is under 26 years of age and who:

(1) was not advanced from one grade level to the next for one or more school years;

(2) if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

(3) did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

(4) if the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

(5) is pregnant or is a parent;

(6) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;

(7) has been expelled in accordance with Section 37.007 during the preceding or current school year;

(8) is currently on parole, probation, deferred prosecution, or other conditional release;

(9) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

(10) is a student of limited English proficiency, as defined by Section 29.052;

(11) is in the custody or care of the Department of Family and Protective [~~and Regulatory~~] Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

(12) is homeless, as defined by 42 U.S.C. Section 11302, and its subsequent amendments; or

(13) resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation [~~foster group home~~].

SECTION _____. Section 101.0133, Family Code, is amended to read as follows:

Sec. 101.0133. FOSTER CARE. "Foster care" means the placement of a child who is in the conservatorship of the Department of Family and Protective Services and in care outside the child's home in a residential child-care facility, including an [~~agency foster group home,~~] agency foster home, specialized child-care [~~foster group~~] home, cottage [~~foster~~] home operation, general residential operation, or another facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day.

SECTION _____. Section 101.017, Family Code, is amended to read as follows:

Sec. 101.017. LICENSED CHILD PLACING AGENCY. "Licensed child placing agency" means a person, including an organization or corporation, licensed or certified under Chapter 42, Human Resources Code, by the Department of Family and Protective Services to place a child in an adoptive home or a residential child-care facility, including a child-care facility, agency foster home, cottage home operation, or general residential operation [~~agency foster group home, or adoptive home~~].

SECTION _____. Section 262.011, Family Code, as added by Chapter 338 (H.B. 418), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 262.011. PLACEMENT IN SECURE AGENCY FOSTER HOME [~~OR SECURE AGENCY FOSTER GROUP HOME~~]. A court in an emergency, initial, or full adversary hearing conducted under this chapter may order that the child who is the subject of the hearing be placed in a secure agency foster home [~~or secure agency foster group home~~] verified in accordance with Section 42.0531, Human Resources Code, if the court finds that:

- (1) the placement is in the best interest of the child; and
- (2) the child's physical health or safety is in danger because the child has been recruited, harbored, transported, provided, or obtained for forced labor or commercial sexual activity, including any child subjected to an act specified in Section 20A.02 or 20A.03, Penal Code.

SECTION _____. Section 263.008(a)(1), Family Code, is amended to read as follows:

(1) "Agency foster [~~group~~] home[;]" and [~~"agency foster home,"~~] "facility[;]" [~~"foster group home," and "foster home"~~] have the meanings assigned by Section 42.002, Human Resources Code.

SECTION _____. Section 263.008(e), Family Code, is amended to read as follows:

(e) An ~~[agency foster group home,]~~ agency foster home~~[-, foster group home, foster home,]~~ or other residential child-care facility in which a child is placed in foster care shall provide a copy of the foster children's bill of rights to a child on the child's request. The foster children's bill of rights must be printed in English and in a second language.

SECTION _____. Section 264.0111(a), Family Code, is amended to read as follows:

(a) A child for whom the department has been appointed managing conservator and who has been placed by the department in a residential ~~[foster home or]~~ child-care facility ~~[institution]~~ as defined by Chapter 42, Human Resources Code, is entitled to keep any money earned by the child during the time of the child's placement.

SECTION _____. Sections 264.751(1) and (3), Family Code, are amended to read as follows:

(1) "Designated caregiver" means an individual who has a longstanding and significant relationship with a child for whom the department has been appointed managing conservator and who:

(A) is appointed to provide substitute care for the child, but is not ~~[licensed by the department or]~~ verified by a licensed child-placing agency ~~[or the department]~~ to operate an ~~[a foster home, foster group home,]~~ agency foster home~~[-, or agency foster group home]~~ under Chapter 42, Human Resources Code; or

(B) is subsequently appointed permanent managing conservator of the child after providing the care described by Paragraph (A).

(3) "Relative caregiver" means a relative who:

(A) provides substitute care for a child for whom the department has been appointed managing conservator, but who is not ~~[licensed by the department or]~~ verified by a licensed child-placing agency ~~[or the department]~~ to operate an ~~[a foster home, foster group home,]~~ agency foster home~~[-, or agency foster group home]~~ under Chapter 42, Human Resources Code; or

(B) is subsequently appointed permanent managing conservator of the child after providing the care described by Paragraph (A).

SECTION _____. Section 264.760, Family Code, is amended to read as follows:

Sec. 264.760. ELIGIBILITY FOR FOSTER CARE PAYMENTS AND PERMANENCY CARE ASSISTANCE. Notwithstanding any other provision of this subchapter, a relative or other designated caregiver who becomes ~~[licensed by the department or]~~ verified by a licensed child-placing agency ~~[or the department]~~ to operate an ~~[a foster home, foster group home,]~~ agency foster home~~[-, or agency foster group home]~~ under Chapter 42, Human Resources Code, may receive foster care payments in lieu of the benefits provided by this subchapter, beginning with the first month in which the relative or other designated caregiver becomes licensed or is verified.

SECTION _____. Section 264.8521, Family Code, is amended to read as follows:

Sec. 264.8521. NOTICE TO APPLICANTS. At the time a person applies to become ~~[licensed by the department or]~~ verified by a licensed child-placing agency ~~[or the department]~~ to provide foster care in order to qualify for the permanency care assistance program, the department or the child-placing agency shall:

(1) notify the applicant that a background check, including a criminal history record check, will be conducted on the individual; and

(2) inform the applicant about criminal convictions that:

(A) preclude an individual from becoming a [~~licensed foster home or~~ verified agency foster home; and

(B) may also be considered in evaluating the individual's application.

SECTION _____. Section 531.151(3), Government Code, is amended to read as follows:

(3) "Institution" means:

(A) an ICF-IID, as defined by Section 531.002, Health and Safety Code;

(B) a group home operated under the authority of the commission [~~Department of Aging and Disability Services~~], including a residential service provider under a Medicaid waiver program authorized under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n), as amended, that provides services at a residence other than the child's home or agency foster home;

(C) [~~a foster group home or an agency foster group home as defined by Section 42.002, Human Resources Code;~~

~~(D)~~ a nursing facility;

(D) [~~(E)~~] a general residential operation for children with an intellectual disability that is licensed by the commission [~~Department of Family and Protective Services~~]; or

(E) [~~(F)~~] another residential arrangement other than a foster home as defined by Section 42.002, Human Resources Code, that provides care to four or more children who are unrelated to each other.

SECTION _____. Section 31.002(b), Human Resources Code, is amended to read as follows:

(b) In this chapter, the term "dependent child" also applies to a child:

(1) who meets the specifications set forth in Subsections (a)(1)-(4);

(2) who has been removed from the home of a relative specified in Subsection (a)(5) as a result of a judicial determination that the child's residence there is contrary to his or her welfare;

(3) whose placement and care are the responsibility of the Department of Family and Protective Services or an agency with which the Department of Family and Protective Services has entered into an agreement for the care and supervision of the child;

(4) who has been placed in a residential [~~foster home or~~ child-care facility [~~institution~~] by the Department of Family and Protective Services; and

(5) for whom the state may receive federal funds for the purpose of providing foster care in accordance with rules promulgated by the executive commissioner.

SECTION _____. Section 31.008(d), Human Resources Code, is amended to read as follows:

(d) The commission may make payments on behalf of a dependent child residing in a residential [~~foster family home or a~~ child-care facility [~~institution~~] in accordance with the provisions of this chapter and commission rules.

SECTION _____. Section 42.002, Human Resources Code, is amended by amending Subdivisions (4), (5), (6), (10), (11), (12), (13), and (19) and adding Subdivision (24) to read as follows:

(4) "General residential operation" means a child-care facility that provides care for seven or more ~~[than 12]~~ children for 24 hours a day, including facilities known as ~~[children's homes, halfway houses,]~~ residential treatment centers and and~~[-]~~ emergency shelters~~[-, and therapeutic camps]~~.

(5) "Continuum-of-care residential operation" means a group of residential child-care facilities that operate under the same license or certification to provide a continuum of services to children ~~["Foster group home" means a child care facility that provides care for 7 to 12 children for 24 hours a day].~~

(6) "Cottage ~~[Foster]~~ home operation" means cottage family homes that:

(A) are identified on the operation's license;

(B) share a child-care administrator who is responsible for oversight for all homes within the operation; and

(C) are all in or near the same location as defined by department rule ~~[a child care facility that provides care for not more than six children for 24 hours a day].~~

(10) "Cottage family home" means a family residential setting with one or more homes operating under the license of a cottage home operation and in which:

(A) each home has at least one houseparent who lives at the home while children are in care; and

(B) based on the size of the home and the children's needs, each home cares for not more than six children ~~["Agency foster group home" means a facility that provides care for seven to 12 children for 24 hours a day, is used only by a licensed child placing agency, and meets department standards].~~

(11) "Agency foster home" means a facility that provides care for not more than six children for 24 hours a day, is used only by a licensed child-placing agency or continuum-of-care residential operation, and meets department standards.

(12) "Child-placing agency" means a person, including an organization, other than the natural parents or guardian of a child who plans for the placement of or places a child in a child-care facility, agency foster home, ~~[agency foster group home,]~~ or adoptive home.

(13) "Facilities" includes child-care facilities, ~~[and]~~ child-placing agencies, and continuum-of-care residential operations.

(19) "Residential child-care facility" means a facility licensed or certified by the department that operates for all of the 24-hour day. The term includes general residential operations, child-placing agencies, specialized child-care ~~[foster group] homes, cottage home operations~~ ~~[foster homes], continuum-of-care residential operations~~ ~~[agency foster group homes],~~ and agency foster homes.

(24) "Specialized child-care home" means a child-care facility that:

(A) based on the size of the home and the children's needs, provides care for not more than six children for 24 hours a day; and

(B) has a director and has at least one houseparent who lives at the home while children are in care.

SECTION _____. Subchapter A, Chapter 42, Human Resources Code, is amended by adding Section 42.0031 to read as follows:

Sec. 42.0031. REFERENCE TO PART OF CONTINUUM-OF-CARE OPERATION. With respect to a continuum-of-care operation, a reference in this code or in any other law to a type of residential child-care facility that is a part of a continuum-of-care operation shall be construed as a reference to that portion of the continuum-of-care operation, and the department may take all regulatory action with respect to the continuum-of-care operation that the department could take with respect to the type of residential child-care facility, as further specified in department rule.

SECTION _____. Section 42.041(b), Human Resources Code, is amended to read as follows:

(b) This section does not apply to:

- (1) a state-operated facility;
- (2) an agency foster home [~~or agency foster group home~~];
- (3) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities, including retreats or classes for religious instruction, on or near the premises, that does not advertise as a child-care facility or day-care center, and that informs parents that it is not licensed by the state;
- (4) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;
- (5) a youth camp licensed by the Department of State Health Services;
- (6) a facility licensed, operated, certified, or registered by another state agency;
- (7) an educational facility that is accredited by the Texas Education Agency, the Southern Association of Colleges and Schools, or an accreditation body that is a member of the Texas Private School Accreditation Commission and that operates primarily for educational purposes for prekindergarten and above, a before-school or after-school program operated directly by an accredited educational facility, or a before-school or after-school program operated by another entity under contract with the educational facility, if the Texas Education Agency, the Southern Association of Colleges and Schools, or the other accreditation body, as applicable, has approved the curriculum content of the before-school or after-school program operated under the contract;
- (8) an educational facility that operates solely for educational purposes for prekindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;
- (9) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Texas Education Agency, that offers educational programs through grade six, and that does not provide custodial care during the hours before or after the customary school day;
- (10) a family home, whether registered or listed;

(11) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers an educational program in one or more of the following: prekindergarten through at least grade three, elementary grades, or secondary grades;

(12) an emergency shelter facility, other than a facility that would otherwise require a license as a child-care facility under this section, that provides shelter or care to a minor and the minor's child or children, if any, under Section 32.201, Family Code, if the facility:

(A) is currently under a contract with a state or federal agency; or

(B) meets the requirements listed under Section 51.005(b)(3);

(13) a juvenile detention facility certified under Section 51.12, Family Code, a juvenile correctional facility certified under Section 51.125, Family Code, a juvenile facility providing services solely for the Texas Juvenile Justice Department, or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state;

(14) an elementary-age (ages 5-13) recreation program operated by a municipality provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, that such standards are provided to the parents of each program participant, and that the ordinances shall include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provided that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility;

(15) an annual youth camp held in a municipality with a population of more than 1.5 million that operates for not more than three months and that has been operated for at least 10 years by a nonprofit organization that provides care for the homeless;

(16) a food distribution program that:

(A) serves an evening meal to children two years of age or older; and

(B) is operated by a nonprofit food bank in a nonprofit, religious, or educational facility for not more than two hours a day on regular business days;

(17) a child-care facility that operates for less than three consecutive weeks and less than 40 days in a period of 12 months;

(18) a program:

(A) in which a child receives direct instruction in a single skill, talent, ability, expertise, or proficiency;

(B) that does not provide services or offerings that are not directly related to the single talent, ability, expertise, or proficiency;

(C) that does not advertise or otherwise represent that the program is a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D) that informs the parent or guardian:

(i) that the program is not licensed by the state; and

(ii) about the physical risks a child may face while participating in the program; and

(E) that conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(19) an elementary-age (ages 5-13) recreation program that:

(A) adopts standards of care, including standards relating to staff ratios, staff training, health, and safety;

(B) provides a mechanism for monitoring and enforcing the standards and receiving complaints from parents of enrolled children;

(C) does not advertise as or otherwise represent the program as a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D) informs parents that the program is not licensed by the state;

(E) is organized as a nonprofit organization or is located on the premises of a participant's residence;

(F) does not accept any remuneration other than a nominal annual membership fee;

(G) does not solicit donations as compensation or payment for any good or service provided as part of the program; and

(H) conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(20) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the caretaker:

(A) had a prior relationship with the child or sibling group or other family members of the child or sibling group;

(B) does not care for more than one unrelated child or sibling group;

(C) does not receive compensation or solicit donations for the care of the child or sibling group; and

(D) has a written agreement with the parent to care for the child or sibling group;

(21) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which:

(A) the department is the managing conservator of the child or sibling group;

(B) the department placed the child or sibling group in the caretaker's home; and

(C) the caretaker had a long-standing and significant relationship with the child or sibling group before the child or sibling group was placed with the caretaker;

(22) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the child is in the United States on a time-limited visa under the sponsorship of the caretaker or of a sponsoring organization; ~~or~~

(23) a facility operated by a nonprofit organization that:

(A) does not otherwise operate as a child-care facility that is required to be licensed under this section;

(B) provides emergency shelter and care for not more than 15 days to children 13 years of age or older but younger than 18 years of age who are victims of human trafficking alleged under Section 20A.02, Penal Code;

(C) is located in a municipality with a population of at least 600,000 that is in a county on an international border; and

(D) meets one of the following criteria:

(i) is licensed by, or operates under an agreement with, a state or federal agency to provide shelter and care to children; or

(ii) meets the eligibility requirements for a contract under Section 51.005(b)(3); or

(24) a facility that provides respite care exclusively for a local mental health authority under a contract with the local mental health authority.

SECTION ____ . Section 42.042, Human Resources Code, is amended by amending Subsections (e-1), (g), and (h-1) and adding Subsection (s) to read as follows:

(e-1) The department may not prohibit possession of lawfully permitted firearms and ammunition in ~~[a foster home of any type, including a foster group home, a foster home, an agency foster group home, and]~~ an agency foster home. Minimum standards may be adopted under this section relating to safety and proper storage of firearms and ammunition, including standards requiring firearms and ammunition to be stored separately in locked locations.

(g) In promulgating minimum standards the executive commissioner may recognize and treat differently the types of services provided by the following:

(1) registered family homes;

(2) child-care facilities, including general residential operations, cottage home operations ~~[foster group homes]~~, specialized child-care ~~[foster]~~ homes, group day-care homes, and day-care centers;

(3) child-placing agencies;

(4) agency foster homes;

(5) continuum-of-care residential operations ~~[agency foster group homes]~~;

(6) before-school or after-school programs; and

(7) school-age programs.

(h-1) The executive commissioner shall adopt rules governing:

(1) the placement and care of children by a child-placing agency, as necessary to ensure the health and safety of those children;

(2) the verification and monitoring of agency foster homes~~[-agency foster group homes;]~~ and adoptive homes by a child-placing agency; and

(3) if appropriate, child-placing agency staffing levels, office locations, and administration.

(s) A continuum-of-care residential operation shall ensure that each residential child-care facility operating under the operation's license complies with this chapter and any standards and rules adopted under this chapter that apply to the facility. The executive commissioner by rule may prescribe the actions a continuum-of-care residential operation must take to comply with the minimum standards for each facility type.

SECTION _____. Section 42.0421(e), Human Resources Code, is amended to read as follows:

(e) In addition to other training required by this section, the executive commissioner by rule shall require an owner, operator, or employee of a day-care center, group day-care home, registered family home, general residential operation, cottage home operation [~~foster group home~~], or specialized child-care [agency foster group] home who transports a child under the care of the facility whose chronological or developmental age is younger than nine years of age to complete at least two hours of annual training on transportation safety.

SECTION _____. Section 42.044(e), Human Resources Code, is amended to read as follows:

(e) In addition to the department's responsibility to investigate an agency foster home [~~or agency foster group home~~] under Subsection (c), the department shall:

(1) periodically conduct inspections of a random sample of agency foster homes [~~and agency foster group homes~~];

(2) investigate any report of a serious incident in an agency foster home [~~or agency foster group home~~] that pertains to a child under the age of six;

(3) investigate any alleged violation of a minimum standard by an agency foster home [~~or agency foster group home~~] that poses a high degree of risk to a child in the care of the home who is under the age of six; and

(4) conduct at least one annual enforcement team conference for each child-placing agency to thoroughly review the investigations or inspections of the child-placing agency and all of its agency foster homes to monitor and enforce compliance by a child-placing agency with rules and standards established under Section 42.042.

SECTION _____. Section 42.0448, Human Resources Code, is amended to read as follows:

Sec. 42.0448. NOTIFICATION OF FAMILY VIOLENCE CALLS. The department shall notify a child-placing agency or a continuum-of-care residential operation that includes a child-placing agency of each family violence report the department receives under Article 5.05, Code of Criminal Procedure, that:

(1) occurred at an agency foster home [~~verified by the child placing agency~~]; or

(2) involves a person who resides at an agency foster home [~~verified by the child placing agency~~].

SECTION _____. Section 42.0449, Human Resources Code, is amended to read as follows:

Sec. 42.0449. REQUIRED ACTIONS AFTER NOTICE OF FAMILY VIOLENCE CALL. The executive commissioner shall adopt rules specifying the actions that the department, [~~an independent foster home, and~~] a child-placing agency,

and a continuum-of-care residential operation that includes a child-placing agency shall take after receiving notice of a family violence report under Article 5.05, Code of Criminal Procedure, or Section 42.0448 to ensure the health, safety, and welfare of each child residing in the ~~[licensed foster home or]~~ verified agency foster home.

SECTION _____. Section 42.045(d), Human Resources Code, is amended to read as follows:

(d) A ~~[An independent foster home and a]~~ child-placing agency shall notify the department of any change of address for an ~~[a licensed foster home or a verified]~~ agency foster home. The ~~[independent foster home and]~~ child-placing agency shall notify the department of the address change within the earlier of two business days or 72 hours of the date the agency foster home changes its address.

SECTION _____. The heading to Section 42.0451, Human Resources Code, is amended to read as follows:

Sec. 42.0451. DATABASE OF AGENCY FOSTER HOMES; INFORMATION PROVIDED TO DEPARTMENT OF PUBLIC SAFETY.

SECTION _____. Sections 42.0451(a) and (c), Human Resources Code, are amended to read as follows:

(a) The department shall maintain a database of ~~[licensed foster homes and verified]~~ agency foster homes including the current address for each agency foster ~~[licensed or verified]~~ home as reported to the department. The database must be updated on a regular basis.

(c) The Department of Public Safety shall include the information provided under Subsection (b) in the Texas Crime Information Center database and establish a procedure by which a peace officer or employee of a law enforcement agency who provides the department with a street address is automatically provided information as to whether the address is ~~[licensed as a foster home or]~~ verified as an agency foster home under this chapter.

SECTION _____. Section 42.0452, Human Resources Code, is amended to read as follows:

Sec. 42.0452. FOSTER PARENT RIGHTS AND RESPONSIBILITIES STATEMENT. (a) The department shall develop a statement that lists the rights and responsibilities of a foster parent in ~~[a foster home or]~~ an agency foster home and ~~[of the department or]~~ a child-placing agency, as applicable.

(b) The department shall provide a written copy of the statement developed under Subsection (a) to each foster parent in an agency ~~[a]~~ foster home and to each child-placing agency licensed by the department. A child-placing agency shall provide a written copy of the statement developed under Subsection (a) to each foster parent in an agency foster home verified by the child-placing agency.

SECTION _____. Section 42.046(a), Human Resources Code, is amended to read as follows:

(a) An applicant for a license to operate a child-care facility, ~~[or]~~ child-placing agency, or continuum-of-care residential operation or for a listing or registration to operate a family home shall submit to the department the appropriate fee prescribed by Section 42.054 and a completed application on a form provided by the department.

SECTION _____. The heading to Section 42.0461, Human Resources Code, is amended to read as follows:

Sec. 42.0461. PUBLIC NOTICE AND HEARING [~~IN CERTAIN COUNTIES~~]: RESIDENTIAL CHILD CARE.

SECTION _____. Sections 42.0461(a), (d), and (e), Human Resources Code, are amended to read as follows:

(a) Before the department may issue a license or certificate for the operation or the expansion of the capacity [~~of a foster group home or foster family home that is located in a county with a population of less than 300,000 and that provides child care for 24 hours a day at a location other than the actual residence of a child's primary caretaker or~~] of a general residential operation, a cottage home operation, or a continuum-of-care residential operation that is located in a county with a population of less than 300,000, the applicant for the license, certificate, or expansion shall, at the applicant's expense:

(1) conduct a public hearing on the application in accordance with department rules after notifying the department of the date, time, and location of the hearing; and

(2) publish notice of the application in a newspaper of general circulation in the community in which the child-care services are proposed to be provided.

(d) Before issuing a license or certificate described by Subsection (a), the department shall consider written information provided by an interested party directly to the department's representative at the public hearing concerning:

(1) the amount of local resources available to support children proposed to be served by the applicant;

(2) the impact of the proposed child-care services on the ratio in the local school district of students enrolled in a special education program to students enrolled in a regular education program and the effect, if any, on the children proposed to be served by the applicant; and

(3) the impact of the proposed child-care services on the community and the effect on opportunities for social interaction for the children proposed to be served by the applicant.

(e) Based on the written information provided to the department's representative at the public hearing, the [The] department may deny the application if the department determines that:

(1) the community has insufficient resources to support children proposed to be served by the applicant;

(2) granting the application would significantly increase the ratio in the local school district of students enrolled in a special education program to students enrolled in a regular education program and the increase would adversely affect the children proposed to be served by the applicant; or

(3) granting the application would have a significant adverse impact on the community and would limit opportunities for social interaction for the children proposed to be served by the applicant.

SECTION _____. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0463 to read as follows:

Sec. 42.0463. EXPANSION OF CAPACITY. (a) Notwithstanding the limitations established by Section 42.002, the department may:

(1) develop, by rule, criteria to determine when it may be appropriate to exclude children who are related to a caretaker in determining a residential child-care facility's total capacity; and

(2) issue an exception in accordance with department rules allowing an agency foster home, cottage family home, or specialized child-care home to expand its capacity and care for not more than eight children.

(b) The department may include children who are related to a caretaker when determining under Subsection (a)(1) whether a residential child-care facility complies with the standards relating to total capacity or child-to-caregiver ratios for the facility.

SECTION _____. Section 42.048(e), Human Resources Code, is amended to read as follows:

(e) A license issued under this chapter is not transferable and applies only to the operator and facility location stated in the license application. Except as provided by this subsection, a change in location or ownership automatically revokes a license. A change in location of a child-placing agency does not automatically revoke the license to operate the child-placing agency. A residential child-care facility operating under the license of a continuum-of-care residential operation that changes location may not continue to operate under that license unless the department approves the new location after the continuum-of-care residential operation meets all requirements related to the new location.

SECTION _____. Section 42.053, Human Resources Code, is amended to read as follows:

Sec. 42.053. AGENCY FOSTER HOMES [~~AND AGENCY FOSTER GROUP HOMES~~]. (a) An agency foster home [~~or agency foster group home~~] is considered part of the child-placing agency that operates the agency foster home [~~or agency foster group home~~] for purposes of licensing.

