

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-FIFTH DAY
(Thursday, May 25, 2017)

The Senate met at 1:30 p.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.

Bishop George C. Sampleton, Inspiration Pentecostal Church, Bastrop, offered the invocation as follows:

Bring an end to violence and hatred and discord. Give them, and all of us, the grace to admit when we are wrong and to seek forgiveness. Guide all those in positions of power, whether that power is political or physical or social, and give them wisdom to use their power wisely. Thank You, Lord, for peace.

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.

ACKNOWLEDGMENT

The President acknowledged the presence of United States Secretary of Energy Rick Perry.

The Senate welcomed its guest.

SENATE RESOLUTION 860

Senator Perry offered the following resolution:

SR 860, In memory of Joseph Ray Perry.

The resolution was again read.

The resolution was previously adopted on Tuesday, May 23, 2017.

In honor of the memory of Joseph Ray Perry, the text of the resolution is printed at the end of this day's *Senate Journal*.

REMARKS ORDERED PRINTED

On motion of Senator Bettencourt and by unanimous consent, the remarks by Senator Perry regarding **SR 860** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Mr. President. Senate Resolution No. 860, in memory Joseph Ray Perry. Whereas, the Senate of the State of Texas honors and commemorates the life of Joseph Ray Perry, who died on April 27, 2017, at the age of 92. And whereas, Ray Perry was an exemplary citizen and a hardworking West Texas farmer who loved his land and was dedicated to serving his family and community. Whereas, he was born on April 22, 1925, in the Haskell County community of Paint Creek to Hoyt and Thelma Perry. A lifelong resident of Haskell County, he served the nation with distinction in the United States Army Air Corps during World War II. He flew 35 missions over Nazi Germany as a tail gunner in a B-17 bomber. He was awarded multiple medals for his exemplary service and whereas, he married Amelia June Holt at the Haskell Methodist Church on June 29th, 1948, and the couple enjoyed nearly 70 years of marriage together. They raised two children, Milla Perry Jones and James Richard "Rick" Perry, and they were blessed with three grandchildren and two great-grandchildren. And whereas, in addition to working his land, Ray Perry was active in a wide range of political and community endeavors. He served nearly 30 years as a Haskell County Commissioner and for 10 years as a member of Paint Creek school board. He served for six years on West Central Texas Council of Governments and was instrumental in the creation of the Paint Creek Water Corporation and twice served as its president. And whereas, an avid hunter and outdoorsman, he was known for his numerous wild game trophies. One of the highlights of his hunting trips was killing an Alaskan first-class caribou that has been listed in the *Guinness Book of World Records*. And whereas, Ray Perry, a man of courage, faith, and patriotism, he gave unselfishly to others and to his community, and his enthusiasm for living each day to the fullest will not be forgotten by those who were privileged to have shared in his life. And whereas, he was a devoted husband, father, and grandfather, and he leaves behind memories that will be cherished forever by his family and many friends. Now, therefore, be it resolved, that the Senate of the State of Texas, 85th Legislature, hereby extend sincere condolences to the bereaved family of Joseph Ray Perry, and be it further resolved that a copy of this resolution be prepared for his family as an expression of deepest sympathy from the Texas State Senate, and when the Senate adjourns today, it do so in the memory of Joseph Ray Perry.

REMARKS ORDERED PRINTED

On motion of Senator Bettencourt and by unanimous consent, the remarks by the Honorable Rick Perry, U.S. Secretary of Energy, regarding **SR 860** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Governor, thank you. It is a great privilege to be back in this Chamber and quite an honor for the Perry family to be recognized by this esteemed group of men and women. I have many memories of the time that I've spent behind this dais with a gavel not unlike this. I would suggest that not one of them will be any more memorable, Senator Perry, than today. My father truly was an extraordinary father, but in 1977, when I moved back home with my mother and dad, he probably didn't realize that he was going to end up being an instructor and a teacher for the next few years, as well, but he was, he was very adept at that. A dry land cotton farmer who truly shared that experience and taught me how to be a passable farmer, Senator Zaffirini, but he taught me how to be a cowboy. But his real impact on my life was in mentoring me in the art of politics, as you shared with your memorial resolution, of 28 years as a County Commissioner. That's seven elections, two times to be elected to the school board and a couple of times to that council of government. And one of the great moments that I recall of, of the, of the common sense wisdom, Jane, that my dad was, although a quiet and a stoic fellow, he would pass on a little wisdom from time to time. And in Young County, Texas, in 1984, as an aspiring State Representative, Senator Estes, it had come a good rain out in our part of the country, and the spring flowers were up and it was looking good. And the man who was going to introduce me to walk up on the outdoor trailer to give my remarks, leaned over and said, Hey, Perry, you ought to take credit for this rain we just had. And my dad heard that and about the time I was walking up the steps, he kind of grabbed me by the sleeve and said, Son, I heard what that man said, and you're certainly free to get up there on that stage and take credit for the rain. But, he said, think about where you live, and it's dry here a lot more than it is wet, and if you take credit for the rain, they'll blame you for the drought. And those snippets of wisdom, which may not have seemed like it was that earth-shattering, but over the course of a lifetime, I know how blessed I was to have this extraordinary individual be my father, be my mentor in the art of politics, and to truly have selflessly served his country, his state, and his county. And each of you walk in that same line, that same legacy. You all understand what your calling has been. Anita and I and the children are truly blessed to have been associated with each of you. And every day you all make me very proud to call myself a Texan because of the way that you perform your duties, the way you work together, and the way that you make Texas the best state in the nation. God bless you.

SENATE RESOLUTION 795

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas Legislative Internship Program Class of the 85th Legislature; and

WHEREAS, The Texas Legislative Internship Program was established by Senator Rodney Ellis in December of 1990 and is administered by Texas Southern University; and

WHEREAS, This excellent internship program provides a unique opportunity for students from Texas colleges and universities to serve as interns in the Texas Legislature, the United States Congress, and a variety of local, state, and national governmental agencies and public policy organizations; and

WHEREAS, Students receive academic credit for participating in the program, which combines academic study and research with supervised practical training; as interns, they gain firsthand knowledge of the governmental process and work experience in a political environment, as well as insight into the issues facing our communities and our state today; and

WHEREAS, The participants in the Texas Legislative Internship Program are Margaret Alfred, Garrett Auzenne, John Bachinkas, Christopher Brault, Taylor Carter-Jones, Terra Coffey, Anthony Collier, Brandy Douglas, Raven Douglas, Tyler Faust, Naiyolis Garcia, Matthew Gaskin, Alejandro Guajardo, LaTreshia Hamilton, Elizabeth Hann, Casandra Johnson, Jiovanni Jones, Tamoria Jones, Bria Joshua, Brian King, Theodore Knatt, Lorrienne Lucas, Fatima Mann, D'Juan Mansfield, Taren Marsaw, Kelsey Marsh, Esperanza Martinez, Israel Martinez, Dondraius Mayhew, Josiah Mercer, Andrew Parks, Parker Patterson, Jaime Puente, Andrew Sanchez, Rachel Spotts, Angela Taylor, Laymond Wilburn, Molly Wilson, and Matthew Wurst; and

WHEREAS, Program participants demonstrated resourcefulness and diligence in the performance of their multifaceted duties and contributed significantly to the ongoing operations in the offices in which they served; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby commend the participants in the Texas Legislative Internship Program on their excellent work and extend to them best wishes for the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the class as an expression of esteem from the Texas Senate.

SR 795 was read and was adopted without objection.

GUESTS PRESENTED

Senator West, joined by the President and Senators Seliger, Garcia, Campbell, Rodríguez, and Miles, was recognized and introduced to the Senate Texas Legislative Internship Program Class of the 85th Legislature participants.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Buckingham was recognized and presented Dr. Mark Lane of Lampasas as the Physician of the Day.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 25, 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 526 Birdwell Sponsor: Capriglione
Relating to the abolishment of certain advisory committees and other state entities.
(Committee Substitute)

SB 736 Hancock Sponsor: Clardy
Relating to a report on the sale of retail electric power by the General Land Office.
(Committee Substitute)

SB 762 Menéndez Sponsor: Moody
Relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.
(Amended)

SB 805 Lucio Sponsor: Thompson,
Senfronia
Relating to Texas women veterans.
(Amended)

SB 814 Hinojosa Sponsor: Canales
Relating to the board of directors of the Agua Special Utility District.
(Amended)

SB 848 Huffines Sponsor: Romero, Jr.
Relating to the licensing and regulation of providers of driver and traffic safety education.
(Committee Substitute)

SB 1014 Creighton Sponsor: Keough
Relating to The Woodlands Township.
(Committee Substitute)

SB 1024 Nelson Sponsor: Davis, Yvonne
Relating to the use of certain lighting equipment on airport security vehicles.
(Committee Substitute)

SB 1056 Perry Sponsor: Murr
Relating to the transfer of certain probate proceedings to the county in which the executor or administrator of a decedent's estate resides.
(Committee Substitute/Amended)

- SB 1099** Perry Sponsor: Springer
Relating to the designation of a portion of U.S. Highway 84 as the Trooper Jonathan Thomas McDonald Memorial Highway.
(Amended)
- SB 1109** Birdwell Sponsor: Burns
Relating to the authority of certain municipalities to change the date of the general election for officers.
(Amended)
- SB 1198** Zaffirini Sponsor: Isaac
Relating to the conversion of the Hays Caldwell Public Utility Agency to the Alliance Regional Water Authority; providing authority to issue bonds; granting the power of eminent domain; providing authority to impose fees.
(Committee Substitute)
- SB 1298** Huffman Sponsor: Thompson, Ed
Relating to the selection and summons of prospective grand jurors.
(Amended)
- SB 1398** Lucio Sponsor: Thompson, Senfronia
Relating to the placement and use of video cameras in certain self-contained classrooms or other settings providing special education services.
(Committee Substitute/Amended)
- SB 1666** Huffman Sponsor: Laubenberg
Relating to the conduct of primary elections and certain other election practices; increasing a criminal penalty; creating criminal offenses.
(Committee Substitute)
- SB 1987** Lucio Sponsor: Murphy
Relating to the notice requirements for bills proposing the creation of or annexation of land to certain special purpose districts.
(Committee Substitute)
- SB 1992** Watson Sponsor: Isaac
Relating to the allocation of housing tax credits to developments within proximate geographical areas.
(Committee Substitute)
- SB 2014** Creighton Sponsor: Schubert
Relating to the administration of certain water districts.
(Committee Substitute)
- SB 2039** Zaffirini Sponsor: Thompson, Senfronia
Relating to the development of instructional modules and training for public schools on the prevention of sexual abuse and sex trafficking and participation by the human trafficking prevention task force in that development.
(Amended)

SB 2244 West Sponsor: Giddings
Relating to the creation of the University Hills Municipal Management District;
providing authority to issue bonds; providing authority to impose assessments or fees.
(Committee Substitute)

SB 2276 Creighton Sponsor: Perez
Relating to the creation of Lakewood Improvement District of Harris County;
providing authority to issue bonds; providing authority to impose assessments, fees,
or taxes.
(Committee Substitute)

SB 2293 Creighton Sponsor: Bell
Relating to the creation of Montgomery County Improvement District No. 1;
providing authority to issue bonds; providing authority to impose assessments, fees,
or taxes.
(Committee Substitute)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 25, 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 40 Zaffirini Sponsor: Murr
Relating to the bond required and the bond insurance obtained for certain judges.

SB 43 Zaffirini Sponsor: Murr
Relating to the Judicial Branch Certification Commission; authorizing fees; providing
penalties.

SB 49 Zaffirini Sponsor: Guillen
Relating to the appointment by certain elected officials of students to receive a Texas
Armed Services Scholarship.

SB 55 Zaffirini Sponsor: Sheffield
Relating to a study of the use of a patient-reported outcomes registry in conjunction
with health coverage for certain governmental employees.

SB 79 Nelson Sponsor: Capriglione
Relating to the production of public information available on a publicly accessible
website.

- SB 82** Nelson Sponsor: Capriglione
Relating to prohibiting the temporary closure of segments of the state highway system on days that certain scheduled events are being held in certain municipalities.
- SB 102** Hall Sponsor: White
Relating to general officers within the state military department.
- SB 227** Huffman Sponsor: Clardy
Relating to certain substances listed in Penalty Group 2 of the Texas Controlled Substances Act.
- SB 239** Campbell Sponsor: Larson
Relating to a parent's right to view the body of a deceased child before an autopsy is performed.
- SB 263** Perry Sponsor: Springer
Relating to the handgun proficiency required to obtain or renew a license to carry a handgun.
- SB 323** Nelson Sponsor: Burkett
Relating to the offense of female genital mutilation.
- SB 341** Perry Sponsor: Goldman
Relating to the consequences of the possession of illegal synthetic cannabinoids on a holder of or applicant for certain alcoholic beverage licenses and liability of a person who provides, sells, or serves a synthetic cannabinoid to another person.
- SB 343** Perry Sponsor: Moody
Relating to the prosecution of the offense of improper sexual activity with a person under supervision.
- SB 344** West Sponsor: Sheffield
Relating to the authority of emergency medical services personnel of certain emergency medical services providers to transport a person for emergency detention.
- SB 364** Kolkhorst Sponsor: Schubert
Relating to the designation of a portion of Alternate United States Highway 90 in Lavaca County as the Sheriff Ronnie Dodds Memorial Highway.
- SB 365** Kolkhorst Sponsor: Schubert
Relating to the designation of a portion of State Highway 95 in Lavaca County as the Sergeant David M. Furrh Memorial Highway.
- SB 371** Watson Sponsor: Cyrier
Relating to the grounds for refusal, cancellation, or suspension of certain alcoholic beverage licenses.
- SB 402** Zaffirini Sponsor: Allen
Relating to notice provided to persons with disabilities regarding the eligibility of persons with disabilities to use certain public transportation services.
- SB 413** Taylor, Van Sponsor: Laubenberg
Relating to the maintenance of information entered into a fee record in certain counties.
- SB 436** Rodríguez Sponsor: Uresti, Tomas
Relating to the operation of the special education continuing advisory committee.

- SB 441** Rodríguez Sponsor: Blanco
Relating to eligibility of surviving spouses of disabled veterans for specialty license plates.
- SB 544** Lucio Sponsor: Guillen
Relating to required training for veterans county service officers and assistant veterans county service officers.
- SB 546** Kolkhorst Sponsor: Collier
Relating to the quality of water provided by public drinking water supply systems to state supported living centers.
- SB 554** Kolkhorst Sponsor: Metcalf
Relating to notice requirements for certain special districts that hold board meetings outside the district.
- SB 564** Campbell Sponsor: Capriglione
Relating to the applicability of open meetings requirements to certain meetings of a governing body relating to information technology security practices.
- SB 588** Lucio Sponsor: Blanco
Relating to information regarding private employers who have veteran's employment preference policies.
- SB 591** Lucio Sponsor: Blanco
Relating to a community outreach campaign to increase awareness of veterans benefits and services.
- SB 593** Rodríguez Sponsor: Blanco
Relating to the governance of certain housing authorities.
- SB 631** Buckingham Sponsor: Wilson
Relating to venue for the disposition of stolen property.
- SB 731** Bettencourt Sponsor: Bohac
Relating to the appeal through binding arbitration of certain appraisal review board orders.
- SB 738** Kolkhorst Sponsor: Schofield
Relating to the transfer of certain suits affecting the parent-child relationship.
- SB 745** Kolkhorst Sponsor: Murphy
Relating to the exemption of certain services performed by certain employees from the sales and use tax.
- SB 748** Zaffirini Sponsor: Allen
Relating to transition planning for a public school student enrolled in a special education program.
- SB 749** Watson Sponsor: Cyrier
Relating to certain charges by the Bastrop County Water Control and Improvement District No. 2; authorizing an increase in a fee.
- SB 751** Campbell Sponsor: Wilson
Relating to the confidentiality of certain information of and the abolishment date of the military base realignment and closure task force.

- SB 769** Watson Sponsor: Israel
Relating to the issuance of specialty license plates for recipients of the Combat Medical Badge.
- SB 825** Taylor, Larry Sponsor: Huberty
Relating to school district discretion to administer college preparation assessment instruments to public school students at state cost.
- SB 865** Perry Sponsor: Burns
Relating to a groundwater conservation district's use of electronic fund transfers.
- SB 905** Birdwell Sponsor: Burns
Relating to the creation of the Cresson Crossroads Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 914** Campbell Sponsor: Kuempel
Relating to the creation of the Kendall County Water Control and Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 928** Rodríguez Sponsor: Pickett
Relating to the establishment of the Tom Lea Trail.
- SB 942** Hughes Sponsor: Paddie
Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.
- SB 948** Kolkhorst Sponsor: Morrison, Geanie W.
Relating to certain information provided to prospective adoptive parents by the Department of Family and Protective Services.
- SB 1015** Creighton Sponsor: Keough
Relating to procedures for incorporation or establishment of another form of local government for certain areas subject to a regional participation agreement.
- SB 1037** Perry Sponsor: Lang
Relating to the designation of the structure on State Highway 6 in Eastland County adjacent to Lake Cisco connecting the north and south banks of Sandy Creek as the Bedford-Carmichael Bridge.
- SB 1047** Creighton Sponsor: Faircloth
Relating to installment payments of ad valorem taxes.
- SB 1063** Perry Sponsor: Klick
Relating to the investigation of an anonymous report of suspected abuse or neglect of a child.
- SB 1095** Taylor, Larry Sponsor: Cook
Relating to certain procedures for tax redeterminations and refund claims.
- SB 1098** Zaffirini Sponsor: Anderson, Rodney
Relating to recordings, acknowledgments, and proofs of certain written instruments.

- SB 1118** Creighton Sponsor: Bell
Relating to the creation of the Blaketree Municipal Utility District No. 2 of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 1123** Zaffirini Sponsor: Clardy
Relating to conditions on the receipt of tuition and fee exemptions at public institutions of higher education for adopted students formerly in foster or other residential care.
- SB 1158** Miles Sponsor: Allen
Relating to food managers in food establishments in certain counties.
- SB 1177** Hughes Sponsor: Koop
Relating to requirements for charter schools established for the benefit of certain juvenile offenders.
- SB 1205** Nichols Sponsor: Holland
Relating to the sharing of death record information between the Department of State Health Services and the Department of Public Safety.
- SB 1214** Perry Sponsor: Frullo
Relating to a succession plan for a regional public defender's office that primarily handles capital cases.
- SB 1249** West Sponsor: Schofield
Relating to adverse possession of real property by a cotenant heir against other cotenant heirs.
- SB 1250** West Sponsor: Moody
Relating to the admissibility of certain evidence in the prosecution of certain offenses involving family violence.
- SB 1261** Creighton Sponsor: Bell
Relating to the creation of the Montgomery County Municipal Utility District No. 157; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 1286** Bettencourt Sponsor: Murphy
Relating to the system for protesting or appealing certain ad valorem tax determinations.
- SB 1314** Rodríguez Sponsor: Moody
Relating to the regulation of substance abuse facilities and programs for juveniles.
- SB 1345** Watson Sponsor: Darby
Relating to the exemption from ad valorem taxation of property owned by a charitable organization and used to provide tax return preparation and other financial services without regard to the beneficiaries' ability to pay.
- SB 1371** Menéndez Sponsor: Arévalo
Relating to the issuance of specialty license plates to honor recipients of the Commendation Medal with Valor and Military Outstanding Volunteer Service Medal.
- SB 1384** Perry Sponsor: Burrows
Relating to the designation of certain legislation on contract carriers as the Justin Little Act.

- SB 1400** Campbell Sponsor: Holland
Relating to state banks, state bank holding companies, and branches of foreign banks.
- SB 1440** Campbell Sponsor: Larson
Relating to the attendance by a quorum of a governmental body at certain candidate events under the open meetings law.
- SB 1489** Taylor, Larry Sponsor: Faircloth
Relating to the Gulf Coast Waste Disposal Authority.
- SB 1522** Nichols Sponsor: Thompson, Ed
Relating to the composition of the aviation advisory committee.
- SB 1526** Creighton Sponsor: Bell
Relating to the creation of the Montgomery County Municipal Utility District No. 158; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 25, 2017 - 3

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- HCR 140** Hunter
Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study regarding the confidentiality of emergency calls.
- SB 1676** Lucio Sponsor: Gutierrez
Relating to the veterans county service office.
- SB 1693** Lucio Sponsor: Raymond
Relating to a study of seniors with a visual impairment by the Aging Texas Well Advisory Committee.
- SB 1727** Birdwell Sponsor: Cook
Relating to the procedure for an election to adopt a sales and use tax or to change the tax rate in an emergency services district.

- SB 1735** Hughes Sponsor: Springer
Relating to the repeal of certain obsolete laws governing state pensions and other similar benefits.
- SB 1764** Zaffirini Sponsor: Burkett
Relating to the investment of funds in, and operation of guardianships of the estate in relation to, accounts established under the Texas Achieving a Better Life Experience (ABLE) Program.
- SB 1767** Buckingham Sponsor: Darby
Relating to hearings and protests before appraisal review boards involving ad valorem tax determinations.
- SB 1799** West Sponsor: Clardy
Relating to the student loan default prevention and financial aid literacy pilot program.
- SB 1843** Campbell Sponsor: Blanco
Relating to providing an opportunity for public high school students in grades 10 through 12 to take the Armed Services Vocational Aptitude Battery test or an alternative vocational aptitude test.
- SB 1878** Menéndez Sponsor: Gutierrez
Relating to the service plan for the annexation by certain municipalities of territory included in an emergency services district.
- SB 1936** Hughes Sponsor: Hefner
Relating to the issuance of specially marked driver's licenses and personal identification certificates to disabled veterans.
- SB 1944** Hughes Sponsor: Price
Relating to the issuance of specialty plates to honor recipients of the Distinguished Flying Cross medal with Valor.
- SB 1968** Zaffirini Sponsor: Gutierrez
Relating to the state flag code.
- SB 1969** Kolkhorst Sponsor: Cyrier
Relating to the nonsubstantive revision of the Texas Racing Act, including conforming amendments.
- SB 2056** Perry Sponsor: Burrows
Relating to the use of municipal hotel occupancy tax revenue by certain municipalities.
- SB 2068** Buckingham Sponsor: Murr
Relating to the plugging or capping of abandoned, deteriorated, open, or uncovered water wells in the Bandera County River Authority and Groundwater District.
- SB 2075** Rodríguez Sponsor: Pickett
Relating to vehicle registration.
- SB 2084** Taylor, Larry Sponsor: Bohac
Relating to calculation of average daily attendance for public school students in blended learning programs.

- SB 2141** Taylor, Larry Sponsor: Howard
Relating to requirements for a representative for a student in a special education due process hearing.
- SB 2166** Creighton Sponsor: Keough
Relating to the use of municipal hotel occupancy tax revenues in certain municipalities.
- SB 2174** Hughes Sponsor: VanDeaver
Relating to the appointment of a bailiff by district courts and county courts at law in Bowie County.
- SB 2186** Zaffirini Sponsor: Guillen
Relating to the Live Oak Underground Water Conservation District.
- SB 2252** Nichols Sponsor: Metcalf
Relating to granting road powers to the Montgomery County Municipal Utility District No. 100; providing authority to issue bonds.
- SB 2253** Nichols Sponsor: Metcalf
Relating to providing road powers to the Montgomery County Municipal Utility District No. 101; providing authority to issue bonds.
- SB 2262** Perry Sponsor: Burns
Relating to the dissolution of the Central Colorado River Authority.
- SB 2263** Campbell Sponsor: Kuempel
Relating to the powers and duties of the Lerin Hills Municipal Utility District of Kendall County; providing authority to issue bonds and impose fees and taxes.
- SB 2267** Creighton Sponsor: Perez
Relating to the creation of the Harris County Municipal Utility District No. 555; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2273** Campbell Sponsor: Kuempel
Relating to the creation of the Kendall County Water Control and Improvement District No. 4; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2274** Creighton Sponsor: Perez
Relating to the creation of the Lakewood 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.
- SB 2275** Creighton Sponsor: Perez
Relating to the creation of the Lakewood Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2277** Creighton Sponsor: Perez
Relating to the creation of the Lakewood Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2280** Buckingham Sponsor: Wilson
Relating to the name of the Burnet County Municipal Utility District No. 1.

- SB 2283** Perry Sponsor: Springer
Relating to the regulation of dangerous dogs and dogs that attack persons in certain municipalities.
- SB 2284** Creighton Sponsor: Huberty
Relating to the creation of the Harris County Municipal Utility District No. 544; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2285** Creighton Sponsor: Huberty
Relating to the boundaries of the Harris County Fresh Water Supply District No. 58.
- SB 2287** Creighton Sponsor: Perez
Relating to the powers and duties of the Harris County Municipal Utility District No. 525.
- SB 2290** Creighton Sponsor: Bell
Relating to the creation of the Harris County Municipal Utility District No. 557; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2292** Campbell Sponsor: Kuempel
Relating to the powers and duties of the Meyer Ranch Municipal Utility District of Comal County; affecting an existing limited power of eminent domain; providing authority to issue bonds; providing authority to impose fees and taxes.
- SB 2295** Zaffirini Sponsor: Isaac
Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 1; providing authority to impose an assessment.
- SB 2296** Zaffirini Sponsor: Isaac
Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 2; providing authority to impose an assessment.
- SB 2297** Zaffirini Sponsor: Isaac
Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 3; providing authority to impose an assessment.
- SB 2298** Zaffirini Sponsor: Isaac
Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 4; providing authority to impose an assessment.
- SB 2299** Zaffirini Sponsor: Isaac
Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 5; providing authority to impose an assessment.
- SCR 37** Hinojosa Sponsor: Martinez,
"Mando"
Urging Congress to increase appropriations from the Harbor Maintenance Trust Fund to properly maintain ship channels.

SCR 41 Taylor, Larry Sponsor: Paul
Urging Congress to direct the Department of Defense to relocate the United States Africa Command to Ellington Field Joint Reserve Base in Houston.

SCR 51 Creighton Sponsor: Metcalf
Urging appropriate state agencies to support the establishment of a veterans memorial in Conroe.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Burton was recognized and introduced to the Senate her intern, Philip Allen.

The Senate welcomed its guest.

RECESS

On motion of Senator Whitmire, the Senate at 2:07 p.m. recessed until 2:30 p.m. today.

AFTER RECESS

The Senate met at 3:38 p.m. and was called to order by the President.

SENATE BILL 920 WITH HOUSE AMENDMENT

Senator Whitmire called **SB 920** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 920** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to access to a residence or former residence to retrieve personal property, including access based on danger of family violence.

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

SECTION 1. Chapter 24A, Property Code, is amended by amending Sections 24A.001 and 24A.002 and adding Section 24A.0021 to read as follows:

Sec. 24A.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(3) "Peace [~~peace~~] officer" means a person listed under Article 2.12(1) or (2), Code of Criminal Procedure.

Sec. 24A.002. WRIT [~~ORDER~~] AUTHORIZING ENTRY AND PROPERTY RETRIEVAL; PEACE OFFICER TO ACCOMPANY. (a) If a person is unable to enter the person's residence or former residence to retrieve personal property

belonging to the person or the person's dependent because the current occupant is denying the person entry, the person may apply to the justice court for a writ [~~an order~~] authorizing the person to enter the residence accompanied by a peace officer to retrieve specific items of personal property.

(b) An application under Subsection (a) must:

(1) certify that the applicant is unable to enter the residence because the current occupant of the residence:

(A) has denied the applicant access to the residence; or

(B) poses a clear and present danger of family violence to the applicant or the applicant's dependent;

(2) certify that, to the best of the applicant's knowledge, the applicant is not:

(A) the subject of an active protective order under Title 4, Family Code, a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure, or another court order prohibiting entry to the residence; or

(B) otherwise prohibited by law from entering the residence;

(3) allege that the applicant or the applicant's [~~minor~~] dependent requires personal items located in the residence that are only of the following types:

(A) medical records;

(B) medicine and medical supplies;

(C) clothing;

(D) child-care items;

(E) legal or financial documents;

(F) checks or bank or credit cards in the name of the applicant;

(G) employment records; [~~or~~]

(H) personal identification documents; or

(I) copies of electronic records containing legal or financial documents;

(4) describe with specificity the items that the applicant intends to retrieve;

(5) allege that the applicant or the applicant's dependent will suffer personal harm if the items listed in the application are not retrieved promptly; and

(6) include a lease or other documentary evidence that shows the applicant is currently or was formerly authorized to occupy the residence.

(c) Before the justice of the peace may issue a writ [~~an order~~] under this section, the applicant must execute a bond that:

(1) has two or more good and sufficient non-corporate sureties or one corporate surety authorized to issue bonds in this state;

(2) is payable to the occupant of the residence;

(3) is in an amount required by the justice; and

(4) is conditioned on the applicant paying all damages and costs adjudged against the applicant for wrongful property retrieval.

(d) The applicant shall deliver the bond to the justice of the peace issuing the writ [~~order~~] for the justice's approval. The bond shall be filed with the justice court.

(e) On sufficient evidence of urgency and potential harm to the health and safety of any person and after sufficient notice to the current occupant and an opportunity to be heard, the justice of the peace may grant the application under this section and

issue a writ [~~an order~~] authorizing the applicant to enter the residence accompanied by a peace officer and retrieve the property listed in the application if the justice of the peace finds that:

(1) the applicant is unable to enter the residence because the current occupant of the residence has denied the applicant access to the residence to retrieve the applicant's personal property or the personal property of the applicant's dependent;

(2) the applicant is not:

(A) the subject of an active protective order under Title 4, Family Code, a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure, or another court order prohibiting entry to the residence; or

(B) otherwise prohibited by law from entering the residence;

(3) there is a risk of personal harm to the applicant or the applicant's dependent if the items listed in the application are not retrieved promptly;

(4) the applicant is currently or was formerly authorized to occupy the residence according to a lease or other documentary evidence; and

(5) the current occupant received notice of the application and was provided an opportunity to appear before the court to contest the application.

Sec. 24A.0021. TEMPORARY EX PARTE WRIT AUTHORIZING ENTRY AND PROPERTY RETRIEVAL. (a) A justice of the peace may issue a writ under Section 24A.002 without providing notice and hearing under Section 24A.002(e)(5) if the justice finds at a hearing on the application that:

(1) the conditions of Sections 24A.002(e)(1)-(4) are established;

(2) the current occupant poses a clear and present danger of family violence to the applicant or the applicant's dependent; and

(3) the personal harm to be suffered by the applicant or the applicant's dependent will be immediate and irreparable if the application is not granted.

(b) A justice of the peace issuing a writ under this section may waive the bond requirements under Sections 24A.002(c) and (d).

(c) The justice of the peace may recess a hearing under Subsection (a) to notify the current occupant by telephone that the current occupant may attend the hearing or bring to the court the personal property listed in the application. The justice of the peace shall reconvene the hearing before 5 p.m. that day regardless of whether the current occupant attends the hearing or brings the personal property to the court.

(d) A temporary ex parte writ issued under Subsection (a) must state the period, not to exceed five days, during which the writ is valid.

SECTION 2. Sections 24A.003(a), (b), and (c), Property Code, are amended to read as follows:

(a) If the justice of the peace grants an application under Section 24A.002 or Section 24A.0021, a peace officer shall accompany and assist the applicant in making the authorized entry and retrieving the items of personal property listed in the application.

(b) If the current occupant of the residence is present at the time of the entry, the peace officer shall provide the occupant with a copy of the writ [~~court order~~] authorizing the entry and property retrieval.

(c) Before removing the property listed in the application from the residence, the applicant must submit all property retrieved to the peace officer assisting the applicant under this section to be inventoried. The peace officer shall create an inventory listing the items taken from the residence, provide a copy of the inventory to the applicant, provide a copy of the inventory to the current occupant or, if the current occupant is not present, leave the copy in a conspicuous place in the residence, and return the property to be removed from the residence to the applicant. The officer shall file the original inventory with the court that issued the writ [~~order~~] authorizing the entry and property retrieval.

SECTION 3. Section 24A.004, Property Code, is amended to read as follows:

Sec. 24A.004. IMMUNITY FROM LIABILITY. A landlord or a landlord's agent who permits or facilitates entry into a residence in accordance with a writ [~~court order~~] issued under this chapter is not civilly or criminally liable for an act or omission that arises in connection with permitting or facilitating the entry.

SECTION 4. Sections 24A.005(a) and (c), Property Code, are amended to read as follows:

(a) A person commits an offense if the person interferes with a person or peace officer entering a residence and retrieving personal property under the authority of a writ [~~court order~~] issued under Section 24A.002 or 24A.0021.

(c) It is a defense to prosecution under this section that the actor did not receive a copy of the writ [~~court order~~] or other notice that the entry or property retrieval was authorized.

SECTION 5. Section 24A.006(a), Property Code, is amended to read as follows:

(a) The occupant of a residence that is the subject of a writ [~~court order~~] issued under Section 24A.002 or 24A.0021, not later than the 10th day after the date of the authorized entry, may file a complaint in the court that issued the writ [~~order~~] alleging that the applicant has appropriated property belonging to the occupant or the occupant's dependent.

SECTION 6. Chapter 24A, Property Code, as amended by this Act, applies only to an application filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2017.

The amendment was read.

Senator Whitmire moved to concur in the House amendment to **SB 920**.

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

SENATE BILL 11 WITH HOUSE AMENDMENTS

Senator Schwertner called **SB 11** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 11** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

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

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

SECTION 1. Section 71.004, Family Code, is amended to read as follows:

Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), ~~and~~ (K), and (M), by a member of a family or household toward a child of the family or household; or

(3) dating violence, as that term is defined by Section 71.0021.

SECTION 2. Section 162.005, Family Code, is amended by adding Subsection (c) to read as follows:

(c) The department shall ensure that each licensed child-placing agency, single source continuum contractor, or other person placing a child for adoption receives a copy of any portion of the report prepared by the department.

SECTION 3. Section 162.0062, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If a child is placed with a prospective adoptive parent prior to adoption, the prospective adoptive parent is entitled to examine any record or other information relating to the child's health history, including the portion of the report prepared under Section 162.005 for the child that relates to the child's health. The department, licensed child-placing agency, single source continuum contractor, or other person placing a child for adoption shall inform the prospective adoptive parent of the prospective adoptive parent's right to examine the records and other information relating to the child's health history. The department, licensed child-placing agency, single source continuum contractor, or other person placing the child for adoption shall edit the records and information to protect the identity of the biological parents and any other person whose identity is confidential.

SECTION 4. Section 162.007, Family Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) The health history of the child must include information about:

(1) the child's health status at the time of placement;

(2) the child's birth, neonatal, and other medical, psychological, psychiatric, and dental history information, including to the extent known by the department:

(A) whether the child's birth mother consumed alcohol during pregnancy; and

(B) whether the child has been diagnosed with fetal alcohol spectrum disorder;

(3) a record of immunizations for the child; and

(4) the available results of medical, psychological, psychiatric, and dental examinations of the child.

(g) In this section, "fetal alcohol spectrum disorder" means any of a group of conditions that can occur in a person whose mother consumed alcohol during pregnancy.

SECTION 5. Section 261.001, Family Code, is amended by amending Subdivisions (1), (4), and (5) and adding Subdivision (3) to read as follows:

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; ~~or~~

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

(M) forcing or coercing a child to enter into a marriage.

(3) "Exploitation" means the illegal or improper use of a child or of the resources of a child for monetary or personal benefit, profit, or gain by an employee, volunteer, or other individual working under the auspices of a facility or program as further described by rule or policy.

(4) "Neglect":

(A) includes:

(i) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

(ii) the following acts or omissions by a person:

(a) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

(b) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

(c) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

(d) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or

(e) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child; ~~or~~

(iii) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; or

(iv) a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy; and

(B) does not include the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:

(i) the child has a severe emotional disturbance;

(ii) the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and

(iii) the person has exhausted all reasonable means available to the person to obtain the mental health services described by Subparagraph (ii).

(5) "Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

(A) a parent, guardian, managing or possessory conservator, or foster parent of the child;

(B) a member of the child's family or household as defined by Chapter 71;

(C) a person with whom the child's parent cohabits;

(D) school personnel or a volunteer at the child's school; ~~or~~

(E) personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or

(F) an employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Chapter 42, Human Resources Code.

SECTION 6. Subchapter A, Chapter 261, Family Code, is amended by adding Section 261.004 to read as follows:

Sec. 261.004. TRACKING OF RECURRENCE OF CHILD ABUSE OR NEGLECT REPORTS. (a) The department shall collect and monitor data regarding repeated reports of abuse or neglect:

(1) involving the same child, including reports of abuse or neglect of the child made while the child resided in other households and reports of abuse or neglect of the child by different alleged perpetrators made while the child resided in the same household; or

(2) by the same alleged perpetrator.

(a-1) In monitoring reports of abuse or neglect under Subsection (a), the department shall group together separate reports involving differing children residing in the same household.

(b) The department shall consider any report collected under Subsection (a) involving any child or adult who is a part of a child's household when making case priority determinations or when conducting service or safety planning for the child or the child's family.

SECTION 7. Section 261.101(b), Family Code, is amended to read as follows:

(b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has cause to believe that the

child has been abused as defined by Section 261.001 [~~or 261.401~~], the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

SECTION 8. Section 263.401, Family Code, is amended to read as follows:

Sec. 263.401. DISMISSAL AFTER ONE YEAR; NEW TRIALS; EXTENSION. (a) Unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court's jurisdiction over [~~court shall dismiss~~] the suit affecting the parent-child relationship filed by the department that requests termination of the parent-child relationship or requests that the department be named conservator of the child is terminated and the suit is automatically dismissed without a court order.

(b) Unless the court has commenced the trial on the merits, the court may not retain the suit on the court's docket after the time described by Subsection (a) unless the court finds that extraordinary circumstances necessitate the child remaining in the temporary managing conservatorship of the department and that continuing the appointment of the department as temporary managing conservator is in the best interest of the child. If the court makes those findings, the court may retain the suit on the court's docket for a period not to exceed 180 days after the time described by Subsection (a). If the court retains the suit on the court's docket, the court shall render an order in which the court:

(1) schedules the new date on which the suit will be automatically dismissed if the trial on the merits has not commenced, which date must be not later than the 180th day after the time described by Subsection (a);

(2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and

(3) sets the trial on the merits on a date not later than the date specified under Subdivision (1).

(b-1) If, after commencement of the initial trial on the merits within the time required by Subsection (a) or (b), the court grants a motion for a new trial or mistrial, or the case is remanded to the court by an appellate court following an appeal of the court's final order, the court shall retain the suit on the court's docket and render an order in which the court:

(1) schedules a new date on which the suit will be automatically dismissed if the new trial has not commenced, which must be a date not later than the 180th day after the date on which:

(A) the motion for a new trial or mistrial is granted; or

(B) the appellate court remanded the case;

(2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and

(3) sets the new trial on the merits for a date not later than the date specified under Subdivision (1).

(c) If the court grants an extension under Subsection (b) or (b-1) but does not commence the trial on the merits before the dismissal date, the court's jurisdiction over ~~the suit is terminated and the suit is automatically dismissed without a court order.~~ ~~the suit is terminated and the suit is automatically dismissed without a court order.~~ The court may not grant an additional extension that extends the suit beyond the required date for dismissal under Subsection (b) or (b-1), as applicable.

SECTION 9. Section 264.018, Family Code, is amended by adding Subsections (d-1) and (d-2) to read as follows:

(d-1) Except as provided by Subsection (d-2), as soon as possible but not later than 24 hours after a change in placement of a child in the conservatorship of the department, the department shall give notice of the placement change to the managed care organization that contracts with the commission to provide health care services to the child under the STAR Health program. The managed care organization shall give notice of the placement change to the primary care physician listed in the child's health passport before the end of the second business day after the day the organization receives the notification from the department.

(d-2) In this subsection, "catchment area" has the meaning assigned by Section 264.152. In a catchment area in which community-based foster care has been implemented, the single source continuum contractor that has contracted with the commission to provide foster care services in that catchment area shall, as soon as possible but not later than 24 hours after a change in placement of a child in the conservatorship of the department, give notice of the placement change to the managed care organization that contracts with the commission to provide health care services to the child under the STAR Health program. The managed care organization shall give notice of the placement change to the child's primary care physician in accordance with Subsection (d-1).

SECTION 10. (a) Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1076 to read as follows:

Sec. 264.1076. MEDICAL EXAMINATION REQUIRED. (a) This section applies only to a child who has been taken into the conservatorship of the department and remains in the conservatorship of the department for more than three business days.

(b) The department shall ensure that each child described by Subsection (a) is examined and receives a mental health screening conducted by a physician or other health care provider authorized under state law to conduct medical examinations not later than the end of:

(1) the third business day after the date the child enters the conservatorship of the department; or

(2) the fifth business day after the date the child enters the conservatorship of the department, if the child is located in a rural area, as that term is defined by Section 845.002, Insurance Code.

(c) Whenever possible, the department shall schedule the medical examination and mental health screening for a child before the last business day of the appropriate time frame provided under Subsection (b).

(d) The department shall collaborate with the commission and relevant medical practitioners to develop guidelines for the medical examination and mental health screening conducted under this section, including guidelines on the components to be included in the examination and the screening.

(e) Not later than December 31, 2019, the department shall submit a report to the standing committees of the house of representatives and the senate with primary jurisdiction over child protective services and foster care evaluating the statewide implementation of the medical examination and mental health screening required by this section. The report must include the level of compliance with the requirements of this section in each region of the state.

(b) Section 264.1076, Family Code, as added by this section, applies only to a child who enters the conservatorship of the Department of Family and Protective Services on or after the effective date of this Act. A child who enters the conservatorship of the Department of Family and Protective Services before the effective date of this Act is governed by the law in effect on the date the child entered the conservatorship of the department, and the former law is continued in effect for that purpose.

(c) The Department of Family and Protective Services shall implement Section 264.1076, Family Code, as added by this section, not later than December 31, 2018.

SECTION 11. Section 264.124, Family Code, is amended by adding Subsection (e) to read as follows:

(e) On receipt of the verification required under Subsection (b), or as provided by Subsection (d), the department shall provide monetary assistance to a foster parent for full-time or part-time day-care services for a foster child. The department may not deny monetary assistance to the foster parent as long as the foster parent is employed on a full-time or part-time basis.

SECTION 12. (a) Subchapter B, Chapter 264, Family Code, is amended by adding Sections 264.1261 and 264.128 to read as follows:

Sec. 264.1261. FOSTER CARE CAPACITY NEEDS PLAN. (a) In this section, "community-based foster care" has the meaning assigned by Section 264.152.