(b) The operator of a licensed agency shall display a copy of the license in a prominent place in the agency foster home [~~or agency foster group home~~] used by the agency.

(c) An agency foster home [~~or agency foster group home~~] shall comply with all provisions of this chapter and all department rules and standards that apply to a child-care facility caring for a similar number of children for a similar number of hours each day.

(d) The department shall revoke or suspend the license of a child-placing agency if an agency foster home [~~or agency foster group home~~] operated by the licensed agency fails to comply with Subsection (c).

(e) Before verifying an agency foster home, a child-placing agency may issue a provisional verification to the home. The executive commissioner by rule may establish the criteria for a child-placing agency to issue a provisional verification to a prospective agency foster home.

(f) If a child-placing agency under contract with the division to provide services as an integrated care coordinator places children with caregivers described by Subchapter I, Chapter 264, Family Code, those caregivers are not considered a part of the child-placing agency for purposes of licensing.

SECTION _____. Section 42.0531, Human Resources Code, is amended to read as follows:

Sec. 42.0531. SECURE AGENCY FOSTER HOMES [~~AND SECURE AGENCY FOSTER GROUP HOMES~~]. (a) The commissioners court of a county or governing body of a municipality may contract with a child-placing agency to verify a secure agency foster home [~~or secure agency foster group home~~] to provide a safe and therapeutic environment tailored to the needs of children who are victims of trafficking.

(b) A child-placing agency may not verify a secure agency foster home [~~or secure agency foster group home~~] to provide services under this section unless the child-placing agency holds a license issued under this chapter that authorizes the agency to provide services to victims of trafficking in accordance with department standards adopted under this chapter for child-placing agencies.

(c) A secure agency foster home [~~or secure agency foster group home~~] verified under this section must provide:

(1) mental health and other services specifically designed to assist children who are victims of trafficking under Section 20A.02 or 20A.03, Penal Code, including:

- (A) victim and family counseling;
- (B) behavioral health care;
- (C) treatment and intervention for sexual assault;
- (D) education tailored to the child's needs;
- (E) life skills training;
- (F) mentoring; and
- (G) substance abuse screening and treatment as needed;

(2) individualized services based on the trauma endured by a child, as determined through comprehensive assessments of the service needs of the child;

(3) 24-hour services; and

(4) appropriate security through facility design, hardware, technology, and staffing.

SECTION _____. Sections 42.0535(a), (b), (d), and (e), Human Resources Code, are amended to read as follows:

(a) A child-placing agency that seeks to verify an agency foster home [~~or an agency group home~~] shall request background information about the agency foster home [~~or group home~~] from a child-placing agency that has previously verified the home as an [~~that~~] agency foster home or agency foster group home.

(b) Notwithstanding Section 261.201, Family Code, a child-placing agency that has verified an agency foster home or an agency foster group home is required to release to another child-placing agency background information requested under Subsection (a).

(d) For purposes of this section, background information means the home study under which the agency foster home or agency foster group home was verified by the previous child-placing agency and any record of noncompliance with state minimum standards received and the resolution of any such noncompliance by the previous child-placing agency.

(e) The executive commissioner by rule shall develop a process by which a child-placing agency shall report to the department:

(1) the name of any agency ~~verified~~ foster home ~~[or foster group home]~~ that has been closed for any reason, including a voluntary closure;

(2) information regarding the reasons for the closure of the agency foster home ~~[or foster group home]~~; and

(3) the name and other contact information of a person who may be contacted by another child-placing agency to obtain the records relating to the closed agency foster home ~~[or foster group home]~~ that are required to be maintained and made available under this section.

SECTION _____. Sections 42.054(a), (b), (d), and (g), Human Resources Code, are amended to read as follows:

(a) The department shall charge an applicant a nonrefundable application fee for an initial license to operate a child-care facility, ~~[or]~~ a child-placing agency, or a continuum-of-care residential operation.

(b) The department shall charge each child-care facility a fee for an initial license. The department shall charge each child-placing agency and continuum-of-care residential operation a fee for an initial license.

(d) The department shall charge each licensed child-placing agency and continuum-of-care residential operation an annual license fee. The fee is due on the date on which the department issues the ~~[child placing agency's]~~ initial license to the child-placing agency or continuum-of-care residential operation and on the anniversary of that date.

(g) The provisions of Subsections (b) through (f) do not apply to:

- (1) ~~[licensed foster homes and licensed foster group homes;~~
~~(2)]~~ nonprofit facilities regulated under this chapter that provided 24-hour care for children in the managing conservatorship of the department during the 12-month period immediately preceding the anniversary date of the facility's license;
- (2) ~~(3)]~~ facilities operated by a nonprofit corporation or foundation that provides 24-hour residential care and does not charge for the care provided; or
- (3) ~~(4)]~~ a family home listed under Section 42.0523 in which the relative child-care provider cares for the child in the child's own home.

SECTION _____. Section 42.0561, Human Resources Code, is amended to read as follows:

Sec. 42.0561. INFORMATION RELATING TO FAMILY VIOLENCE REPORTS. Before ~~[the department may issue a license or registration for a foster home or]~~ a child-placing agency may issue a verification certificate for an agency foster home, the ~~[department or]~~ child-placing agency must obtain information relating to each family violence report at the applicant's residence to which a law enforcement agency responded during the 12 months preceding the date of the application. The applicant shall provide the information on a form prescribed by the department.

SECTION _____. Section 42.063(d), Human Resources Code, is amended to read as follows:

(d) An employee or volunteer of a general residential operation, child-placing agency, continuum-of-care residential operation, cottage home operation [~~foster home~~], or specialized child-care [~~foster group~~] home shall report any serious incident directly to the department if the incident involves a child under the care of the operation, agency, or home.

SECTION _____. Sections 42.0461(f) and (g), Human Resources Code, are repealed.

SECTION _____. Subject to an appropriation of funds for this purpose, the executive commissioner of the Health and Human Services Commission shall adopt minimum standards related to continuum-of-care operations, cottage home operations, and specialized child-care homes as provided by Section 42.042, Human Resources Code, as amended by this Act, as soon as practicable after the effective date of this Act.

SECTION _____. (a) The executive commissioner of the Health and Human Services Commission shall develop and implement a procedure by which a residential child-care facility that holds a license or certification issued under Chapter 42, Human Resources Code, may convert the license or certification to a new type of residential child-care facility license or certification created by this Act.

(b) With respect to a residential child-care facility converting a license or certification under Subsection (a) of this section, the Health and Human Services Commission may waive requirements for an initial inspection, an initial background and criminal history check, or a family violence report, or for notice and hearing if the commission determines that previous inspections, background and criminal history checks, family violence reports, or notice and hearing, as applicable, were conducted and are sufficient to ensure the safety of children receiving care at the residential child-care facility converting a license or certification.

SECTION _____. (a) The executive commissioner of the Health and Human Services Commission shall develop and implement a procedure that requires a foster home or a foster group home that holds a license issued by the Department of Family and Protective Services under Chapter 42, Human Resources Code, before September 1, 2017, to convert the license to another residential child-care facility license issued under Chapter 42, Human Resources Code, or relinquish the license.

(b) With respect to a foster home or foster group home converting a license under Subsection (a) of this section, the Health and Human Services Commission may waive requirements for an initial inspection, an initial background and criminal history check, or a family violence report, or for notice and hearing if the commission determines that previous inspections, background and criminal history checks, family violence reports, or notice and hearing, as applicable, were conducted and are sufficient to ensure the safety of children receiving care at the foster home or foster group home converting a license or certification.

(c) The Department of Family and Protective Services may not issue a license or certification to a foster home or foster group home after August 31, 2017.

(d) A foster home or a foster group home that was licensed by the department before September 1, 2017, may continue to operate under the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose, until each foster home and foster group home has been converted to another residential child-care facility license or the license has been relinquished.

SECTION _____. (a) The executive commissioner of the Health and Human Services Commission shall develop and implement a procedure that requires a child-placing agency that verified, before September 1, 2017, an agency foster group home according to the Minimum Standards for Child-Placing Agencies to convert the agency foster group home to an agency foster home or to close the agency foster group home.

(b) With respect to a child-placing agency converting an agency foster group home under Subsection (a) of this section, the Health and Human Services Commission may waive requirements for an initial inspection, an initial background and criminal history check, or a family violence report, if the commission determines that previous inspections, background and criminal history checks, or family violence reports, as applicable, were conducted and are sufficient to ensure the safety of children receiving care at the agency foster home.

(c) A child-placing agency may not verify an agency foster group home after August 31, 2017.

(d) An agency foster group home that was verified by a child-placing agency before September 1, 2017, may continue to operate under the child-placing agency that verified the home and under the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose, until each agency foster group home has been converted to a verified foster home or has been closed.

The amendment to **CSHB 7** 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.

CSHB 7 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 7 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 7** 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.

STATEMENT OF LEGISLATIVE INTENT

Senator Uresti submitted the following statement of legislative intent for **HB 7**:
I submit this statement as a clarification of legislative intent for House Bill 7.

House Bill 7 amended Section 263.401 of the Family Code. This section requires the court to notify the parties in the suit with a 60 day warning prior to the suit's anniversary. This notification may be communicated to the parties through any means deemed appropriate by the court. A court's failure to provide this 60 day warning does not affect whether the court is required to dismiss at the deadline.

Furthermore, it is the intent of this Legislature to encourage all counties to provide minors in the conservatorship of the Department of Family and Protective Services with legal representation. House Bill 7 does not mandate every county appoint an attorney ad litem for every youth in the conservatorship of the state, but Texas counties, as they are able, should strive to ensure children in foster care have appropriate legal representation.

Sections 107.002 (b) and (c), Family Code clarifies that a guardian ad litem has the authority to interview a child's educator and child welfare service provider as part of their required duties as an ad litem. Added subsections (7) through (11) expand the ability for the guardian ad litem to observe and validate problems within a placement, which may necessitate action by other parties in the suit. If a child welfare service provider has violated one of the youth's rights as outlined in the Foster Children's Bill of Rights in Section 263.008, Family Code, then the guardian ad litem should communicate with other parties in the suit to resolve the problem. With the passage of this legislation, the Legislature intends to empower the state's guardians ad litem to be able to assess the physical safety and emotional well-being of the children in foster care.

The Texas Legislature intends for House Bill 7 to improve the lives of all parties involved in the Child Protective Services system. Let this legislative intent serve as an interpretive guide for the Department of Family and Protective Services, the Office of Court Administration, the Supreme Court Children's Commission, the State Bar of Texas, and all other affected agencies.

URESTI

RECESS

On motion of Senator Whitmire, the Senate at 8:13 p.m. recessed until 8:30 p.m. today for the Local and Uncontested Calendar Session.

AFTER RECESS

The Senate met at 9:04 p.m. and was called to order by Senator Kolkhorst.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

HB 59 (Zaffirini)

Relating to certain lottery prize winners' choice to remain anonymous.
(viva voce vote) (31-0) (31-0)

HB 104 (Nichols)

Relating to notification provided to certain victims of criminal offenses.
(viva voce vote) (31-0) (31-0)

HB 162 (Menéndez)

Relating to conditions of community supervision for defendants convicted of certain criminal offenses involving animals; authorizing fees.
(viva voce vote) (29-2) "Nays" Hall, Huffines (29-2) "Nays" Hall, Huffines

HB 208 (Taylor of Collin)

Relating to designating the third Wednesday in October as Breast Reconstruction Awareness Day.
(viva voce vote) (31-0) (31-0)

HB 210 (Taylor of Collin)

Relating to designating March 21 as BRAVE Day.
(viva voce vote) (31-0) (31-0)

CSHB 249 (Taylor of Collin)

Relating to investigations of child abuse, neglect, or exploitation and to child protective services functions of the Department of Family and Protective Services.
(viva voce vote) (31-0) (31-0)

HB 281 (Huffman)

Relating to establishing a statewide electronic tracking system for evidence of a sex offense.
(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 297 (West)

Relating to the designation of January 9 as Law Enforcement Appreciation Day.
(viva voce vote) (31-0) (31-0)

HB 332 (Estes)

Relating to the use of school district buildings as polling place locations.
(viva voce vote) (31-0) (31-0)

HB 338 (Perry)

Relating to acreage contracts and quantity contracts for the purchase of agricultural products.
(viva voce vote) (31-0) (31-0)

HB 357 (Huffman)

Relating to the eligibility of the children of certain first responders for free prekindergarten programs in public schools.
(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 441 (Lucio)

Relating to operation of public schools on Memorial Day.
(viva voce vote) (31-0) (31-0)

HB 451 (Creighton)

Relating to waiver of immunity in certain employment discrimination actions in connection with a workers' compensation claim.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

CSHB 457 (Estes)

Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

(viva voce vote) (31-0) (31-0)

HB 462 (Zaffirini)

Relating to the provision of notice of proposed rules by state agencies.

(viva voce vote) (31-0) (31-0)

HB 492 (Perry)

Relating to a waiver for certain programs from youth camp licensing.

(viva voce vote) (31-0) (31-0)

HB 523 (Kolkhorst)

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

(viva voce vote) (30-1) "Nay" Hancock (30-1) "Nay" Hancock

HB 557 (Burton)

Relating to the expunction of arrest records and files for certain persons and to the return of certain fees to a person whose criminal record has been expunged or who is the subject of an order of nondisclosure of criminal history record information; authorizing a fee.

(viva voce vote) (31-0) (31-0)

HB 683 (Menéndez)

Relating to the prosecution of the offense of possession or use of law enforcement identification, insignia, or vehicles in a municipality and the clarification of the offenses of false identification as a peace officer and misrepresentation of property.

(viva voce vote) (30-1) "Nay" Huffines (30-1) "Nay" Huffines

HB 755 (Nelson)

Relating to the use by certain tax-exempt organizations of certain payments made in connection with real property transfers to provide educational activities through certain schools.

(viva voce vote) (31-0) (31-0)

HB 776 (Buckingham)

Relating to the removal of home addresses from personal financial statements filed by certain persons.

(viva voce vote) (31-0) (31-0)

Senator Buckingham offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 776** (house engrossed version) in SECTION 1 of the bill, in amended Section 572.032(a-1), Government Code (page 1, line 7), between "address" and "of", by inserting ", the telephone number, and the names of the dependent children".

The committee amendment to **HB 776** 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 822 (Hinojosa)

Relating to designating April as Sexual Assault Awareness Month.

(viva voce vote) (31-0) (31-0)

CSHB 846 (Menéndez)

Relating to the implementation of student financial assistance programs for veterans and their families.

(viva voce vote) (31-0) (31-0)

HB 897 (Schwertner)

Relating to the exemption from the taxes imposed on the sale, use, or rental of a motor vehicle for certain motor vehicles used for religious purposes.

(viva voce vote) (31-0) (31-0)

Senator Schwertner offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 897** (engrossed version) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 6), strike "Section 152.001(12), Tax Code, is" and substitute "Sections 152.001(7) and (12), Tax Code, are".

(2) In SECTION 1 of the bill, immediately before amended Section 152.001(12), Tax Code (page 1, between lines 7 and 8), insert the following:

(7) "Public agency" means:

(A) a department, commission, board, office, institution, or other agency of this state or of a county, city, town, school district, hospital district, water district, or other special district or authority or political subdivision created by or under the constitution or the statutes of this state; ~~or~~

(B) an unincorporated agency or instrumentality of the United States; or

(C) an open-enrollment charter school.

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

SECTION _____. Section 502.453(a), Transportation Code, is amended to read as follows:

(a) The owner of a motor vehicle, trailer, or semitrailer may annually apply for registration under Section 502.451 and is exempt from the payment of a registration fee under this chapter if the vehicle is:

- (1) owned by and used exclusively in the service of:
 - (A) the United States;
 - (B) this state; ~~[or]~~
 - (C) a county, municipality, or school district in this state; or
 - (D) an open-enrollment charter school;
- (2) owned by a commercial transportation company and used exclusively to provide public school transportation services to a school district under Section 34.008, Education Code;
- (3) designed and used exclusively for fire fighting;
- (4) owned by a volunteer fire department and used exclusively in the conduct of department business;
- (5) privately owned and used by a volunteer exclusively in county marine law enforcement activities, including rescue operations, under the direction of the sheriff's department;
- (6) used by law enforcement under an alias for covert criminal investigations; or
- (7) owned by units of the United States Coast Guard Auxiliary headquartered in Texas and used exclusively for conduct of United States Coast Guard or Coast Guard Auxiliary business and operations, including search and rescue, emergency communications, and disaster operations.

The committee amendment to **HB 897** 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 913 (Taylor of Galveston)

Relating to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons.

(viva voce vote) (31-0) (31-0)

CSHB 929 (Taylor of Collin)

Relating to the time for returning ballots mailed by certain federal postcard applicants.

(viva voce vote) (31-0) (31-0)

HB 967 (Hughes)

Relating to the powers of the TexAmericas Center.

(viva voce vote) (28-3) "Nays" Hall, Hancock, Taylor of Collin (28-3) "Nays" Hall, Hancock, Taylor of Collin

HB 995 (Rodríguez)

Relating to the form and revocation of medical powers of attorney.

(viva voce vote) (30-1) "Nay" Campbell (30-1) "Nay" Campbell

HB 1066 (Bettencourt)

Relating to the collection of certain judgments through court proceeding.

(viva voce vote) (31-0) (31-0)

CSHB 1162 (Zaffirini)

Relating to the designation of a portion of Farm-to-Market Road 649 as the State Trooper David Lee Nevarez Memorial Highway.

(viva voce vote) (31-0) (31-0)

HB 1166 (Kolkhorst)

Relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.

(viva voce vote) (31-0) (31-0)

CSHB 1234 (Hinojosa)

Relating to filing fees imposed in civil cases in Hidalgo County and Cameron County.

(viva voce vote) (28-3) "Nays" Burton, Hall, Taylor of Collin (28-3) "Nays" Burton, Hall, Taylor of Collin

HB 1238 (Hughes)

Relating to investment training for officers of public housing authorities.

(viva voce vote) (31-0) (31-0)

HB 1247 (Nichols)

Relating to notice provided to vehicle owners and lienholders by operators of vehicle storage facilities.

(viva voce vote) (31-0) (31-0)

HB 1254 (Birdwell)

Relating to designating July 26 as Waxahachie Chautauqua Day.

(viva voce vote) (31-0) (31-0)

HB 1256 (Hancock)

Relating to the issuance of Blessed are the Peacemakers specialty license plates.

(viva voce vote) (31-0) (31-0)

HB 1266 (Nelson)

Relating to notice for hearings and trial settings in criminal cases.

(viva voce vote) (31-0) (31-0)

HB 1470 (Creighton)

Relating to the public sale of real property under a power of sale in a security instrument.

(viva voce vote) (30-1) "Nay" Huffines (30-1) "Nay" Huffines

STATEMENT OF LEGISLATIVE INTENT

Senator Creighton submitted the following statement of legislative intent for **HB 1470**:

HB 1470 applies only to a public sale of residential real property conducted under a power of sale in a security instrument. The definition of security instrument in the bill is taken from Chapter 51 of the Property Code, which defines "security instrument" to mean a "deed of trust, mortgage, or other contract lien on an interest in real property." It is not the intent of HB 1470 to apply to the enforcement of such assessment liens by property owner's associations that arise as servitudes under dedicatory instrument, which are comprehensively regulated under Chapter 209, Property Code.

Such liens are not "contractual liens" in the sense intended by the definition of "security instrument" in Chapter 51, Property Code.

CREIGHTON

HB 1480 (Rodríguez)

Relating to a writ of mandamus by a court of appeals against an associate judge in certain cases.

(viva voce vote) (31-0) (31-0)

HB 1481 (Kolkhorst)

Relating to the abolition of the fee established by the commissioner of the General Land Office for processing applications for terminal facility discharge prevention and response certificates.

(viva voce vote) (31-0) (31-0)

HB 1503 (Huffman)

Relating to the reporting of attempted child abductions.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)

CSHB 1508 (West)

Relating to notice to applicants to and enrollees in certain educational programs regarding the consequences of a criminal conviction on eligibility for an occupational license.

(viva voce vote) (31-0) (31-0)

HB 1510 (Zaffirini)

Relating to the transfer of certain functions related to emergency services districts from the Department of Agriculture to the Texas Division of Emergency Management.

(viva voce vote) (31-0) (31-0)

CSHB 1521 (Whitmire)

Relating to the exchange of certain information between the Department of Family and Protective Services or certain foster care services contractors and a state or local juvenile justice agency.

(viva voce vote) (31-0) (31-0)

HB 1543 (Watson)

Relating to access to records that pertain to the testing for, and fitting and dispensing of, hearing instruments.

(viva voce vote) (31-0) (31-0)

CSHB 1569 (Nichols)

Relating to the disclosure to public schools of certain records of students placed in residential facilities.

(viva voce vote) (31-0) (31-0)

HB 1593 (Hughes)

Relating to the engagement strategies included in a school district's family engagement plan.

(viva voce vote) (31-0) (31-0)

CSHB 1595 (Bettencourt)

Relating to an early voting ballot voted by mail.

(viva voce vote) (31-0) (31-0)

CSHB 1600 (Watson)

Relating to certain mental health screenings under the Texas Health Steps program.

(viva voce vote) (29-2) "Nays" Hall, Huffines (29-2) "Nays" Hall, Huffines

CSHB 1629 (Zaffirini)

Relating to the development of a quality-based outcome measure for the child health plan program and Medicaid regarding certain persons with HIV.

(viva voce vote) (30-1) "Nay" Huffines (30-1) "Nay" Huffines

HB 1642 (Kolkhorst)

Relating to reporting requirements for investigations of abuse, neglect, or exploitation against residents of certain health facilities.

(viva voce vote) (31-0) (31-0)

CSHB 1643 (Seliger)

Relating to the prosecution of the criminal offense of operation of an unmanned aircraft over certain facilities.

(viva voce vote) (27-4) "Nays" Bettencourt, Huffines, Taylor of Collin, Watson (27-4) "Nays" Bettencourt, Huffines, Taylor of Collin, Watson

HB 1657 (West)

Relating to the renewal of a certificate of registration by certain interior designers.

(viva voce vote) (30-1) "Nay" Huffines (30-1) "Nay" Huffines

HB 1698 (Estes)

Relating to the licensing and regulation of a journeyman industrial electrician.

(viva voce vote) (31-0) (31-0)

HB 1716 (Miles)

Relating to territory of county assistance districts.

(viva voce vote) (29-2) "Nays" Hall, Perry (29-2) "Nays" Hall, Perry

HB 1727 (Creighton)

Relating to the issuance of certain search warrants.

(viva voce vote) (31-0) (31-0)

HB 1730 (Kolkhorst)

Relating to certification of the state's primary standards of weights and measures.

(viva voce vote) (31-0) (31-0)

HB 1794 (Kolkhorst)

Relating to the establishment of the Work Group on Mental Health Access for First Responders.

(viva voce vote) (31-0) (31-0)

CSHB 1808 (Garcia)

Relating to the prosecution and punishment of certain trafficking and sexual offenses; creating a criminal offense.

(viva voce vote) (31-0) (31-0)

CSHB 1816 (Creighton)

Relating to the operation of medical supply transport vehicles during a declared state of disaster.

(viva voce vote) (31-0) (31-0)

HB 1861 (Watson)

Relating to the confidentiality of certain information related to a computer security incident.

(viva voce vote) (31-0) (31-0)

HB 1905 (Hall)

Relating to general officers within the Texas Military Department.

(viva voce vote) (31-0) (31-0)

CSHB 1920 (Nichols)

Relating to the Palo Duro River Authority, following recommendations of the Sunset Advisory Commission.

(viva voce vote) (31-0) (31-0)

HB 1935 (Whitmire)

Relating to the carrying of certain knives; creating a criminal offense.

(viva voce vote) (30-1) "Nay" Hancock (30-1) "Nay" Hancock

HB 1956 (Nichols)

Relating to the operation of certain off-highway vehicles.

(viva voce vote) (31-0) (31-0)

CSHB 1959 (Taylor of Galveston)

Relating to alternative registration technologies for commercial motor vehicles.

(viva voce vote) (31-0) (31-0)

CSHB 1974 (Rodríguez)

Relating to durable powers of attorney.

(viva voce vote) (30-1) "Nay" Nichols (30-1) "Nay" Nichols

HB 1989 (Zaffirini)

Relating to the requirements for withdrawal by a certified self-insurer from workers' compensation self-insurance.

(viva voce vote) (31-0) (31-0)

HB 1990 (Zaffirini)

Relating to the administration of the Texas certified self-insurer guaranty trust fund.