(b) Appropriate department management personnel from a child protective services region in which community-based foster care has not been implemented, in collaboration with foster care providers, faith-based entities, and child advocates in that region, shall use data collected by the department on foster care capacity needs and availability of each type of foster care and kinship placement in the region to create a plan to address the substitute care capacity needs in the region. The plan must identify both short-term and long-term goals and strategies for addressing those capacity needs.

(c) A foster care capacity needs plan developed under Subsection (b) must be:

(1) submitted to and approved by the commissioner; and

(2) updated annually.

(d) The department shall publish each initial foster care capacity needs plan and each annual update to a plan on the department's Internet website.

Sec. 264.128. SINGLE CHILD PLAN OF SERVICE INITIATIVE. (a) In this section, "community-based foster care" has the meaning assigned by Section 264.152.

(b) In regions of the state where community-based foster care has not been implemented, the department shall:

(1) collaborate with child-placing agencies to implement the single child plan of service model developed under the single child plan of service initiative; and

(2) ensure that a single child plan of service is developed for each child in foster care in those regions.

(b) Notwithstanding Section 264.128(b), Family Code, as added by this section, the Department of Family and Protective Services shall develop and implement a single child plan of service for each child in foster care in a region of the state described by that section not later than September 1, 2017.

SECTION 13. (a) Chapter 264, Family Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. COMMUNITY-BASED FOSTER CARE

Sec. 264.151. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that:

(1) for more than 30 years, the child welfare system in Texas has been centralized and managed by statutes and rules that impose a uniform system on communities statewide and ignore the fundamental differences between regions;

(2) in order for the department to effectively provide child welfare services, as required by state and federal law, the department shall consider and implement fundamental structural changes to the provision of child protective and welfare services;

(3) child welfare services that are community-based and family-centered, are monitored by community stakeholders, and have effective accountability standards regarding performance outcomes and practices have been found to lead to better outcomes for children who are victims of abuse and neglect; and

(4) community-based foster care would align outcomes to assist the state in achieving the state's goal of substantial gains regarding performance outcomes in child safety, permanency, and well-being.

(b) It is the intent of the legislature that the department contract with community-based, nonprofit entities that have the ability to provide child welfare services. The services provided by the entities must include direct case management to ensure child safety, permanency, and well-being, in accordance with state and federal child welfare goals.

(c) It is the intent of the legislature that the provision of community-based foster care for children be implemented with measurable goals relating to:

(1) the safety of children in placements;

(2) the placement of children in each child's home community;

(3) the provision of services to children in the least restrictive environment possible and, if possible, in a family home environment;

(4) minimal placement changes for children;

(5) the maintenance of contact between children and their families and other important persons;

(6) the placement of children with siblings;

(7) the provision of services that respect each child's culture;
(8) the preparation of children and youth in foster care for adulthood;
(9) the provision of opportunities, experiences, and activities for children and youth in foster care that are available to children and youth who are not in foster care;

(10) the participation by children and youth in making decisions relating to their own lives;

(11) the reunification of children with the biological parents of the children when possible; and

(12) the promotion of the placement of children with relative or kinship caregivers if reunification is not possible.

Sec. 264.152. DEFINITIONS. In this subchapter:

(1) "Alternative caregiver" means a person who is not the foster parent of the child and who provides temporary care for the child for more than 12 hours but less than 60 days.

(2) "Case management" means the provision of case management services to a child for whom the department has been appointed temporary or permanent managing conservator or the child's family, relative or kinship caregivers, a young adult in extended foster care, or a child who has been placed in the catchment area through the Interstate Compact on the Placement of Children, and includes:

(A) caseworker visits with the child;

(B) family and caregiver visits;

(C) convening and conducting permanency planning meetings;

(D) the development and revision of the child and family plans of service, including a permanency plan and goals for a child or young adult in care;

(E) the coordination and monitoring of services required by the child and the child's family;

(F) the assumption of court-related duties regarding the child, including:

(i) providing any required notifications or consultations;

(ii) preparing court reports;

(iii) attending judicial and permanency hearings, trials, and mediations;

(iv) complying with applicable court orders; and

(v) ensuring the child is progressing toward the goal of permanency within state and federally mandated guidelines; and

(G) any other function or service that the department determines necessary to allow a single source continuum contractor to assume responsibility for case management.

(3) "Catchment area" means a geographic service area for providing child protective services that is identified as part of the community-based foster care redesign.

(4) "Community-based foster care" means the redesigned foster care services system required by Chapter 598 (S.B. 218), Acts of the 82nd Legislature, Regular Session, 2011.

Sec. 264.154. READINESS REVIEW PROCESS FOR COMMUNITY-BASED FOSTER CARE CONTRACTOR. (a) The department shall develop a formal review process to assess the ability of a single source continuum contractor to satisfy the responsibilities and administrative requirements of delivering foster care services, including the contractor's ability to provide:

(1) placement services for children and families;
(2) case management services for children and families;
(3) evidence-based, promising practice, or evidence-informed supports for children and families; and

(4) sufficient available capacity for inpatient and outpatient services and supports for children at all service levels who have previously been placed in the catchment area.

(b) As part of the readiness review process, the single source continuum contractor must prepare a plan detailing the methods by which the contractor will avoid or eliminate conflicts of interest. The department may not transfer services to the contractor until the department has determined the plan is adequate.

(c) The department must develop the review process under Subsection (a) before the department may expand community-based foster care outside of the initial catchment areas where community-based foster care has been implemented.

(d) The department must conduct a readiness review for a single source continuum contractor before the transfer of placement services to the contractor and before the transfer of case management services to the contractor. The department may not transfer those services to a contractor unless the readiness review demonstrates that the contractor is able to adequately deliver the services.

Sec. 264.155. EXPANSION OF COMMUNITY-BASED FOSTER CARE. (a) Not later than December 31, 2019, the department shall:

(1) identify not more than eight catchment areas in the state that are best suited to implement community-based foster care of which not more than two catchment areas may be identified as best suited to implement the transfer of case management services to a single source continuum contractor;

(2) create an implementation plan for those catchment areas that includes a timeline for implementation;

(3) following the readiness review process under Section 264.154 and subject to the availability of funds, implement community-based foster care in those catchment areas; and

(4) following the implementation of community-based foster care services in those catchment areas, evaluate the implementation process and single source continuum contractor performance in each catchment area.

(b) Following the selection of the catchment areas under Subsection (a), the department shall annually, based on the availability of funding:

(1) provide a report to the legislature that details the readiness of any remaining catchment areas in which community-based foster care services have not been implemented; and

(2) subject to the availability of funds, the readiness of the catchment areas, and the feasibility of implementing community-based foster care in those areas, begin implementing community-based foster care in those areas in accordance with the timeline developed for those areas under Subsection (a)(2) and the readiness review process developed under Section 264.154.

(c) In expanding community-based foster care, the department may change the geographic boundaries of catchment areas as necessary to align with specific communities.

(d) The department shall ensure the continuity of services for children and families during the transition period to community-based foster care in a catchment area.

(e) In implementing community-based foster care in a catchment area, the department may not transfer case management services to a single source continuum contractor in that catchment area until the department has successfully completed the transfer of placement services to the contractor.

Sec. 264.156. COMMUNITY ENGAGEMENT GROUP. (a) The department shall create a community engagement group in each catchment area to assist with the implementation of community-based foster care. The department may create more than one community engagement group in a catchment area, as appropriate. Membership in a community engagement group may include:

(1) representatives from:

(A) the department;

(B) the judiciary;

(C) school districts in the catchment area;

(D) law enforcement;

(E) the local mental health authority;

(F) the children's advocacy center, if applicable;

(G) a child-placing agency; and

(H) child and family service providers, including prevention service

providers;

(2) a court-appointed volunteer advocate, if available;

(3) a parent or a person who specializes in parental rights, including a family law attorney; and

(4) community leaders from the catchment area, including leaders from local political subdivisions.

(b) The department shall adopt rules governing community engagement groups and the maximum number of members in a group.

(c) Established stakeholder organizations in a catchment area, including child welfare boards, may request to be designated by the department as the community engagement group for that catchment area.

(d) The community engagement group shall:

(1) provide feedback to the department on the implementation of community-based foster care in the catchment area and the ongoing operation of community-based foster care in the catchment area;

(2) identify and report problems arising from the implementation process to the department;

(3) identify, develop, promote, or facilitate the use of local resources, including prevention and early intervention resources, to supplement community-based foster care services; and

(4) serve as a facilitator for integrating the voluntary participation of local organizations that provide family and child welfare services into community-based foster care.

(e) Chapter 551, Government Code, applies to a community engagement group.

Sec. 264.157. QUALIFICATIONS OF SINGLE SOURCE CONTINUUM CONTRACTOR. To be eligible to enter into a contract with the department to serve as a single source continuum contractor to provide foster care service delivery, an entity must be a nonprofit or governmental entity that:

(1) is licensed as a service provider by the department;

(2) has an organizational mission and has demonstrated experience in the delivery of services to children and families; and

(3) has the ability to provide all of the case management and placement services and perform all of the duties of a single source continuum contractor required under this subchapter or that can provide a plan to gain that ability during the implementation of community-based foster care in a catchment area.

Sec. 264.158. REQUIRED CONTRACT PROVISIONS. A contract with a single source continuum contractor to provide foster care services in a catchment area must include provisions that:

(1) specify performance outcomes and financial incentives for exceeding any specified performance outcomes;

(2) establish conditions for the single source continuum contractor's access to relevant department data and require the participation of the contractor in the data access and standards governance council created under Section 264.159;

(3) require the single source continuum contractor to create a single process for the training and use of alternative caregivers for all child-placing agencies in the catchment area to facilitate reciprocity of licenses for alternative caregivers between agencies, including respite and overnight care providers, as those terms are defined by department rule; and

(4) require the single source continuum contractor to maintain a diverse network of service providers that offer a range of foster capacity options and that can accommodate children from diverse cultural backgrounds.

Sec. 264.159. DATA ACCESS AND STANDARDS GOVERNANCE COUNCIL. (a) The department shall create a data access and standards governance council to develop protocols for access by single source continuum contractors to the department's data to allow the contractors to perform case management functions.

(b) The department shall develop rules and processes for the operation of the council. Each single source continuum contractor that has entered into a contract with the department to provide services under this subchapter shall participate in the council. The council may also include:

(1) representatives of entities that manage court proceedings;

(2) the courts;

(3) the department;

(4) health care providers; and

(5) any other entities the department considers necessary.

(c) The council shall:

(1) develop protocols for the access, management, security, and retention of case data that is shared between the department and a single source continuum contractor;

(2) approve any changes to protocols at the request of a service provider or the department; and

(3) conduct any other additional duties related to data sharing protocols as considered necessary by the department.

(d) The department may assign the duties of the council to any existing office or division of the department with functions similar to the duties of the council. Each single source continuum contractor and any additional entities as described by Subsection (b) shall participate in the development of protocols and any other duties assigned under this subsection.

Sec. 264.160. TRANSFER OF CASE MANAGEMENT SERVICES TO SINGLE SOURCE CONTINUUM CONTRACTOR. (a) In each initial catchment area where community-based foster care has been implemented or a contract with a single source continuum contractor has been executed before June 1, 2017, the department shall transfer to the single source continuum contractor providing services in that area:

(1) the case management of children and families receiving services from that contractor; and

(2) family reunification support services to be provided after a child receiving services from the contractor is returned to the child's family for the period of time ordered by the court.

(b) The department shall collaborate with a single source continuum contractor to establish an initial case transfer planning team to:

(1) address any necessary data transfer;

(2) establish file transfer procedures; and

(3) notify relevant persons regarding the transfer of services to the contractor.

Sec. 264.161. LIABILITY INSURANCE REQUIREMENTS. A single source continuum contractor and any subcontractor of the single source continuum contractor providing community-based foster care services shall maintain minimum insurance coverage, as required in the contract with the department, to minimize the risk of insolvency and protect against damages. The executive commissioner may adopt rules to implement this section.

Sec. 264.162. REVIEW OF CONTRACTOR PERFORMANCE. (a) The department shall develop a formal review process to evaluate a single source continuum contractor's implementation of placement services and case management services in a catchment area.

(b) The department shall conduct the review for a single source continuum contractor after the contractor completes the implementation of placement services in a catchment area, and after the contractor completes the implementation of case management services in the catchment area.

Sec. 264.163. NOTICE REQUIRED FOR EARLY TERMINATION OF CONTRACT. (a) A single source continuum contractor may terminate a contract entered into under this subchapter by providing notice to the department of the contractor's intent to terminate the contract not later than the 90th day before the date of the termination.

(b) The department may terminate a contract entered into with a single source continuum contractor under this subchapter by providing notice to the contractor of the department's intent to terminate the contract not later than the 30th day before the date of termination.

Sec. 264.164. CONTINGENCY PLAN IN EVENT OF EARLY CONTRACT TERMINATION. (a) In each catchment area in which community-based foster care is implemented, the department shall create a contingency plan to ensure the continuity of services for children and families in the catchment area in the event of an early termination of the contract with the single source continuum contractor providing foster care services in that catchment area.

(b) If a single source continuum contractor gives notice to the department of an early contract termination, the department may enter into a contract with a different contractor for the sole purpose of assuming the contract that is being terminated.

Sec. 264.165. REVIEW OF CONTRACTOR DECISIONS BY DEPARTMENT. (a) Notwithstanding any other provision of this subchapter governing the transfer of case management authority to a single source continuum contractor, the department shall review a contractor's decision with respect to a child's permanency goal. The department must approve or disapprove a contractor's recommended permanency goal for a child not later than 72 hours after the department receives the recommendation from the contractor.

(b) Subsection (a) may not be construed to limit or restrict the authority of the department to:

(1) include necessary oversight measures and review processes to maintain compliance with federal and state requirements in a contract with a single source continuum contractor; or

(2) attend court proceedings related to a child in the conservatorship of the department, including any hearings, trials, or mediations.

(c) The department shall develop an internal dispute resolution process to decide disagreements between a single source continuum contractor and the department.

Sec. 264.166. STATUTORY DUTIES ASSUMED BY CONTRACTOR. Except as provided by Section 264.167, a single source continuum contractor providing foster care services in a catchment area must, either directly or through subcontractors, assume the statutory duties of the department in connection with the delivery of foster care services in that catchment area.

Sec. 264.167. CONTINUING DUTIES OF DEPARTMENT. In a catchment area in which a single source continuum contractor is providing family-based safety services, community-based foster care services, or integrated care coordination, legal representation of the department in an action under this code shall be provided in accordance with Section 264.009.

Sec. 264.168. CONFIDENTIALITY. (a) The records of a single source continuum contractor relating to the provision of community-based foster care services in a catchment area are subject to Chapter 552, Government Code, in the same manner as the records of the department are subject to that chapter.

(b) Subchapter C, Chapter 261, regarding the confidentiality of certain case information, applies to the records of a single source continuum contractor in relation to the provision of services by the contractor.

Sec. 264.169. ATTORNEY-CLIENT PRIVILEGE. An employee, agent, or representative of a single source continuum contractor is considered to be a client's representative of the department for purposes of the privilege under Rule 503, Texas Rules of Evidence, as that privilege applies to communications with a prosecuting attorney or other attorney representing the department, or the attorney's representatives, in a proceeding under this subtitle.

Sec. 264.170. CHILD PROTECTIVE SERVICES LEGISLATIVE OVERSIGHT COMMITTEE. (a) In this section, "committee" means the Child Protective Services Legislative Oversight Committee established under this section.

(b) The Child Protective Services Legislative Oversight Committee is created to facilitate the transfer of functions from the department to single source continuum contractors under this subchapter with minimal negative effect on the delivery of services to which those functions relate.

(c) The committee is composed of 11 voting members, as follows:

(1) four members of the senate, appointed by the lieutenant governor;

(2) four members of the house of representatives, appointed by the speaker of the house of representatives; and

(3) three members of the public, appointed by the governor.

(d) The commissioner of the department serves as an ex officio, nonvoting member of the committee.

(e) A member of the committee serves at the pleasure of the appointing official.

(f) The lieutenant governor and the speaker of the house of representatives shall each designate a presiding co-chair from among their respective appointments.

(g) A member of the committee may not receive compensation for serving on the committee but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the committee as provided by the General Appropriations Act.

(h) The committee shall:

(1) facilitate the transfer of functions from the department to single source continuum contractors with minimal negative effect on the delivery of services to which those functions relate;

(2) with assistance from the department, advise the commissioner of the department concerning:

(A) the functions to be transferred under this subchapter and the funds and obligations that are related to the functions;

(B) the transfer of the functions and related records, funds, and obligations by the department that are required by this subchapter; and

(C) the reorganization of the department's administrative structure as required by the implementation of community-based foster care under this subchapter and other provisions enacted by the 85th Legislature that become law; and

(3) meet at least semiannually at the call of either chair, in addition to meeting at other times as determined appropriate by either chair.

(i) Chapter 551, Government Code, applies to the committee.

(j) The committee shall submit a report to the governor, lieutenant governor, speaker of the house of representatives, and legislature not later than December 1 of each even-numbered year. The report must include an update on the progress of and issues related to:

(1) the implementation of community-based foster care, including the need for any additional statutory changes required to ensure the achievement of the stated purposes of this subchapter; and

(2) the reorganization of the department's administrative structure as necessary during the implementation of community-based foster care under this subchapter and other provisions enacted by the 85th Legislature that become law.

Sec. 264.171. PILOT PROGRAM FOR FAMILY-BASED SAFETY SERVICES. (a) In this section, "case management services" means the direct delivery and coordination of a network of formal and informal activities and services in a catchment area where the department has entered into, or is in the process of entering into, a contract with a single source continuum contractor to provide family-based safety services and case management and includes:

(1) caseworker visits with the child and all caregivers;

(2) family visits;

(3) family group conferencing or family group decision-making;

(4) development of the family plan of service;

(5) monitoring, developing, securing, and coordinating services;

(6) evaluating the progress of children, caregivers, and families receiving services;

(7) assuring that the rights of children, caregivers, and families receiving services are protected;

(8) duties relating to family-based safety services ordered by a court, including:

(A) providing any required notifications or consultations;

(B) preparing court reports;

(C) attending judicial hearings, trials, and mediations;

(D) complying with applicable court orders; and

(E) ensuring the child is progressing toward the goal of permanency within state and federally mandated guidelines; and

(9) any other function or service that the department determines is necessary to allow a single source continuum contractor to assume responsibility for case management.

(b) The department shall develop and implement in two child protective services regions of the state a pilot program under which the commission contracts with a single nonprofit entity that has an organizational mission focused on child welfare or a governmental entity in each region to provide family-based safety services and case

management for children and families receiving family-based safety services. The contract must include a transition plan for the provision of services that ensures the continuity of services for children and families in the selected regions.

(c) The contract with an entity must include performance-based provisions that require the entity to achieve the following outcomes for families receiving services from the entity:

- (1) a decrease in recidivism;
- (2) an increase in protective factors; and
- (3) any other performance-based outcome specified by the department.

(d) The commission may only contract for implementation of the pilot program with entities that the department considers to have the capacity to provide, either directly or through subcontractors, an array of evidence-based, promising practice, or evidence-informed services and support programs to children and families in the selected child protective services regions.

(e) The contracted entity must perform all statutory duties of the department in connection with the delivery of the services specified in Subsection (b).

(f) The contracted entity must give preference for employment to employees of the department:

(1) whose position at the department is impacted by the implementation of community-based foster care; and

(2) who are considered by the department to be employees in good standing.

(g) Not later than December 31, 2018, the department shall report to the appropriate standing committees of the legislature having jurisdiction over child protective services and foster care matters on the progress of the pilot program. The report must include:

(1) an evaluation of each contracted entity's success in achieving the outcomes described by Subsection (c); and

(2) a recommendation as to whether the pilot program should be continued, expanded, or terminated.

(b) Section 264.126, Family Code, is transferred to Subchapter B-1, Chapter 264, Family Code, as added by this section, redesignated as Section 264.153, Family Code, and amended to read as follows:

Sec. 264.153 [~~264.126~~]. COMMUNITY-BASED FOSTER CARE [REDESIGN] IMPLEMENTATION PLAN. (a) The department shall develop and maintain a plan for implementing community-based [the] foster care [~~redesign required by Chapter 598 (S.B. 218), Acts of the 82nd Legislature, Regular Session, 2014~~]. The plan must:

(1) describe the department's expectations, goals, and approach to implementing community-based foster care [~~redesign~~];

(2) include a timeline for implementing community-based [the] foster care [~~redesign~~] throughout this state, a timeline for the transfer of case management services, and any limitations related to the implementation;

(3) include [~~and~~] a progressive intervention plan and a contingency plan to provide continuity of foster care service delivery if a contract with a single source continuum contractor ends prematurely;

(4) include a provision establishing the required time for a contractor to provide notice of contract termination;

(5) [~~(3)~~] delineate and define the case management roles and responsibilities of the department and the department's contractors and the duties, employees, and related funding that will be transferred to the contractor by the department;

(6) [~~(4)~~] identify any training needs and include long-range and continuous plans for training and cross-training staff;

(7) [~~(5)~~] include a plan for evaluating the costs and tasks associated with each contract procurement, including the initial and ongoing contract costs for the department and contractor;

(8) [~~(6)~~] include the department's contract monitoring approach and a plan for evaluating the performance of each contractor and the community-based foster care [redesign] system as a whole that includes an independent evaluation of each contractor's processes and fiscal and qualitative outcomes; and

(9) [~~(7)~~] include a report on transition issues resulting from implementation of community-based [the] foster care [redesign].

(b) The department shall annually:

(1) update the implementation plan developed under this section and post the updated plan on the department's Internet website; and

(2) post on the department's Internet website the progress the department has made toward its goals for implementing community-based [the] foster care [redesign].

SECTION 14. Subchapter A, Chapter 265, Family Code, is amended by adding Section 265.0042 to read as follows:

Sec. 265.0042. COLLABORATION WITH INSTITUTIONS OF HIGHER EDUCATION. (a) Subject to the availability of funds, the Health and Human Services Commission, on behalf of the department, shall enter into agreements with institutions of higher education to conduct efficacy reviews of any prevention and early intervention programs that have not previously been evaluated for effectiveness through a scientific research evaluation process.

(b) Subject to the availability of funds, the department shall collaborate with an institution of higher education to create and track indicators of child well-being to determine the effectiveness of prevention and early intervention services.

SECTION 15. Section 266.012, Family Code, is amended by adding Subsection (c) to read as follows:

(c) A single source continuum contractor under Subchapter B-1, Chapter 264, providing therapeutic foster care services to a child shall ensure that the child receives a comprehensive assessment under this section at least once every 90 days.

SECTION 16. (a) Section 531.02013, Government Code, is amended to read as follows:

Sec. 531.02013. FUNCTIONS REMAINING WITH CERTAIN AGENCIES. The following functions are not subject to transfer under Sections 531.0201 and 531.02011:

(1) the functions of the Department of Family and Protective Services, including the statewide intake of reports and other information, related to the following:

(A) child protective services, including services that are required by federal law to be provided by this state's child welfare agency;

(B) adult protective services, other than investigations of the alleged abuse, neglect, or exploitation of an elderly person or person with a disability:

(i) in a facility operated, or in a facility or by a person licensed, certified, or registered, by a state agency; or

(ii) by a provider that has contracted to provide home and community-based services; ~~and~~

(C) prevention and early intervention services; and

(D) investigations of alleged abuse, neglect, or exploitation occurring at a child-care facility, as that term is defined in Section 40.042, Human Resources Code; and

(2) the public health functions of the Department of State Health Services, including health care data collection and maintenance of the Texas Health Care Information Collection program.

(b) Notwithstanding any provision of Subchapter A-1, Chapter 531, Government Code, or any other law, the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, as that term is defined in Section 40.042, Human Resources Code, as added by this Act, may not be transferred to the Health and Human Services Commission and remains the responsibility of the Department of Family and Protective Services.

(c) As soon as possible after the effective date of this section, the commissioner of the Department of Family and Protective Services shall transfer the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, as that term is defined in Section 40.042, Human Resources Code, as added by this Act, to the child protective services division of the department. The commissioner shall transfer appropriate investigators and staff as necessary to implement this section.

(d) This section takes effect immediately if this Act receives a vote of two-thirds of all the members of each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this section to take immediate effect, this section takes effect on the 91st day after the last day of the legislative session.

SECTION 17. (a) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0054 to read as follows:

Sec. 533.0054. HEALTH SCREENING REQUIREMENTS FOR ENROLLEE UNDER STAR HEALTH PROGRAM. (a) A managed care organization that contracts with the commission to provide health care services to recipients under the STAR Health program must ensure that enrollees receive a complete early and periodic screening, diagnosis, and treatment checkup in accordance with the requirements specified in the contract between the managed care organization and the commission.

(b) The commission shall include a provision in a contract with a managed care organization to provide health care services to recipients under the STAR Health program specifying progressive monetary penalties for the organization's failure to comply with Subsection (a).

(b) The Health and Human Services Commission shall, in a contract for the provision of health care services under the STAR Health program between the commission and a managed care organization under Chapter 533, Government Code, that is entered into, renewed, or extended on or after the effective date of this section, require that the managed care organization comply with Section 533.0054, Government Code, as added by this section.

(c) The Health and Human Services Commission may not impose a monetary penalty for noncompliance with a contract provision described by Section 533.0054(b), Government Code, as added by this section, until September 1, 2018.

(d) If before implementing Section 533.0054, Government Code, as added by this section, the Health and Human Services Commission 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 18. (a) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0056 to read as follows:

Sec. 533.0056. STAR HEALTH PROGRAM: NOTIFICATION OF PLACEMENT CHANGE. A contract between a managed care organization and the commission for the organization to provide health care services to recipients under the STAR Health program must require the organization to ensure continuity of care for a child whose placement has changed by:

(1) notifying each specialist treating the child of the placement change; and
(2) coordinating the transition of care from the child's previous treating primary care physician and treating specialists to the child's new treating primary care physician and treating specialists, if any.

(b) The changes in law made by this section apply only to a contract for the provision of health care services under the STAR Health program between the Health and Human Services Commission and a managed care organization under Chapter 533, Government Code, that is entered into, renewed, or extended on or after the effective date of this section.

(c) If before implementing Section 533.0056, Government Code, as added by this section, the Health and Human Services Commission determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the health and human services 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 19. Section 40.032, Human Resources Code, is amended by adding Subsection (h) to read as follows:

(h) In this subsection, "community-based foster care" has the meaning assigned by Section 264.152, Family Code. The department shall collaborate with single source continuum contractors to ensure that employees of the department who perform case management functions are given preference for employment by service providers under the community-based foster care service system.

SECTION 20. (a) Subchapter B, Chapter 40, Human Resources Code, is amended by adding Sections 40.039, 40.040, 40.041, and 40.042 to read as follows:

Sec. 40.039. REVIEW OF RECORDS RETENTION POLICY. The department shall periodically review the department's records retention policy with respect to case and intake records relating to department functions. The department shall make changes to the policy consistent with the records retention schedule submitted under Section 441.185, Government Code, that are necessary to improve case prioritization and the routing of cases to the appropriate division of the department. The department may adopt rules necessary to implement this section.

Sec. 40.040. FOSTER CARE SERVICES CONTRACT COMPLIANCE, OVERSIGHT, AND QUALITY ASSURANCE DIVISION. (a) In this section, "community-based foster care" has the meaning assigned by Section 264.152, Family Code.

(b) The department shall create within the department the foster care services contract compliance, oversight, and quality assurance division. The division shall:

(1) oversee contract compliance and achievement of performance-based outcomes by any vendor that provides foster care services for the department under community-based foster care;

(2) conduct assessments on the fiscal and qualitative performance of any vendor that provides foster care services for the department under community-based foster care; and

(3) create and administer a dispute resolution process to resolve conflicts between vendors that contract with the department to provide foster care services under community-based foster care and any subcontractor of a vendor.

Sec. 40.041. OFFICE OF DATA ANALYTICS. The department shall create an office of data analytics. The office shall report to the deputy commissioner and may perform any of the following functions, as determined by the department:

(1) monitor management trends;

(2) analyze employee exit surveys and interviews;

(3) evaluate the effectiveness of employee retention efforts, including merit

pay;

(4) create and manage a system for handling employee complaints submitted by the employee outside of an employee's direct chain of command, including anonymous complaints;

(5) monitor and provide reports to department management personnel on:

(A) employee complaint data and trends in employee complaints;

(B) compliance with annual department performance evaluation requirements; and

(C) the department's use of positive performance levels for employees;

(6) track employee tenure and internal employee transfers within both the child protective services division and the department;

(7) use data analytics to predict workforce shortages and identify areas of the department with high rates of employee turnover, and develop a process to inform the deputy commissioner and other appropriate staff regarding the office's findings;

(8) create and monitor reports on key metrics of agency performance;

(9) analyze available data, including data on employee training, for historical and predictive department trends; and

(10) conduct any other data analysis the department determines to be appropriate for improving performance, meeting the department's current business needs, or fulfilling the powers and duties of the department.

Sec. 40.042. INVESTIGATIONS OF CHILD ABUSE, NEGLECT, AND EXPLOITATION. (a) In this section, "child-care facility" includes a facility, licensed or unlicensed child-care facility, family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Chapter 42.

(b) For all investigations of child abuse, neglect, or exploitation conducted by the child protective services division of the department, the department shall adopt the definitions of abuse, neglect, and exploitation provided in Section 261.001, Family Code.

(c) The department shall establish standardized policies to be used during investigations.

(d) The commissioner shall establish units within the child protective services division of the department to specialize in investigating allegations of child abuse and neglect occurring at a child-care facility.

(e) The department may require that investigators who specialize in allegations of child abuse and neglect occurring at child-care facilities receive ongoing training on the minimum licensing standards for any facilities that are applicable to the investigator's specialization.

(f) After an investigation of abuse, neglect, or exploitation occurring at a child-care facility, the department shall provide the state agency responsible for regulating the facility with access to any information relating to the department's investigation. Providing access to confidential information under this subsection does not constitute a waiver of confidentiality.

(g) The department may adopt rules to implement this section.

(b) As soon as possible after the effective date of this Act, the commissioner of the Department of Family and Protective Services shall establish the office of data analytics required by Section 40.041, Human Resources Code, as added by this section. The commissioner and the executive commissioner of the Health and Human Services Commission shall transfer appropriate staff as necessary to conduct the duties of the office.

(c) The Department of Family and Protective Services must implement the standardized definitions and policies required under Sections 40.042(b) and (c), Human Resources Code, as added by this Act, not later than December 1, 2017.

SECTION 21. Section 40.051, Human Resources Code, is amended to read as follows:

Sec. 40.051. STRATEGIC PLAN FOR DEPARTMENT. The department shall develop a departmental strategic plan based on the goals and priorities stated in the commission's coordinated strategic plan for health and human services. The department shall also develop its plan based on:

(1) furthering the policy of family preservation;

(2) the goal of ending the abuse and neglect of children in the conservatorship of the department; and

(3) the goal of increasing the capacity and availability of foster, relative, and kinship placements in this state.

SECTION 22. (a) Section 40.058(f), Human Resources Code, is amended to read as follows:

(f) A contract for residential child-care services provided by a general residential operation or by a child-placing agency must include provisions that:

(1) enable the department and commission to monitor the effectiveness of the services;

(2) specify performance outcomes, financial penalties for failing to meet any specified performance outcomes, and financial incentives for exceeding any specified performance outcomes;

(3) authorize the department or commission to terminate the contract or impose monetary sanctions for a violation of a provision of the contract that specifies performance criteria or for underperformance in meeting any specified performance outcomes;

(4) authorize the department or commission, an agent of the department or commission, and the state auditor to inspect all books, records, and files maintained by a contractor relating to the contract; and

(5) are necessary, as determined by the department or commission, to ensure accountability for the delivery of services and for the expenditure of public funds.

(b) The Health and Human Services Commission shall, in a contract for residential child-care services between the commission and a general residential operation or child-placing agency that is entered into on or after the effective date of this section, including a renewal contract, include the provisions required by Section 40.058(f), Human Resources Code, as amended by this section.

(c) The Health and Human Services Commission shall seek to amend contracts for residential child-care services entered into with general residential operations or child-placing agencies before the effective date of this section to include the provisions required by Section 40.058(f), Human Resources Code, as amended by this section.

(d) The Department of Family and Protective Services and the Health and Human Services Commission may not impose a financial penalty against a general residential operation or child-placing agency under a contract provision described by Section 40.058(f)(2) or (3), Human Resources Code, as amended by this section, until September 1, 2018.

SECTION 23. (a) Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.0581 to read as follows:

Sec. 40.0581. PERFORMANCE MEASURES FOR CERTAIN SERVICE PROVIDER CONTRACTS. (a) The commission, in collaboration with the department, shall contract with a vendor or enter into an agreement with an institution of higher education to develop, in coordination with the department, performance quality metrics for family-based safety services and post-adoption support services providers. The quality metrics must be included in each contract with those providers.

(b) Each provider whose contract with the commission to provide department services includes the quality metrics developed under Subsection (a) must prepare and submit to the department a report each calendar quarter regarding the provider's performance based on the quality metrics.

(c) The commissioner shall compile a summary of all reports prepared and submitted to the department by family-based safety services providers as required by Subsection (b) and distribute the summary to appropriate family-based safety services caseworkers and child protective services region management once each calendar quarter.

(d) The commissioner shall compile a summary of all reports prepared and submitted to the department by post-adoption support services providers as required by Subsection (b) and distribute the summary to appropriate conservatorship and adoption caseworkers and child protective services region management.

(e) The department shall make the summaries prepared under Subsections (c) and (d) available to families that are receiving family-based safety services and to adoptive families.

(f) This section does not apply to a provider that has entered into a contract with the commission to provide family-based safety services under Section 264.171, Family Code.

(b) The quality metrics required by Section 40.0581, Human Resources Code, as added by this section, must be developed not later than September 1, 2018, and included in any contract, including a renewal contract, entered into by the Health and Human Services Commission with a family-based safety services provider or a post-adoption support services provider on or after January 1, 2019, except as provided by Section 40.0581(f), Human Resources Code, as added by this section.

SECTION 24. Section 42.002(23), Human Resources Code, is amended to read as follows:

(23) "Other maltreatment" means:

- (A) abuse, as defined by Section 261.001 ~~[or 261.401]~~, Family Code; or
- (B) neglect, as defined by Section 261.001 ~~[or 261.401]~~, Family Code.

SECTION 25. Section 42.042, Human Resources Code, is amended by adding Subsections (s) and (t) to read as follows:

(s) The department shall create and implement processes to simplify and streamline the licensing and verification rules for agency foster homes and child-placing agencies, including:

(1) a process to allow provisional verification of a foster home, based on the foster parent's partial completion of the licensing requirements, as determined by the department; and

(2) a process to streamline background checks for potential foster care providers.

(t) The department may waive certain minimum standards or may permit a child-placing agency to waive certain verification requirements for a foster home under this section.

SECTION 26. (a) Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0432 to read as follows:

Sec. 42.0432. HEALTH SCREENING REQUIREMENTS FOR CHILD PLACED WITH CHILD-PLACING AGENCY. (a) A child-placing agency or general residential operation that contracts with the department to provide services must ensure that the children who are in the managing conservatorship of the department and are placed with the child-placing agency or general residential operation receive a complete early and periodic screening, diagnosis, and treatment checkup in accordance with the requirements specified in the contract between the child-placing agency or general residential operation and the department.

(b) The commission shall include a provision in a contract with a child-placing agency or general residential operation specifying progressive monetary penalties for the child-placing agency's or general residential operation's failure to comply with Subsection (a).

(b) A child-placing agency or general residential operation that contracts to provide services for the Department of Family and Protective Services must comply with the requirements of Section 42.0432, Human Resources Code, as added by this section, not later than August 31, 2018. The department and the Health and Human Services Commission may not impose a monetary penalty for noncompliance with a contract provision described by that section until September 1, 2018.

SECTION 27. Section 42.044(c-1), Human Resources Code, is amended to read as follows:

(c-1) The department:

(1) shall investigate a listed family home if the department receives a complaint that:

(A) a child in the home has been abused or neglected, as defined by Section 261.001 [~~261.401~~], Family Code; or

(B) otherwise alleges an immediate risk of danger to the health or safety of a child being cared for in the home; and

(2) may investigate a listed family home to ensure that the home is providing care for compensation to not more than three children, excluding children who are related to the caretaker.

SECTION 28. Section 261.401(a), Family Code, is repealed.

SECTION 29. The changes in law made by this Act to Section 263.401, Family Code, apply only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 30. Except as otherwise provided by this Act, the changes in law made by this Act apply only to a contract for foster care services entered into or renewed on or after the effective date of this Act.

SECTION 31. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 11** (house committee printing) as follows:

(1) Strike page 16, line 23, through page 17, line 14, and substitute "Sec. 264.151. LEGISLATIVE INTENT.".

(2) On page 17, line 15, strike "(b)" and substitute "(a)".

(3) On page 17, line 21, strike "(c)" and substitute "(b)".

(4) On page 28, line 27, strike "DECISIONS" and substitute "RECOMMENDATIONS".

(5) Strike page 29, lines 1-17, and substitute the following:

(a) Notwithstanding any other provision of this subchapter governing the transfer of case management authority to a single source continuum contractor, the department may review, approve, or disapprove a contractor's recommendation with respect to a child's permanency goal.

(b) Subsection (a) may not be construed to limit or restrict the authority of the department to include necessary oversight measures and review processes to maintain compliance with federal and state requirements in a contract with a single source continuum contractor.

Floor Amendment No. 2

Amend **CSSB 11** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 263.402, Family Code, is amended to read as follows:

Sec. 263.402. LIMIT ON EXTENSION[~~;-WAIVER~~]. [~~(a)~~] The parties to a suit under this chapter may not extend the deadlines set by the court under this subchapter by agreement or otherwise.

~~[(b) A party to a suit under this chapter who fails to make a timely motion to dismiss the suit under this subchapter waives the right to object to the court's failure to dismiss the suit. A motion to dismiss under this subsection is timely if the motion is made before the trial on the merits commences.]~~

Floor Amendment No. 3

Amend **CSSB 11** (house committee printing) as follows:

(1) On page 2, line 5, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (c-1)".

(2) On page 2, between lines 20 and 21, insert the following:

(c-1) If the prospective adoptive parents of a child indicate they want to proceed with the adoption under Subsection (c), the department, licensed child-placing agency, or single source continuum contractor shall provide the prospective adoptive parents with access to research from recognized professional organizations, individuals, or subject-matter experts regarding underlying health issues and other conditions of trauma that could impact child development and permanency.

Floor Amendment No. 4

Amend **CSSB 11** (house committee printing) as follows:

(1) Strike page 9, line 17, through page 10, line 9.

(2) On page 10, lines 21-22, between "dismissed" and "without" insert "without prejudice and".

(3) On page 12, lines 9-10, between "dismissed" and "without" insert "without prejudice and".

(4) Strike page 16, line 23, through page 17, line 15, and substitute the following:

Sec. 264.151. LEGISLATIVE FINDINGS AND INTENT. (a) It is the intent of the legislature that the department

(5) On page 17, line 21, strike "(c)" and substitute "(b)".

(6) On page 20, line 20, strike "who have previously been placed".

(7) On page 24, line 15, strike "be eligible to".

(8) On page 28, line 10, strike "90th" and substitute "60th".

(9) On page 30, line 2, strike "services," and substitute "services or".

(10) On page 30, line 3, strike "or integrated care coordination,".

(11) On page 38, line 20, strike "other than" and substitute "including [other than]".

(12) Strike page 46, line 18, through page 47, line 3.

(13) On page 47, line 9, strike "and commission".

(14) On page 47, line 15, strike "or commission".

(15) On page 47, line 20, strike "or commission".

(16) On page 47, line 21, strike "or commission".

(17) On page 47, lines 24-25, strike "or commission".

(18) On page 48, lines 13-14, strike "and the Health and Human Services Commission".

(19) On page 48, lines 22-23, strike "The commission, in collaboration with the department," and substitute "The department".

(20) Renumber SECTIONS of the bill accordingly.

Floor Amendment No. 5

Amend Amendment No. 4 by Raymond to **CSSB 11** (page 5, prefiled amendments packet) by striking lines 3-11 of the amendment and renumbering subsequent items of the amendment accordingly.

Floor Amendment No. 6

Amend **CSSB 11** (house committee printing) as follows:

(1) On page 13, lines 18 and 19, strike "is examined and receives a mental health screening conducted by" and substitute "receives an initial medical examination and a mental health screening from".

(2) On page 13, following line 27, insert the following:

(c) Notwithstanding Subsection (b), the department shall ensure that any child that enters the conservatorship of the department receives any necessary emergency medical care as soon as possible.

(d) A physician or other health care provider conducting an examination under Subsection (b) may not administer a vaccination as part of the examination, except that a physician or other health care provider may administer a tetanus vaccination to a child in a commercially available preparation if the physician or other health care provider determines that an emergency circumstance requires the administration of the vaccination. The prohibition on the administration of a vaccination under this subsection does not apply after the department has been named managing conservator of the child after a hearing under Section 262.106 or 262.201.

(3) On page 14, line 1, strike "(c)" and substitute "(e)".

(4) On page 14, line 5, strike "(d)" and substitute "(f)".

(5) On page 14, line 6, strike "relevant medical practitioners" and substitute "selected physicians and other health care providers authorized under state law to conduct medical examinations".

(6) On page 14, line 9, following "screening.", insert the following: The guidelines developed under this subsection must provide assistance and guidance regarding:

(1) assessing a child for:

(A) signs and symptoms of child abuse and neglect;

(B) the presence of acute or chronic illness; and

(C) signs of acute or severe mental health conditions;

(2) monitoring the adjustment of a child to the conservatorship of the department;

(3) ensuring a child has necessary medical equipment and any medication prescribed to the child or needed by the child; and

(4) providing appropriate support and education to a child's caregivers.

(7) On page 14, between lines 9 and 10, insert the following:

(g) Notwithstanding any other law, the guidelines developed under Subsection (f) do not create a standard of care for a physician or other health care provider authorized under state law to conduct medical examinations, and a physician or other health care provider may not be subject to criminal, civil, or administrative penalty or civil liability for failure to adhere to the guidelines.