(viva voce vote) (31-0) (31-0)

HB 2009 (Taylor of Galveston)

Relating to an exemption for certain law enforcement and military personnel from the requirement to complete a hunter education program.

(viva voce vote) (31-0) (31-0)

CSHB 2025 (Schwertner)

Relating to the regulation of certain long-term care facilities, including facilities that provide care to persons with Alzheimer's disease or related disorders; authorizing an administrative penalty.

(viva voce vote) (31-0) (31-0)

HB 2053 (Creighton)

Relating to the enforcement of workers' compensation compliance and practice requirements.

(viva voce vote) (31-0) (31-0)

HB 2059 (Hughes)

Relating to the expunction of certain convictions or arrests of a minor for certain alcohol-related offenses.

(viva voce vote) (31-0) (31-0)

HB 2079 (Hinojosa)

Relating to the promotion of tourism related to the musical heritage of this state.

(viva voce vote) (30-1) "Nay" Taylor of Collin (30-1) "Nay" Taylor of Collin

HB 2082 (Perry)

Relating to the designation of a liaison to assist first responders with workers' compensation claims.

(viva voce vote) (31-0) (31-0)

CSHB 2101 (Creighton)

Relating to the issuance of a food and beverage certificate to holders of certain alcoholic beverage permits and licenses.

(viva voce vote) (29-1-1) "Nay" Perry "Present-not voting" Huffman (29-1-1) "Nay" Perry "Present-not voting" Huffman

HB 2111 (Zaffirini)

Relating to changing statutory references to hearing officer and hearings officer to administrative law judge under the workers' compensation system.

(viva voce vote) (31-0) (31-0)

CSHB 2112 (Zaffirini)

Relating to certain workers' compensation reporting requirements.

(viva voce vote) (31-0) (31-0)

HB 2182 (Miles)

Relating to the authority of a county assistance district to impose a sales and use tax.

(viva voce vote) (29-2) "Nays" Hall, Taylor of Collin "Nays" Hall, Taylor of Collin

HB 2214 (Kolkhorst)

Relating to cemeteries in certain municipalities.

(viva voce vote) (31-0) (31-0)

HB 2275 (Hughes)

Relating to the regulation of a service contract.

(viva voce vote) (31-0) (31-0)

HB 2306 (Zaffirini)

Relating to the use of auction proceeds from the sale of certain abandoned motor vehicles to reimburse law enforcement agencies for compensation paid to certain property owners.

(viva voce vote) (31-0) (31-0)

HB 2323 (Zaffirini)

Relating to the filing period for a place on the ballot in a special election to fill a vacancy.

(viva voce vote) (31-0) (31-0)

HB 2339 (Zaffirini)

Relating to trade-in credit agreements offered in connection with certain motor vehicle retail installment contracts.

(viva voce vote) (31-0) (31-0)

HB 2358 (Kolkhorst)

Relating to eligible voters in a confirmation election for a conservation and reclamation district.

(viva voce vote) (30-1) "Nay" Garcia (30-1) "Nay" Garcia

HB 2386 (Nichols)

Relating to volunteer firefighter supervision of outdoor burning of waste consisting of plant growth.

(viva voce vote) (31-0) (31-0)

HB 2410 (Zaffirini)

Relating to the authority to conduct a runoff primary election by mail in certain counties.

(viva voce vote) (25-6) "Nays" Burton, Hall, Hancock, Kolkhorst, Perry, Taylor of Collin (25-6) "Nays" Burton, Hall, Hancock, Kolkhorst, Perry, Taylor of Collin

HB 2443 (Zaffirini)

Relating to the electronic submission of a wage claim to the Texas Workforce Commission.

(viva voce vote) (31-0) (31-0)

HB 2463 (Hughes)

Relating to requiring state agencies to develop written succession plans.

(viva voce vote) (31-0) (31-0)

HB 2486 (Menéndez)

Relating to restoration of the position of public employees when relieved of duty from the Texas military forces or a similar unit.

(viva voce vote) (30-1) "Nay" Taylor of Collin (30-1) "Nay" Taylor of Collin

HB 2492 (Zaffirini)

Relating to domestic surplus lines insurers; authorizing and imposing a tax.

(viva voce vote) (30-1) "Nay" Taylor of Galveston (30-1) "Nay" Taylor of Galveston

HB 2542 (Taylor of Galveston)

Relating to notice to certain insurers by the Texas Department of Insurance regarding supervision or conservatorship of certain insurance agents.

(viva voce vote) (31-0) (31-0)

HB 2546 (Campbell)

Relating to completion of work status reports by a physician assistant under the workers' compensation system.

(viva voce vote) (31-0) (31-0)

HB 2557 (Kolkhorst)

Relating to the development of certain local government transportation infrastructure projects; authorizing the issuance of bonds.

(viva voce vote) (30-1) "Nay" Taylor of Collin (30-1) "Nay" Taylor of Collin

HB 2566 (Estes)

Relating to the creation of the Denton County Municipal Utility District No. 9; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 2588 (Estes)

Relating to access to criminal history record information by the Railroad Commission of Texas.

(viva voce vote) (31-0) (31-0)

HB 2612 (Huffman)

Relating to civil liability of a person who produces, distributes, sells, or provides or aids in the production, distribution, sale, or provision of certain synthetic substances to another person for damages caused by the other person and to certain actions and investigations under the Deceptive Trade Practices-Consumer Protection Act.

(viva voce vote) (31-0) (31-0)

HB 2619 (Hughes)

Relating to grant programs to maintain peace officers' mental health and provide critical incident stress debriefing for certain officers.

(viva voce vote) (30-1) "Nay" Huffines (30-1) "Nay" Huffines

HB 2646 (Hinojosa)

Relating to real property acquired by advance acquisition for a transportation facility.

(viva voce vote) (31-0) (31-0)

HB 2663 (Hinojosa)

Relating to exempting certain persons from a fee for replacement registration insignia and license plates.

(viva voce vote) (31-0) (31-0)

HB 2675 (Hughes)

Relating to the designation of a portion of State Highway 31 in Gregg County as the Jack Ward Memorial Highway.

(viva voce vote) (31-0) (31-0)

HB 2687 (Whitmire)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

CSHB 2703 (Uresti)

Relating to a temporary order appointing a receiver in a suit for dissolution of a marriage.

(viva voce vote) (31-0) (31-0)

HB 2725 (Rodríguez)

Relating to the composition of the board of directors of a stormwater control and recapture planning authority in certain counties.

(viva voce vote) (30-1) "Nay" Perry (30-1) "Nay" Perry

HB 2738 (Taylor of Galveston)

Relating to the hours of instruction provided in barbering and cosmetology schools.

(viva voce vote) (31-0) (31-0)

HB 2739 (Zaffirini)

Relating to the regulation of barber schools, private beauty culture schools, and other facilities used to teach or perform the practice of barbering or cosmetology.

(viva voce vote) (31-0) (31-0)

HB 2765 (Taylor of Collin)

Relating to the Physical Therapy Licensure Compact; authorizing fees.

(viva voce vote) (25-6) "Nays" Birdwell, Buckingham, Creighton, Nichols, Uresti, Zaffirini (25-6) "Nays" Birdwell, Buckingham, Creighton, Nichols, Uresti, Zaffirini

CSHB 2771 (Nichols)

Relating to the fee collected for an on-site wastewater treatment permit application.

(viva voce vote) (31-0) (31-0)

HB 2790 (Miles)

Relating to funding for certain apprenticeship training programs.

(viva voce vote) (31-0) (31-0)

HB 2803 (Lucio)

Relating to the nonsubstantive revision of certain local laws concerning water and wastewater special districts, including conforming amendments.

(viva voce vote) (31-0) (31-0)

HB 2804 (Taylor of Collin)

Relating to the emergency scheduling of certain controlled substances for the purpose of the prosecution and punishment of certain offenses under the Texas Controlled Substances Act; expanding the application of certain criminal offenses.

(viva voce vote) (31-0) (31-0)

HB 2812 (Huffman)

Relating to the use of certain lighting equipment on security patrol vehicles.

(viva voce vote) (31-0) (31-0)

CSHB 2817 (Perry)

Relating to the prosecution of, punishment for, and deterrence of certain offenses involving cattle, bison, or horses; authorizing an administrative penalty; authorizing an assessment; increasing a criminal penalty.

(viva voce vote) (28-3) "Nays" Burton, Huffines, Taylor of Collin (28-3) "Nays" Burton, Huffines, Taylor of Collin

HB 2818 (Taylor of Collin)

Relating to the practice of marriage and family therapy.

(viva voce vote) (31-0) (31-0)

HB 2837 (Hughes)

Relating to removal of deceased voters from voter rolls.

(viva voce vote) (31-0) (31-0)

(Senator Hancock in Chair)**HB 2856** (Estes)

Relating to names of domestic and foreign filing entities for transacting business in this state.

(viva voce vote) (31-0) (31-0)

CSHB 2875 (Lucio)

Relating to toll project accommodation of high-occupancy mass transit facilities and vehicles.

(viva voce vote) (27-4) "Nays" Burton, Hall, Kolkhorst, Taylor of Collin (27-4) "Nays" Burton, Hall, Kolkhorst, Taylor of Collin

HB 2880 (Menéndez)

Relating to the criminal punishment for the threatened exhibition or use of a firearm in or on school property or on a school bus.

(viva voce vote) (31-0) (31-0)

HB 2881 (Estes)

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

(viva voce vote) (29-1-1) "Nay" Hall "Present-not voting" Huffines (29-1-1) "Nay" Hall "Present-not voting" Huffines

HB 2888 (Whitmire)

Relating to an inmate's completion of classes or programs before being released on parole.

(viva voce vote) (31-0) (31-0)

CSHB 2891 (Creighton)

Relating to the medical authorization required to release protected health information in a health care liability claim.

(viva voce vote) (31-0) (31-0)

HB 2904 (Watson)

Relating to the memorandum of understanding among certain agencies to coordinate services provided to persons needing multiagency services.

(viva voce vote) (31-0) (31-0)

HB 2931 (Whitmire)

Relating to the nonsubstantive revision of certain provisions of the Code of Criminal Procedure, including conforming amendments.

(viva voce vote) (31-0) (31-0)

HB 2949 (Creighton)

Relating to the maximum amount of a documentary fee charged by a retail seller of motor vehicles.

(viva voce vote) (31-0) (31-0)

HB 2985 (Hall)

Relating to the type of newspaper required for notice by publication in certain counties.

(viva voce vote) (31-0) (31-0)

HB 2987 (Hughes)

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

(viva voce vote) (29-1-1) "Nay" Hall "Present-not voting" Huffines (29-1-1) "Nay" Hall "Present-not voting" Huffines

HB 3003 (Estes)

Relating to certain promotional activities by the holders of certain alcoholic beverage permits and licenses.

(viva voce vote) (30-1) "Nay" Perry (30-1) "Nay" Perry

HB 3025 (Rodríguez)

Relating to open, uncovered, abandoned, or deteriorated wells.

(viva voce vote) (30-1) "Nay" Taylor of Collin (30-1) "Nay" Taylor of Collin

CSHB 3029 (Whitmire)

Relating to air conditioning and refrigeration contracting and the education and certification of air conditioning and refrigeration technicians.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 3042 (Huffines)

Relating to designating July 7 as Fallen Law Enforcement Officer Day.

(viva voce vote) (31-0) (31-0)

HB 3045 (Schwertner)

Relating to an election to reduce or increase the sales and use tax rate imposed by a municipality for the benefit of a Type B development corporation.

(viva voce vote) (31-0) (31-0)

HB 3047 (Schwertner)

Relating to the meeting of a governmental body held by videoconference call.

(viva voce vote) (31-0) (31-0)

CSHB 3050 (Nichols)

Relating to driver's and learner licenses and the issuance of certain driver's licenses and identification certificates; authorizing a fee.

(viva voce vote) (31-0) (31-0)

HB 3075 (Garcia)

Relating to excluding certain students from the computation of dropout and completion rates for purposes of public school accountability.

(viva voce vote) (31-0) (31-0)

CSHB 3083 (Hinojosa)

Relating to repayment of certain mental health professional education loans.

(viva voce vote) (27-4) "Nays" Birdwell, Hall, Kolkhorst, Taylor of Collin (27-4)

"Nays" Birdwell, Hall, Kolkhorst, Taylor of Collin

HB 3087 (Nichols)

Relating to the definitions of highway maintenance and service vehicles for purposes of certain provisions governing vehicle equipment.

(viva voce vote) (31-0) (31-0)

HB 3103 (Bettencourt)

Relating to the jurisdiction of this state to tax tangible personal property that is used continually in this state.

(viva voce vote) (31-0) (31-0)

CSHB 3131 (Rodríguez)

Relating to the disposal of certain motor vehicles to a motor vehicle demolisher.

(viva voce vote) (31-0) (31-0)

HB 3147 (Menéndez)

Relating to the entitlement to expunction for certain persons who are arrested solely as a result of inaccurate identifying information.

(viva voce vote) (31-0) (31-0)

HB 3152 (Huffman)

Relating to the care and transportation provided to a sexual assault survivor by a health care facility.

(viva voce vote) (31-0) (31-0)

HB 3185 (Perry)

Relating to fees charged by the Rolling Plains Groundwater Conservation District; authorizing a fee.

(viva voce vote) (30-1) "Nay" Taylor of Collin (30-1) "Nay" Taylor of Collin

CSHB 3215 (Schwertner)

Relating to the authority of a person to sell property without engaging in business as a motor vehicle dealer.

(viva voce vote) (31-0) (31-0)

HB 3223 (Zaffirini)

Relating to liability for the sale or transfer of law enforcement vehicles before removal of certain equipment and insignia; providing civil penalties.

(viva voce vote) (31-0) (31-0)

HB 3243 (Estes)

Relating to the duties of the structural pest control advisory committee.

(viva voce vote) (31-0) (31-0)

HB 3272 (Rodríguez)

Relating to the suspension, revocation, or cancellation of a driver's license or personal identification certificate and to certain conduct constituting contempt of court that may result in the suspension or denial of a driver's license.

(viva voce vote) (30-1) "Nay" Hughes (30-1) "Nay" Hughes

HB 3296 (Perry)

Relating to persons required to establish nursing peer review committees.

(viva voce vote) (31-0) (31-0)

HB 3321 (Perry)

Relating to jurisdiction of the county courts in certain counties.

(viva voce vote) (31-0) (31-0)

HB 3338 (Miles)

Relating to the issuance of identification documentation for foster care youth.

(viva voce vote) (31-0) (31-0)

CSHB 3342 (Buckingham)

Relating to the preclicensing education requirements for residential mortgage loan originators.

(viva voce vote) (31-0) (31-0)

HB 3356 (Creighton)

Relating to privacy of certain structured settlement information.

(viva voce vote) (31-0) (31-0)

HB 3359 (Rodríguez)

Relating to displaying certain informational materials and videos in driver's license offices.

(viva voce vote) (31-0) (31-0)

HB 3376 (Perry)

Relating to forms of notice that may be provided by the Department of Public Safety during certain enforcement proceedings and actions.

(viva voce vote) (31-0) (31-0)

HB 3402 (Huffman)

Relating to the sale of certain state property in Brazoria County by the Texas Board of Criminal Justice.

(viva voce vote) (31-0) (31-0)

CSHB 3453 (Seliger)

Relating to the regulation of game rooms in certain counties.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 3470 (Hinojosa)

Relating to acceptance of donations and bequests by a commissioners court.

(viva voce vote) (31-0) (31-0)

HB 3492 (Bettencourt)

Relating to the authority of certain county and district clerks to obtain and retain information that identifies a person filing a document or requesting services.

(viva voce vote) (31-0) (31-0)

HB 3504 (Kolkhorst)

Relating to the authority of certain county assistance districts to annex public rights-of-way and county-owned property.

(viva voce vote) (31-0) (31-0)

HB 3535 (Perry)

Relating to the taking of certain feral hogs and coyotes using a hot air balloon.

(viva voce vote) (31-0) (31-0)

HB 3564 (Perry)

Relating to the office of the state long-term care ombudsman; affecting the prosecution of a criminal offense.

(viva voce vote) (31-0) (31-0)

HB 3567 (Huffman)

Relating to the issuance of specialty license plates for persons who served in the 11th Armored Cavalry Regiment.

(viva voce vote) (31-0) (31-0)

HB 3593 (Taylor of Galveston)

Relating to instruction in career and technology education provided by public schools, including instruction in technology applications, cybersecurity, and computer coding, and to consideration of completed practicums and internships in school accountability ratings.

(viva voce vote) (31-0) (31-0)

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

Committee Amendment No. 1

Amend **HB 3593** by striking SECTION 7 of the bill and renumbering the subsequent SECTIONS of the bill accordingly.

The committee amendment to **HB 3593** 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 3654 (Perry)

Relating to the definition of road machinery for purposes of certain provisions governing vehicle equipment.

(viva voce vote) (31-0) (31-0)

HB 3705 (Whitmire)

Relating to local juvenile justice information systems.

(viva voce vote) (31-0) (31-0)

HB 3706 (Lucio)

Relating to certain alternative education programs designed to address workforce development needs for at-risk students.

(viva voce vote) (31-0) (31-0)

HB 3726 (Taylor of Collin)

Relating to certain examination and continuing education requirements for applicants for and holders of liquefied petroleum gas licenses.

(viva voce vote) (31-0) (31-0)

CSHB 3735 (Rodríguez)

Relating to an application for a new or amended water right submitted to the Texas Commission on Environmental Quality.

(viva voce vote) (31-0) (31-0)

HB 3781 (Hinojosa)

Relating to the uses of the lifetime license endowment account by the Parks and Wildlife Department.

(viva voce vote) (30-1) "Nay" Huffines (30-1) "Nay" Huffines

HB 3783 (Estes)

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

(viva voce vote) (31-0) (31-0)

HB 3810 (Watson)

Relating to the transfer of jurisdiction over and management of the property known as the French Legation to the Texas Historical Commission and to certain historic sites under the commission's jurisdiction.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

Senator Watson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 3810** (House Engrossed version page 2, line 14) by inserting "parking facilities," between "staffing," and "operation".

The committee amendment to **HB 3810** 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 3845 (Creighton)

Relating to the insurance reporting program operated by the Title IV-D agency to enforce certain child support obligations.

(viva voce vote) (30-1) "Nay" Taylor of Galveston (30-1) "Nay" Taylor of Galveston

HB 3872 (Menéndez)

Relating to a motion for forensic DNA testing of certain evidence previously subjected to faulty testing.

(viva voce vote) (31-0) (31-0)

HB 3934 (Perry)

Relating to training and continuing education requirements for certain long-term care facilities.

(viva voce vote) (31-0) (31-0)

HB 3964 (Huffines)

Relating to the designation of a portion of State Highway 289 in Dallas County as the Harold C. Simmons Memorial Highway.

(viva voce vote) (31-0) (31-0)

HB 3987 (Hinojosa)

Relating to the authority of the Texas Water Development Board to use the state participation account of the water development fund to provide financial assistance for the development of certain facilities.

(viva voce vote) (31-0) (31-0)

HB 3992 (Perry)

Relating to a franchise tax exemption for certain cooperatives with a member that has farmer-fruit grower members.

(viva voce vote) (31-0) (31-0)

CSHB 4034 (Bettencourt)

Relating to certain voter registration information.

(viva voce vote) (31-0) (31-0)

CSHB 4035 (Huffman)

Relating to eligibility and contributions for coverage under the state employee group benefits program and health benefit plans offered by certain university systems.

(viva voce vote) (31-0) (31-0)

HB 4094 (Uresti)

Relating to the access of criminal history record information by the Department of Family and Protective Services.

(viva voce vote) (31-0) (31-0)

HB 4104 (Garcia)

Relating to the county budget for certain court personnel.

(viva voce vote) (30-1) "Nay" Perry (30-1) "Nay" Perry

HB 4114 (Miles)

Relating to county approval for the locations at which a junkyard or automotive wrecking and salvage yard may be operated.

(viva voce vote) (31-0) (31-0)

HB 4268 (Estes)

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

(viva voce vote) (29-1-1) "Nay" Hall "Present-not voting" Huffines (29-1-1) "Nay" Hall "Present-not voting" Huffines

HB 4270 (Campbell)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4272 (Kolkhorst)

Relating to the creation of the Harris County Municipal Utility District No. 554; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4275 (Zaffirini)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4276 (Hughes)

Relating to the Paris Junior College District.

(viva voce vote) (31-0) (31-0)

HB 4277 (Kolkhorst)

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 50; providing authority to issue bonds; providing authority to impose a tax.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4280 (Perry)

Relating to the 32nd Judicial District Juvenile Board.

(viva voce vote) (31-0) (31-0)

HB 4281 (Perry)

Relating to the 1st Multicounty County Court at Law.

(viva voce vote) (31-0) (31-0)

HB 4283 (Kolkhorst)

Relating to the conversion of the Grand Northwest Municipal Utility District to the Grand Northwest Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4285 (Kolkhorst)

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 130; providing authority to issue bonds; providing authority to impose a tax.

(viva voce vote) (31-0) (31-0)

HB 4287 (Estes)

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

(viva voce vote) (29-1-1) "Nay" Hall "Present-not voting" Huffines (29-1-1) "Nay" Hall "Present-not voting" Huffines

(Senator Kolkhorst in Chair)**HB 4289** (Kolkhorst)

Relating to the compensation of and reimbursement of expenses of the directors of the Aliana Management District.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

CSHB 4290 (Miles)

Relating to the creation of the Stadium Park Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (28-3) "Nays" Hall, Hancock, Taylor of Collin (28-3) "Nays" Hall, Hancock, Taylor of Collin

HB 4291 (Kolkhorst)

Relating to the fees charged by the Colorado County Groundwater Conservation District.

(viva voce vote) (30-1) "Nay" Taylor of Collin (30-1) "Nay" Taylor of Collin

HB 4292 (Kolkhorst)

Relating to the powers and duties of the Fort Bend County Municipal Management District No. 1; authorizing the imposition of a tax.

(viva voce vote) (29-2) "Nays" Hall, Taylor of Collin (29-2) "Nays" Hall, Taylor of Collin

HB 4297 (Kolkhorst)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4298 (Bettencourt)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4301 (Campbell)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4309 (Campbell)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4310 (Zaffirini)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4311 (Zaffirini)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4312 (Zaffirini)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4313 (Zaffirini)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4314 (Zaffirini)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4315 (Creighton)

Relating to the creation of the Beaumont Municipal Management District No. 1; providing authority to issue bonds and impose assessments, fees, or taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4320 (Kolkhorst)

Relating to the creation of the Fort Bend County Municipal Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4321 (Huffman)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4324 (Huffman)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4325 (Estes)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4331 (Estes)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4333 (Huffman)

Relating to the creation of the Harris County Improvement District No. 24; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4335 (Lucio)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4340 (Schwertner)

Relating to the creation of the Williamson County Municipal Utility District No. 34; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4341 (Nichols)

Relating to the creation of the Liberty County Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HCR 27 (Nichols)

Designating Spurger as the Knife Capital of Texas for a 10-year period beginning in 2017.

(31-0)

HCR 49 (Hughes)

Designating July as Train Safety Awareness Month for a 10-year period beginning in 2017.

(31-0)

HCR 61 (Kolkhorst)

Recognizing the Stop the Bleed campaign.

(31-0)

HCR 70 (Campbell)

Designating Dripping Springs as the official Wedding Capital of Texas for a 10-year period beginning in 2017.

(31-0)

HCR 72 (Seliger)

Designating Big Spring as the Lighted Poinsettia Capital of Texas.

(31-0)

HCR 83 (Perry)

Designating Stamford as the Western Art Show Capital of Texas for a 10-year period beginning in 2017.

(31-0)

HCR 86 (Kolkhorst)

Designating May as Fallen First Responder Awareness Month for a 10-year period beginning in 2017.

(31-0)

HCR 102 (Schwertner)

Expressing support for prioritizing a substantial increase in funding for graduate medical education before authorizing the creation and support of additional medical schools.

(31-0)

HCR 106 (Taylor of Galveston)

Urging Congress to provide sufficient federal funding for the construction of a storm surge barrier along the Texas coast.

(31-0)

HCR 113 (Uresti)

Urging future owners to preserve the name of the G. J. Sutton State Office Complex in San Antonio.

(31-0)

HCR 137 (Burton)

Commemorating the 25th anniversary of the unconventional ratification of the 27th Amendment to the United States Constitution.

(31-0)

SB 2294 (Lucio)

Relating to the use of regional mobility authority toll projects by public school buses. (viva voce vote) (31-0) (31-0)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Schwertner and Senator Kolkhorst requested in writing that **HB 349** be removed from the Local and Uncontested Calendar.