(8) On page 14, line 10, strike "(e)" and substitute "(h)".

Floor Amendment No. 7

Amend Amendment No. 6 by Oliverson to **CSSB 11** (page 7, prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 11** (house committee printing) by striking page 13, line 12 through page 14, line 17, and substituting the following:

Sec. 264.1076. MEDICAL EXAMINATION REQUIRED. (a) This section applies only to a child who has been taken into the conservatorship of the department and remains in the conservatorship of the department for more than three business days.

(b) The department shall ensure that each child described by Subsection (a) receives an initial medical examination from a physician or other health care provider authorized under state law to conduct medical examinations not later than the end of:

(1) the third day after the date the child is removed from the child's home, if the child:

(A) is removed as the result of sexual assault, physical assault, or an obvious physical injury to the child; or

(B) has a chronic medical condition, a medically complex condition, or a diagnosed mental illness; or

(2) the seventh day after the date of the hearing conducted under Subchapter C, Chapter 262, for a child to whom Subdivision (1) does not apply.

(c) Notwithstanding Subsection (b), the department shall ensure that any child that enters the conservatorship of the department receives any necessary emergency medical care as soon as possible.

(d) A physician or other health care provider conducting an examination under Subsection (b) may not administer a vaccination as part of the examination without parental consent, except that a physician or other health care provider may administer a tetanus vaccination to a child in a commercially available preparation if the physician or other health care provider determines that an emergency circumstance requires the administration of the vaccination. The prohibition on the administration of a vaccination under this subsection does not apply after the department has been named managing conservator of the child after a hearing conducted under Subchapter C, Chapter 262.

(e) Whenever possible, the department shall schedule the medical examination for a child before the last business day of the appropriate time frame provided under Subsection (b).

(f) The department shall collaborate with the commission and selected physicians and other health care providers authorized under state law to conduct medical examinations to develop guidelines for the medical examination conducted under this section, including guidelines on the components to be included in the examination. The guidelines developed under this subsection must provide assistance and guidance regarding:

(1) assessing a child for:

(A) signs and symptoms of child abuse and neglect;

(B) the presence of acute or chronic illness; and

(C) signs of acute or severe mental health conditions;

(2) monitoring a child's adjustment to being in the conservatorship of the department;

(3) ensuring a child has necessary medical equipment and any medication prescribed to the child or needed by the child; and

(4) providing appropriate support and education to a child's caregivers.

(g) Notwithstanding any other law, the guidelines developed under Subsection (f) do not create a standard of care for a physician or other health care provider authorized under state law to conduct medical examinations, and a physician or other health care provider may not be subject to criminal, civil, or administrative penalty or civil liability for failure to adhere to the guidelines.

(h) The department shall make a good faith effort to contact a child's primary care physician to ensure continuity of care for the child regarding medication prescribed to the child and the treatment of any chronic medical condition.

(i) Not later than December 31, 2019, the department shall submit a report to the standing committees of the house of representatives and the senate with primary jurisdiction over child protective services and foster care evaluating the statewide implementation of the medical examination required by this section. The report must include the level of compliance with the requirements of this section in each region of the state.

Floor Amendment No. 9

Amend **CSSB 11** (house committee printing) as follows:

(1) On page 21, between lines 26 and 27, insert the following:

(a-1) Notwithstanding the process for the expansion of community-based foster care described in Subsection (a), and in accordance with the community-based foster care implementation plan developed under Section 264.153, beginning September 1, 2017, the department shall:

(1) begin accepting proposals from entities to provide community-based foster care services in a designated catchment area;

(2) not later than the 90th day after receiving a proposal described by Subdivision (1), determine whether the entity that submitted the proposal is qualified to serve as a single source continuum contractor under Section 264.157; and

(3) following the readiness review process described by Section 264.154, and subject to the availability of funds, implement community-based foster care in catchment areas where a qualified single source continuum contractor has been selected.

(2) On page 22, line 1, strike "Subsection (a)" and substitute "Subsection (a) or the implementation of community-based foster care in catchment areas as provided under Subsection (a-1)".

Floor Amendment No. 10

Amend **CSSB 11** (house committee printing) as follows:

(1) On page 23, line 17, strike "and".

(2) On page 23, line 19, strike the underlined period and substitute "; and

(5) an attorney ad litem appointed to represent a child in the conservatorship of the department."

Floor Amendment No. 11

Amend **CSSB 11** (house committee printing) as follows:

(1) On page 25, lines 8-10, strike "and require the participation of the contractor in the data access and standards governance council created under Section 264.159".

(2) Strike page 25, line 21, through page 26, line 24.

(3) On page 27, line 24, strike "(a)".

(4) On page 28, strike lines 1-5.

(5) Strike page 30, line 22, through page 33, line 3.

(6) Strike page 46, line 18, through page 47, line 3.

(7) Renumber the SECTIONS of the bill as appropriate.

Floor Amendment No. 12

Amend Amendment No. 11 by Raymond to **CSSB 11** (page 18, prefiled amendments packet) by striking lines 2-5 of the amendment and renumbering subsequent items in the amendment accordingly.

Floor Amendment No. 13

Amend **CSSB 11** (house committee printing) as follows:

(1) On page 25, line 16, strike "and".

(2) On page 25, line 20, between "backgrounds" and the underlined period, insert the following:
; and

(5) establish a process for the single source continuum contractor to report to the department the results of the contractor's best interest determination for a child when the contractor concludes that the determination conflicts with a performance measure for the contractor stated in the contract

Floor Amendment No. 14

Amend **CSSB 11** (house committee printing) by striking page 25, line 22, through page 26, line 24, and substituting the following:

(a) The department shall create a data access and standards governance council to develop protocols for the electronic transfer of data from single source continuum contractors to the department to allow the contractors to perform case management functions.

(b) The council shall develop protocols for the access, management, and security of case data that is electronically shared by a single source continuum contractor with the department.

Floor Amendment No. 17

Amend **CSSB 11** (house committee printing) on page 27, line 2 of the bill, by striking "June" and substituting "September".

Floor Amendment No. 19

Amend **CSSB 11** (house committee printing) as follows:

(1) On page 45, line 18, strike "abuse and neglect" and substitute "abuse, neglect, and exploitation".

(2) On page 45, line 21, strike "abuse and neglect" and substitute "abuse, neglect, and exploitation".

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

SECTION _____. Sections 261.301(b) and (c), Family Code, are amended to read as follows:

(b) A state agency shall investigate a report that alleges abuse, ~~or~~ neglect, or exploitation occurred in a facility operated, licensed, certified, or registered by that agency as provided by Subchapter E. In conducting an investigation for a facility operated, licensed, certified, registered, or listed by the department, the department shall perform the investigation as provided by:

- (1) Subchapter E; and
- (2) the Human Resources Code.

(c) The department is not required to investigate a report that alleges child abuse, ~~or~~ neglect, or exploitation by a person other than a person responsible for a child's care, custody, or welfare. The appropriate state or local law enforcement agency shall investigate that report if the agency determines an investigation should be conducted.

SECTION _____. Section 261.401(b), Family Code, is amended to read as follows:

(b) Except as provided by Section 261.404 and Section 531.02013(1)(D), Government Code, a state agency that operates, licenses, certifies, registers, or lists a facility in which children are located or provides oversight of a program that serves

children shall make a prompt, thorough investigation of a report that a child has been or may be abused, neglected, or exploited in the facility or program. The primary purpose of the investigation shall be the protection of the child.

SECTION _____. Sections 261.405(a) and (c), Family Code, are amended to read as follows:

(a) Notwithstanding Section 261.001, in [the] this section:

(1) "Abuse" means an intentional, knowing, or reckless act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program that causes or may cause emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

(2) "Exploitation" means the illegal or improper use of a child or of the resources of a child for monetary or personal benefit, profit, or gain by an employee, volunteer, or other individual working under the auspices of a facility or program as further described by rule or policy.

(3) "Juvenile justice facility" means a facility operated wholly or partly by the juvenile board, by another governmental unit, or by a private vendor under a contract with the juvenile board, county, or other governmental unit that serves juveniles under juvenile court jurisdiction. The term includes:

(A) a public or private juvenile pre-adjudication secure detention facility, including a holdover facility;

(B) a public or private juvenile post-adjudication secure correctional facility except for a facility operated solely for children committed to the Texas Juvenile Justice Department; and

(C) a public or private non-secure juvenile post-adjudication residential treatment facility that is not licensed by the Department of Family and Protective Services or the Department of State Health Services.

(4) ~~[(2)]~~ "Juvenile justice program" means a program or department operated wholly or partly by the juvenile board or by a private vendor under a contract with a juvenile board that serves juveniles under juvenile court jurisdiction. The term includes:

(A) a juvenile justice alternative education program;

(B) a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court; and

(C) a juvenile probation department.

(5) "Neglect" means a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

(c) The Texas Juvenile Justice Department shall make a prompt, thorough [conduct an] investigation as provided by this chapter if that department receives a report of alleged abuse, neglect, or exploitation in any juvenile justice program or facility. The primary purpose of the investigation shall be the protection of the child.

Floor Amendment No. 20

Amend **CSSB 11** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 107.002(b-1), Family Code, is amended to read as follows:

(b-1) In addition to the duties required by Subsection (b), a guardian ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

- (1) review the medical care provided to the child; ~~and~~
- (2) in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided; and
- (3) for a child at least 16 years of age, ascertain whether the child has received the following documents:

(A) a certified copy of the child's birth certificate;

(B) a social security card or a replacement social security card;

(C) a driver's license or personal identification certificate under Chapter 521, Transportation Code; and

(D) any other personal document the Department of Family and Protective Services determines appropriate.

SECTION _____. Section 107.003(b), Family Code, is amended to read as follows:

(b) In addition to the duties required by Subsection (a), an attorney ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

- (1) review the medical care provided to the child;
- (2) in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided; and
- (3) for a child at least 16 years of age:

(A) [7] advise the child of the child's right to request the court to authorize the child to consent to the child's own medical care under Section 266.010; and

(B) ascertain whether the child has received the following documents:

(i) a certified copy of the child's birth certificate;

(ii) a social security card or a replacement social security card;

(iii) a driver's license or personal identification certificate under Chapter 521, Transportation Code; and

(iv) any other personal document the Department of Family and Protective Services determines appropriate.

Floor Amendment No. 22

Amend **CSSB 11** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 262, Family Code, is amended by adding Section 262.013 to read as follows:

Sec. 262.013. PRIORITY IN PLACEMENT. In placing a child with a foster parent, the department shall give priority to family homes with the fewest number of foster children in the home that can best meet the needs of a foster child if the prioritization does not contradict the best interests of a child or established department performance measures. In placing a sibling group, the department shall, to the extent possible, place the sibling group in the same home if it is in the best interest of each child in the home.

Floor Amendment No. 23

Amend **CSSB 11** by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1252 to read as follows:

Sec. 264.1252. FOSTER PARENT RECRUITMENT STUDY. (a) In this section, "young adult caregiver" means a person who:

- (1) is at least 21 years of age but younger than 36 years of age; and
- (2) provides foster care for children who are 14 years of age and older.

(b) The department shall conduct a study on the feasibility of developing and implementing a program to recruit and provide training and support for young adult caregivers.

(c) The department shall complete the study not later than December 31, 2018. The department shall conduct the study in collaboration with an institution of higher education. In evaluating the feasibility of the program, the department shall consider methods to recruit young adult caregivers and the potential impact that the program will have on the foster children participating in the program, including whether the program may result in:

- (1) increased placement stability;
- (2) fewer behavioral issues;
- (3) fewer instances of foster children running away from a placement;
- (4) increased satisfactory academic progress in school;
- (5) increased acquisition of independent living skills; and
- (6) an improved sense of well-being.

(d) The department shall report the results of the study to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature as soon as possible after the study is completed.

(e) This section expires September 1, 2019.

SECTION _____. As soon as practicable after the effective date of this Act, the Department of Family and Protective Services shall begin the study required by Section 264.1252, Family Code, as added by this Act.

Floor Amendment No. 25

Amend **CSSB 11** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 264, Family Code, is amended by adding Section 264.2042 to read as follows:

Sec. 264.2042. GRANTS FOR FAITH-BASED COMMUNITY COLLABORATIVE PROGRAMS. (a) Using available funds or private donations, the governor shall establish and administer an innovation grant program to award grants to support faith-based community programs that collaborate with the department and the commission to improve foster care and the placement of children in foster care.

(b) A faith-based community program is eligible for a grant under this section if:

(1) the effectiveness of the program is supported by empirical evidence; and

(2) the program has demonstrated the ability to build connections between

faith-based, secular, and government stakeholders.

(c) The regional director for the department in the region where a grant recipient program is located, or the regional director's designee, shall serve as the liaison between the department and the program for collaborative purposes. For a program that operates in a larger region, the department may designate a liaison in each county where the program is operating. The department or the commission may not direct or manage the operation of the program.

(d) The initial duration of a grant under this section is two years. The governor may renew a grant awarded to a program under this section if funds are available and the governor determines that the program is successful.

(e) The governor may not award to a program grants under this section totaling more than \$300,000.

(f) The governor shall adopt rules to implement the grant program created under this section.

SECTION _____. As soon as practicable after the effective date of this Act, the governor shall adopt rules for the implementation and administration of the innovation grant program established under Section 264.2042, Family Code, as added by this Act, and begin to award grants under the program.

The amendments were read.

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

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 11** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; Nelson, Uresti, Birdwell, and Campbell.

(Senator Huffman in Chair)

SENATE BILL 30 WITH HOUSE AMENDMENT

Senator West called **SB 30** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 30** (house committee report) as follows:

- (1) On page 1, line 9, strike "INTERACTION WITH".
- (2) On page 1, line 20, between "encounters" and the underlined period, insert "and on the value that peace officers bring to the community".
- (3) Strike "police" and substitute "peace" in each of the following places:
 - (A) page 1, line 23;
 - (B) page 2, line 1;
 - (C) page 2, line 2;
 - (D) page 2, line 4;
 - (E) page 2, line 6;
 - (F) page 2, line 9;
 - (G) page 3, line 13;
 - (H) page 3, line 15;
 - (I) page 3, line 16;
 - (J) page 3, line 19;
 - (K) page 3, line 20;
 - (L) page 3, line 23;
 - (M) page 4, line 21;
 - (N) page 4, line 23;
 - (O) page 4, line 24;
 - (P) page 4, line 26;
 - (Q) page 5, line 1; and
 - (R) page 5, line 4.
- (4) On page 4, line 25, between "interactions" and the underlined semicolon, insert ", including the use by officers of de-escalation strategies and techniques".
- (5) On page 5, between lines 12 and 13, insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:
 - () the Task Force on Civilian-Peace Officer Interactions established under Article 2.1398, Code of Criminal Procedure, as added by this Act, shall establish the initial criteria required under that article;
- (6) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. This Act may be cited as the Community Safety Act.

SECTION __. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1398 to read as follows:

Art. 2.1398. TASK FORCE ON CIVILIAN-PEACE OFFICER INTERACTIONS. (a) In this article, "task force" means the Task Force on Civilian-Peace Officer Interactions.

(b) The task force is established to study and report on the impact of civilian and peace officer education under Sections 28.012 and 1001.109, Education Code, and Section 1701.268, Occupations Code, on interactions between civilians and peace officers during traffic stops and other in-person encounters.

(c) The task force is composed of:

 - (1) a state senator appointed by the lieutenant governor;

(2) a state representative appointed by the speaker of the house of representatives;

(3) a member of the Texas Commission on Law Enforcement appointed by the governor;

(4) a representative of a peace officer organization appointed by the governor;

(5) a representative of a criminal justice reform advocacy group or civil rights organization appointed by the governor; and

(6) four members of the public appointed as follows:

(A) two members appointed by the governor;

(B) one member appointed by the lieutenant governor; and

(C) one member appointed by the speaker of the house of representatives.

(d) The governor shall designate one of the members of the public appointed by the governor to serve as presiding officer.

(e) In conducting the study, the task force shall:

(1) collaborate with Texas Southern University and the Bill Blackwood Law Enforcement Management Institute of Texas;

(2) establish criteria for measuring any improvement in interactions between civilians and peace officers resulting from education described by Subsection (b); and

(3) consider all available data relevant to the study, including:

(A) data on racial profiling by peace officers;

(B) reports submitted under Article 2.139 or 2.1395;

(C) peace officer training materials; and

(D) any other relevant public records.

(f) Not later than December 1, 2022, the task force shall submit to the members of the legislature a report on the results of the study. The report must evaluate whether the education described by Subsection (b) improves interactions between civilians and peace officers, including by reducing the number of complaints filed against officers and the number of incidents involving use of force.

(g) This article expires September 1, 2023.

SECTION __. Article 2.139, Code of Criminal Procedure, as added by Chapter 1124 (H.B. 3791), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Article 2.1396, Code of Criminal Procedure.

SECTION __. As soon as practicable after the effective date of this Act, the appropriate appointing person shall make the appointments to the Task Force on Civilian-Peace Officer Interactions as described by Article 2.1398, Code of Criminal Procedure, as added by this Act.

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 was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 30** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators West, Chair; Whitmire, Hughes, Birdwell, and Perry.

SENATE BILL 1913 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 1913** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 2

Amend **SB 1913** (house committee printing) as follows:

(1) On page 16, line 19, between "CHILDREN." and "A" insert "(a)".

(2) On page 17, between lines 4 and 5, insert the following:

(b) A defendant is presumed to be indigent if the defendant:

(1) is in the conservatorship of the Department of Family and Protective Services or was in the conservatorship of the Department of Family and Protective Services at the time of the offense; or

(2) is designated as a homeless child or youth or an unaccompanied youth as those terms are defined by 42 U.S.C. Section 11434a or was designated as a homeless child or youth or an unaccompanied youth as those terms are defined by 42 U.S.C. Section 11434a at the time of the offense.

Floor Amendment No. 3 on Third Reading

Amend **SB 1913** on third reading as follows:

(1) In the SECTION of the bill amending Article 42.15, Code of Criminal Procedure, strike added Subsection (a-1) and substitute the following:

(a-1) Notwithstanding any other provision of this article, after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.13, 27.14(a), or 27.16(a), and the defendant signs an affidavit attesting that the defendant lacks sufficient income or resources to immediately pay all or part of the fine or court costs, a court shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the court determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the court shall determine whether the fine and costs should be:

(1) subject to Subsection (c), required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under, as applicable, Article 43.09(f), Article 45.049, Article 45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (HB 1964), Acts of the 82nd Legislature, Regular Session, 2011;

(3) waived in full or in part under Article 43.091 or 45.0491; or

(4) satisfied through any combination of methods under Subdivisions (1)-(3).

(2) In the SECTION of the bill amending Article 45.041, Code of Criminal Procedure, strike added Subsection (a-1) and substitute the following:

(a-1) Notwithstanding any other provision of this article, after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), and the defendant signs an affidavit attesting that the defendant lacks sufficient income or resources to immediately pay all or part of the fine or court costs, the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:

(1) subject to Subsection (b-2), required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under, as applicable, Article 45.049, Article 45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (HB 1964), Acts of the 82nd Legislature, Regular Session, 2011;

(3) waived in full or in part under Article 45.0491; or

(4) satisfied through any combination of methods under Subdivisions

(1)-(3).

Floor Amendment No. 5 on Third Reading

Amend **SB 1913** on third reading as follows:

(1) In the SECTION of the bill amending Article 27.14(b), Code of Criminal Procedure, strike "certified mail, return receipt requested," and substitute "regular [~~certified~~] mail[, ~~return receipt requested,~~]"

(2) In the SECTION of the bill amending Article 43.09, Code of Criminal Procedure, in amended Subsection (h)(2), strike Paragraphs (B)-(E) and substitute the following:

(B) [~~or~~] a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the court; or

(C) an educational institution.

(3) In the SECTION of the bill amending Article 45.049, Code of Criminal Procedure, in amended Subsection (c)(2), strike Paragraphs (B)-(E) and substitute the following:

(B) [~~or~~] a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(4) In the SECTION of the bill amending Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011, in amended Subsection (d)(2), strike Paragraphs (B)-(E) and substitute the following:

(B) [~~or~~] a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(5) In the SECTION of the bill amending Article 45.0492, Code of Criminal Procedure, as added by Chapter 777 (**HB 1964**), Acts of the 82nd Legislature, Regular Session, 2011, in amended Subsection (d)(2), strike Paragraphs (B)-(E) and substitute the following:

(B) [~~or~~] a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(6) In the SECTION of the bill amending Section 706.005, Transportation Code, in amended Subsection (a)(2) and added Subsection (b)(3), between "prejudice by" and "the appropriate prosecuting attorney", insert "motion of".

(7) In the SECTION of the bill amending Section 706.006, Transportation Code, in added Subsection (a)(2), between "prejudice by" and "the appropriate prosecuting attorney", insert "motion of".

Floor Amendment No. 6 on Third Reading

Amend **SB 1913** on third reading by striking the SECTION of the bill that reads "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 amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1913** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Perry, Hughes, Menéndez, and Burton.

SENATE BILL 894 WITH HOUSE AMENDMENTS

Senator Buckingham called **SB 894** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 894** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the Health and Human Services Commission's auditing of Medicaid managed care organizations and auditing and collection of Medicaid payments, including the commission's management of audit resources.

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

SECTION 1. Section 531.024172, Government Code, is amended to read as follows:

Sec. 531.024172. ELECTRONIC VISIT VERIFICATION SYSTEM; REIMBURSEMENT OF CERTAIN RELATED CLAIMS. (a) Subject to Subsection (g), [In this section, "acute nursing services" has the meaning assigned by Section 531.02417.

~~[(b) If it is cost effective and feasible,]~~ the commission shall, in accordance with federal law, implement an electronic visit verification system to electronically verify [and document,] through a telephone, global positioning, or computer-based system that personal care services or attendant care services provided to recipients under Medicaid, including personal care services or attendant care services provided under the Texas Health Care Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315) or any other Medicaid waiver program, are provided to recipients in accordance with a prior authorization or plan of care. The electronic visit verification system implemented under this subsection must allow for verification of only the following[; basic] information relating to the delivery of Medicaid [acute nursing] services[; including]:

- (1) the type of service provided [the provider's name];
- (2) the name of the recipient to whom the service is provided [the recipient's name]; [and]
- (3) the date and times [time] the provider began [begins] and ended the [ends each] service delivery visit;
- (4) the location, including the address, at which the service was provided;
- (5) the name of the individual who provided the service; and
- (6) other information the commission determines is necessary to ensure the accurate adjudication of Medicaid claims.

(b) The commission shall establish minimum requirements for third-party entities seeking to provide electronic visit verification system services to health care providers providing Medicaid services and must certify that a third-party entity complies with those minimum requirements before the entity may provide electronic visit verification system services to a health care provider.

(c) The commission shall inform each Medicaid recipient who receives personal care services or attendant care services that the health care provider providing the services and the recipient are each required to comply with the electronic visit verification system. A managed care organization that contracts with the commission

to provide health care services to Medicaid recipients described by this subsection shall also inform recipients enrolled in a managed care plan offered by the organization of those requirements.

(d) In implementing the electronic visit verification system:

(1) subject to Subsection (e), the executive commissioner shall adopt compliance standards for health care providers; and

(2) the commission shall ensure that:

(A) the information required to be reported by health care providers is standardized across managed care organizations that contract with the commission to provide health care services to Medicaid recipients and across commission programs; and

(B) time frames for the maintenance of electronic visit verification data by health care providers align with claims payment time frames.

(e) In establishing compliance standards for health care providers under this section, the executive commissioner shall consider:

(1) the administrative burdens placed on health care providers required to comply with the standards; and

(2) the benefits of using emerging technologies for ensuring compliance, including Internet-based, mobile telephone-based, and global positioning-based technologies.

(f) A health care provider that provides personal care services or attendant care services to Medicaid recipients shall:

(1) use an electronic visit verification system to document the provision of those services;

(2) comply with all documentation requirements established by the commission;

(3) comply with applicable federal and state laws regarding confidentiality of recipients' information;

(4) ensure that the commission or the managed care organization with which a claim for reimbursement for a service is filed may review electronic visit verification system documentation related to the claim or obtain a copy of that documentation at no charge to the commission or the organization; and

(5) at any time, allow the commission or a managed care organization with which a health care provider contracts to provide health care services to recipients enrolled in the organization's managed care plan to have direct, on-site access to the electronic visit verification system in use by the health care provider.

(g) The commission may recognize a health care provider's proprietary electronic visit verification system as complying with this section and allow the health care provider to use that system for a period determined by the commission if the commission determines that the system:

(1) complies with all necessary data submission, exchange, and reporting requirements established under this section;

(2) meets all other standards and requirements established under this section; and

(3) has been in use by the health care provider since at least June 1, 2014.

(h) The commission or a managed care organization that contracts with the commission to provide health care services to Medicaid recipients may not pay a claim for reimbursement for personal care services or attendant care services provided to a recipient unless the information from the electronic visit verification system corresponds with the information contained in the claim and the services were provided consistent with a prior authorization or plan of care. A previously paid claim is subject to retrospective review and recoupment if unverified.

(i) The commission shall create a stakeholder work group comprised of representatives of affected health care providers, managed care organizations, and Medicaid recipients and periodically solicit from that work group input regarding the ongoing operation of the electronic visit verification system under this section.

(j) The executive commissioner may adopt rules necessary to implement this section.

SECTION 2. Section 531.120, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The commission shall provide the notice required by Subsection (a) to a provider that is a hospital not later than the 90th day before the date the overpayment or debt that is the subject of the notice must be paid.

SECTION 3. Chapter 533, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. STRATEGY FOR MANAGING AUDIT RESOURCES

Sec. 533.051. DEFINITIONS. In this subchapter:

(1) "Accounts receivable tracking system" means the system the commission uses to track experience rebates and other payments collected from managed care organizations.

(2) "Agreed-upon procedures engagement" means an evaluation of a managed care organization's financial statistical reports or other data conducted by an independent auditing firm engaged by the commission as agreed in the managed care organization's contract with the commission.

(3) "Experience rebate" means the amount a managed care organization is required to pay the state according to the graduated rebate method described in the managed care organization's contract with the commission.

(4) "External quality review organization" means an organization that performs an external quality review of a managed care organization in accordance with 42 C.F.R. Section 438.350.

Sec. 533.052. APPLICABILITY AND CONSTRUCTION OF SUBCHAPTER. This subchapter does not apply to and may not be construed as affecting the conduct of audits by the commission's office of inspector general under the authority provided by Subchapter C, Chapter 531, including an audit of a managed care organization conducted by the office after coordinating the office's audit and oversight activities with the commission as required by Section 531.102(q), as added by Chapter 837 (S.B. 200), Acts of the 84th Legislature, Regular Session, 2015.

Sec. 533.053. OVERALL STRATEGY FOR MANAGING AUDIT RESOURCES. The commission shall develop and implement an overall strategy for planning, managing, and coordinating audit resources that the commission uses to verify the accuracy and reliability of program and financial information reported by managed care organizations.

Sec. 533.054. PERFORMANCE AUDIT SELECTION PROCESS AND FOLLOW-UP. (a) To improve the commission's processes for performance audits of managed care organizations, the commission shall:

(1) document the process by which the commission selects managed care organizations to audit;

(2) include previous audit coverage as a risk factor in selecting managed care organizations to audit; and

(3) prioritize the highest risk managed care organizations to audit.

(b) To verify that managed care organizations correct negative performance audit findings, the commission shall:

(1) establish a process to:

(A) document how the commission follows up on negative performance audit findings; and

(B) verify that managed care organizations implement performance audit recommendations; and

(2) establish and implement policies and procedures to:

(A) determine under what circumstances the commission must issue a corrective action plan to a managed care organization based on a performance audit; and

(B) follow up on the managed care organization's implementation of the corrective action plan.

Sec. 533.055. AGREED-UPON PROCEDURES ENGAGEMENTS AND CORRECTIVE ACTION PLANS. To enhance the commission's use of agreed-upon procedures engagements to identify managed care organizations' performance and compliance issues, the commission shall:

(1) ensure that financial risks identified in agreed-upon procedures engagements are adequately and consistently addressed; and

(2) establish policies and procedures to determine under what circumstances the commission must issue a corrective action plan based on an agreed-upon procedures engagement.

Sec. 533.056. AUDITS OF PHARMACY BENEFIT MANAGERS. To obtain greater assurance about the effectiveness of pharmacy benefit managers' internal controls and compliance with state requirements, the commission shall:

(1) periodically audit each pharmacy benefit manager that contracts with a managed care organization; and

(2) develop, document, and implement a monitoring process to ensure that managed care organizations correct and resolve negative findings reported in performance audits or agreed-upon procedures engagements of pharmacy benefit managers.

Sec. 533.057. COLLECTION OF COSTS FOR AUDIT-RELATED SERVICES. The commission shall develop, document, and implement billing processes in the Medicaid and CHIP services department of the commission to ensure that managed care organizations reimburse the commission for audit-related services as required by contract.

Sec. 533.058. COLLECTION ACTIVITIES RELATED TO PROFIT SHARING. To strengthen the commission's process for collecting shared profits from managed care organizations, the commission shall develop, document, and implement monitoring processes in the Medicaid and CHIP services department of the commission to ensure that the commission:

(1) identifies experience rebates deposited in the commission's suspense account and timely transfers those rebates to the appropriate accounts; and

(2) timely follows up on and resolves disputes over experience rebates claimed by managed care organizations.

Sec. 533.059. USE OF INFORMATION FROM EXTERNAL QUALITY REVIEWS. (a) To enhance the commission's monitoring of managed care organizations, the commission shall use the information provided by the external quality review organization, including:

(1) detailed data from results of surveys of Medicaid recipients and, if applicable, child health plan program enrollees, caregivers of those recipients and enrollees, and Medicaid and, as applicable, child health plan program providers; and

(2) the validation results of matching paid claims data with medical records.

(b) The commission shall document how the commission uses the information described by Subsection (a) to monitor managed care organizations.

Sec. 533.060. SECURITY AND PROCESSING CONTROLS OVER INFORMATION TECHNOLOGY SYSTEMS. The commission shall:

(1) strengthen user access controls for the commission's accounts receivable tracking system and network folders that the commission uses to manage the collection of experience rebates;

(2) document daily reconciliations of deposits recorded in the accounts receivable tracking system to the transactions processed in:

(A) the commission's cost accounting system for all health and human services agencies; and

(B) the uniform statewide accounting system; and

(3) develop, document, and implement a process to ensure that the commission formally documents:

(A) all programming changes made to the accounts receivable tracking system; and

(B) the authorization and testing of the changes described by Paragraph (A).

SECTION 4. As soon as practicable after the effective date of this Act:

(1) the Health and Human Services Commission shall implement an electronic visit verification system in accordance with Section 531.024172, Government Code, as amended by this Act; and

(2) the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Subchapter B, Chapter 533, Government Code, as added by this Act.

SECTION 5. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 6. This Act takes effect September 1, 2017.

Floor Amendment No. 1 on Third Reading

Amend **SB 894** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 531.02414(c), Government Code, is amended to read as follows:

(c) Except as provided by Section 531.024142 and notwithstanding ~~[Notwithstanding]~~ any other law, the commission may not delegate the commission's duty to supervise the medical transportation program to any other person, including through a contract with the Texas Department of Transportation for the department to assume any of the commission's responsibilities relating to the provision of services through that program.

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.024142 to read as follows:

Sec. 531.024142. OVERSIGHT OF MEDICAID MEDICAL TRANSPORTATION PROGRAM SERVICES. (a) In this section, "medical transportation program" has the meaning assigned by Section 531.02414.

(b) Regardless of the delivery model selected by the commission for the delivery of medical transportation program services, the commission shall:

(1) contract with a person to oversee the delivery of those services through the selected delivery model; and

(2) pay for the contract from the anticipated cost savings realized under the contract.

(c) In contracting for the oversight of medical transportation program services, the commission shall provide contracting opportunities to persons who employ veterans or other persons with disabilities whose services are available under Chapter 122, Human Resources Code.

(d) The person contracted under Subsection (b) shall maintain a record of each service provided under the medical transportation program, including the cost of mileage for the service, the cost of the service, and the cost of any software licensing support used to meet the requirements of this section. A managed transportation organization or vendor through which medical transportation program services are provided shall provide to the person contracted under Subsection (b) the information necessary for that person to comply with this subsection.

(e) Not later than December 1, 2018, the commission shall evaluate the oversight of medical transportation program services under this section for not more than a 90-day period to determine:

(1) the viability of continuing to contract with a person to oversee the services;

(2) the economic return on investment from contracting with a person to oversee the services; and

(3) route efficiency and reasonableness in the provision of the services.

(f) Subsection (e) and this subsection expire September 1, 2019.

Floor Amendment No. 2 on Third Reading

Amend **SB 894** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 321.013, Government Code, is amended by adding Subsection (m) to read as follows:

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

(1) have not recently received audit coverage; and

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

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 894** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Buckingham, Chair; Hinojosa, Burton, Perry, and Schwertner.

SENATE BILL 302 WITH HOUSE AMENDMENTS

Senator Watson called **SB 302** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 302** as follows:

(1) On page 3, strike lines 11 through 16, and substitute the following:

(a-4) An increase in the fee for membership in the state bar may be made by the board of directors, without a vote of the members of the state bar, provided that not more than one increase may be made by the board of directors in a six-year period and such increase shall not exceed 10 percent.

(2) On page 5, line 20, strike "~~and Section 81.024]~~" and substitute "and Section 81.022 [81.024]".

Floor Amendment No. 2

Amend **SB 302** as follows:

- (1) Strike SECTION 5 of the bill (page 4, line 6, through page 5, line 13).
- (2) Strike SECTIONS 11 and 12 of the bill (page 17, line 20, through page 19, line 7).
- (3) Strike SECTION 13 of the bill (page 19, lines 8 through 11) and substitute the following appropriately numbered SECTION:
SECTION _____. Sections 81.024(c), (d), (e), (f), and (g), Government Code, are repealed.
- (4) Strike Section 14(a) of the bill (page 19, lines 12 through 16), and reletter subsections of that SECTION appropriately.
- (5) Renumber SECTIONS of the bill accordingly.

Floor Amendment No. 3

Amend the Schofield amendment No. 2 to **SB 302** as follows:

On page 1, line 4, strike "SECTIONS 11 and 12 (page 17, line 20 through page 19, line 7)" and insert "SECTION 12 (page 18, line 16 through page 19, line 7)".

Floor Amendment No. 4

Amend **SB 302** as follows:

- (1) On page 6, line 13, strike "81.080,".
- (2) On page 6, strike lines 15 through 21.
- (3) Strike SECTION 14(c)(2) (page 20, lines 13 and 14) and renumber the subdivisions of Subsection (c) accordingly.

Floor Amendment No. 5

Substitute the following for the Schofield amendment No. 4 to **SB 302**:

(1) On page 5, strike lines 21-22 and substitute the following:
SECTION 7. Section 81.072, Government Code, is amended by adding Subsection (b-3) and amending Subsection (e) to read as follows:

(b-3) In establishing minimum standards and procedures for the attorney disciplinary and disability system under Subsection (b), the supreme court must ensure that:

(1) an attorney has an opportunity to respond to all allegations of a complaint, including an allegation outside the bounds of a complaint; and

(2) a formal complaint is limited to the allegation from the original grievance.

(2) On page 6, line 20, insert the following:

(a-1) Subpoenas under this section may only be issued to attorneys, persons who are employed by attorneys, and agents of attorneys for matters related directly to a specific allegation of attorney misconduct.

Floor Amendment No. 6

Amend **SB 302** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 81, Government Code, is amended by adding Section 81.062 to read as follows:

Sec. 81.062. STATE BAR ADMISSION AND RELIGIOUS BELIEF. In establishing the rules governing the admission to the practice of law under Section 81.061, the supreme court shall ensure that no rule limits, hinders, disadvantages, or otherwise adversely affects a person's admission to the practice of law on the basis of a person's sincerely held religious belief.

Floor Amendment No. 8

Amend Amendment No. 6 by Krause (851975) to **SB 302** on page 1, line 10, between "law" and "on the basis of" by inserting ", or a person's continued practice of law,".

Floor Amendment No. 10

Amend **SB 302** as follows:

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

SECTION _____. Section 81.076, Government Code, is amended by amending Subsection (h) and adding Subsection (i) to read as follows:

(h) The commission shall report to the board of directors, the supreme court, and the legislature, at least annually, concerning the state of the attorney discipline system and make recommendations concerning the refinement and improvement of the system. The commission's report must include:

(1) the number and final disposition of grievances filed, dismissed, and investigated under and the disciplinary decisions issued under the Texas Disciplinary Rules of Professional Conduct relating to barratry, including the improper solicitation of clients;

(2) the chief disciplinary counsel's cooperation with local, state, or federal agencies in the investigation or prosecution of civil actions or criminal offenses related to barratry, including the number of grievances the chief disciplinary counsel referred to or received from a law enforcement agency;

(3) barriers to the investigation and prosecution of barratry-related criminal offenses or civil actions under existing criminal and civil laws or to enforcement under the Texas Disciplinary Rules of Professional Conduct; and

(4) recommendations for improving the attorney discipline system, the Texas Disciplinary Rules of Professional Conduct, or other state laws relating to barratry or improper solicitation of clients.

(i) The commission shall prepare a summary of the information included in the report under Subsection (h) and make information available to the public regarding barratry-related grievances, including the final disposition of the grievances, to the extent allowable under, and consistent with, confidentiality laws and rules.

SECTION _____. Not later than September 1, 2018, the Commission for Lawyer Discipline shall include information regarding barratry in the report required under Section 81.076(h), Government Code, as amended by this Act.

(2) Renumber SECTIONS of the bill accordingly.

Floor Amendment No. 11

Amend Amendment No. 10 by Smithee to **SB 302** (page 6, prefiled amendments packet) on page 1, line 11, between "must" and "include", by inserting "provide data by race and gender and".

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 302** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; Taylor of Collin, Schwertner, Nichols, and Hughes.

SENATE BILL 1172 WITH HOUSE AMENDMENTS

Senator Perry called **SB 1172** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1172** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the regulation of seed by a political subdivision.

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

SECTION 1. Chapter 61, Agriculture Code, is amended by adding Section 61.019 to read as follows:

Sec. 61.019. LOCAL REGULATION OF SEED PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (c), a political subdivision may not adopt an order, ordinance, or other measure that regulates agricultural seed, vegetable seed, weed seed, or any other seed in any manner, including planting seed or cultivating plants grown from seed.

(b) An order, ordinance, or other measure adopted by a political subdivision that violates Subsection (a) is void.

(c) A political subdivision may take any action otherwise prohibited by this section to:

- (1) comply with any federal or state requirements;
- (2) avoid a federal or state penalty or fine;
- (3) attain or maintain compliance with federal or state environmental standards, including state water quality standards; or

(4) implement a voluntary program as part of a conservation water management strategy included in the applicable regional water plan or state water plan.

(d) Nothing in this section preempts or otherwise limits the authority of any county or municipality to adopt and enforce zoning regulations, fire codes, building codes, storm water regulations, nuisance regulations as authorized by Section 342.004, Health and Safety Code, or waste disposal restrictions.

SECTION 2. Section 61.019(b), Agriculture Code, as added by this Act, applies to an order, ordinance, or other measure adopted before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 1172** (house committee report) on page 2, between lines 4 and 5, by inserting the following:

Sec. 61.020. JUDICIAL RELIEF. (a) A person may bring a suit to enjoin the enforcement of an order, ordinance, or other measure adopted by a political subdivision if:

(1) the person is required to obtain a license, permit, or registration issued by the state to conduct the person's business; and

(2) the order, ordinance, or other regulation establishes requirements for, imposes restrictions on, or otherwise regulates the business activity of the person in a manner that is more stringent than the state law that governs the person's business.

(b) A suit brought under this section must be brought in a district court:

(1) for a judicial district in which any portion of the territory of the political subdivision that adopted the local regulation is located; or

(2) in Travis County.

(c) In a suit brought under this section, the political subdivision has the burden of establishing by clear and convincing evidence that the order, ordinance, or other measure the political subdivision seeks to enforce does not conflict with state law.

Floor Amendment No. 2

Amend **CSSB 1172** (house committee report) on page 1, line 21, between "implement a" and "voluntary", by inserting the following:

∴

(A) water conservation plan;

(B) drought contingency plan; or

(C)

Floor Amendment No. 3

Amend **CSSB 1172** (house committee report) on page 1, line 11, by striking "or cultivating plants grown from seed".

Floor Amendment No. 1 on Third Reading

Amend Second Reading Amendment No. 1 by Geren to **CSSB 1172** on page 1, line 5, by adding "in violation of this chapter" between "subdivision" and "if".

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1172** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Estes, Creighton, Kolkhorst, and Hinojosa.

SENATE BILL 303 WITH HOUSE AMENDMENTS

Senator Watson called **SB 303** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 303** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 82.022, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In adopting rules on eligibility for examination for a license to practice law, the supreme court shall ensure that no rule limits, hinders, disadvantages, or otherwise adversely affects a person's admission to the practice of law on the basis of a person's sincerely held religious belief.

Floor Amendment No. 2

Amend Amendment No. 1 by Krause to **SB 303** (page 2, prefiled amendments packet) on line 8 by striking "limits, hinders, disadvantages, or otherwise" and substituting "substantially and".

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 303** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; Taylor of Collin, Schwertner, Nichols, and Hughes.

SENATE BILL 813 WITH HOUSE AMENDMENTS

Senator Hughes called **SB 813** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 813** (house committee printing) on page 1, between lines 18 and 19, by inserting the following appropriately designated subsection and redesignating subsequent subsections accordingly:

() A claimant may bring an action under this section only after the claimant has exhausted the claimant's administrative remedies with respect to the regulatory action against the claimant.

Floor Amendment No. 2

Amend **SB 813** (house committee report) as follows:

(1) In SECTION 1 (page 1, line 7) insert "or political subdivision" after "state agency";

(2) In SECTION 3 (page 1, line 16) insert "or political subdivision" after "state agency";

(3) In SECTION 3 (page 1, line 17) insert "or political subdivision" after "state agency";

(4) In SECTION 3 (page 1, line 21) insert "or political subdivision's" after "state agency"; and

(5) In SECTION 3 (page 2, line 7) insert "or political subdivision" after "state agency".

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 813** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Watson, Lucio, Bettencourt, and Perry.