Senator Schwertner and Senator Kolkhorst requested in writing that **HB 669** be removed from the Local and Uncontested Calendar.

Senator Rodríguez and Senator Kolkhorst requested in writing that **HB 1111** be removed from the Local and Uncontested Calendar.

Senator Birdwell and Senator Kolkhorst requested in writing that **HB 1148** be removed from the Local and Uncontested Calendar.

Senator Nichols and Senator Hughes requested in writing that **HB 2351** be removed from the Local and Uncontested Calendar.

Senator Schwertner and Senator Kolkhorst requested in writing that **HB 2750** be removed from the Local and Uncontested Calendar.

Senator Estes and Senator Kolkhorst requested in writing that **HB 2819** be removed from the Local and Uncontested Calendar.

Senator Taylor of Galveston and Senator Kolkhorst requested in writing that **HB 3337** be removed from the Local and Uncontested Calendar.

Pursuant to Senate Rule 9.03(c), the following bills were removed from the Local and Uncontested Calendar and returned to the regular order of business for consideration of floor amendments: **HB 377**, **HB 2377**, **HB 2639**.

SESSION CONCLUDED FOR LOCAL AND UNCONTESTED CALENDAR

Senator Kolkhorst announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

AT EASE

Senator Kolkhorst at 10:54 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 11:11 p.m. called the Senate to order as In Legislative Session.

HOUSE BILL 9 ON SECOND READING

On motion of Senator Taylor of Collin and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 9** at this time on its second reading:

HB 9, Relating to cybercrime; creating criminal offenses.

The bill was read second time.

Senator Burton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 9** (senate committee printing) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 26), strike "(13-b), and (13-c)" and substitute "(13-b), (13-c), and (15-a)".

(2) In SECTION 2 of the bill, amending Section 33.01, Penal Code (page 1, between lines 59 and 60), insert the following:

(15-a) "Privileged information" means:

(A) protected health information, as that term is defined by Section 182.002, Health and Safety Code;

(B) information that is subject to the attorney-client privilege; or

(C) information that is subject to the accountant-client privilege under Section 901.457, Occupations Code, or other law, if the information is on a computer, computer network, or computer system owned by a person possessing a license issued under Subchapter H, Chapter 901, Occupations Code.

(3) In SECTION 3 of the bill, strike added Section 33.023(d), Penal Code (page 2, lines 29-44), and substitute the following:

(d) Subject to Subsections (d-1) and (d-2), an offense under this section is a Class C misdemeanor.

(d-1) Subject to Subsection (d-2), if it is shown on the trial of the offense that the defendant acted with the intent to defraud or harm another, an offense under this section is:

(1) a Class C misdemeanor if the aggregate amount involved is less than \$100 or cannot be determined;

(2) a Class B misdemeanor if the aggregate amount involved is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the aggregate amount involved is \$750 or more but less than \$2,500;

(4) a state jail felony if the aggregate amount involved is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the aggregate amount involved is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the aggregate amount involved is \$150,000 or more but less than \$300,000; and

(7) a felony of the first degree if the aggregate amount involved is \$300,000 or more.

(d-2) If it is shown on the trial of the offense that the defendant knowingly restricted a victim's access to privileged information, an offense under this section is:

(1) a state jail felony if the value of the aggregate amount involved is less than \$2,500;

(2) a felony of the third degree if:

(A) the value of the aggregate amount involved is \$2,500 or more but less than \$30,000; or

(B) a client or patient of a victim suffered harm attributable to the offense;

(3) a felony of the second degree if:

(A) the value of the aggregate amount involved is \$30,000 or more but less than \$150,000; or

(B) a client or patient of a victim suffered bodily injury attributable to the offense; and

(4) a felony of the first degree if:

(A) the value of the aggregate amount involved is \$150,000 or more; or

(B) a client or patient of a victim suffered serious bodily injury or death attributable to the offense.

(4) In SECTION 3 of the bill, strike added Section 33.024(b), Penal Code (page 2, line 65, through page 3, line 11), and substitute the following:

(b) Subject to Subsections (b-1) and (b-2), an offense under this section is a Class C misdemeanor.

(b-1) Subject to Subsection (b-2), if it is shown on the trial of the offense that the defendant acted with the intent to defraud or harm another, an offense under this section is:

(1) a Class C misdemeanor if the value of the aggregate amount involved is less than \$100 or cannot be determined;

(2) a Class B misdemeanor if the value of the aggregate amount involved is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the value of the aggregate amount involved is \$750 or more but less than \$2,500;

(4) a state jail felony if the value of the aggregate amount involved is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the value of the aggregate amount involved is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the value of the aggregate amount involved is \$150,000 or more but less than \$300,000; and

(7) a felony of the first degree if the value of the aggregate amount involved is \$300,000 or more.

(b-2) If it is shown on the trial of the offense that the defendant knowingly decrypted privileged information, an offense under this section is:

(1) a state jail felony if the value of the aggregate amount involved is less than \$2,500;

(2) a felony of the third degree if:

(A) the value of the aggregate amount involved is \$2,500 or more but less than \$30,000; or

(B) a client or patient of a victim suffered harm attributable to the offense;

(3) a felony of the second degree if:

(A) the value of the aggregate amount involved is \$30,000 or more but less than \$150,000; or

(B) a client or patient of a victim suffered bodily injury attributable to the offense; and

(4) a felony of the first degree if:

(A) the value of the aggregate amount involved is \$150,000 or more; or

(B) a client or patient of a victim suffered serious bodily injury or death attributable to the offense.

The amendment to **HB 9** 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 9 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 9 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 9** 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 919 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 919** at this time on its second reading:

HB 919, Relating to workers' compensation insurance coverage for certain intrastate fire mutual aid system team members and regional incident management team members.

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 919 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 919** 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 351 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSHB 351** at this time on its second reading:

CSHB 351, 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.

The motion prevailed.

Senators Hancock and Nelson 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 **CSHB 351** (senate committee printing) as follows:

(1) Insert "during or" in each of the following places:

(A) SECTION 4 of the bill, in added Article 42.15(a-1), Code of Criminal Procedure (page 2, line 30), after the underlined comma; and

(B) SECTION 10 of the bill, in added Article 45.041(a-1), Code of Criminal Procedure (page 5, line 34), after the underlined comma.

(2) In SECTION 8 of the bill, in added Article 45.014(e), Code of Criminal Procedure (page 4, line 50), between "the defendant's failure to appear" and the underlined comma, insert "at the initial court setting".

The amendment to **CSHB 351** 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 Whitmire offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 351** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Article 42A.602(a), Code of Criminal Procedure, is amended to read as follows:

(a) If a judge requires as a condition of community supervision or participation in a pretrial intervention program operated under Section 76.011, Government Code, or a drug court program established under Chapter 123, Government Code, or former law that the defendant serve a term of confinement in a community corrections facility, the term may not exceed 24 months.

(b) Article 42A.604(a), Code of Criminal Procedure, is amended to read as follows:

(a) As directed by the judge, the community corrections facility director shall file with the community supervision and corrections department director or administrator of a drug court program, as applicable, a copy of an evaluation made by the facility director of the defendant's behavior and attitude at the facility. The community supervision and corrections department director or program administrator shall examine the evaluation, make written comments on the evaluation that the director or administrator considers relevant, and file the evaluation and comments with the judge who granted community supervision to the defendant or placed the defendant in a pretrial intervention program or drug court program. If the evaluation indicates that the defendant has made significant progress toward compliance with court-ordered conditions of community supervision or objectives of placement in the [~~drug court~~] program, as applicable, the judge may release the defendant from the community corrections facility. A defendant who served a term in the facility as a condition of community supervision shall serve the remainder of the defendant's community supervision under any terms and conditions the court imposes under this chapter.

(c) Section 509.001(1), Government Code, is amended to read as follows:

(1) "Community corrections facility" means a physical structure, established by the judges described by Section 76.002 after authorization of the establishment of the structure has been included in a department's strategic plan, that is operated by the department or operated for the department by an entity under contract with the

department, for the purpose of treating persons who have been placed on community supervision or who are participating in a pretrial intervention program operated under Section 76.011 or a drug court program established under Chapter 123 or former law and providing services and programs to modify criminal behavior, deter criminal activity, protect the public, and restore victims of crime. The term includes:

- (A) a restitution center;
- (B) a court residential treatment facility;
- (C) a substance abuse treatment facility;
- (D) a custody facility or boot camp;
- (E) a facility for an offender with a mental impairment, as defined by Section 614.001, Health and Safety Code; and
- (F) an intermediate sanction facility.

(d) The change in law made by this section applies only to a person placed in a pretrial intervention program operated under Section 76.011, Government Code, for an offense committed on or after the effective date of this Act. A person placed in a pretrial intervention program operated under Section 76.011, Government Code, for an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

The amendment to **CSHB 351** 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 Burton offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 351** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) A commission is created to study and review all penal laws of this state other than criminal offenses:

- (1) under the Penal Code;
- (2) under Chapter 481, Health and Safety Code; or
- (3) related to the operation of a motor vehicle.

(b) The commission shall:

- (1) evaluate all laws described by Subsection (a) of this section;
- (2) make recommendations to the legislature regarding the repeal or amendment of laws that are identified as being unnecessary, unclear, duplicative, overly broad, or otherwise insufficient to serve the intended purpose of the law, including the laws identified by the commission created by Section 29, Chapter 1251 (H.B. 1396), Acts of the 84th Legislature, Regular Session, 2015, as requiring additional review; and

(3) evaluate the recommendations made by the commission created by Section 29, Chapter 1251 (H.B. 1396), Acts of the 84th Legislature, Regular Session, 2015.

(c) The commission is composed of nine members appointed as follows:

(1) two members appointed by the governor;
(2) two members appointed by the lieutenant governor;
(3) two members appointed by the speaker of the house of representatives;
(4) two members appointed by the chief justice of the Supreme Court of Texas; and

(5) one member appointed by the presiding judge of the Texas Court of Criminal Appeals.

(d) The officials making appointments to the commission under Subsection (c) of this section shall ensure that the membership of the commission includes representatives of all areas of the criminal justice system, including prosecutors, defense attorneys, judges, legal scholars, and relevant business interests.

(e) The governor shall designate one member of the commission to serve as the presiding officer of the commission.

(f) A member of the commission is not entitled to compensation or reimbursement of expenses.

(g) The commission shall meet at the call of the presiding officer.

(h) Not later than November 1, 2018, the commission shall report the commission's findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, the Supreme Court of Texas, the Texas Court of Criminal Appeals, and the standing committees of the house of representatives and the senate with primary jurisdiction over criminal justice. The commission shall include in its recommendations any specific statutes that the commission recommends repealing or amending.

(i) Not later than the 60th day after the effective date of this Act, the governor, the lieutenant governor, the speaker of the house of representatives, the chief justice of the Supreme Court of Texas, and the presiding judge of the Texas Court of Criminal Appeals shall appoint the members of the commission created under this section.

(j) The commission is abolished and this section expires December 31, 2018.

The amendment to **CSHB 351** 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 Burton offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 351** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION ____. Article 102.0071, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0071. JUSTICE COURT DISHONORED CHECK OR SIMILAR SIGHT ORDER. On conviction in justice court of an offense under Section 32.41, Penal Code, or an offense under Section 31.03, ~~or~~ 31.04, or 32.21, Penal Code, in which it is shown that the defendant committed the offense by issuing, ~~or~~ passing, or forging a check or similar sight order, as defined by Section 1.07, Penal Code, that

was subsequently dishonored, the court may collect from the defendant and pay to the holder of the check or order the fee permitted by Section 3.506, Business & Commerce Code.

SECTION _____. Section 32.21, Penal Code, is amended by amending Subsections (d), (e), and (e-1) and adding Subsections (e-2) and (g) to read as follows:

(d) Subject to Subsection (e-1), an [Am] offense under this section is a state jail felony if the writing is or purports to be a will, codicil, deed, deed of trust, mortgage, security instrument, security agreement, credit card, check, authorization to debit an account at a financial institution, or similar sight order for payment of money, contract, release, or other commercial instrument.

(e) Subject to Subsection (e-1), an [Am] offense under this section is a felony of the third degree if the writing is or purports to be:

- (1) part of an issue of money, securities, postage or revenue stamps;
- (2) a government record listed in Section 37.01(2)(C); or
- (3) other instruments issued by a state or national government or by a subdivision of either, or part of an issue of stock, bonds, or other instruments representing interests in or claims against another person.

(e-1) If it is shown on the trial of an offense under this section that the actor engaged in the conduct to obtain or attempt to obtain a property or service, an offense under this section is:

(1) a Class C misdemeanor if the value of the property or service is less than \$100;

(2) a Class B misdemeanor if the value of the property or service is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the value of the property or service is \$750 or more but less than \$2,500;

(4) a state jail felony if the value of the property or service is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the value of the property or service is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the value of the property or service is \$150,000 or more but less than \$300,000; and

(7) a felony of the first degree if the value of the property or service is \$300,000 or more.

(e-2) Notwithstanding any other provision of this section, an [Am] offense under this section, other than an offense described for purposes of punishment by Subsection (e-1)(7), is increased to the next higher category of offense if it is shown on the trial of the offense that the offense was committed against an elderly individual as defined by Section 22.04.

(g) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.

SECTION _____. The change in law made by this Act in amending Article 102.0071, Code of Criminal Procedure, and Section 32.21, Penal Code, applies 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.

The amendment to **CSHB 351** 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 351 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, Nelson.

COMMITTEE SUBSTITUTE HOUSE BILL 351 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 351** 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, 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: Hancock, Nelson.

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

(Senator Bettencourt in Chair) COMMITTEE SUBSTITUTE HOUSE BILL 2263 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSHB 2263** at this time on its second reading:

CSHB 2263, Relating to the public school accountability system.

The motion prevailed.

Senators Hancock, Nelson, Perry, 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 West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2263** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 39.106(e), Education Code, is amended to read as follows:

(e) For each year a campus is assigned an unacceptable performance rating, a campus intervention team shall:

(1) ~~continue to work with a campus until:~~

~~[(A) the campus satisfies all performance standards under Section 39.054(e) for a two year period; or~~

~~[(B) the campus satisfies all performance standards under Section 39.054(e) for a one year period and the commissioner determines that the campus is operating and will continue to operate in a manner that improves student achievement;~~

~~[(2)] assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and~~

(2) ~~[(3)]~~ submit each updated plan described by Subdivision (1) ~~[(2)]~~ to the board of trustees of the school district.

SECTION 2. Section 39.107, Education Code, is amended by adding Subsections (b-10) and (b-11) to read as follows:

(b-10) Not later than June 15 of each year, the commissioner shall, in writing, either approve or reject any campus turnaround plan prepared and submitted to the commissioner by a district. If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection.

(b-11) If the commissioner rejects a campus turnaround plan, the district must create a modified plan with assistance from agency staff and submit the modified plan to the commissioner for approval not later than the 60th day after the date the commissioner rejects the campus turnaround plan. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than the 15th day after the date the commissioner receives the modified plan.

SECTION 3. This Act takes effect September 1, 2017.

The amendment to **CSHB 2263** 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 2263 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, Nelson, Perry, Taylor of Collin.

COMMITTEE SUBSTITUTE HOUSE BILL 2263 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 2263** be placed on its third reading and final passage.

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

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

Nays: Hancock, Nelson, Perry, Taylor of Collin.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 8 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 8** at this time on its second reading:

CSHB 8, Relating to cybersecurity for state agency information resources.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 8** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. This Act may be cited as the Texas Cybersecurity Act.

SECTION 2. Section 325.011, Government Code, is amended to read as follows:

Sec. 325.011. CRITERIA FOR REVIEW. The commission and its staff shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committees:

(1) the efficiency and effectiveness with which the agency or the advisory committee operates;

(2)(A) an identification of the mission, goals, and objectives intended for the agency or advisory committee and of the problem or need that the agency or advisory committee was intended to address; and

(B) the extent to which the mission, goals, and objectives have been achieved and the problem or need has been addressed;

(3)(A) an identification of any activities of the agency in addition to those granted by statute and of the authority for those activities; and

(B) the extent to which those activities are needed;

(4) an assessment of authority of the agency relating to fees, inspections, enforcement, and penalties;

(5) whether less restrictive or alternative methods of performing any function that the agency performs could adequately protect or provide service to the public;

(6) the extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies, the extent to which the agency coordinates with those agencies, and the extent to which the programs administered by the agency can be consolidated with the programs of other state agencies;

(7) the promptness and effectiveness with which the agency addresses complaints concerning entities or other persons affected by the agency, including an assessment of the agency's administrative hearings process;

(8) an assessment of the agency's rulemaking process and the extent to which the agency has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules that benefit the public;

(9) the extent to which the agency has complied with:

(A) federal and state laws and applicable rules regarding equality of employment opportunity and the rights and privacy of individuals; and

(B) state law and applicable rules of any state agency regarding purchasing guidelines and programs for historically underutilized businesses;

(10) the extent to which the agency issues and enforces rules relating to potential conflicts of interest of its employees;

(11) the extent to which the agency complies with Chapters 551 and 552 and follows records management practices that enable the agency to respond efficiently to requests for public information;

(12) the effect of federal intervention or loss of federal funds if the agency is abolished; ~~and~~

(13) the extent to which the purpose and effectiveness of reporting requirements imposed on the agency justifies the continuation of the requirement; and

(14) an assessment of the agency's cybersecurity practices using confidential information available from the Department of Information Resources or any other appropriate state agency.

SECTION 3. Section 551.089, Government Code, is amended to read as follows:

Sec. 551.089. DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING ~~[DEPARTMENT OF INFORMATION RESOURCES]~~. This chapter does not require a governmental body ~~[the governing board of the Department of Information Resources]~~ to conduct an open meeting to deliberate:

(1) security assessments or deployments relating to information resources technology;

(2) network security information as described by Section 2059.055(b); or

(3) the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

SECTION 4. Section 552.139, Government Code, is amended by adding Subsection (d) to read as follows:

(d) When posting a contract on an Internet website as required by Section 2261.253, a state agency shall redact information made confidential by this section or excepted from public disclosure by this section. Redaction under this subsection does not except information from the requirements of Section 552.021.

SECTION 5. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.0594 to read as follows:

Sec. 2054.0594. INFORMATION SHARING AND ANALYSIS CENTER. (a) The department shall establish an information sharing and analysis center to provide a forum for state agencies to share information regarding cybersecurity threats, best practices, and remediation strategies.

(b) The department shall appoint persons from appropriate state agencies to serve as representatives to the information sharing and analysis center.

(c) The department, using funds other than funds appropriated to the department in a general appropriations act, shall provide administrative support to the information sharing and analysis center.

SECTION 6. Section 2054.076, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The department shall provide mandatory guidelines to state agencies regarding the continuing education requirements for cybersecurity training that must be completed by all information resources employees of the agencies. The department shall consult with the Information Technology Council for Higher Education on applying the guidelines to institutions of higher education.

SECTION 7. Sections 2054.077(b) and (e), Government Code, are amended to read as follows:

(b) The information resources manager of a state agency ~~shall~~ ~~[may]~~ prepare or have prepared a report, including an executive summary of the findings of the biennial report, not later than October 15 of each even-numbered year, assessing the extent to which a computer, a computer program, a computer network, a computer system, a printer, an interface to a computer system, including mobile and peripheral devices, computer software, or data processing of the agency or of a contractor of the agency is vulnerable to unauthorized access or harm, including the extent to which the agency's or contractor's electronically stored information is vulnerable to alteration, damage, erasure, or inappropriate use.

(e) Separate from the executive summary described by Subsection (b), a state agency ~~[whose information resources manager has prepared or has had prepared a vulnerability report]~~ shall prepare a summary of the agency's vulnerability report that does not contain any information the release of which might compromise the security of the state agency's or state agency contractor's computers, computer programs, computer networks, computer systems, printers, interfaces to computer systems, including mobile and peripheral devices, computer software, data processing, or electronically stored information. The summary is available to the public on request.

SECTION 8. Section 2054.1125(b), Government Code, is amended to read as follows:

(b) A state agency that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a breach or suspected breach of system security or an unauthorized exposure of that information:

(1) comply~~[, in the event of a breach of system security,]~~ with the notification requirements of Section 521.053, Business & Commerce Code, to the same extent as a person who conducts business in this state; and

(2) not later than 48 hours after the discovery of the breach, suspected breach, or unauthorized exposure, notify:

(A) the department, including the chief information security officer and the state cybersecurity coordinator; or

(B) if the breach, suspected breach, or unauthorized exposure involves election data, the secretary of state.

SECTION 9. Section 2054.512, Government Code, is amended to read as follows:

Sec. 2054.512. CYBERSECURITY [~~PRIVATE INDUSTRY GOVERNMENT~~] COUNCIL. (a) The state cybersecurity coordinator shall ~~may~~ establish and lead a cybersecurity council that includes public and private sector leaders and cybersecurity practitioners to collaborate on matters of cybersecurity concerning this state.

(b) The cybersecurity council must include:

(1) one member who is an employee of the office of the governor;

(2) one member of the senate appointed by the lieutenant governor;

(3) one member of the house of representatives appointed by the speaker of the house of representatives; and

(4) additional members appointed by the state cybersecurity coordinator, including representatives of institutions of higher education and private sector leaders.

(c) In appointing representatives from institutions of higher education to the cybersecurity council, the state cybersecurity coordinator shall consider appointing members of the Information Technology Council for Higher Education.

(d) The cybersecurity council shall:

(1) consider the costs and benefits of establishing a computer emergency readiness team to address cyber attacks occurring in this state during routine and emergency situations;

(2) establish criteria and priorities for addressing cybersecurity threats to critical state installations;

(3) consolidate and synthesize best practices to assist state agencies in understanding and implementing cybersecurity measures that are most beneficial to this state; and

(4) assess the knowledge, skills, and capabilities of the existing information technology and cybersecurity workforce to mitigate and respond to cyber threats and develop recommendations for addressing immediate workforce deficiencies and ensuring a long-term pool of qualified applicants.

(e) The cybersecurity council shall provide recommendations to the legislature on any legislation necessary to implement cybersecurity best practices and remediation strategies for this state.

SECTION 10. Section 2054.133, Government Code, is amended by adding Subsection (e) to read as follows:

(e) Each state agency shall include in the agency's information security plan a written acknowledgment that the executive director or other head of the agency, the chief financial officer, and each executive manager as designated by the state agency have been made aware of the risks revealed during the preparation of the agency's information security plan.

SECTION 11. Subchapter N-1, Chapter 2054, Government Code, is amended by adding Sections 2054.515, 2054.516, 2054.517, and 2054.518 to read as follows:

Sec. 2054.515. AGENCY INFORMATION SECURITY ASSESSMENT AND REPORT. (a) At least once every two years, each state agency shall conduct an information security assessment of the agency's information resources systems, network systems, digital data storage systems, digital data security measures, and information resources vulnerabilities.

(b) Not later than December 1 of the year in which a state agency conducts the assessment under Subsection (a), the agency shall report the results of the assessment to the department, the governor, the lieutenant governor, and the speaker of the house of representatives.

(c) The department by rule may establish the requirements for the information security assessment and report required by this section.

Sec. 2054.516. DATA SECURITY PLAN FOR ONLINE AND MOBILE APPLICATIONS. Each state agency, other than an institution of higher education subject to Section 2054.517, implementing an Internet website or mobile application that processes any sensitive personal information or confidential information must:

(1) submit a biennial data security plan to the department not later than October 15 of each even-numbered year to establish planned beta testing for the website or application; and

(2) subject the website or application to a vulnerability and penetration test and address any vulnerability identified in the test.

Sec. 2054.517. DATA SECURITY PROCEDURES FOR ONLINE AND MOBILE APPLICATIONS OF INSTITUTIONS OF HIGHER EDUCATION. (a) Each institution of higher education, as defined by Section 61.003, Education Code, shall adopt and implement a policy for Internet website and mobile application security procedures that complies with this section.

(b) Before deploying an Internet website or mobile application that processes confidential information for an institution of higher education, the developer of the website or application for the institution must submit to the institution's information security officer the information required under policies adopted by the institution to protect the privacy of individuals by preserving the confidentiality of information processed by the website or application. At a minimum, the institution's policies must require the developer to submit information describing:

(1) the architecture of the website or application;

(2) the authentication mechanism for the website or application; and

(3) the administrator level access to data included in the website or application.

(c) Before deploying an Internet website or mobile application described by Subsection (b), an institution of higher education must subject the website or application to a vulnerability and penetration test conducted internally or by an independent third party.

(d) Each institution of higher education shall submit to the department the policies adopted as required by Subsection (b). The department shall review the policies and make recommendations for appropriate changes.

Sec. 2054.518. CYBERSECURITY RISKS AND INCIDENTS. (a) The department shall develop a plan to address cybersecurity risks and incidents in this state. The department may enter into an agreement with a national organization,

including the National Cybersecurity Preparedness Consortium, to support the department's efforts in implementing the components of the plan for which the department lacks resources to address internally. The agreement may include provisions for:

(1) providing fee reimbursement for appropriate industry-recognized certification examinations for and training to state agencies preparing for and responding to cybersecurity risks and incidents;

(2) developing and maintaining a cybersecurity risks and incidents curriculum using existing programs and models for training state agencies;

(3) delivering to state agency personnel with access to state agency networks routine training related to appropriately protecting and maintaining information technology systems and devices, implementing cybersecurity best practices, and mitigating cybersecurity risks and vulnerabilities;

(4) providing technical assistance services to support preparedness for and response to cybersecurity risks and incidents;

(5) conducting cybersecurity training and simulation exercises for state agencies to encourage coordination in defending against and responding to cybersecurity risks and incidents;

(6) assisting state agencies in developing cybersecurity information-sharing programs to disseminate information related to cybersecurity risks and incidents; and

(7) incorporating cybersecurity risk and incident prevention and response methods into existing state emergency plans, including continuity of operation plans and incident response plans.

(b) In implementing the provisions of the agreement prescribed by Subsection (a), the department shall seek to prevent unnecessary duplication of existing programs or efforts of the department or another state agency.

(c) In selecting an organization under Subsection (a), the department shall consider the organization's previous experience in conducting cybersecurity training and exercises for state agencies and political subdivisions.

(d) The department shall consult with institutions of higher education in this state when appropriate based on an institution's expertise in addressing specific cybersecurity risks and incidents.

SECTION 12. Section 2054.575(a), Government Code, is amended to read as follows:

(a) A state agency shall, with available funds, identify information security issues and develop a plan to prioritize the remediation and mitigation of those issues. The agency shall include in the plan:

(1) procedures for reducing the agency's level of exposure with regard to information that alone or in conjunction with other information identifies an individual maintained on a legacy system of the agency;

(2) the best value approach for modernizing, replacing, renewing, or disposing of a legacy system that maintains information critical to the agency's responsibilities;

(3) analysis of the percentage of state agency personnel in information technology, cybersecurity, or other cyber-related positions who currently hold the appropriate industry-recognized certifications as identified by the National Initiative for Cybersecurity Education;

(4) the level of preparedness of state agency cyber personnel and potential personnel who do not hold the appropriate industry-recognized certifications to successfully complete the industry-recognized certification examinations; and

(5) a strategy for mitigating any workforce-related discrepancy in information technology, cybersecurity, or other cyber-related positions with the appropriate training and industry-recognized certifications.

SECTION 13. Section 2059.055(b), Government Code, is amended to read as follows:

(b) Network security information is confidential under this section if the information is:

(1) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity [~~state agency~~];

(2) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or

(3) related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity.

SECTION 14. Chapter 276, Election Code, is amended by adding Section 276.011 to read as follows:

Sec. 276.011. ELECTION CYBER ATTACK STUDY. (a) Not later than December 1, 2018, the secretary of state shall:

(1) conduct a study regarding cyber attacks on election infrastructure;

(2) prepare a public summary report on the study's findings that does not contain any information the release of which may compromise any election;

(3) prepare a confidential report on specific findings and vulnerabilities that is exempt from disclosure under Chapter 552, Government Code; and

(4) submit to the standing committees of the legislature with jurisdiction over election procedures a copy of the report required under Subdivision (2) and a general compilation of the report required under Subdivision (3) that does not contain any information the release of which may compromise any election.

(b) The study must include:

(1) an investigation of vulnerabilities and risks for a cyber attack against a county's voting system machines or the list of registered voters;

(2) information on any attempted cyber attack on a county's voting system machines or the list of registered voters; and

(3) recommendations for protecting a county's voting system machines and list of registered voters from a cyber attack.

(c) The secretary of state, using existing resources, may contract with a qualified vendor to conduct the study required by this section.

(d) This section expires January 1, 2019.

SECTION 15. (a) The lieutenant governor shall establish a Senate Select Committee on Cybersecurity and the speaker of the house of representatives shall establish a House Select Committee on Cybersecurity to, jointly or separately, study:

- (1) cybersecurity in this state;
- (2) the information security plans of each state agency; and
- (3) the risks and vulnerabilities of state agency cybersecurity.

(b) Not later than November 30, 2017:

(1) the lieutenant governor shall appoint five senators to the Senate Select Committee on Cybersecurity, one of whom shall be designated as chair; and

(2) the speaker of the house of representatives shall appoint five state representatives to the House Select Committee on Cybersecurity, one of whom shall be designated as chair.

(c) The committees established under this section shall convene separately at the call of the chair of the respective committees, or jointly at the call of both chairs. In joint meetings, the chairs of each committee shall act as joint chairs.

(d) Following consideration of the issues listed in Subsection (a) of this section, the committees established under this section shall jointly adopt recommendations on state cybersecurity and report in writing to the legislature any findings and adopted recommendations not later than January 13, 2019.

(e) This section expires September 1, 2019.

SECTION 16. (a) In this section, "state agency" means a board, commission, office, department, council, authority, or other agency in the executive or judicial branch of state government that is created by the constitution or a statute of this state. The term does not include a university system or institution of higher education as those terms are defined by Section 61.003, Education Code.

(b) The Department of Information Resources, in consultation with the Texas State Library and Archives Commission, shall conduct a study on state agency digital data storage and records management practices and the associated costs to this state.

(c) The study required under this section must examine:

(1) the current digital data storage practices of state agencies in this state;

(2) the costs associated with those digital data storage practices;

(3) the digital records management and data classification policies of state agencies and whether the state agencies are consistently complying with the established policies;

(4) whether the state agencies are storing digital data that exceeds established retention requirements and the cost of that unnecessary storage;

(5) the adequacy of storage systems used by state agencies to securely maintain confidential digital records;

(6) possible solutions and improvements recommended by the state agencies for reducing state costs and increasing security for digital data storage and records management; and

(7) the security level and possible benefits of and the cost savings from using cloud computing services for agency data storage, data classification, and records management.

(d) Each state agency shall participate in the study required by this section and provide appropriate assistance and information to the Department of Information Resources and the Texas State Library and Archives Commission.

(e) Not later than December 1, 2018, the Department of Information Resources shall issue a report on the study required under this section and recommendations for reducing state costs and for improving efficiency in digital data storage and records management to the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the house of representatives and the senate.

(f) This section expires September 1, 2019.

SECTION 17. The changes in law made by this Act do not apply to the Electric Reliability Council of Texas.

SECTION 18. This Act takes effect September 1, 2017.

The amendment to **CSHB 8** 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 8 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 8 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 8** 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 1278 ON SECOND READING

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1278** at this time on its second reading:

HB 1278, Relating to availability of personal information of certain current and former prosecutors.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1278** as follows:

(1) In Section 1 of the bill, in amended Section 552.117(a), Government Code (page 2, line 18), strike "or".

(2) In Section 1 of the bill, in amended Section 552.117(a), Government Code (page 2, line 23), strike the period and substitute the following:

; or

(14) a current or former employee of the Department of Family and Protective Services, regardless of whether the employee complies with Section 552.024 or 552.1175, or a current or former employee of a department contractor performing services for the contractor on behalf of the department.

(3) In Section 2 of the bill, in amended Section 552.1175(a), Government Code (page 2, line 63), strike "and" and substitute "[~~and~~]".

(4) In Section 2 of the bill, in amended Section 552.1175(a), Government Code (page 2, line 65), between "Code" and the period, insert the following:
; and

(14) a current or former employee of the Department of Family and Protective Services, regardless of whether the employee complies with Section 552.024 or 552.1175, or a current or former employee of a department contractor performing services for the contractor on behalf of the department

(5) In Section 3 of the bill, in amended Section 25.025(a), Tax Code (page 3, line 50), strike "and" and substitute "[~~and~~]".

(6) In Section 3 of the bill, in amended Section 25.025(a), Tax Code (page 3, line 53), between "Code" and the period, insert the following:
; and

(18) a current or former employee of the Department of Family and Protective Services or a current or former employee of a department contractor performing services for the contractor on behalf of the department

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

SECTION _____. The heading to Section 552.1175, Government Code, is amended to read as follows:

Sec. 552.1175. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONAL IDENTIFYING INFORMATION OF PEACE OFFICERS AND OTHER OFFICIALS PERFORMING SENSITIVE GOVERNMENTAL FUNCTIONS [~~, COUNTY JAILERS, SECURITY OFFICERS, EMPLOYEES OF CERTAIN CRIMINAL OR JUVENILE JUSTICE AGENCIES OR OFFICES, AND FEDERAL AND STATE JUDGES~~].

The amendment to **HB 1278** 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 Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1278** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 25.025(a)(16), Tax Code (page 3, line 50), strike "and" and substitute "[~~and~~]".

(2) In SECTION 3 of the bill, in amended Section 25.025(a)(17), Tax Code (page 3, line 53), between "Code" and the period, insert the following:
; and

(18) a code enforcement officer who holds a certificate of registration issued under Chapter 1952, Occupations Code

The amendment to **HB 1278** 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 1278 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 1278 ON THIRD READING

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1278** 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 2590 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 2590** at this time on its second reading:

CSHB 2590, Relating to the administrative penalty, amelioration, and informal dispute resolution processes for providers participating in certain Medicaid waiver programs.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2590** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Sections 161.089(h)(1), (2), and (3), Human Resources Code (page 3, lines 3 through 25), substitute the following, and renumber subsequent subdivisions accordingly:

(1) "Actual harm" means a negative outcome that compromises a recipient's physical, mental, or emotional well-being.

(2) "Immediate threat to the health or safety of a recipient" means a situation that causes, or is likely to cause, serious injury, harm, or impairment to or the death of a recipient.

(2) In SECTION 2 of the bill, in added Section 161.0891(g), Human Resources Code (page 4, line 21), strike "or".

(3) In SECTION 2 of the bill, in added Section 161.0891(g), Human Resources Code (page 4, line 23), between "violation" and the underlined period, insert the following:

; or

(3) for a violation that resulted in hazard to the health or safety of a recipient, including serious harm or death, or that substantially limits the provider's ability to provide care

(4) In SECTION 2 of the bill, immediately following added Section 161.0891(g), Human Resources Code (page 4, between lines 23 and 24), insert the following appropriately lettered subsection:

() This section expires September 1, 2023.

(5) In SECTION 2 of the bill, in added Section 161.0892(b), Human Resources Code (page 4, line 42), strike "who is a nonprofit organization".

(6) In SECTION 2 of the bill, in added Section 161.0892(b), Human Resources Code (page 4, line 44), immediately before "program", insert "waiver".

The amendment to **CSHB 2590** 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 2590 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 2590 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 2590** 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)

HOUSE BILL 2639 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 2639** at this time on its second reading:

HB 2639, Relating to an alert for a missing senior citizen or person with Alzheimer's disease.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2639** (senate 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.

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;

(B) suffers from a diagnosed mental illness, including post-traumatic stress disorder, or a diagnosed traumatic brain injury; and

(C) is under the care of a physician or court appointed legal guardian;

(2) a description of the circumstances under which a law enforcement agency is required to report a missing military member to the department; and

(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.

(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 residence is in this state;

(D) the military member suffers from a diagnosed mental illness, including post-traumatic stress disorder, or a diagnosed traumatic brain injury; and

(E) the military member is under the care of a physician or a court-appointed guardian;

(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; and

(4) believes sufficient information that could assist in locating the missing military member is available to disseminate to the public.

(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 or traumatic brain injury and of the military member's care to verify whether the member satisfies the requirements of Subsections (a)(2)(D) and (E); 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, which may include:

(A) the missing military member's name, age, identifying marks, picture, and vehicle information; and

(B) the general location from which the military member is missing; 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.

Sec. 411.450. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2021.

The amendment to **HB 2639** 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 2639 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 2639 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 2639** 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 337 ON SECOND READING

Senator Menéndez moved to suspend the regular order of business to take up for consideration **CSHB 337** at this time on its second reading:

CSHB 337, Relating to the continuation of certain public benefits, including medical assistance benefits, for individuals after release from confinement in a county jail.

The motion prevailed.

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

The bill was read second time 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: Creighton.

COMMITTEE SUBSTITUTE HOUSE BILL 337 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 337** be placed on its third reading and final passage.

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

Nays: Creighton.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2561 ON SECOND READING**

Senator Taylor of Collin moved to suspend the regular order of business to take up for consideration **CSHB 2561** at this time on its second reading:

CSHB 2561, Relating to the continuation and functions of the Texas State Board of Pharmacy; authorizing a reduction in fees.

The motion prevailed.

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

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSHB 2561** (senate committee report) as follows:

(1) In SECTION 7 of the bill, in amended Section 552.006(b), Occupations Code (page 3, between lines 18 and 19), insert the following appropriately numbered subdivision:

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

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

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

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

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

(2) Renumber subsequent subdivisions of amended Section 552.006(b), Occupations Code, appropriately.

The amendment to **CSHB 2561** 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 Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2561** (senate committee report) by striking added Section 551.008, Occupations Code (page 2, line 49 through page 3 line 8), and replacing it with the following:

Sec. 551.008. PROHIBITION ON RULE VIOLATING SINCERELY HELD RELIGIOUS BELIEF. (a) All rules, regulations, or policies adopted by the board may not violate Chapter 110, Civil Practice and Remedies Code.

(b) A person may assert a violation of Subsection (a) as an affirmative defense in an administrative hearing or as a claim or defense in a judicial proceeding under Chapter 37, Civil Practice and Remedies Code.

WATSON
HUGHES
TAYLOR OF COLLIN

The amendment to **CSHB 2561** 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 Hinojosa offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 2561** (senate committee report) as follows:

(1) In the recital to SECTION 3 of the bill (page 1, line 58), strike "(i), and (j)" and substitute "(i), (j), and (k)".

(2) In SECTION 3 of the bill, following added Subsection 481.0761(j), Health and Safety Code (page 2, between lines 20 and 21), insert the following:

(k) The board by rule may develop guidelines identifying patterns that may indicate that a particular patient to whom a controlled substance is prescribed or dispensed is engaging in drug abuse or drug diversion. These guidelines may be based on the frequency of prescriptions issued to and filled by the patient, the types of controlled substances prescribed, and the number of prescribers who prescribe controlled substances to the patient. The board may, based on the guidelines developed under this subsection, send a prescriber or dispenser an electronic notification if there is reason to believe that a particular patient is engaging in drug abuse or drug diversion.

(3) In the recital to SECTION 4 of the bill (page 2, line 22), strike "481.0763 and 481.0764" and substitute "481.0762, 481.0763, 481.0764, 481.0765, and 481.0766".

(4) In SECTION 4 of the bill, strike added Section 481.0763, Health and Safety Code (page 2, lines 24 through 27), and substitute the following:

Sec. 481.0762. MONITORING BY REGULATORY AGENCY. (a) Each regulatory agency that issues a license, certification, or registration to a prescriber shall promulgate specific guidelines for prescribers regulated by that agency for the responsible prescribing of opioids, benzodiazepines, barbiturates, or carisoprodol.

(b) A regulatory agency that issues a license, certification, or registration to a prescriber shall periodically access the information submitted to the board under Sections 481.074(q) and 481.075 to determine whether a prescriber is engaging in potentially harmful prescribing patterns or practices.

(c) If the board sends a prescriber an electronic notification authorized under Section 481.0761(i), the board shall immediately send an electronic notification to the appropriate regulatory agency.

(d) In determining whether a potentially harmful prescribing pattern or practice is occurring, the appropriate regulatory agency, at a minimum, shall consider:

(1) the number of times a prescriber prescribes opioids, benzodiazepines, barbiturates, or carisoprodol; and

(2) for prescriptions described by Subdivision (1), patterns of prescribing combinations of those drugs and other dangerous combinations of drugs identified by the board.

(e) If, during a periodic check under this section, the regulatory agency finds evidence that a prescriber may be engaging in potentially harmful prescribing patterns or practices, the regulatory agency may notify that prescriber.

(f) A regulatory agency may open a complaint against a prescriber if the agency finds evidence during a periodic check under this section that the prescriber is engaging in conduct that violates this subchapter or any other statute or rule.

Sec. 481.0763. REGISTRATION BY REGULATORY AGENCY. A regulatory agency that issues a license, certification, or registration to a prescriber or dispenser shall provide the board with any necessary information for each prescriber or dispenser, including contact information for the notifications described by Sections 481.0761(i) and (k), to register the prescriber or dispenser with the system by which the prescriber or dispenser receives information as authorized under Section 481.076(a)(5).

Sec. 481.0764. DUTIES OF PRESCRIBERS, PHARMACISTS, AND RELATED HEALTH CARE PRACTITIONERS. (a) A person authorized to receive information under Section 481.076(a)(5), other than a veterinarian, shall access that information with respect to the patient before prescribing or dispensing opioids, benzodiazepines, barbiturates, or carisoprodol.

(b) A person authorized to receive information under Section 481.076(a)(5) may access that information with respect to the patient before prescribing or dispensing any controlled substance.

(c) A veterinarian authorized to access information under Subsection (b) regarding a controlled substance may access the information for prescriptions dispensed only for the animals of an owner and may not consider the personal prescription history of the owner.

(d) A violation of Subsection (a) is grounds for disciplinary action by the regulatory agency that issued a license, certification, or registration to the person who committed the violation.

(e) This section does not grant a person the authority to issue prescriptions for or dispense controlled substances.

Sec. 481.0765. EXCEPTIONS. (a) A prescriber is not subject to the requirements of Section 481.0764(a) if:

(1) the patient has been diagnosed with cancer or the patient is receiving hospice care; and

(2) the prescriber clearly notes in the prescription record that the patient was diagnosed with cancer or is receiving hospice care, as applicable.

(b) A dispenser is not subject to the requirements of Section 481.0764(a) if it is clearly noted in the prescription record that the patient has been diagnosed with cancer or is receiving hospice care.

(c) A prescriber or dispenser is not subject to the requirements of Section 481.0764(a) and a dispenser is not subject to a rule adopted under Section 481.0761(j) if the prescriber or dispenser makes a good faith attempt to comply but is unable to access the information under Section 481.076(a)(5) because of circumstances outside the control of the prescriber or dispenser.

(5) In SECTION 4 of the bill, in the heading to added Section 481.0764, Health and Safety Code (page 2, line 28), strike "481.0764" and substitute "481.0766".

(6) Strike SECTION 17 of the bill (page 5, lines 30 through 32) and substitute the following appropriately numbered SECTION:

SECTION _____. Section 481.0764(a), Health and Safety Code, as added by this Act, applies only to:

(1) a prescriber other than a veterinarian who issues a prescription for a controlled substance on or after September 1, 2019; or

(2) a person authorized by law to dispense a controlled substance other than a veterinarian who dispenses a controlled substance on or after September 1, 2019.

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

SECTION _____. Section 481.003(a), Health and Safety Code, is amended to read as follows:

(a) The director may adopt rules to administer and enforce this chapter, other than Sections 481.073, 481.074, 481.075, 481.076, ~~and~~ 481.0761, 481.0762, 481.0763, 481.0764, 481.0765, and 481.0766. The board may adopt rules to administer Sections 481.073, 481.074, 481.075, 481.076, ~~and~~ 481.0761, 481.0762, 481.0763, 481.0764, 481.0765, and 481.0766.

SECTION _____. Sections 481.076(a) and (d), Health and Safety Code, are amended to read as follows:

(a) The board may not permit any person to have access to information submitted to the board under Section 481.074(q) or 481.075 except:

(1) ~~[an investigator for]~~ the board, the Texas Medical Board, the Texas State Board of Podiatric Medical Examiners, the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, the Texas Board of Nursing, or the Texas Optometry Board for the purpose of:

(A) investigating a specific license holder; or

(B) monitoring for potentially harmful prescribing or dispensing patterns or practices under Section 481.0762;

(2) an authorized officer or member of the department or authorized employee of the board engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(3) the department on behalf of a law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(4) a medical examiner conducting an investigation;

(5) provided that accessing the information is authorized under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) and regulations adopted under that Act;

(A) a pharmacist or a pharmacy technician, as defined by Section 551.003, Occupations Code, acting at the direction of a pharmacist; or

(B) a practitioner who:

(i) is a physician, dentist, veterinarian, podiatrist, optometrist, or advanced practice nurse or is a physician assistant described by Section 481.002(39)(D) or an employee or other agent of a practitioner acting at the direction of a practitioner; and

(ii) is inquiring about a recent Schedule II, III, IV, or V prescription history of a particular patient of the practitioner ~~provided that the person accessing the information is authorized to do so under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) and rules adopted under that Act;~~

(6) a pharmacist or practitioner who is inquiring about the person's own dispensing or prescribing activity; or

(7) one or more states or an association of states with which the board has an interoperability agreement, as provided by Subsection (j).

(d) Information submitted to the board under this section may be used only for:

(1) the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(2) investigatory, ~~or~~ evidentiary, or monitoring purposes in connection with the functions of an agency listed in Subsection (a)(1);

(3) the prescribing and dispensing of controlled substances by a person listed in Subsection (a)(5); or

(4) ~~(3)~~ dissemination by the board to the public in the form of a statistical tabulation or report if all information reasonably likely to reveal the identity of each patient, practitioner, or other person who is a subject of the information has been removed.

SECTION ____. Section 554.051(a-1), Occupations Code, is amended to read as follows:

(a-1) The board may adopt rules to administer Sections 481.073, 481.074, 481.075, 481.076, ~~and~~ 481.0761, 481.0762, 481.0763, 481.0764, 481.0765, and 481.0766, Health and Safety Code.

SECTION ____. (a) A joint interim committee is created to conduct an interim study on the monitoring of the prescribing and dispensing of controlled substances in this state.

(b) The joint interim committee shall be composed of three senators appointed by the lieutenant governor and three members of the house of representatives appointed by the speaker of the house of representatives.

(c) The lieutenant governor and speaker of the house of representatives shall each designate a co-chair from among the joint interim committee members.

(d) The joint interim committee shall convene at the joint call of the co-chairs.

(e) The joint interim committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.

(f) The interim study conducted by the joint interim committee must:

(1) include the number of prescribers and dispensers registered to receive information electronically under Section 481.076, Health and Safety Code, as amended by this Act;

(2) evaluate the accessing of information under Section 481.076, Health and Safety Code, as amended by this Act, by regulatory agencies to monitor persons issued a license, certification, or registration by those agencies;

(3) address any complaints, technical difficulties, or other issues with electronically accessing and receiving information under Section 481.076, Health and Safety Code, as amended by this Act;

(4) examine controlled substance prescribing and dispensing trends that may be affected by the passage and implementation of this Act;

(5) evaluate the use and effectiveness of electronic notifications sent to prescribers and dispensers under Sections 481.0761(i) and (k), Health and Safety Code, as added by this Act;

(6) evaluate the use and effectiveness of identifying geographic anomalies in comparing delivery and dispensing data;

(7) evaluate the integration of any new data elements required to be reported under this Act;

(8) evaluate the existence and scope of diversion of controlled substances by animal owners to whom the substances are dispensed by veterinarians;

(9) explore the best methods for preventing the diversion of controlled substances by animal owners; and

(10) determine how any future reporting by dispensing veterinarians might best be tailored to fit the practice of veterinary medicine.

(g) The committee shall solicit feedback from regulatory agencies, prescribers, dispensers, and patients affected by the passage of this Act.

(h) The committee shall submit a report to the legislature on the results of the interim study, including any legislative recommendations for improvements to information access and controlled substance prescription monitoring, not later than January 1, 2019.

(i) Subject to available resources, the Texas Legislative Council shall provide legal and policy research, drafts of proposed legislation, and statistical analysis services to the joint interim committee for the purpose of the study required under this section.

(j) Notwithstanding Section 481.076, Health and Safety Code, as amended by this Act, or any other law relating to access to or disclosure of prescription drug information maintained by the Texas State Board of Pharmacy, the Texas State Board of Pharmacy shall disclose any information maintained by the board under Section 481.076, Health and Safety Code, to the Texas Legislative Council on request of the council for the purpose of assisting with the study required under this section.

(k) Not later than November 1, 2017, the lieutenant governor and speaker of the house of representatives shall appoint the members of the joint interim committee in accordance with this section.

(l) The joint interim committee created under this section is abolished and this section expires January 2, 2019.

The amendment to **CSHB 2561** was read.