SENATE BILL 319 WITH HOUSE AMENDMENTS

Senator Watson called **SB 319** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 319** (house committee report) in SECTION 13 of the bill by striking lines 9-10 and replacing with:

The rules adopted under this section ~~must~~ shall not include a limit on the time a license holder may remain on inactive status.

Floor Amendment No. 4

Amend **SB 319** (house committee report) as follows:

- (1) Strike page 8, line 17, through page 9, line 15.
- (2) Strike page 10, line 26, through page 11, line 15.
- (3) Strike page 17, lines 3 through 10.
- (4) Renumber the SECTIONS of the bill accordingly.

Floor Amendment No. 5

Amend **SB 319** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 826.042, Health and Safety Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) At the time an owner submits for quarantine an animal described by Subsection (b), the veterinarian or local rabies control authority, as applicable, shall:

(1) provide written notification to the animal's owner of the date the animal enters quarantine and the date the animal will be released from quarantine;

(2) obtain and retain with the animal's records a written statement signed by the animal's owner and a supervisor employed by the veterinarian or local rabies control authority acknowledging that the information required by Subdivision (1) has been provided to the animal's owner; and

(3) provide the animal's owner a copy of the signed written statement obtained under Subdivision (2).

(g) A veterinarian or local rabies control authority, as applicable, shall fit each animal quarantined under this section with a yellow collar that is distinct in color from the collars of other animals under the care of the veterinarian or local rabies control authority.

SECTION _____. Section 826.043, Health and Safety Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) Except as provided by Subsection (e), the [The] veterinarian or local rabies control authority may sell the animal and retain the proceeds or keep, grant, or destroy an animal if the owner or custodian does not take possession of the animal before the fourth day following the final day of the quarantine period.

(e) A veterinarian or local rabies control authority may not destroy an animal following the final day of the quarantine period unless the veterinarian or local rabies control authority has:

(1) notified the animal's owner of the animal's scheduled destruction; and

(2) provided the animal's owner a reasonable opportunity to take possession of the animal after providing the notice required by Subdivision (1).

Floor Amendment No. 6

Amend Amendment No. 5 to **SB 319** by Burkett (85R30802) as follows:

(1) On page 1, line 20, strike "fit" and substitute "identify".

(2) On page 1, strike lines 21-23, and substitute the following:

with a placard or other marking on the animal's kennel that indicates the animal is quarantined under this section.

(3) On page 2, strike lines 5 - 10 and substitute the following:

unless the veterinarian or local rabies control authority has notified the animal's owner, if available, of the animal's scheduled destruction.

Floor Amendment No. 8

Amend **SB 319** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 801.004, Occupations Code, is amended to read as follows:

Sec. 801.004. APPLICATION OF CHAPTER. This chapter does not apply to:

(1) the treatment or care of an animal in any manner by the owner of the animal, an employee of the owner, or a designated caretaker of the animal, unless the ownership, employment, or designation is established with the intent to violate this chapter;

(2) a person who performs an act prescribed by the board as an accepted livestock management practice, including:

(A) castrating a male animal raised for human consumption;

(B) docking or ear-marking an animal raised for human consumption;

(C) dehorning cattle;

(D) aiding in the nonsurgical birth process of a large animal, as defined by board rule;

(E) treating an animal for disease prevention with a nonprescription medicine or vaccine;

(F) branding or identifying an animal in any manner;

(G) artificially inseminating an animal, including training, inseminating, and compensating for services related to artificial insemination; and

(H) shoeing a horse;

(3) the performance of a cosmetic or production technique to reduce injury in poultry intended for human consumption;

(4) the performance of a duty by a veterinarian's employee if:

(A) the duty involves food production animals;

(B) the duty does not involve diagnosis, prescription, or surgery;

(C) the employee is under the direction and general supervision of the veterinarian; and

(D) the veterinarian is responsible for the employee's performance;

(5) the performance of an act by a person who is a full-time student of an accredited college of veterinary medicine if the act is performed under the direct supervision of a veterinarian;

(6) an animal shelter employee who performs euthanasia in the course and scope of the person's employment if the person has successfully completed training in accordance with Chapter 829, Health and Safety Code;

(7) a person who is engaged in a recognized state-federal cooperative disease eradication or control program or an external parasite control program while the person is performing official duties required by the program;

(8) a person who, without expectation of compensation, provides emergency care in an emergency or disaster; ~~[or]~~

(9) a consultation given to a veterinarian in this state by a person who:

(A) resides in another state; and

(B) is lawfully qualified to practice veterinary medicine under the laws of that state; or

(10) a licensed health care professional who, without expectation of compensation and under the direct supervision of a veterinarian, provides treatment or care to an animal owned by or in the possession, control, or custody of an entity accredited by the Association of Zoos and Aquariums.

Floor Amendment No. 9

Amend Amendment No. 8 by S. Davis to **SB 319** by adding the following at the end of the amendment:

SECTION ____ . Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers, officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

(7) each member of an arson investigating unit commissioned by a city, a county, or the state;

(8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;

(9) officers commissioned by the General Services Commission;

(10) law enforcement officers commissioned by the Parks and Wildlife Commission;

(11) airport police officers commissioned by a city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more that operates an airport that serves commercial air carriers;

(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;

(13) municipal park and recreational patrolmen and security officers;

(14) security officers and investigators commissioned as peace officers by the comptroller;

(15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;

(16) officers commissioned by a board of trustees under Chapter 54, Transportation Code;

(17) investigators commissioned by the Texas Medical Board;

(18) officers commissioned by:

(A) the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;

(B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code; and

(C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code;

(19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;

(20) investigators employed by the Texas Racing Commission;

(21) officers commissioned under Chapter 554, Occupations Code;

(22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;

(23) investigators commissioned by the attorney general under Section 402.009, Government Code;

(24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;

(25) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;

(26) officers commissioned by the state fire marshal under Chapter 417, Government Code;

(27) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;

(28) apprehension specialists and inspectors general commissioned by the Texas Juvenile Justice Department as officers under Sections 242.102 and 243.052, Human Resources Code;

(29) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;

(30) investigators commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;

(31) commission investigators commissioned by the Texas Private Security Board under Section 1702.061, Occupations Code;

(32) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;

(33) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;

(34) investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; ~~and~~

(35) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code; and

(36) officers commissioned by the State Board of Veterinary Medical Examiners under Section 801.163, Occupations Code.

SECTION _____. Subchapter D, Chapter 801, Occupations Code, is amended by adding Section 801.163 to read as follows:

Sec. 801.163. PEACE OFFICERS. (a) The board may commission as a peace officer to enforce this chapter an employee who has been certified as qualified to be a peace officer by the Texas Commission on Law Enforcement.

(b) An employee commissioned as a peace officer under this chapter has the powers, privileges, and immunities of a peace officer while carrying out duties as a peace officer under this chapter.

Floor Amendment No. 11

Amend Amendment No. 8 to **SB 319** by Davis of Harris (bar code number 851958, prefiled amendment packet) as follows:

(1) On page 3, line 2, between "veterinarian" and the underlined comma, insert "on staff".

(2) On page 3, line 4, between "Aquariums" and the period, insert: "or one of the following organizations that has a veterinarian on staff:

(A) the Global Federation of Animal Sanctuaries; or

(B) the Zoological Association of America".

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 319** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; Hinojosa, Perry, Taylor of Collin, and Nichols.

SENATE BILL 1248 WITH HOUSE AMENDMENT

Senator Buckingham called **SB 1248** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Huffman in Chair, laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1248** (house committee report) as follows:

(1) On page 1, between lines 10 and 11, add the following appropriately lettered subsection and reletter subsequent subsections and references accordingly:

() This section does not apply to or in a municipality wholly or partly located in a county that has a population of more than 1.8 million and is adjacent to a county with a population of more than 2.2 million.

(2) On page 3, between lines 1 and 2, add the following appropriately lettered subsection and reletter subsequent subsections accordingly:

() This section does not apply to a municipality wholly or partly located in a county that has a population of more than 1.8 million and is adjacent to a county with a population of more than 2.2 million.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1248** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Buckingham, Chair; Hancock, Campbell, Estes, and Lucio.

SENATE BILL 416 WITH HOUSE AMENDMENT

Senator Watson called **SB 416** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Huffman in Chair, laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 416** (engrossed printing) as follows:

(1) In SECTION 1 of the bill, strike "outreach" each time it is written and substitute "at-large".

(2) Strike Subsection (d) beginning on page 1, line 21, and continuing through page 2, line 6, and substitute the following: "(d) The president of the state bar appoints the at-large directors, subject to confirmation by the board of directors."

(3) In SECTION 3 of the bill on page 2, line 23, strike "outreach" and substitute "at-large".

(4) Strike page 2, line 25 through page 3, line 2 and substitute the following:

SECTION 4. This Act takes effect only if the supreme court or a lower court finds Sections 81.020(b) and (d), Government Code, as those sections existed May 1, 2017, unconstitutional and that finding is final and not appealable.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 416** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; West, Hughes, Huffman, and Nelson.

SENATE BILL 1539 WITH HOUSE AMENDMENTS

Senator Watson called **SB 1539** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1539** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the application of the sales and use tax to certain property and services.

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

SECTION 1. Section 151.0028, Tax Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) "Amusement services" includes:

(1) membership in a private club or organization that provides entertainment, recreational, sports, dining, or social facilities to its members; and

(2) the purchase of an admission to an amusement service through the use of a coin-operated machine.

(c) Except as provided by Subsection (b), "amusement services" does not include services provided through coin-operated machines that are operated by the consumer.

SECTION 2. Section 151.0045, Tax Code, is amended to read as follows:

Sec. 151.0045. "PERSONAL SERVICES". "Personal services" means those personal services listed as personal services under Group 721, Major Group 72 of the Standard Industrial Classification Manual, 1972, and includes massage parlors, escort services, and Turkish baths under Group 729 of said manual but does not include any other services listed under Group 729 unless otherwise covered under this chapter

~~Act~~, prepared by the statistical policy division of the office on management and budget, office of the president of the United States. The term does not include services provided through coin-operated machines that are operated by the consumer.

SECTION 3. Section 151.006, Tax Code, is amended by amending Subsections (a) and (c) and adding Subsection (e) to read as follows:

(a) "Sale for resale" means a sale of:

(1) tangible personal property or a taxable service to a purchaser who acquires the property or service for the purpose of reselling it ~~[with or]~~ as a taxable item as defined by Section 151.010 in the United States of America or a possession or territory of the United States of America or in the United Mexican States in the normal course of business in the form or condition in which it is acquired or as an attachment to or integral part of other tangible personal property or taxable service;

(2) tangible personal property to a purchaser for the sole purpose of the purchaser's leasing or renting it in the United States of America or a possession or territory of the United States of America or in the United Mexican States in the normal course of business to another person, but not if incidental to the leasing or renting of real estate;

(3) tangible personal property to a purchaser who acquires the property for the purpose of transferring it in the United States of America or a possession or territory of the United States of America or in the United Mexican States as an integral part of a taxable service;

(4) a taxable service performed on tangible personal property that is held for sale by the purchaser of the taxable service; or

(5) except as provided by Subsection (c), tangible personal property to a purchaser who acquires the property for the purpose of transferring it as an integral part of performing a contract, or a subcontract of a contract, with an entity or organization exempted from the taxes imposed by this chapter under Section 151.309 or 151.310 ~~[the federal government]~~ only if the purchaser:

(A) allocates and bills to the contract the cost of the property as a direct or indirect cost; and

(B) transfers title to the property to the exempt entity or organization ~~[federal government]~~ under the contract and applicable ~~[federal]~~ acquisition regulations.

(c) A sale for resale does not include the sale of tangible personal property or a taxable service to a purchaser who acquires the property or service for the purpose of performing a contract, or a subcontract of a contract, for services with an entity or organization exempted from the taxes imposed by this chapter under Section 151.309 or 151.310 ~~[service that is not taxed under this chapter]~~, regardless of whether title transfers to the service provider's customer, unless the tangible personal property or taxable service is purchased for the purpose of reselling it to the United States in a contract, or a subcontract of a contract, with any branch of the Department of Defense, Department of Homeland Security, Department of Energy, National Aeronautics and Space Administration, Central Intelligence Agency, National Security Agency, National Oceanic and Atmospheric Administration, or National Reconnaissance Office to the extent allocated and billed to the contract with the federal government.

(e) A sale for resale does not include the sale of tangible personal property to a purchaser who acquires the property for the purpose of using, consuming, or expending it in, or incorporating it into, an oil or gas well in the performance of an oil well service taxable under Chapter 191.

SECTION 4. Section 151.338, Tax Code, is amended to read as follows:

Sec. 151.338. ENVIRONMENT AND CONSERVATION SERVICES. (a) Subject to Subsections (b) and (c), labor to [The services involved in the] repair, remodel, maintain, or restore [remodeling, maintenance, or restoration of] tangible personal property is exempted from the taxes imposed by [are not taxable under] this chapter if:

(1) the amount of the charge for labor is separately itemized; and

(2) the repair, remodeling, maintenance, or restoration is required by statute, ordinance, order, rule, or regulation of any commission, agency, court, or political, governmental, or quasi-governmental entity in order to protect the environment or to conserve energy.

(b) Except as provided by Subsection (c), the exemption provided by this section does not apply to tangible personal property transferred by the service provider to the purchaser as part of the service.

(c) If the purchaser is a health care facility, as defined by Section 108.002, Health and Safety Code, or an oncology center, or if the purchase is made on behalf of an oncology center, and the amount of the charge for labor is not separately itemized as required by Subsection (a)(1), there is exempted from the taxes imposed by this chapter 65 percent of the total lump-sum charge for labor and tangible personal property transferred by the service provider to the purchaser for the repair, remodeling, maintenance, or restoration of tangible personal property if the repair, remodeling, maintenance, or restoration is required under the circumstances described by Subsection (a)(2).

SECTION 5. Section 151.335, Tax Code, is repealed.

SECTION 6. The amendments made by this Act are a clarification of existing law and do not imply that existing law may be construed as inconsistent with the law as amended by this Act.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 1539** (house committee report) as follows:

(1) Strike SECTIONS 1 and 2 of the bill (page 1, line 5, through page 2, line 5).

(2) On page 3, strike lines 8 through 20 and substitute the following:

contract, or a subcontract of a contract, with the federal government only if the purchaser:

(A) allocates and bills to the contract the cost of the property as a direct or indirect cost; and

(B) transfers title to the property to the federal government under the contract and applicable federal acquisition regulations.

(c) A sale for resale does not include the sale of tangible personal property that is under the care, custody, and control of a service provider or a taxable service that is performed on real or tangible personal property under the care, custody, and control of a service provider ~~[to a purchaser who acquires the property or service]~~ for the purpose of performing a contract, or a subcontract of a contract, with an entity or

(3) On page 5, line 4, between "Code," and "or", insert "a health or medical clinic,".

(4) Strike SECTION 5 of the bill (page 5, line 14).

(5) Renumber the SECTIONS of the bill accordingly.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1539** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; Taylor of Galveston, Bettencourt, Seliger, and Hancock.

SENATE BILL 1831 WITH HOUSE AMENDMENT

Senator Buckingham called **SB 1831** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1 on Third Reading

Amend **SB 1831** on third reading as follows:

(1) Strike the heading to added Section 403.0147, Government Code, and substitute the following:

Sec. 403.0147. REPORTS ON CERTAIN ENTITIES NOT FUNDED BY APPROPRIATIONS.

(2) Add the following subsections to Section 403.0147, Government Code, as added by the bill:

(d) Not later than December 31, 2017, the comptroller shall prepare and submit to the legislature a report that identifies each entity to be reviewed under Chapter 325 (Texas Sunset Act) that:

(1) is not a state agency;

(2) does not receive a direct appropriation in the General Appropriations

Act; and

(3) is required to pay for the cost of the review.

(e) The Sunset Advisory Commission shall assist the comptroller in identifying the entities described by Subsection (d).

(f) Not later than December 31, 2018, the comptroller and the Legislative Budget Board shall make recommendations to the legislature on alternate methods of reviewing the performance of entities identified in the report under Subsection (d).

(g) Notwithstanding any other law, an entity identified in the report under Subsection (d) is not subject to review by the Sunset Advisory Commission under Chapter 325 (Texas Sunset Act) during the period in which state agencies scheduled to be abolished in 2019 are reviewed.

(h) This subsection and Subsections (d), (e), (f), and (g) expire August 31, 2019.

(3) In SECTION 2 of the bill, strike "Section 403.0147" and substitute "Section 403.0147(b)".

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1831** before appointment.

Senator Birdwell moved to instruct the Members of the conference committee on **SB 1831** to either strip the amendment added by the House, or, in the event that House conferees refuse to strip said amendment, that the Senate conferees dissolve the conference committee and take no final action on **SB 1831**.

The motion to instruct prevailed without objection.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Buckingham, Chair; Birdwell, Nelson, Schwertner, and Watson.

SENATE BILL 1511 WITH HOUSE AMENDMENTS

Senator Perry called **SB 1511** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1511** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the state and regional water planning process and the funding of projects included in the state water plan.

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

SECTION 1. Section 15.439(a), Water Code, is amended to read as follows:

(a) The board shall adopt rules providing for the use of money in the fund that are consistent with this subchapter, including rules:

(1) establishing standards for determining whether projects meet the criteria provided by Section 15.434(b); and

(2) specifying the manner for prioritizing projects for purposes of Sections 15.436 and [Section] 15.437.

SECTION 2. Section 16.051(a-1), Water Code, is amended to read as follows:

(a-1) The state water plan must include:

(1) an evaluation of the state's progress in meeting future water needs, including an evaluation of the extent to which water management strategies and projects implemented after the adoption of the preceding state water plan have affected that progress; ~~and~~

(2) an analysis of the number of projects included in the preceding state water plan that received financial assistance from the board; and

(3) with respect to projects included in the preceding state water plan that were given a high priority by the board for purposes of providing financial assistance under Subchapter G, Chapter 15:

(A) an assessment of the extent to which the projects were implemented in the decade in which they were needed; and

(B) an analysis of any impediments to the implementation of any projects that were not implemented in the decade in which they were needed.

SECTION 3. Subchapter C, Chapter 16, Water Code, is amended by adding Section 16.052 to read as follows:

Sec. 16.052. INTERREGIONAL PLANNING COUNCIL. (a) The board, at an appropriate time in each five-year cycle for the adoption of a new state water plan, shall appoint an interregional planning council. The members of the council serve until a new state water plan is adopted.

(b) The council consists of one member of each regional water planning group. Each regional water planning group shall nominate one or more members for appointment to the council, and the board shall consider the nominations in making appointments to the council.

(c) The purposes of the council are to:

(1) improve coordination among the regional water planning groups, and between each regional water planning group and the board, in meeting the goals of the state water planning process and the water needs of the state as a whole;

(2) facilitate dialogue regarding water management strategies that could affect multiple regional water planning areas; and

(3) share best practices regarding operation of the regional water planning process.

(d) The council shall:

(1) hold at least one public meeting; and

(2) prepare a report to the board on the council's work.

SECTION 4. Section 16.053(c), Water Code, is amended to read as follows:

(c) No later than 60 days after the designation of the regions under Subsection (b), the board shall designate representatives within each regional water planning area to serve as the initial coordinating body for planning. The initial coordinating body may then designate additional representatives to serve on the regional water planning group. The initial coordinating body shall designate additional representatives if necessary to ensure adequate representation from the interests comprising that region, including the public, counties, municipalities, industries, agricultural interests,

environmental interests, small businesses, electric generating utilities, river authorities, water districts, and water utilities. The regional water planning group shall maintain adequate representation from those interests. In addition, the groundwater conservation districts located in each management area, as defined by Section 36.001, located in the regional water planning area shall appoint one representative of a groundwater conservation district located in the management area and in the regional water planning area to serve on the regional water planning group. In addition, representatives of the board, the Parks and Wildlife Department, ~~and~~ the Department of Agriculture, and the State Soil and Water Conservation Board shall serve as ex officio members of each regional water planning group.