Senator Taylor of Collin offered the following amendment to Floor Amendment No. 3:

Floor Amendment No. 4

Amend Amendment No. 3 by Hinojosa to **CSHB 2561** (85R32206) by adding the following appropriately numbered items to the amendment and renumbering subsequent items of the amendment accordingly:

() In the recital to SECTION 6 of the bill, adding Section 551.008, Occupations Code (page 2, line 48), strike "Section" and substitute "Sections 551.006 and".

() In SECTION 6 of the bill, immediately before added Section 551.008, Occupations Code (page 2, between lines 48 and 49), insert the following:

Sec. 551.006. EXCLUSIVE AUTHORITY. Notwithstanding any other law, a pharmacist has the exclusive authority to determine whether or not to dispense a drug.

The amendment to Floor Amendment No. 3 to **CSHB 2561** 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.

Question recurring on the adoption of Floor Amendment No. 3 to **CSHB 2561**, 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. 3 as amended.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 2561** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 562.110, Occupations Code, is amended by amending Subsections (a), (b), (d), (e), and (f) and adding Subsections (g), (h), and (i) to read as follows:

(a) In this section:

(1) "Provider pharmacy" means a Class A pharmacy that provides pharmacy services through a telepharmacy system at a remote dispensing site.

(2) "Remote dispensing site" means a location licensed as a telepharmacy that is authorized by a provider pharmacy through a telepharmacy system to store and dispense prescription drugs and devices, including dangerous drugs and controlled substances.

(3) "Telepharmacy[~~," telepharmacy~~] system" means a system that monitors the dispensing of prescription drugs and provides for related drug use review and patient counseling services by an electronic method, including the use of the following types of technology:

(A) [(+)] audio and video;

(B) [(2)] still image capture; and

(C) [(3)] store and forward.

(b) A Class A or Class C pharmacy located in this state may provide pharmacy services, including the dispensing of drugs, through a telepharmacy system at locations separate from [in a facility that is not at the same location as] the Class A or Class C pharmacy.

(d) A telepharmacy system may be located only at:

(1) a health care facility in this state that is regulated by this state or the United States; or

(2) a remote dispensing site.

(e) The board shall adopt rules regarding the use of a telepharmacy system under this section, including:

(1) the types of health care facilities at which a telepharmacy system may be located under Subsection (d)(1), which must include the following facilities:

(A) a clinic designated as a rural health clinic regulated under 42 U.S.C. Section 1395x(aa)[, as amended]; and

(B) a health center as defined by 42 U.S.C. Section 254b[, as amended];

(2) the locations eligible to be licensed as remote dispensing sites, which must include locations in medically underserved areas, areas with a medically underserved population, and health professional shortage areas determined by the United States Department of Health and Human Services;

(3) licensing and operating requirements for remote dispensing sites, including:

(A) a requirement that a remote dispensing site license identify the provider pharmacy that will provide pharmacy services at the remote dispensing site;

(B) a requirement that a provider pharmacy be allowed to provide pharmacy services at not more than two remote dispensing sites;

(C) a requirement that a pharmacist employed by a provider pharmacy make at least monthly on-site visits to a remote dispensing site or more frequent visits if specified by board rule;

(D) a requirement that each month the perpetual inventory of controlled substances at the remote dispensing site be reconciled to the on-hand count of those controlled substances at the site by a pharmacist employed by the provider pharmacy;

(E) a requirement that a pharmacist employed by a provider pharmacy be physically present at a remote dispensing site when the pharmacist is providing services requiring the physical presence of the pharmacist, including immunizations;

(F) a requirement that a remote dispensing site be staffed by an on-site pharmacy technician who is under the continuous supervision of a pharmacist employed by the provider pharmacy;

(G) a requirement that all pharmacy technicians at a remote dispensing site be counted for the purpose of establishing the pharmacist-pharmacy technician ratio of the provider pharmacy, which, notwithstanding Section 568.006, may not exceed three pharmacy technicians for each pharmacist providing supervision;

(H) a requirement that, before working at a remote dispensing site, a pharmacy technician must:

(i) have worked at least one year at a retail pharmacy during the three years preceding the date the pharmacy technician begins working at the remote dispensing site; and

(ii) have completed a board-approved training program on the proper use of a telepharmacy system;

(I) a requirement that pharmacy technicians at a remote dispensing site may not perform extemporaneous sterile or nonsterile compounding but may prepare commercially available medications for dispensing, including the reconstitution of orally administered powder antibiotics; and

(J) any additional training or practice experience requirements for pharmacy technicians at a remote dispensing site;

(4) the areas that qualify under Subsection (f);

(5) [~~3~~] recordkeeping requirements; and

(6) [~~4~~] security requirements.

(f) A telepharmacy system located at a health care facility under Subsection (d)(1) may not be located in a community in which a Class A or Class C pharmacy is located as determined by board rule. If a Class A or Class C pharmacy is established in a community in which a telepharmacy system has been located under this section, the telepharmacy system may continue to operate in that community.

(g) A telepharmacy system located at a remote dispensing site under Subsection (d)(2) may not dispense a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481, Health and Safety Code, and may not be located within 22 miles by road of a Class A pharmacy.

(h) If a Class A pharmacy is established within 22 miles by road of a remote dispensing site that is currently operating, the remote dispensing site may continue to operate at that location.

(i) The board by rule shall require and develop a process for a remote dispensing site to apply for classification as a Class A pharmacy if the average number of prescriptions dispensed each day the remote dispensing site is open for business is more than 125, as calculated each calendar year.

SECTION _____. The Texas State Board of Pharmacy shall adopt rules under Section 562.110, Occupations Code, as amended by this Act, not later than January 1, 2018.

The amendment to **CSHB 2561** 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 Burton offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 2561** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. (a) Subtitle A, Title 6, Health and Safety Code, is amended by adding Chapter 442 to read as follows:

CHAPTER 442. DONATION OF PRESCRIPTION DRUGS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 442.001. DEFINITIONS. In this chapter:

(1) "Donor" means an individual who donates unused prescription drugs under this chapter to a participating provider.

(2) "Health care facility" means a facility that provides health care services to patients and maintains a pharmacy in the facility. The term includes the following facilities if a pharmacy is maintained in the facility:

(A) a general or special hospital as defined by Chapter 241;

(B) an ambulatory surgical center licensed under Chapter 243; and

(C) an institution licensed under Chapter 242.

(3) "Health care professional" means an individual licensed, certified, or otherwise authorized to administer health care and prescribe prescription drugs, for profit or otherwise, in the ordinary course of business or professional practice. The term does not include a health care facility.

(4) "Participating provider" means a health care facility or pharmacy, or a pharmacist who is an employee of the facility or pharmacy, that elects to participate in the collection and redistribution of donated prescription drugs under this chapter.

(5) "Pharmacist" means a person licensed under Chapter 558, Occupations Code.

(6) "Pharmacy" means an entity licensed under Chapter 560, Occupations Code.

(7) "Prescription drug" has the meaning assigned by Section 551.003, Occupations Code.

(8) "Recipient" means an individual who voluntarily receives donated prescription drugs under this chapter.

(9) "Tamper-evident" means packaging that allows for detection of unauthorized access to a prescription drug.

Sec. 442.002. RULEMAKING AUTHORITY. The executive commissioner may adopt rules to implement this chapter.

Sec. 442.003. CONSTRUCTION WITH OTHER LAW. This chapter does not limit the authority of this state or a political subdivision of this state to regulate or prohibit a prescription drug.

SUBCHAPTER B. DONATION AND REDISTRIBUTION OF UNUSED PRESCRIPTION DRUGS

Sec. 442.051. DONATION AND REDISTRIBUTION OF PRESCRIPTION DRUGS. (a) A donor may donate unused prescription drugs to a participating provider in accordance with this chapter and rules adopted under this chapter.

(b) A participating provider may dispense donated prescription drugs to a recipient in accordance with this chapter and rules adopted under this chapter.

Sec. 442.052. STANDARDS FOR DONATION AND REDISTRIBUTION. (a) The executive commissioner by rule shall adopt standards and procedures for:

(1) accepting, storing, labeling, and dispensing donated prescription drugs; and

(2) inspecting donated prescription drugs to determine whether the drugs are adulterated and whether the drugs are safe and suitable for redistribution.

(b) In adopting standards and procedures under this section, the executive commissioner shall ensure that the donation and redistribution process is consistent with public health and safety standards.

Sec. 442.053. REQUIREMENTS FOR DONATED PRESCRIPTION DRUGS.

(a) A donated prescription drug may be accepted or dispensed under this chapter only if the drug is in its original, unopened, sealed, and tamper-evident unit-dose packaging. A drug packaged in single unit doses may be accepted and dispensed if the outside packaging is opened but the single unit-dose packaging is unopened.

(b) A donated prescription drug may not be accepted or dispensed under this chapter if:

(1) the drug is a controlled substance;

(2) the drug is adulterated or misbranded;

(3) the drug is not stored in compliance with the drug's product label; or

(4) the United States Food and Drug Administration requires the drug to

have a risk evaluation or mitigation strategy.

(c) A participating provider shall comply with all applicable provisions of state and federal law relating to the inspection, storage, labeling, and dispensing of prescription drugs.

Sec. 442.054. DONATION PROCESS. (a) Before being dispensed to a recipient, a prescription drug donated under this chapter must be inspected by the participating provider in accordance with federal law, laws of this state, and department rule to determine whether the drug is adulterated or misbranded and whether the drug has been stored in compliance with the requirements of the product label.

(b) A donated prescription drug dispensed to a recipient under this chapter must be prescribed by a health care professional for use by the recipient.

(c) A participating provider may charge a handling fee not to exceed \$20 to a recipient to cover the costs of inspecting, storing, labeling, and dispensing the donated prescription drug. A participating provider may not resell a prescription drug donated under this chapter. A donor may not sell a prescription drug to a participating provider.

(d) A participating provider may not submit a claim or otherwise seek reimbursement from any public or private third-party payor for donated prescription drugs dispensed to a recipient under this chapter. A public or private third-party payor is not required to provide reimbursement for donated drugs dispensed to a recipient under this chapter.

Sec. 442.055. DONOR FORM. Before donating a prescription drug under this chapter, a donor shall sign a form prescribed by the department stating that:

(1) the donor is the owner of the donated prescription drug;

(2) the donated prescription drug has been properly stored and the container has not been opened or tampered with;

(3) the donated prescription drug has not been adulterated or misbranded;

and

(4) the donor is voluntarily donating the prescription drug.

Sec. 442.056. RECIPIENT FORM. Before accepting a donated prescription drug under this chapter, a recipient shall sign a form prescribed by the department stating that:

(1) the recipient acknowledges that the donor is not a pharmacist and the donor took ordinary care of the prescription drug;

(2) the recipient acknowledges that the donor is known to the participating provider and that there is no reason to believe that the prescription drug was improperly handled or stored;

(3) by accepting the prescription drug, the recipient accepts any risk that an accidental mishandling could create; and

(4) the recipient releases the donor, participating provider, and manufacturer of the drug from liability related to the prescription drug.

Sec. 442.057. LIMITATION OF LIABILITY. (a) A donor or participating provider who acts in good faith in donating, accepting, storing, labeling, distributing, or dispensing prescription drugs under this chapter:

(1) is not criminally liable and is not subject to professional disciplinary action for those activities; and

(2) is not civilly liable for damages for bodily injury, death, or property damage that arises from those activities unless the injury, death, or damage arises from the donor or participating provider's recklessness or intentional conduct.

(b) A manufacturer of a prescription drug that donates a drug under this chapter is not, in the absence of bad faith, criminally or civilly liable for bodily injury, death, or property damage arising from the donation, acceptance, or dispensing of the drug, including the manufacturer's failure to communicate to a donor or other person:

(1) product or consumer information about the donated prescription drug; or

(2) the expiration date of the donated prescription drug.

Sec. 442.058. DATABASE OF PARTICIPATING PROVIDERS. The department shall establish and maintain an electronic database that lists each participating provider. The department shall post the database on its Internet website.

(b) If before implementing any provision of this section 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.

SECTION _____. Not later than December 1, 2017, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary for the implementation of Chapter 442, Health and Safety Code, as added by this Act.

BURTON

TAYLOR OF COLLIN

The amendment to **CSHB 2561** 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 Rodríguez offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 2561** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 562, Occupations Code, is amended by adding Section 562.017 to read as follows:

Sec. 562.017. CERTAIN PRESCRIPTIONS FOR CONTROLLED SUBSTANCES. A pharmacist practicing in a Class A pharmacy may dispense a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481, Health and Safety Code, that is prescribed by an advanced practice registered nurse or physician assistant to whom a physician has delegated prescribing and ordering authority under Section 157.0511(b-1). The prescriber shall clearly note in the prescription records that the controlled substance listed in Schedule II is prescribed as part of the care provided in a hospital facility-based practice under Section 157.0511(b-1)(1) or as part of a plan of care under Section 157.0511(b-1)(2).

The amendment to **CSHB 2561** was read.

Senator Rodríguez withdrew Floor Amendment No. 7.

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

Floor Amendment No. 8

Amend **CSHB 2561** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 89.051(b), Education Code, is amended to read as follows:

(b) The college shall be known as The Texas A&M University System Health Science Center Irma Lerma Rangel College of Pharmacy, and the primary building in which the school is operated shall be located in Kleberg County and must include "Irma Rangel" in its official name.

The amendment to **CSHB 2561** 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.

CSHB 2561 as amended was passed to third reading by the following vote: Yeas 27, Nays 4.

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

Nays: Garcia, Menéndez, Miles, Rodríguez.

COMMITTEE SUBSTITUTE HOUSE BILL 2561 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 2561** be placed on its third reading and final passage.

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

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

Nays: Garcia, Menéndez, Miles, Rodríguez.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3173 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSHB 3173** at this time on its second reading:

CSHB 3173, Relating to the powers of the Harris County Improvement District No. 17 and to the creation of the East Lake Houston Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The motion prevailed.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3173 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 3173** be placed on its third reading and final passage.

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

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

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 1500 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1500** at this time on its second reading:

CSHB 1500, Relating to the public school accountability system.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1500** (senate committee printing) by striking SECTION 2 of the bill, amending Section 39.107, Education Code (page 3, lines 36-60) and substituting the following:

SECTION 2. Section 39.107, Education Code, is amended by adding Subsections (b-10) and (b-11) to read as follows:

(b-10) Not later than June 15 of each year, the commissioner shall, in writing, either approve or reject any campus turnaround plan prepared and submitted to the commissioner by a district. If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection.

(b-11) If the commissioner rejects a campus turnaround plan, the district must create a modified plan with assistance from agency staff and submit the modified plan to the commissioner for approval not later than the 60th day after the date the commissioner rejects the campus turnaround plan. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than the 15th day after the date the commissioner receives the modified plan.

The amendment to **CSHB 1500** 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 Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1500** (senate committee report) in SECTION 1 of the bill, in amended Section 39.053(c), Education Code (page 2, line 34), between "technical" and "courses", by inserting "or fine arts".

The amendment to **CSHB 1500** 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 West offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 1500** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Sections 39.053(b), Education Code, is amended to read as follows:

(b) Performance on the achievement indicators adopted under Subsections (c)(1)-(4) shall be compared to state-established standards. To the extent feasible, the [The] indicators should allow for disaggregation [must be based on information that is disaggregated] by race, ethnicity, and socioeconomic status.

SECTION _____. Sections 39.054(a), (a-1), and (a-3), Education Code, as effective September 1, 2017, are amended to read as follows:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each applicable domain under Sections 39.053(c)(1)-(4). An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflects performance that needs improvement. An overall or domain performance rating of [or] F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of [D or] F. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, [or] C, or D or performance that is exemplary, recognized, or acceptable or needs improvement [performance].

(a-1) In [For purposes of] assigning [an overall] performance ratings [rating] under Subsection (a), the commissioner may adjust the overall performance rating of a district or campus if the performance of the district or campus under the indicators described by Section 39.053(c), based on information disaggregated by race, ethnicity, socioeconomic status, or other factors, does not meet standards established by the commissioner. The commissioner shall attribute:

[(1) 55 percent of the performance evaluation to the achievement indicators for the first, second, and third domains under Sections 39.053(c)(1)-(3);

[(2) for middle and junior high school and elementary campuses and districts that include only those campuses, 35 percent of the performance evaluation to the applicable achievement indicators for the fourth domain under Section 39.053(c)(4);

[(3) for high school campuses and districts that include those campuses:

[(A) 10 percent of the performance evaluation to the high school graduation rate achievement indicator described by Section 39.053(c)(4)(A)(ii); and

[(B) 25 percent to the remaining applicable achievement indicators for the fourth domain under Section 39.053(c)(4); and

[(4) 10 percent of the performance evaluation to the locally selected and evaluated achievement indicators provided for under the fifth domain under Section 39.053(c)(5)].

(a-3) Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted under this section. [If a district or campus received an overall or domain performance rating of D or F for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.]

(2) SECTION _____. Section 39.054(a-1)(1), Education Code, is amended to read as follows:

(1) an overall performance rating for a district or campus under Subsection (a), the commissioner shall:

(A) consider either the district's or campus's performance rating under the student achievement domain under Section 39.053(c)(1) or the school performance domain under Section 39.053(c)(2), whichever performance rating is higher, unless the district or campus received a performance rating of F in either domain, in which case the district or campus may not be assigned an overall performance rating higher than a B; and

(B) attribute not less than 20 percent of the performance rating to the school climate domain under Section 39.053(c)(3) if the district or campus has received a performance rating of C or higher for the other two domains; and

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

SECTION _____. Section 12A.001(b), Education Code, is amended to read as follows:

(b) A school district is eligible for designation as a district of innovation only if the district's most recent overall performance rating under Section 39.054 is exemplary, recognized, or acceptable as reflected by an overall [reflects at least acceptable] performance rating of A, B, or C.

SECTION _____. Section 12A.001(b), Education Code, as amended by this Act, applies only to a school district designated as a district of innovation on or after the effective date of this Act.

SECTION _____. Subchapter E, Chapter 39, Education Code, is amended by adding Section 39.101 to read as follows:

Sec. 39.101. NEEDS IMPROVEMENT RATING. (a) Notwithstanding any other law, if a school district or campus is assigned an overall or domain performance rating of D:

(1) the commissioner shall order the district or campus to develop and implement a targeted improvement plan approved by the board of trustees of the district; and

(2) the interventions and sanctions provided by this subchapter based on failure to satisfy performance standards under Section 39.054(e) apply to the district or campus only as provided by this section.

(b) The interventions and sanctions provided by this subchapter based on failure to satisfy performance standards under Section 39.054(e) apply to a district or campus ordered to develop and implement a targeted improvement plan under Subsection (a) only if the district or campus is assigned an overall or domain performance rating of F, including the assignment of a performance rating of F in the manner provided by Subsection (c) or (d).

(c) If a school district or campus is assigned an overall performance rating of D for two consecutive school years after the district or campus is ordered to develop and implement a targeted improvement plan under Subsection (a), the commissioner shall assign that district or campus an overall performance rating of F for the following

school year unless, based on the performance of the district or campus in that following school year, the commissioner determines that the district or campus should be assigned a performance rating of C or higher.

(d) If a district or campus is assigned a domain performance rating of D for the same domain for two consecutive school years after the district or campus is ordered to develop and implement a targeted improvement plan under Subsection (a), the commissioner shall assign that district or campus a domain performance rating of F for that domain for the following school year unless, based on the performance of the district or campus in that following school year, the commissioner determines the district or campus should be assigned a performance rating of C or higher in that domain.

(e) The commissioner shall adopt rules as necessary to implement this section.

The amendment to **CSHB 1500** was read.

On motion of Senator West, further consideration of Floor Amendment No. 3 was postponed.

Question: Shall Floor Amendment No. 3 to **CSHB 1500** be adopted?

(Senator Hughes in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 4187 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSHB 4187** at this time on its second reading:

CSHB 4187, Relating to the use of revenue from municipal hotel occupancy taxes for a sports facility or field in certain municipalities.

The motion prevailed.

Senators Bettencourt, 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, Hall, Huffines, Taylor of Collin.

(President in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 4187 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 4187** be placed on its third reading and final passage.

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

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, Uresti, Watson, West, Whitmire, Zaffirini.

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

The bill was read third time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSHB 4187** (senate committee printing) on third reading in SECTION 1 of the bill, in added Section 351.1078(c), Tax Code (page 1, line 32), by striking "actual".

The amendment to **CSHB 4187** was read and was adopted by a viva voce vote.

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

CSHB 4187 as amended was finally passed by the following vote: Yeas 27, Nays 4.

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, Uresti, Watson, West, Whitmire, Zaffirini.

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

COMMITTEE SUBSTITUTE HOUSE BILL 322 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSHB 322** at this time on its second reading:

CSHB 322, Relating to the expunction of arrest records and files for certain veterans and the waiver of fees and costs charged for the expunction.

The motion prevailed.

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

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSHB 322** (senate committee report) by adding the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 411.0728, Government Code, is amended by amending subsections (a), (c), and (d), and adding subsection (b-1) to read as follows:

(a) This section applies only to a person:

(1) who [~~on conviction for an offense under Section 43.02, Penal Code,~~] is placed on community supervision under Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure, after conviction for an offense under:

(A) Section 481.120, Health and Safety Code, if the offense is punishable under Subsection (b)(1);

(B) Section 481.121, Health and Safety Code, if the offense is punishable under Subsection (b)(1);

(C) Section 31.03, Penal Code, if the offense is punishable under Subsection (e)(1) or (2);

(D) Section 43.02, Penal Code; or

(E) Section 43.03(a)(2), Penal Code, if the offense is punishable as a Class A misdemeanor;[;] and

(2) with respect to whom the conviction is subsequently set aside by the court under Article 42A.701, Code of Criminal Procedure [~~Section 20(a) of that article~~].

(b-1) A petition under subsection (b) must assert that the person seeking an order of nondisclosure under this section has not previously received an order of nondisclosure under this section.

(c) After notice to the state, an opportunity for a hearing, a determination by the court that the person has not previously received an order of nondisclosure under this section, and a determination by the court that the person committed the offense solely as a victim of trafficking of persons and that issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the defendant was placed on community supervision as described by Subsection (a) [~~under Section 43.02, Penal Code, giving rise to the community supervision~~].

(d) A person may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section only after the person's conviction [~~under Section 43.02, Penal Code,~~] is set aside as described by Subsection (a).

SECTION _____. The change in law made by this Act applies to a person whose conviction for an offense is set aside under Article 42A.701, Code of Criminal Procedure, on or after the effective date of this Act, regardless of when the person committed the offense for which the person was convicted.

The amendment to **CSHB 322** 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 322 as amended was passed to third reading by a viva voce vote.

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

Nays: Creighton, Hall.

**COMMITTEE SUBSTITUTE
HOUSE BILL 322 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 322** 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, 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: Creighton, Hall.

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 1500 ON SECOND READING**

The President laid before the Senate **CSHB 1500** by Senator West on its second reading. The bill had been read second time, amended, an amendment offered, and further consideration postponed:

CSHB 1500, Relating to the public school accountability system.

Question: Shall Floor Amendment No. 3 to **CSHB 1500** be adopted?

CSHB 1500 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 1500 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 1500** 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 3574 ON SECOND READING**

Senator Menéndez moved to suspend the regular order of business to take up for consideration **CSHB 3574** at this time on its second reading:

CSHB 3574, Relating to the allocation of low income housing tax credits.

The motion prevailed.

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

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

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

Nays: Burton, Hancock, Taylor of Collin.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3574 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 3574** 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, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Hancock, 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 2819 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2819** at this time on its second reading:

HB 2819, Relating to the establishment of an advisory committee for the TexNet seismic monitoring program.

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

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

HOUSE BILL 2819 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 2819** 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 1342 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 1342** at this time on its second reading:

HB 1342, Relating to child sexual abuse prevention training for public school students.

The motion prevailed.

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

The bill was read second time.

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

Committee Amendment No. 1

Amend **HB 1342** (house engrossed version) in SECTION 1 of the bill as follows:

(1) In amended Section 38.004(b), Education Code (page 1, between lines 13 and 14), insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() choose the provider and the method of delivery of the training;

(2) Strike added Section 38.004(d), Education Code (page 2, lines 5 through 8), and substitute the following:

(d) The agency shall compile a list of objectives that must be met by a school district's child sexual abuse prevention training required under Subsection (b).

The amendment to **HB 1342** 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.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1342** (senate committee report) in SECTION 1 of the bill as follows:

(1) In the recital to that section (page 1, line 39), strike "(c) and (d)" and substitute "(c), (d), and (e)".

(2) In amended Section 38.004, Education Code (page 2, between lines 6 and 7), insert the following:

(e) This section and Section 38.0041 may be cited as Jenna's Law.

The amendment to **HB 1342** 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 1342 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: Campbell, Hall, Hancock, Huffines.

HOUSE BILL 1342 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 1342** be placed on its third reading and final passage.

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

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

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

HOUSE BILL 2377 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2377** at this time on its second reading:

HB 2377, Relating to the development of brackish groundwater.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2377** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 35.018(b), Water Code, is amended to read as follows:

(b) The report must include:

(1) the names and locations of all priority groundwater management areas and districts created or attempted to be created on or after November 5, 1985, the effective date of Chapter 133 (H.B. No. 2), Acts of the 69th Legislature, Regular Session, 1985;

(2) the authority under which each priority groundwater management area and district was proposed for creation;

(3) a detailed analysis of each election held to confirm the creation of a district, including analysis of election results, possible reasons for the success or failure to confirm the creation of a district, and the possibility for future voter approval of districts in areas in which attempts to create districts failed;

(4) a detailed analysis of the activities of each district created, including those districts which are implementing management plans certified under Section 36.1072;

(5) a report on ~~audits performed on districts under Section 36.302 and~~ remedial actions taken under Section 36.303;

(6) recommendations for changes in this chapter and Chapter 36 that will facilitate the creation of priority groundwater management areas and the creation and operation of districts;

(7) a report on educational efforts in newly designated priority groundwater management areas; and

(8) any other information and recommendations that the commission considers relevant.

SECTION _____. Section 36.061(b), Water Code, is amended to read as follows:

(b) The state auditor may conduct a financial audit ~~[the records]~~ of any district if the state auditor determines that the audit is necessary.

SECTION _____. Section 36.1072(f), Water Code, is amended to read as follows:

(f) If the executive administrator does not approve the district's management plan, the executive administrator shall provide to the district, in writing, the reasons for the action. Not later than the 180th day after the date a district receives notice that its management plan has not been approved, the district may submit a revised management plan for review and approval. The executive administrator's decision may be appealed to the development board. If the development board decides not to approve the district's management plan on appeal, the district may request that the conflict be mediated. The district and the board may seek the assistance of the Center for Public Policy Dispute Resolution at The University of Texas School of Law or an alternative dispute resolution system established under Chapter 152, Civil Practice and Remedies Code, in obtaining a qualified impartial third party to mediate the conflict. The cost of the mediation services must be specified in the agreement between the parties and the Center for Public Policy Dispute Resolution or the alternative dispute resolution system. If the parties do not resolve the conflict through mediation, the decision of the development board not to approve the district's management plan may be appealed to a district court in Travis County. Costs for the appeal shall be set by the court hearing the appeal. An appeal under this subsection is by trial de novo. The commission shall not take enforcement action against a district under Subchapter I until the latest of the expiration of the 180-day period, the date the development board has taken final action withholding approval of a revised management plan, the date the mediation is completed, or the date a final judgment upholding the board's decision is entered by a district court. An enforcement action may not be taken against a district by the commission ~~[or the state auditor]~~ under Subchapter I because the district's management plan and the approved regional water plan are in conflict while the parties are attempting to resolve the conflict before the development board, in mediation, or in court. Rules of the district continue in full force and effect until all appeals under this subsection have been exhausted and the final judgment is adverse to the district.

SECTION _____. Section 36.113, Water Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) This subsection does not apply to the renewal of an operating permit issued under Section 36.1145. Before granting or denying a permit, or a permit amendment issued in accordance with Section 36.1146, the district shall consider whether:

(1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fees;

(2) the proposed use of water unreasonably affects:

(A) existing groundwater and surface water resources; ~~[or]~~

(B) existing permit holders; or

(C) registered wells that are exempt from the requirement to obtain a permit under this chapter or district rules;

(3) the proposed use of water is dedicated to any beneficial use;

(4) the proposed use of water is consistent with the district's approved management plan;

(5) if the well will be located in the Hill Country Priority Groundwater Management Area, the proposed use of water from the well is wholly or partly to provide water to a pond, lake, or reservoir to enhance the appearance of the landscape;

(6) the applicant has agreed to avoid waste and achieve water conservation; and

(7) the applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure.

(d-1) The district's consideration of the effect the proposed use of water has on a registered well described by Subsection (d)(2)(C) does not affect the registered well's permit exemption under this chapter or district rules.

SECTION _____. Section 36.303(a), Water Code, is amended to read as follows:

(a) If Section 36.301 or [;] 36.3011[, or 36.302(f)] applies, the commission, after notice and hearing in accordance with Chapter 2001, Government Code, shall take action the commission considers appropriate, including:

(1) issuing an order requiring the district to take certain actions or to refrain from taking certain actions;

(2) dissolving the board in accordance with Sections 36.305 and 36.307 and calling an election for the purpose of electing a new board;

(3) requesting the attorney general to bring suit for the appointment of a receiver to collect the assets and carry on the business of the groundwater conservation district; or

(4) dissolving the district in accordance with Sections 36.304, 36.305, and 36.308.

SECTION _____. Section 36.302, Water Code, is repealed.

The amendment to **HB 2377** 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 2377 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 2377 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 2377** 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 3270 ON SECOND READING

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **HB 3270** at this time on its second reading:

HB 3270, Relating to criminal background checks for persons employed by certain public school contractors.

The motion prevailed.

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

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 3270** (senate committee printing) by adding the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 42.01, Code of Criminal Procedure, is amended by adding Section 12 to read as follows:

Sec. 12. In addition to the information described by Section 1, the judgment should reflect affirmative findings entered pursuant to Article 42.0192.

SECTION _____. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0192 to read as follows:

Art. 42.0192. FINDING REGARDING OFFENSE RELATED TO PERFORMANCE OF PUBLIC SERVICE. (a) In the trial of an offense described by Section 814.013 or 824.009, Government Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the offense committed was related to the defendant's employment described by Section 814.013(b) or Section 824.009(b), Government Code, while a member of the Employees Retirement System of Texas or the Teacher Retirement System of Texas.

(b) A judge who makes the affirmative finding described by this article shall make the determination and provide the notice required by Section 814.013(l) or 824.009(l), Government Code, as applicable.

SECTION _____. Subchapter A, Chapter 814, Government Code, is amended by adding Section 814.013 to read as follows:

Sec. 814.013. CERTAIN EMPLOYEES AND ANNUITANTS INELIGIBLE FOR RETIREMENT ANNUITY; RESUMPTION OR RESTORATION OF ELIGIBILITY. (a) In this section, "qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code, or a federal offense that contains elements that are substantially similar to the elements of a listed felony offense:

(1) Section 15.01 (criminal attempt), Section 15.02 (criminal conspiracy), Section 15.03 (criminal solicitation), or Section 15.031 (criminal solicitation of a minor);

(2) Section 19.02 (murder), Section 19.03 (capital murder), Section 19.04 (manslaughter), or Section 19.05 (criminally negligent homicide);

(3) Section 20.02 (unlawful restraint);

(4) Section 20.03 (kidnapping) or Section 20.04 (aggravated kidnapping);

(5) Section 20.05 (smuggling of persons);

(6) Section 20A.02 (trafficking of persons);
(7) Section 21.02 (continuous sexual abuse of young child or children);
(8) Section 21.11 (indecent with a child);

(9) Section 21.12 (improper relationship between educator and student);

(10) Section 22.01 (assault);

(11) Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault);

(12) Section 22.04 (injury to a child, elderly individual, or disabled individual);

(13) Section 22.041 (abandoning or endangering child);

(14) Section 33.021 (online solicitation of a minor);

(15) Section 43.05 (compelling prostitution);

(16) Section 43.25 (sexual performance by a child);

(17) Section 43.251 (employment harmful to children); or

(18) Section 43.26 (possession or promotion of child pornography).

(b) This section applies only to a person who is a member or an annuitant of the retirement system and is or was an employee of the Texas Juvenile Justice Department in one of that department's institutional schools.

(c) Except as provided by Subsection (e), a person is not eligible to receive a service retirement annuity from the retirement system if the person is convicted of a qualifying felony the victim of which is a student.

(d) The retirement system shall suspend payments of an annuity to a person who is not eligible to receive a service retirement annuity under Subsection (c), as determined by the retirement system, on receipt by the retirement system of:

(1) notice of a conviction for a qualifying felony under Subsection (f) or (l);

(2) notice of a conviction for a qualifying felony from a district court or district attorney; or

(3) any other information the retirement system determines by rule is sufficient to establish a conviction for a qualifying felony.

(e) A person whose conviction is overturned on appeal or who meets the requirements for innocence under Section 103.001(a)(2), Civil Practice and Remedies Code:

(1) is entitled to receive an amount equal to the accrued total of payments and interest earned on the payments withheld during the suspension period; and

(2) may resume receipt of annuity payments on payment to the retirement system of an amount equal to the contributions refunded to the person under Subsection (g).

(f) Not later than the 30th day after the date of a person's conviction for a qualifying felony, the school at which the person was employed shall provide written notice of the conviction to the retirement system. The notice must comply with rules adopted by the board of trustees under Subsection (k).

(g) A person who is not eligible to receive a service retirement annuity under Subsection (c) is entitled to a refund of the person's retirement annuity contributions, including interest earned on those contributions.

(h) Benefits payable to an alternate payee under Chapter 804 who is recognized by a domestic relations order established before September 1, 2017, are not affected by a person's ineligibility to receive a retirement annuity under Subsection (c).

(i) On conviction of a person for a qualifying felony, a court may, in the interest of justice and in the same manner as in a divorce proceeding, award half of the service retirement annuity forfeited by the person as the separate property of an innocent spouse if the annuity is partitioned or exchanged by written agreement of the spouses as provided by Subchapter B, Chapter 4, Family Code. The amount awarded to the innocent spouse may not be converted to community property.

(j) Ineligibility for a retirement annuity under this section does not impair a person's right to any other retirement benefit for which the person is eligible.

(k) The board of trustees of the retirement system shall adopt rules and procedures to implement this section.

(l) A court shall notify the retirement system of the terms of a person's conviction for a qualifying felony.

SECTION _____. Subchapter A, Chapter 824, Government Code, is amended by adding Section 824.009 to read as follows:

Sec. 824.009. CERTAIN EMPLOYEES AND ANNUITANTS INELIGIBLE FOR RETIREMENT ANNUITY; RESUMPTION OR RESTORATION OF ELIGIBILITY. (a) In this section, "qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code, or a federal offense that contains elements that are substantially similar to the elements of a listed felony offense:

(1) Section 15.01 (criminal attempt), Section 15.02 (criminal conspiracy), Section 15.03 (criminal solicitation), or Section 15.031 (criminal solicitation of a minor);

(2) Section 19.02 (murder), Section 19.03 (capital murder), Section 19.04 (manslaughter), or Section 19.05 (criminally negligent homicide);

(3) Section 20.02 (unlawful restraint);

(4) Section 20.03 (kidnapping) or Section 20.04 (aggravated kidnapping);

(5) Section 20.05 (smuggling of persons);

(6) Section 20A.02 (trafficking of persons);

(7) Section 21.02 (continuous sexual abuse of young child or children);

(8) Section 21.11 (indecenty with a child);

(9) Section 21.12 (improper relationship between educator and student);

(10) Section 22.01 (assault);

(11) Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault);

(12) Section 22.04 (injury to a child, elderly individual, or disabled individual);

(13) Section 22.041 (abandoning or endangering child);

(14) Section 33.021 (online solicitation of a minor);

(15) Section 43.05 (compelling prostitution);

(16) Section 43.25 (sexual performance by a child);

(17) Section 43.251 (employment harmful to children); or

(18) Section 43.26 (possession or promotion of child pornography).

(b) This section applies only to a person who is a member or an annuitant of the retirement system and is or was an employee of the public school system.

(c) Except as provided by Subsection (e), a person is not eligible to receive a service retirement annuity from the retirement system if the person is convicted of a qualifying felony the victim of which is a student.

(d) The retirement system shall suspend payments of an annuity to a person who is not eligible to receive a service retirement annuity under Subsection (c), as determined by the retirement system, on receipt by the retirement system of:

(1) notice of a conviction for a qualifying felony under Subsection (f) or (l);

(2) notice of a conviction for a qualifying felony from a district court or district attorney; or

(3) any other information the retirement system determines by rule is sufficient to establish a conviction for a qualifying felony.

(e) A person whose conviction is overturned on appeal or who meets the requirements for innocence under Section 103.001(a)(2), Civil Practice and Remedies Code:

(1) is entitled to receive an amount equal to the accrued total of payments and interest earned on the payments withheld during the suspension period; and

(2) may resume receipt of annuity payments on payment to the retirement system of an amount equal to the contributions refunded to the person under Subsection (g).

(f) Not later than the 30th day after the date of a person's conviction for a qualifying felony, the school at which the person was employed shall provide written notice of the conviction to the retirement system. The notice must comply with rules adopted by the board of trustees under Subsection (k).

(g) A person who is not eligible to receive a service retirement annuity under Subsection (c) is entitled to a refund of the person's retirement annuity contributions, including interest earned on those contributions.

(h) Benefits payable to an alternate payee under Chapter 804 who is recognized by a domestic relations order established before September 1, 2017, are not affected by a person's ineligibility to receive a retirement annuity under Subsection (c).

(i) On conviction of a person for a qualifying felony, a court may, in the interest of justice and in the same manner as in a divorce proceeding, award half of the service retirement annuity forfeited by the person as the separate property of an innocent spouse if the annuity is partitioned or exchanged by written agreement of the spouses as provided by Subchapter B, Chapter 4, Family Code. The amount awarded to the innocent spouse may not be converted to community property.

(j) Ineligibility for a retirement annuity under this section does not impair a person's right to any other retirement benefit for which the person is eligible.

(k) The board of trustees of the retirement system shall adopt rules and procedures to implement this section.

(l) A court shall notify the retirement system of the terms of a person's conviction of a qualifying felony.

SECTION _____. Section 12, Article 42.01, Code of Criminal Procedure, and Article 42.0192, Code of Criminal Procedure, as added by this Act, apply only to a judgment of conviction entered on or after the effective date of this Act.

SECTION 6. (a) Not later than December 31, 2017, the board of trustees of the Employees Retirement System of Texas shall adopt the rules necessary to implement Section 814.013, Government Code, as added by this Act.

(b) Not later than December 31, 2017, the board of trustees of the Teacher Retirement System of Texas shall adopt the rules necessary to implement Section 824.009, Government Code, as added by this Act.

SECTION _____. Sections 814.013 and 824.009, Government Code, as added by this Act, apply only to an offense committed on or after the effective date of rules adopted in accordance with those sections. An offense committed before that date is governed by the law in effect on the date 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 rules adopted in accordance with Sections 814.013 and 824.009, Government Code, as added by this Act, if any element of the offense occurred before that date.

The amendment to **HB 3270** 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 3270 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: Schwertner.

HOUSE BILL 3270 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 3270** be placed on its third reading and final passage.

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

Nays: Schwertner.

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 4180 ON THIRD READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSHB 4180** at this time on its third reading and final passage:

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 motion prevailed.

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

The bill was read third time and was passed 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.

HOUSE BILL 3727 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3727** at this time on its second reading:

HB 3727, Relating to vacancies on the governing body of a Type A general-law municipality.

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 3727 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 3727** 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 1372 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 1372** at this time on its second reading:

HB 1372, Relating to information included in the curriculum of each driver education course and driving safety course.

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 Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1372** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 23), strike "Sections 1001.109 and 1001.1091" and substitute "Section 1001.1091".

(2) In Section 1 of the bill, strike added Section 1001.109, Education Code (page 1, lines 25-37).

(3) In SECTION 2(a) of the bill, in the transition language (page 1, line 45), strike "Sections 1001.109(a) and 1001.1091" and substitute "Section 1001.1091".

(4) In SECTION 2(b) of the bill, in the transition language (page 1, line 49), strike "Sections 1001.109(a) and 1001.1091" and substitute "Section 1001.1091".

The amendment to **HB 1372** 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 1372 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.

HOUSE BILL 1372 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 1372** 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 377 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 377** at this time on its second reading:

HB 377, Relating to the issuance of specialty license plates to surviving spouses of certain military veterans.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 377** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 504.308, Transportation Code, is amended to read as follows:

Sec. 504.308. DISTINGUISHED FLYING CROSS MEDAL RECIPIENTS. [(*)] The department shall issue specialty license plates for persons who have received the Distinguished Flying Cross medal and Distinguished Flying Cross medal with Valor. The license plates must bear a depiction of the Distinguished Flying Cross medal and the words "Distinguished Flying Cross" at the bottom of each license plate.

License plates issued under this section to recipients of the Distinguished Flying Cross medal with Valor that are not personalized must also include the letter "V" as a prefix or suffix to the numerals on each plate.

The amendment to **HB 377** 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 Rodríguez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 377** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 504.317, Transportation Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A person is eligible to receive specialty license plates under this section if the person is the surviving spouse of a person who had been entitled to specialty plates for veterans with disabilities under Section 504.202, regardless of whether the deceased spouse was issued plates under that section.

The amendment to **HB 377** was read and was adopted by a viva voce vote.

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

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 377** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 521.011, Transportation Code, is amended to read as follows:

Sec. 521.011. SERVICES INFORMATION FOR VETERANS. The department and the Texas Veterans Commission shall jointly develop a one-page informational paper about veterans services provided by this state for veterans who receive:

(1) a driver's license with a designation under Section 521.1235; or

(2) a personal identification certificate with a veteran's designation under Section 521.102 ~~[a one-page informational paper about veterans services provided by this state].~~

SECTION _____. Section 521.101(l), Transportation Code, is amended to read as follows:

(l) The application for the personal identification certificate must provide space for the applicant:

(1) to voluntarily list any information ~~[military service]~~ that may qualify the applicant to receive a personal identification certificate with a ~~[veteran's]~~ designation under Section 521.102; and

(2) to include proof required by the department to determine the applicant's eligibility to receive that designation.

SECTION _____. Section 521.102, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (b-1), (d), (e), and (f) to read as follows:

(a) In this section:

(1) "Disability rating" has the meaning assigned by Section 11.22, Tax Code.

(2) "Disabled veteran" and [5] "veteran" have the meanings assigned by Section 521.1235 [means a person who:

~~(1) has served in:~~

~~[(A) the army, navy, air force, coast guard, or marine corps of the United States; or~~

~~[(B) the Texas National Guard as defined by Section 431.001, Government Code; and~~

~~[(2) has been honorably discharged from the branch of the service in which the person served].~~

(b-1) If a disabled veteran provides proof sufficient to the department, the department, on request of the disabled veteran, shall include on a personal identification certificate issued to the disabled veteran in any available space on the face of the personal identification certificate or on the reverse side of the personal identification certificate:

(1) a disabled veteran designation; and

(2) the branch of the service in which the disabled veteran served.

(c) The department shall provide to the recipient of a personal identification certificate with a [veteran's] designation under this section the informational paper described by Section 521.011 at the time the certificate is issued.

(d) Notwithstanding any other law and except as provided by Subsection (e), for purposes of obtaining a service or benefit available for disabled veterans in this state, a disabled veteran may use a personal identification certificate described by Subsection (b-1) as satisfactory proof:

(1) that the disabled veteran has a disability rating described by Section 521.1235(a)(2)(A) or (B), as applicable; and

(2) of branch of service and honorable discharge.

(e) A personal identification certificate described by Subsection (b-1) is not satisfactory proof of the disabled veteran's disability rating for purposes of obtaining a property tax exemption provided by Chapter 11, Tax Code.

(f) A disabled veteran who renews a personal identification certificate described by Subsection (b-1) shall provide proof sufficient to the department of the disabled veteran's disability rating.

SECTION _____. Section 521.1235, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (b-1), (d), (e), and (f) to read as follows:

(a) In this section:

(1) "Disability rating" has the meaning assigned by Section 11.22, Tax Code.

(2) "Disabled veteran" means a veteran who has suffered a service-connected disability with a disability rating of:

(A) at least 50 percent; or

(B) 40 percent if the rating is due to the amputation of a lower

extremity.

(3) "Veteran" [~~,"veteran"~~] means a person who:

(A) [~~(1)~~] has served in:

(i) [~~(A)~~] the army, navy, air force, coast guard, or marine corps of the United States; or

(ii) [~~(B)~~] the Texas National Guard as defined by Section 437.001, Government Code; and

(B) [~~(2)~~] has been honorably discharged from the branch of the service in which the person served.

(b-1) If a disabled veteran provides proof sufficient to the department, the department, on request of the disabled veteran, shall include on a driver's license issued to the disabled veteran in any available space on the face of the driver's license or on the reverse side of the driver's license:

(1) a disabled veteran designation; and

(2) the branch of the service in which the disabled veteran served.

(c) The department shall provide to the recipient of a driver's license with a [~~veteran's~~] designation under this section the informational paper described by Section 521.011 at the time the license is issued.

(d) Notwithstanding any other law and except as provided by Subsection (e), for purposes of obtaining a service or benefit available for disabled veterans in this state, a disabled veteran may use a driver's license described by Subsection (b-1) as satisfactory proof:

(1) that the disabled veteran has a disability rating described by Subsection (a)(2)(A) or (B), as applicable; and

(2) of branch of service and honorable discharge.

(e) A driver's license described by Subsection (b-1) is not satisfactory proof of the disabled veteran's disability rating for purposes of obtaining a property tax exemption provided by Chapter 11, Tax Code.

(f) A disabled veteran who renews a driver's license described by Subsection (b-1) shall provide proof sufficient to the department of the disabled veteran's disability rating.

SECTION _____. Section 521.142(i), Transportation Code, is amended to read as follows:

(i) The application must provide space for the applicant:

(1) to voluntarily list any information [~~military service~~] that may qualify the applicant to receive a license with a [~~veteran's~~] designation under Section 521.1235; and

(2) to include proof required by the department to determine the applicant's eligibility to receive that designation.

The amendment to **HB 377** 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: Huffines.

HB 377 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 377 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 377** 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 515 ON SECOND READING

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **CSHB 515** at this time on its second reading:

CSHB 515, Relating to assessment of public school students and providing accelerated instruction and eliminating performance requirements based on performance on certain assessment instruments.

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 Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 515** (senate committee report) as follows:

(1) Strike the recital to SECTION 2 of the bill, amending Section 39.023(e), Education Code (page 1, lines 53 and 54), and substitute the following:

SECTION 2. Sections 39.023(a) and (e), Education Code, as effective September 1, 2017, are amended to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in subjects for which assessment is required by federal law [~~reading, writing, mathematics, social studies, and science~~]. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in[~~]:~~

~~[(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;~~

~~[(2) reading, annually in grades three through eight;~~

~~[(3) writing, including spelling and grammar, in grades four and seven;~~

~~[(4) social studies, in grade eight;~~

~~[(5) science, in grades five and eight; and~~

~~[(6)] any [other] subject and grade required by federal law.~~

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

SECTION _____. Sections 39.02301(a) and (d), Education Code, are amended to read as follows:

(a) During the 2015-2016 school year, the agency, in coordination with the entity that has been contracted to develop or implement assessment instruments under Section 39.023, shall conduct a study to develop a writing assessment method as an alternative to the writing assessment instruments required under Section 39.023(c) [~~Sections 39.023(a) and (e)~~]. The writing assessment method must be designed to assess:

(1) a student's mastery of the essential knowledge and skills in writing through timed writing samples;

(2) improvement of a student's writing skills from the beginning of the school year to the end of the school year;

(3) a student's ability to follow the writing process from rough draft to final product; and

(4) a student's ability to produce more than one type of writing style.

(d) A school district designated to participate in the pilot program under this section is not required to comply with the writing assessment requirements under Section 39.023(c) [~~Sections 39.023(a) and (e)~~] during the period the district is participating in the pilot program. The agency shall, to the greatest extent practicable, apply cost savings that result from the exemption under this subsection to offset the costs accrued under this section.

The amendment to **CSHB 515** was read.

Senator Menéndez withdrew Floor Amendment No. 1.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 515** (senate committee report), by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.02301, Education Code, is amended by amending Subsection (j) and adding Subsection (k) to read as follows:

(j) Not later than September 1, 2021, the agency, with input from school districts participating in the pilot program, shall modify the method for assessing students in writing in grades four and seven and in English I and English II secondary-level courses, based on the writing assessment method developed under this section.

(k) This section expires September 1, 2021 [~~2019~~].

The amendment to **CSHB 515** was read and failed of adoption by the following vote: Yeas 9, Nays 22.

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

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 515** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 28.0211, Education Code, is amended to read as follows:

Sec. 28.0211. ~~ACCELERATED LEARNING COMMITTEE [SATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS REQUIRED];~~ ACCELERATED INSTRUCTION.

SECTION _____. Section 28.0211, Education Code, is amended by amending Subsections (a), (a-1), (a-3), (c), (f), (i), (k), and (n) and adding Subsections (f-1) and (f-2) to read as follows:

(a) A district shall establish an accelerated learning committee described by Subsection (c) for each student who does not perform satisfactorily on:

(1) the third grade mathematics or reading assessment instrument under Section 39.023;

~~(2) [Except as provided by Subsection (b) or (e), a student may not be promoted to:~~

~~[(1) the sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on] the fifth grade mathematics or [and] reading assessment instrument [instruments] under Section 39.023; or~~

~~(3) [(2) the ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on] the eighth grade mathematics or [and] reading assessment instrument [instruments] under Section 39.023.~~

(a-1) Each time a student fails to perform satisfactorily on an assessment instrument administered under Section 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours, ~~and~~ may include participation at times of the year outside normal school operations, and may be provided to the student during the subsequent school year.

(a-3) The commissioner shall provide guidelines to districts on research-based best practices and effective strategies that a district may use in developing an accelerated instruction program. The commissioner may provide to districts available resources concerning research-based best practices and effective strategies that a district may use in developing an accelerated instruction program.

~~(c) [Each time a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a), the school district in which the student attends school shall provide to the student accelerated instruction in the applicable~~

~~subject area, including reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument.] After a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a) [a second time], an accelerated learning [a grade placement] committee shall be established [to prescribe the accelerated instruction the district shall provide to the student before the student is administered the assessment instrument the third time]. The accelerated learning [grade placement] committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the accelerated learning [grade placement] committee and the purpose of the committee. [An accelerated instruction group administered by a school district under this section may not have a ratio of more than 10 students for each teacher.]~~

~~(f) An accelerated learning [A school district shall provide to a student who, after three attempts, has failed to perform satisfactorily on an assessment instrument specified under Subsection (a) accelerated instruction during the next school year as prescribed by an educational plan developed for the student by the student's grade placement] committee described by [established under] Subsection (c) shall:~~

~~(1) develop an educational plan for the student that provides the necessary accelerated instruction for the student to achieve appropriate grade level performance; and~~

~~(2) provide other assistance to the student in accordance with a policy adopted by the district board of trustees prescribing the role of accelerated learning committees in that district. [The district shall provide that accelerated instruction regardless of whether the student has been promoted or retained.]~~

~~(f-1) The educational plan developed under Subsection (f)(1) must be designed to enable the student to perform at the appropriate grade level by the conclusion of the subsequent school year. During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the plan. The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.~~

~~(f-2) If a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject, the superintendent of the district or the superintendent's designee shall meet with the student's accelerated learning committee to:~~

~~(1) identify the reason the student did not perform satisfactorily; and~~

~~(2) determine, in order to ensure the student performs satisfactorily on the assessment instrument at the next opportunity for the student to be administered the assessment instrument, whether:~~

~~(A) the educational plan developed for the student under Subsection (f) must be modified to provide the necessary accelerated instruction for that student; and~~

~~(B) any additional resources are required for that student.~~

(i) The admission, review, and dismissal committee of a student who participates in a district's special education program under Subchapter A ~~[B]~~, Chapter 29, and who does not perform satisfactorily on an assessment instrument specified under Subsection (a) and administered under Section 39.023(a) or (b) shall determine[=

~~[(1)] the manner in which the student will participate in an accelerated instruction program under this section[; and~~

~~[(2) whether the student will be promoted or retained under this section].~~

(k) The commissioner shall adopt rules as necessary to implement this section[; ~~including rules concerning when school districts shall administer assessment instruments required under this section and which administration of the assessment instruments will be used for purposes of Section 39.054].~~

(n) A student who ~~fails to perform satisfactorily on an assessment instrument specified under Subsection (a) and is promoted to the next grade level [by a grade placement committee under this section]~~ must be assigned at that next grade level in each subject in which the student failed to perform satisfactorily on an assessment instrument specified under Subsection (a) to a teacher who meets all state and federal qualifications to teach that subject and grade.

The amendment to **CSHB 515** was read and failed of adoption by the following vote: Yeas 10, Nays 21.

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

Nays: 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.

CSHB 515 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 515 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 **CSHB 515** 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)

HOUSE BILL 865 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **HB 865** at this time on its second reading:

HB 865, Relating to establishing a veterans services coordinator for the Texas Department of Criminal Justice and a veterans reentry dorm program for certain state jail defendants confined by the department.

The motion prevailed.

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

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

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

Nays: Bettencourt, Creighton.

HOUSE BILL 865 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 865** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Creighton.

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

(Senator Taylor of Collin in Chair)

COMMITTEE SUBSTITUTE

HOUSE BILL 22 ON SECOND READING

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **CSHB 22** at this time on its second reading:

CSHB 22, Relating to evaluating public school performance.

The motion prevailed.

Senators Menéndez, 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 Taylor of Galveston offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 22** (senate committee report) as follows:

(1) In SECTION 8 of the bill, strike amended Section 39.053(b), Education Code (page 3, lines 63-69), and substitute the following:

(b) Performance on the achievement indicators adopted under Subsections (c)(1), (2), (3)(B) and (C), and (4) [(e)(1)-(4)] shall be compared to state-established standards. The indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status.

(2) In SECTION 8 of the bill, amending Section 39.053(c), Education Code (page 4, line 2), strike "three" and substitute "four".

(3) In SECTION 8 of the bill, amending Section 39.053(c), Education Code (page 6, line 16), strike "and" and substitute "[~~and~~]".

(4) In SECTION 8 of the bill, amending Section 39.053(c), Education Code (page 6, line 30), between "courses" and the period, insert the following:
; and

(4) in the closing the gaps domain, the student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds

(5) In SECTION 10 of the bill, strike Section 39.054(a-1)(1), Education Code (page 8, lines 32-37), and substitute the following:

(1) an overall performance rating for a district or campus under Subsection (a), the commissioner shall:

(A) consider either the district's or campus's performance rating under the student achievement domain under Section 39.053(c)(1) or the school performance domain under Section 39.053(c)(2), whichever performance rating is higher, unless the district or campus received a performance rating of F in either domain, in which case the district or campus may not be assigned an overall performance rating higher than a B;

(B) attribute not less than 20 percent of the performance rating to the school climate domain under Section 39.053(c)(3) if the district or campus has received a performance rating of C or higher for the other three domains; and

(C) attribute not less than 20 percent of the performance rating to the closing the gaps domain under Section 39.053(c)(4); and

The amendment to **CSHB 22** 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 **CSHB 22** (senate committee report) as follows:

(1) In SECTION 10 of the bill, strike amended Section 39.054(a), Education Code (page 8, lines 14-30), and substitute the following:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c) [Sections 39.053(e)(1)-(4)]. An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or

domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflects performance that needs improvement. An overall or domain performance rating of [or] F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of [D-or] F. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, [or] C, or D or performance that is exemplary, recognized, or acceptable or needs improvement [performance].

(2) In SECTION 10 of the bill, strike Section 39.054(a-1)(1), Education Code (page 8, lines 32-37), and substitute the following:

(1) an overall performance rating for a district or campus under Subsection (a), the commissioner shall:

(A) consider either the district's or campus's performance rating under the student achievement domain under Section 39.053(c)(1) or the school performance domain under Section 39.053(c)(2), whichever performance rating is higher, unless the district or campus received a performance rating of F in either domain, in which case the district or campus may not be assigned an overall performance rating higher than a B; and

(B) attribute not less than 20 percent of the performance rating to the school climate domain under Section 39.053(c)(3) if the district or campus has received a performance rating of C or higher for the other two domains; and

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

SECTION _____. Section 12A.001(b), Education Code, is amended to read as follows:

(b) A school district is eligible for designation as a district of innovation only if the district's most recent overall performance rating under Section 39.054 is exemplary, recognized, or acceptable as reflected by an overall [reflects at least acceptable] performance rating of A, B, or C.

SECTION _____. Section 12A.001(b), Education Code, as amended by this Act, applies only to a school district designated as a district of innovation on or after the effective date of this Act.

SECTION _____. Subchapter E, Chapter 39, Education Code, is amended by adding Section 39.101 to read as follows:

Sec. 39.101. NEEDS IMPROVEMENT RATING. (a) Notwithstanding any other law, if a school district or campus is assigned an overall or domain performance rating of D:

(1) the commissioner shall order the district or campus to develop and implement a targeted improvement plan approved by the board of trustees of the district; and

(2) the interventions and sanctions provided by this subchapter based on failure to satisfy performance standards under Section 39.054(e) apply to the district or campus only as provided by this section.

(b) The interventions and sanctions provided by this subchapter based on failure to satisfy performance standards under Section 39.054(e) apply to a district or campus ordered to develop and implement a targeted improvement plan under Subsection (a)

only if the district or campus is assigned an overall or domain performance rating of F, including the assignment of a performance rating of F in the manner provided by Subsection (c) or (d).

(c) If a school district or campus is assigned an overall performance rating of D for two consecutive school years after the district or campus is ordered to develop and implement a targeted improvement plan under Subsection (a), the commissioner shall assign that district or campus an overall performance rating of F for the following school year unless, based on the performance of the district or campus in that following school year, the commissioner determines that the district or campus should be assigned a performance rating of C or higher.

(d) If a district or campus is assigned a domain performance rating of D for the same domain for two consecutive school years after the district or campus is ordered to develop and implement a targeted improvement plan under Subsection (a), the commissioner shall assign that district or campus a domain performance rating of F for that domain for the following school year unless, based on the performance of the district or campus in that following school year, the commissioner determines the district or campus should be assigned a performance rating of C or higher in that domain.

(e) The commissioner shall adopt rules as necessary to implement this section.

The amendment to **CSHB 22** 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 **CSHB 22** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.054, Education Code, is amended by adding Subsection (b) to read as follows:

(b) For purposes of assigning school districts and campuses an overall and a domain performance rating under Subsection (a), the commissioner shall ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

The amendment to **CSHB 22** 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 Taylor of Galveston offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 22** (senate committee report) as follows:

(1) In SECTION 8 of the bill, in proposed Section 39.053(c)(3)(B), Education Code (page 6, line 25), strike "and".

(2) In SECTION 8 of the bill, in proposed Section 39.053(c)(3)(C) (page 6, line 30) between "courses" and the period, insert:

; and

(D) an indicator of teacher quality as determined by the percentage of teachers teaching in the teacher's field of certification and efforts by districts and campuses to increase teacher retention, including providing mentoring programs and professional development opportunities

The amendment to **CSHB 22** 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 Taylor of Galveston offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 22** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Chapter 42, Education Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. TEXAS COMMISSION ON PUBLIC SCHOOL FINANCE

Sec. 42.601. DEFINITION. In this subchapter, "commission" means the Texas Commission on Public School Finance.

Sec. 42.602. TEXAS COMMISSION ON PUBLIC SCHOOL FINANCE.

(a) The Texas Commission on Public School Finance is established to develop and make recommendations for improvements to the current public school finance system or for new methods of financing public schools.

(b) The commission is composed of 15 members, consisting of the following:

(1) four members appointed by the governor;

(2) three members appointed by the lieutenant governor;

(3) three members appointed by the speaker of the house of representatives;

(4) the chair of the senate committee on education, or a representative designated by the chair;

(5) the chair of the senate committee on finance, or a representative designated by the chair;

(6) the chair of the house of representatives committee on public education, or a representative designated by the chair;

(7) the chair of the house of representatives committee on appropriations, or a representative designated by the chair; and

(8) a member of the State Board of Education, as designated by the chair of that board.

(c) In making appointments under Subsections (b)(1), (2), and (3), the governor, lieutenant governor, and speaker of the house of representatives shall coordinate to ensure that the membership of the commission reflects, to the extent possible, the ethnic diversity of this state and includes at least one of each of the following representatives:

(1) an administrator in the public school system or an elected member of the board of trustees of a school district;

(2) a member of the business community; and

(3) a member of the civic community.

Sec. 42.603. PRESIDING OFFICER. The governor shall designate the presiding officer of the commission.

Sec. 42.604. COMPENSATION AND REIMBURSEMENT. A member of the commission is not entitled to compensation for service on the commission but is entitled to reimbursement for actual and necessary expenses incurred in performing commission duties.

Sec. 42.605. ADMINISTRATIVE SUPPORT AND FUNDING. (a) Staff members of the agency shall provide administrative support for the commission.

(b) Funding for the administrative and operational expenses of the commission shall be provided by appropriation to the agency for that purpose.

Sec. 42.606. RECOMMENDATIONS. (a) The commission shall develop recommendations under this subchapter to address issues related to the public school finance system, including:

(1) the purpose of the public school finance system and the relationship between state and local funding in that system;

(2) the appropriate levels of local maintenance and operations and interest and sinking fund tax effort necessary to implement a public school finance system that complies with the requirements under the Texas Constitution; and

(3) policy changes to the public school finance system necessary to adjust for student demographics and the geographic diversity in the state.

(b) The commission may establish one or more working groups composed of not more than five members of the commission to study, discuss, and address specific policy issues and recommendations to refer to the commission for consideration.

Sec. 42.607. REPORT. Not later than December 31, 2018, the commission shall prepare and deliver a report to the governor and the legislature that recommends statutory changes to improve the public school finance system, including any adjustments to funding to account for student demographics.

Sec. 42.608. PUBLIC MEETINGS AND PUBLIC INFORMATION. (a) The commission may hold public meetings as needed to fulfill its duties under this subchapter.

(b) The commission is subject to Chapters 551 and 552, Government Code.

Sec. 42.609. COMMISSION ABOLISHED; EXPIRATION OF SUBCHAPTER. (a) The commission is abolished January 8, 2019.

(b) This subchapter expires January 8, 2019.

The amendment to **CSHB 22** 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 Taylor of Galveston offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 22** by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

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 _____. 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.

SECTION _____. For purposes of any Act of the 85th Legislature, Regular Session, 2017, the effect of which is contingent on S.B. 1658 being enacted and becoming law, the enactment and becoming law of this Act is equivalent to the enactment and becoming of law of S.B. 1658.

The amendment to **CSHB 22** 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 Menéndez offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 22** by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 29.904, Education Code, is repealed.

The amendment to **CSHB 22** 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.

(President in Chair)

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSHB 22** (senate committee printing) as follows:

(1) Strike the recital to SECTION 8 of the bill, amending Section 39.053, Education Code (page 3, lines 40 through 42) and substitute the following:

SECTION 8. Sections 39.053(a), (a-1), (b), (c), (d-1), (f), (g), (g-1), (g-2), and (i) are amended to read as follows:

(2) In SECTION 8 of the bill, strike added Section 39.053(c-3), Education Code (page 6, lines 31 through 40).

The amendment to **CSHB 22** was read and failed of adoption by the following vote: Yeas 10, Nays 21.

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

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSHB 22** (senate committee report), in SECTION 8 of the bill, amending Section 39.053(b), Education Code (page 3, lines 68 and 69), strike "and socioeconomic status" and substitute "~~and~~ socioeconomic status, and status as a student of limited English proficiency, as defined by Section 29.052".

The amendment to **CSHB 22** 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 Menéndez offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSHB 22** (senate committee printing) as follows:

(1) In SECTION 8 of the bill, in amended Section 39.053(c), Education Code (page 4, line 62), strike "and".

(2) In SECTION 8 of the bill, in amended Section 39.053(c), Education Code (page 4, line 67), after the underlined semicolon, inset the following:

and

(x) students who successfully completed an OnRamps dual enrollment course;

The amendment to **CSHB 22** 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 Menéndez offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSHB 22** (senate committee report) as follows:

(1) In SECTION 18 of the bill (page 10, line 57), strike "2017" and substitute "2018".

(2) In SECTION 19 of the bill (page 10, line 59), strike "2017-2018" and substitute "2018-2019".

The amendment to **CSHB 22** was read and failed of adoption by the following vote: Yeas 10, Nays 21.

Yeas: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, 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, Uresti.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSHB 22** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.054, Education Code, is amended by adding Subsection (a-4) to read as follows:

(a-4) In addition to the requirements under Subsection (a), the commissioner, in collaboration with interested stakeholders, shall develop standardized language for each domain that does not exceed 250 words and that clearly describes the annual

status of a district and campus relating to district and campus performance on the indicators used for that domain to determine the letter performance rating assigned to a district and campus.

The amendment to **CSHB 22** 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 Uresti offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSHB 22** (senate committee printing), in SECTION 8 of the bill, as follows:

(1) In the recital to that section (page 3, line 42), strike "Subsection (c-3)" and substitute "Subsections (c-3) and (e)".

(2) In amended Section 39.053(c)(1)(A), Education Code (page 4, line 24), strike "and" and substitute "[~~and~~"]".

(3) In amended Section 39.053(c)(1)(A), Education Code (page 4, between lines 31 and 32), insert the following:

(iii) an indicator that accounts for the results of assessment instruments administered under Section 39.023 in grades three through eight to students formerly receiving special education services, including the percentage of those students who achieved satisfactory academic performance, as determined by commissioner rule; and

(4) In amended Section 39.053, Education Code, immediately following amended Subsection (d-1) of that section (page 6, between lines 47 and 48), insert the following new Subsection (e):

(e) For purposes of Subsection (c)(1)(A)(iii), a student formerly receiving special education services means a student whose enrollment information:

(1) for the preceding year, as reported through the Public Education Information Management System (PEIMS), indicates the student was enrolled at the campus and was participating in a special education program; and

(2) for the current year, as reported through the Public Education Information Management System (PEIMS) and as reported on assessment instruments administered to the student under Section 39.023, indicates the student is enrolled at the campus and is not participating in a special education program.

The amendment to **CSHB 22** 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.

CSHB 22 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: Menéndez, Watson, Zaffirini.

**COMMITTEE SUBSTITUTE
HOUSE BILL 22 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 **CSHB 22** be placed on its third reading and final passage.

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

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

Nays: Menéndez, Watson, Zaffirini.

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

CO-AUTHOR OF SENATE BILL 1394

On motion of Senator Hughes, Senator Zaffirini will be shown as Co-author of **SB 1394**.

CO-AUTHOR OF SENATE BILL 1938

On motion of Senator Hughes, Senator Zaffirini will be shown as Co-author of **SB 1938**.

CO-AUTHOR OF SENATE BILL 2211

On motion of Senator Hancock, Senator Creighton will be shown as Co-author of **SB 2211**.

CO-AUTHOR OF SENATE BILL 2294

On motion of Senator Lucio, Senator Garcia will be shown as Co-author of **SB 2294**.

CO-SPONSORS OF HOUSE BILL 7

On motion of Senator Uresti, Senators Garcia, Hinojosa, Lucio, and Menéndez will be shown as Co-sponsors of **HB 7**.

CO-SPONSOR OF HOUSE BILL 9

On motion of Senator Taylor of Collin, Senator Zaffirini will be shown as Co-sponsor of **HB 9**.

CO-SPONSORS OF HOUSE BILL 281

On motion of Senator Huffman, Senators Garcia and Miles will be shown as Co-sponsors of **HB 281**.

CO-SPONSOR OF HOUSE BILL 351

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-sponsor of **HB 351**.

CO-SPONSOR OF HOUSE BILL 357

On motion of Senator Huffman, Senator Garcia will be shown as Co-sponsor of **HB 357**.

CO-SPONSOR OF HOUSE BILL 515

On motion of Senator Taylor of Galveston, Senator Kolkhorst will be shown as Co-sponsor of **HB 515**.

CO-SPONSOR OF HOUSE BILL 553

On motion of Senator Miles, Senator Garcia will be shown as Co-sponsor of **HB 553**.

CO-SPONSOR OF HOUSE BILL 557

On motion of Senator Burton, Senator Miles will be shown as Co-sponsor of **HB 557**.

CO-SPONSOR OF HOUSE BILL 776

On motion of Senator Buckingham, Senator Campbell will be shown as Co-sponsor of **HB 776**.

CO-SPONSORS OF HOUSE BILL 810

On motion of Senator Bettencourt, Senators Burton, Hall, Hancock, Kolkhorst, Lucio, Perry, and Taylor of Collin will be shown as Co-sponsors of **HB 810**.

CO-SPONSOR OF HOUSE BILL 822

On motion of Senator Hinojosa, Senator Garcia will be shown as Co-sponsor of **HB 822**.

CO-SPONSOR OF HOUSE BILL 1036

On motion of Senator Whitmire, Senator Miles will be shown as Co-sponsor of **HB 1036**.

CO-SPONSOR OF HOUSE BILL 1081

On motion of Senator Watson, Senator Garcia will be shown as Co-sponsor of **HB 1081**.

CO-SPONSORS OF HOUSE BILL 1204

On motion of Senator West, Senators Garcia and Miles will be shown as Co-sponsors of **HB 1204**.

CO-SPONSORS OF HOUSE BILL 1629

On motion of Senator Zaffirini, Senators Garcia and Miles will be shown as Co-sponsors of **HB 1629**.

CO-SPONSOR OF HOUSE BILL 1948

On motion of Senator Creighton, Senator Hughes will be shown as Co-sponsor of **HB 1948**.

CO-SPONSOR OF HOUSE BILL 2619

On motion of Senator Hughes, Senator Miles will be shown as Co-sponsor of **HB 2619**.

CO-SPONSOR OF HOUSE BILL 2639

On motion of Senator Buckingham, Senator Garcia will be shown as Co-sponsor of **HB 2639**.

CO-SPONSORS OF HOUSE BILL 2818

On motion of Senator Taylor of Collin, Senators Bettencourt and Garcia will be shown as Co-sponsors of **HB 2818**.

CO-SPONSOR OF HOUSE BILL 2937

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-sponsor of **HB 2937**.

CO-SPONSOR OF HOUSE BILL 3576

On motion of Senator Schwertner, Senator Hinojosa will be shown as Co-sponsor of **HB 3576**.

CO-SPONSOR OF HOUSE BILL 3593

On motion of Senator Taylor of Galveston, Senator Miles will be shown as Co-sponsor of **HB 3593**.

CO-SPONSOR OF HOUSE BILL 4114

On motion of Senator Miles, Senator Garcia will be shown as Co-sponsor of **HB 4114**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 86

On motion of Senator Kolkhorst, Senator Garcia will be shown as Co-sponsor of **HCR 86**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 866 by Rodríguez, In memory of Arcadio Durán Jr.

Congratulatory Resolutions

SR 864 by Campbell, Recognizing the veterans who served as interns for the Veteran Affairs and Border Security Committee.

SR 865 by West, Recognizing the City of Dallas for its contributions to the State of Texas.

SR 867 by Rodríguez, Recognizing Zuill Bailey for receiving two Grammy Awards.

SR 868 by Rodríguez, Recognizing Leah Esther Loredó on the occasion of her birthday.

SR 869 by Menéndez, Recognizing Jenny Browne as the 2017 State Poet Laureate.

SR 870 by Menéndez, Recognizing George Strait as the 2017 State Musician.

SR 871 by Menéndez, Recognizing Intocable for its contributions to music.

SR 872 by Menéndez, Recognizing Carol Coffee Reposa as the 2018 State Poet Laureate.

SR 873 by Menéndez, Recognizing Marcia Ball as the 2018 State Musician.

SR 874 by Menéndez, Recognizing Beili Liu as the 2018 State Three-Dimensional Artist.

SR 875 by Menéndez, Recognizing Kermit Oliver as the 2017 State Two-Dimensional Artist.

SR 876 by Menéndez, Recognizing Sedrick Huckaby as the 2018 State Two-Dimensional Artist.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:33 a.m. Thursday, May 25, 2017, adjourned until 1:00 p.m. today.

APPENDIX

BILLS AND RESOLUTIONS ENROLLED

May 23, 2017

SB 59, SB 802, SB 854, SB 869, SB 1318, SB 1446, SB 1465, SB 1480, SB 1559, SB 1599, SB 1677, SB 1679, SB 1709, SB 1710, SB 1912, SJR 1, SJR 6, SJR 34, SR 847, SR 848, SR 849, SR 850, SR 851, SR 852, SR 853, SR 854, SR 855, SR 856, SR 857, SR 858, SR 859, SR 860, SR 861, SR 862, SR 863

SENT TO GOVERNOR

May 24, 2017

SB 42, SB 59, 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 802, SB 826, SB 854, SB 869, SB 944, SB 957, SB 1062, SB 1105, SB 1131, SB 1196, SB 1221, SB 1253, SB 1318, SB 1446, SB 1465, SB 1480, SB 1559, SB 1599, SB 1677, SB 1679, SB 1709, SB 1710, SB 1748, SB 1758, SB 1873, SB 1912, SB 2080, SB 2087