SECTION 5. Section 16.053(e), Water Code, as amended by Chapters 756 (H.B. 2031), 990 (H.B. 30), and 1180 (S.B. 1101), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(e) Each regional water planning group shall submit to the development board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the development board under Section 16.051(d);

(2) provides information based on data provided or approved by the development board in a format consistent with the guidelines provided by the development board under Subsection (d);

(2-a) is consistent with the desired future conditions adopted under Section 36.108 for the relevant aquifers located in the regional water planning area as of the date the board most recently adopted a state water plan under Section 16.051 or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan; provided, however, that if no groundwater conservation district exists within the area of the regional water planning group, the regional water planning group shall determine the supply of groundwater for regional planning purposes; the Texas Water Development Board shall review and approve, prior to inclusion in the regional water plan, that the groundwater supply for the regional planning group without a groundwater conservation district in its area is physically compatible, using the board's groundwater availability models, with the desired future conditions adopted under Section 36.108 for the relevant aquifers in the groundwater management area that are regulated by groundwater conservation districts;

(3) identifies:

(A) each source of water supply in the regional water planning area, including information supplied by the executive administrator on the amount of modeled available groundwater in accordance with the guidelines provided by the development board under Subsections (d) and (f);

(B) factors specific to each source of water supply to be considered in determining whether to initiate a drought response;

(C) actions to be taken as part of the response; ~~and~~

(D) existing major water infrastructure facilities that may be used for interconnections in the event of an emergency shortage of water; and

(E) unnecessary or counterproductive variations in specific drought response strategies, including outdoor watering restrictions, among user groups in the regional water planning area that may confuse the public or otherwise impede drought response efforts;

(4) has specific provisions for water management strategies to be used during a drought of record;

(5) includes but is not limited to consideration of the following:

(A) any existing water or drought planning efforts addressing all or a portion of the region and potential impacts on public health, safety, or welfare in this state;

(B) approved groundwater conservation district management plans and other plans submitted under Section 16.054;

(C) all potentially feasible water management strategies, including but not limited to improved conservation, reuse, and management of existing water supplies, conjunctive use, acquisition of available existing water supplies, and development of new water supplies;

(D) protection of existing water rights in the region;

(E) opportunities for and the benefits of developing regional water supply facilities or providing regional management of water supply facilities;

(F) appropriate provision for environmental water needs and for the effect of upstream development on the bays, estuaries, and arms of the Gulf of Mexico and the effect of plans on navigation;

(G) provisions in Section 11.085(k)(1) if interbasin transfers are contemplated;

(H) voluntary transfer of water within the region using, but not limited to, regional water banks, sales, leases, options, subordination agreements, and financing agreements;

(I) emergency transfer of water under Section 11.139, including information on the part of each permit, certified filing, or certificate of adjudication for nonmunicipal use in the region that may be transferred without causing unreasonable damage to the property of the nonmunicipal water rights holder; and

(J) opportunities for and the benefits of developing large-scale desalination facilities for:

(i) marine seawater that serve local or regional entities; and

~~(ii) [(J) opportunities for and the benefits of developing large scale desalination facilities for seawater or]~~ brackish groundwater that serve local or regional brackish groundwater production zones identified and designated under Section 16.060(b)(5);

(6) identifies river and stream segments of unique ecological value and sites of unique value for the construction of reservoirs that the regional water planning group recommends for protection under Section 16.051;

(7) assesses the impact of the plan on unique river and stream segments identified in Subdivision (6) if the regional water planning group or the legislature determines that a site of unique ecological value exists;

(8) describes the impact of proposed water projects on water quality; ~~and~~

(9) includes information on:

(A) projected water use and conservation in the regional water planning area; and

(B) the implementation of state and regional water plan projects, including water conservation strategies, necessary to meet the state's projected water demands;

(10) if the regional water planning area has significant identified water needs, provides a specific assessment of the potential for aquifer storage and recovery projects to meet those needs;

(11) sets one or more specific goals for gallons of water use per capita per day in each decade of the period covered by the plan for the municipal water user groups in the regional water planning area; and

(12) assesses the progress of the regional water planning area in encouraging cooperation between water user groups for the purpose of achieving economies of scale and otherwise incentivizing strategies that benefit the entire region.

SECTION 6. Sections 16.053(h)(1), (3), (6), and (10), Water Code, are amended to read as follows:

(1) Prior to the preparation of the regional water plan, the regional water planning group shall, after notice, hold at least one public meeting at some central location readily accessible to the public within the regional water planning area to gather suggestions and recommendations from the public as to issues that should be addressed in the plan or provisions that should be considered for inclusion in the plan.

(3) After the regional water plan is initially prepared, the regional water planning group shall, after notice, hold at least one public hearing at some central location readily accessible to the public within the regional water planning area. The group shall make copies of the plan available for public inspection at least one month before the hearing by providing a copy of the plan in the county courthouse and at least one public library of each county having land in the region. Notice for the hearing shall include a listing of these and any other location where the plan is available for review.

(6) If an interregional conflict exists, the board shall facilitate coordination between the involved regions to resolve the conflict. If conflict remains, the board shall resolve the conflict. On resolution of the conflict, the involved regional water planning groups shall prepare revisions to their respective plans and hold, after notice, at least one public hearing at some central location readily accessible to the public within their respective regional water planning areas. The regional water planning groups shall consider all public and board comments; prepare, revise, and adopt their respective plans; and submit their plans to the board for approval and inclusion in the state water plan.

(10) The regional water planning group may amend the regional water plan after the plan has been approved by the board. If, after the regional water plan has been approved by the board, the plan includes a water management strategy or project that ceases to be feasible, the regional water planning group shall amend the plan to exclude that water management strategy or project and shall consider amending the plan to include a feasible water management strategy or project in order to meet the need that was to be addressed by the infeasible water management strategy or project.

For purposes of this subdivision, a water management strategy or project is considered infeasible if the proposed sponsor of the water management strategy or project has not taken an affirmative vote or other action to make expenditures necessary to construct or file applications for permits required in connection with the implementation of the water management strategy or project under federal or state law on a schedule that is consistent with the completion of the implementation of the water management strategy or project by the time the water management strategy or project is projected by the regional water plan or the state water plan to be needed. Subdivisions (1)-(9) apply to an amendment to the plan in the same manner as those subdivisions apply to the plan.

SECTION 7. Sections 16.053(i), (p-1), and (p-2), Water Code, are amended to read as follows:

(i) The regional water planning groups shall submit their adopted regional water plans to the board by January 5, 2001, for approval and inclusion in the state water plan. In conjunction with the submission of regional water plans, each planning group should make legislative recommendations, if any, to facilitate more voluntary water transfers in the region or for any other changes that the members of the planning group believe would improve the water planning process. Subsequent regional water plans shall be submitted at least every five years thereafter, except that a regional water planning group may elect to implement simplified planning, not more often than every other five-year planning cycle and in accordance with guidance provided by the board, if the group, based on an analysis by the group using updated information relating to groundwater and surface water availability, determines that no significant changes to water availability, water supplies, or water demands in the regional water planning area have occurred since the most recent regional water plan was adopted. At a minimum, simplified planning requires updating information in the regional water plan relating to groundwater and surface water availability, meeting any new statutory or other planning requirements that come into effect during each five-year planning cycle, and formally adopting and submitting the regional water plan for approval. Public participation for revised regional plans shall follow the procedures under Subsection (h).

(p-1) If the development board determines that resolution of the conflict requires a revision of an approved regional water plan, the development board shall suspend the approval of that plan and provide information to the regional water planning group. The regional water planning group shall prepare any revisions to its plan specified by the development board and shall hold, after notice, at least one public hearing at some central location readily accessible to the public within the regional water planning area. The regional water planning group shall consider all public and development board comments, prepare, revise, and adopt its plan, and submit the revised plan to the development board for approval and inclusion in the state water plan.

(p-2) If the development board determines that resolution of the conflict requires a revision of the district's approved groundwater conservation district management plan, the development board shall provide information to the district. The groundwater district shall prepare any revisions to its plan based on the information provided by the development board and shall hold, after notice, at least one public

hearing at some central location readily accessible to the public within the district. The groundwater district shall consider all public and development board comments, prepare, revise, and adopt its plan, and submit the revised plan to the development board.

SECTION 8. 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.

SECTION 9. The Texas Water Development Board shall appoint the members of the initial interregional planning council under Section 16.052, Water Code, as added by this Act, not later than September 1, 2018.

SECTION 10. This Act takes effect September 1, 2017.

Floor Amendment No. 2

Amend **CSSB 1511** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) The legislature, as authorized by Section 16.051(f), Water Code, designates as being of unique ecological value the following river or stream segments:

(1) Alamito Creek in Presidio County solely within the boundary of the Trans Pecos Water Trust;

(2) Black Cypress Bayou from its confluence with Big Cypress Bayou in south central Marion County upstream to its confluence with Black Cypress Creek east of Avinger in southern Cass County;

(3) Black Cypress Creek from its confluence with Black Cypress Bayou east of Avinger in southern Cass County upstream to its headwaters located four miles northeast of Daingerfield in eastern Morris County; and

(4) Terlingua Creek in Brewster County solely within the boundary of Big Bend National Park.

(b) The designation of a river or stream segment as being of unique ecological value under Subsection (a) of this section:

(1) means only that a state agency or political subdivision of the state may not finance the actual construction of a reservoir in the designated segment;

(2) does not affect the ability of a state agency or political subdivision of the state to construct, operate, maintain, or replace a weir, a water diversion, flood control, drainage, or water supply system, a low water crossing, or a recreational facility in the designated segment;

(3) does not prohibit the permitting, financing, construction, operation, maintenance, or replacement of any water management strategy to meet projected water supply needs recommended in, or designated as an alternative in, a 2016 regional water plan; and

(4) does not alter any existing property right of an affected landowner.

Floor Amendment No. 3

Amend **CSSB 1511** (house committee report) as follows:

(1) On page 8, lines 8 and 9, strike "aquifer storage and recovery projects to meet those needs" and substitute "meeting those needs through the use of aquifer storage and recovery projects, including a project described by rules adopted under Section 11.153 or 11.156".

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

SECTION _____. Section 11.153, Water Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) The [~~This section does not preclude the~~] commission may consider [~~from considering~~] an aquifer storage and recovery project to be a component of a project permitted under this chapter that is not required to be based on the continuous availability of historic, normal stream flow.

(d) An aquifer storage and recovery project may involve the use of water derived from multiple sources, including a new appropriation of water. Except as provided by Subsection (e), a water right or an amendment to a water right authorizing a new appropriation of water for use in an aquifer storage and recovery project:

(1) must include any special conditions the commission considers necessary to implement this section;

(2) may be for water that is not continuously available;

(3) may authorize the diversion and use of excess flows in a watercourse or stream that would otherwise flow into the Gulf of Mexico; and

(4) may not interfere with or negatively affect:

(A) existing water rights in the same river basin as the diversion point for the new appropriation; or

(B) applicable environmental flow standards adopted under Section 11.1471.

(e) Before approving an application for a water right or an amendment to a water right for a new appropriation of water in the Rio Grande basin for an aquifer storage and recovery project, the commission shall consider the water accounting requirements for any international water sharing treaty, minutes, and agreement applicable to the Rio Grande basin and the effect of the project on the allocation of water by the Rio Grande watermaster in the middle and lower Rio Grande. The commission may not authorize a new appropriation of water that would result in a violation of a treaty or court decision.

(f) The commission may adopt rules providing an expedited procedure for acting on an application for a water right or an amendment to a water right under this section.

SECTION _____. Subchapter D, Chapter 11, Water Code, is amended by adding Section 11.156 to read as follows:

Sec. 11.156. AMENDMENT TO CONVERT USE FROM RESERVOIR STORAGE TO AQUIFER STORAGE AND RECOVERY. (a) In this section, "aquifer storage and recovery project" has the meaning assigned by Section 27.151.

(b) A holder of a water right authorizing an appropriation of water for storage in a storage reservoir that has not been constructed may file an application for an amendment to the water right to change the use or purpose for which the appropriation is to be made to storage in an aquifer as part of an aquifer storage and recovery project.

(c) An application for an amendment to a water right described by Subsection (b) may request an increase in the amount of water that may be diverted or the rate of diversion on the basis of an evaporation credit that takes into account the amount of water that would have evaporated if the storage reservoir had been constructed.

(d) An application for an amendment to a water right described by Subsection (b):

(1) is exempt from any notice and hearing requirements of a statute, commission rule, or permit condition and may not be referred to the State Office of Administrative Hearings for a contested case hearing if the application does not request:

(A) an increase in the amount of water that may be diverted or the rate of diversion; or

(B) a change in the diversion point; and

(2) is subject to the notice and hearing requirements of this chapter if the application requests:

(A) an increase in the amount of water that may be diverted or the rate of diversion, including an increase on the basis of an evaporation credit; or

(B) a change in the diversion point.

(e) If the commission grants an application for an amendment to a water right described by Subsection (d)(2), the commission shall include in the amendment any special conditions the commission considers necessary to:

(1) protect existing water rights; and

(2) comply with any applicable environmental flow standards established under Section 11.1471.

(f) The commission may adopt rules providing an expedited procedure for acting on an application for an amendment to a water right described by Subsection (b).

Floor Amendment No. 1 on Third Reading

Amend **SB 1511** by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Sections 27.0516(a)(1) and (3), Water Code, are amended to read as follows:

(1) "Edwards Aquifer" means that portion of an arcuate belt of porous, waterbearing limestones composed of the Edwards Formation, Georgetown Formation, Comanche Peak Formation, Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, and Edwards Group, together with the Upper Glen Rose Formation where there is a significant hydrological connection to the overlying Edwards Group ~~[trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Kendall, Comal, Hays, Travis, and Williamson Counties]~~. The permeable aquifer units

generally overlie the less-permeable Glen Rose Formation to the south[~~—overlie the less permeable Comanche Peak and Walnut Formations north of the Colorado River,~~] and underlie the less-permeable Del Rio Clay regionally.

(3) "Fresh water" means surface water or groundwater, without regard to whether the water has been physically, chemically, or biologically altered, that:

(A) contains a total dissolved solids concentration of not more than 1,000 milligrams per liter; ~~and~~

(B) meets the water quality standards for public drinking water established by commission rule; and

(C) is otherwise suitable as a source of drinking water supply.

SECTION _____. Sections 27.0516(b), (f), (h), (k), and (n), Water Code, are amended to read as follows:

(b) This section applies only to the portion of the Edwards Aquifer that is within the geographic area circumscribed by the external boundaries of the Barton Springs-Edwards Aquifer Conservation District but is not in the jurisdiction ~~that district's territory or the territory~~ of the Edwards Aquifer Authority.

(f) The commission by general permit may authorize:

(1) an activity described by Subsection (e);

(2) an injection well that transects and isolates the saline portion of the Edwards Aquifer and terminates in a lower aquifer for the purpose of injecting:

(A) concentrate from a desalination facility; or

(B) fresh water as part of an engineered aquifer storage and recovery facility;

(3) an injection well that terminates in that part of the saline portion of the Edwards Aquifer that has a total dissolved solids concentration of more than 10,000 milligrams per liter for the purpose of injecting into the saline portion of the Edwards Aquifer:

(A) concentrate from a desalination facility, provided that the injection well must be at least three miles from the closest outlet of Barton Springs; or

(B) fresh water as part of an engineered aquifer and storage recovery facility, provided that each well used for injection or withdrawal from the facility must be at least three miles from the closest outlet of Barton Springs; ~~or~~

(4) an injection well that transects or terminates in the Edwards Aquifer for:

(A) aquifer remediation;

(B) the injection of a nontoxic tracer dye as part of a hydrologic study;

or

(C) another beneficial activity that is designed and undertaken for the purpose of increasing protection of an underground source of drinking water from pollution or other deleterious effects; or

(5) the injection of fresh water into a well that transects the Edwards Aquifer provided that:

(A) the well isolates the Edwards Aquifer and meets the construction and completion standards adopted by the commission under Section 27.154;

(B) the well is part of an engineered aquifer storage and recovery facility;

(C) the injected water is sourced from a public water system, as defined by commission rule, that is permitted by the commission; and

(D) the injection complies with the provisions of Subchapter G that are not in conflict with this section.

(h) Rules adopted or a general permit issued under this section:

(1) must require that an injection well authorized by the rules or permit be monitored by means of:

(A) one or more ~~[a]~~ monitoring wells ~~[well]~~ operated by the injection well owner if the commission determines that there is an underground source of drinking water in the area of review that is potentially affected by the injection well; or

(B) if Paragraph (A) does not apply, one or more ~~[a]~~ monitoring wells ~~[well]~~ operated by a party other than the injection well owner, provided that all results of monitoring are promptly made available to the injection well owner;

(2) must ensure that an authorized activity will not result in the waste or pollution of native groundwater ~~[fresh water]~~;

(3) may not authorize an injection well under Subsection (f)(2), ~~[or]~~ (3), or (5) unless the well is initially associated with a small-scale research project designed to evaluate the long-term feasibility and safety of:

(A) the injection of concentrate from a desalination facility; or

(B) an aquifer storage and recovery project;

(4) must require any authorization granted to be renewed at least as frequently as every 10 years;

(5) must require that an injection well authorized under Subsection (f)(2)(A) or (3)(A) be monitored on an ongoing basis by or in coordination with the well owner and that the well owner file monitoring reports with the commission at least as frequently as every three months; ~~[and]~~

(6) must ensure that any injection well authorized for the purpose of injecting concentrate from a desalination facility does not transect the fresh water portion of the Edwards Aquifer; and

(7) must be consistent with the provisions of Subchapter G that are not in conflict with this section.

(k) Notwithstanding Subsection (h)(3), a general permit may authorize the owner of an injection well authorized under Subsection (f)(2), ~~[or]~~ (3), or (5) to continue operating the well for the purpose of implementing the desalination or engineered aquifer storage and recovery project following completion of the small-scale research project, provided that:

(1) the injection well owner timely submits the information collected as part of the research project, including monitoring reports and information regarding the environmental impact of the well, to the commission;

(2) the injection well owner, following the completion of studies and monitoring adequate to characterize risks to the fresh water portion of the Edwards Aquifer, the Trinity Aquifer, or ~~[and]~~ other native groundwater ~~[fresh water]~~ associated with the continued operation of the well, and at least 90 days before the

date the owner initiates commercial well operations, files with the commission a notice of intent to continue operation of the well after completion of the research project; and

(3) the commission, based on the studies and monitoring, the report provided by Texas State University–San Marcos under Subsection (1)(2), and any other reasonably available information, determines that continued operation of the injection well as described in the notice of intent does not pose an unreasonable risk to the fresh water portion of the Edwards Aquifer, the Trinity Aquifer, or other native groundwater [~~fresh water~~] associated with the continued operation of the well.

(n) If the commission preliminarily determines that continued operation of the injection well would pose an unreasonable risk to the fresh water portion of the Edwards Aquifer, the Trinity Aquifer, or other native groundwater [~~fresh water~~] associated with the continued operation of the well, the commission shall notify the operator and specify, if possible, what well modifications or operational controls would be adequate to prevent that unreasonable risk. If the operator fails to modify the injection well as specified by the commission, the commission shall require the operator to cease operating the well.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1511** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Seliger, Estes, Hinojosa, and Kolkhorst.

SENATE BILL 968 WITH HOUSE AMENDMENT

Senator Watson called **SB 968** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 968** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 51.9363, Education Code, is amended by amending Subsection (e) and adding Subsections (f) and (g) to read as follows:

(e) Each institution of higher education shall provide to students enrolled at the institution information regarding the protocol for reporting incidents of campus sexual assault adopted under Subsection (b), including the name, office location, and contact information of the institution's Title IX coordinator, by:

(1) e-mailing the information to each student at the beginning of each semester or other academic term; and

(2) including the information in the orientation required under Subsection (d).

(f) As part of the protocol for responding to reports of campus sexual assault adopted under Subsection (b), each institution of higher education shall:

(1) to the greatest extent practicable based on the number of counselors employed by the institution, ensure that each alleged victim or alleged perpetrator of an incident of campus sexual assault and any other person who reports such an incident is offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and

(2) notwithstanding any other law, allow an alleged victim or alleged perpetrator of an incident of campus sexual assault to drop a course in which both parties are enrolled without any academic penalty.

(g) Each biennium, each institution of higher education shall review the institution's campus sexual assault policy and, with approval of the institution's governing board, revise the policy as necessary.

SECTION ____ . Section 51.9363, Education Code, as amended by this Act, applies beginning with the 2017-2018 academic year.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 968** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; Lucio, Hughes, Nelson, and Campbell.

SENATE BILL 277 WITH HOUSE AMENDMENTS

Senator Campbell called **SB 277** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 277** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the eligibility of certain property for certain ad valorem tax incentives relating to wind-powered energy devices.

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

SECTION 1. Subchapter A, Chapter 312, Tax Code, is amended by adding Section 312.0021 to read as follows:

Sec. 312.0021. PROHIBITION ON ABATEMENT OF TAXES ON CERTAIN PROPERTY NEAR MILITARY AVIATION FACILITY. (a) In this section:

(1) "Military aviation facility" means a base, station, fort, or camp at which fixed wing aviation operations or training is conducted by the United States Air Force, the United States Air Force Reserve, the United States Army, the United States Army Reserve, the United States Navy, the United States Navy Reserve, the United States Marine Corps, the United States Marine Corps Reserve, the United States Coast Guard, the United States Coast Guard Reserve, or the Texas National Guard.

(2) "Wind-powered energy device" has the meaning assigned by Section 11.27.

(b) Notwithstanding any other provision of this chapter, an owner or lessee of a parcel of real property that is located wholly or partly in a reinvestment zone may not receive an exemption from taxation of any portion of the value of the parcel of real property or of tangible personal property located on the parcel of real property under a tax abatement agreement under this chapter that is entered into on or after September 1, 2017, including an agreement the approval of which is pending on that date, if, on or after September 1, 2017, a wind-powered energy device is installed or constructed on the same parcel of real property at a location that is within 25 nautical miles of the boundaries of a military aviation facility located in this state. The prohibition provided by this section applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

SECTION 2. Section 313.024, Tax Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding any other provision of this subchapter, an owner of a parcel of land that is located wholly or partly in a reinvestment zone, a new building constructed on the parcel of land, a new improvement erected or affixed on the parcel of land, or tangible personal property placed in service in the building or improvement or on the parcel of land may not receive a limitation on appraised value under this subchapter for the parcel of land, building, improvement, or tangible personal property under an agreement under this subchapter that is entered into on or after September 1, 2017, including an agreement for the implementation of a limitation the application for which is pending on that date, if, on or after September 1, 2017, a wind-powered energy device is installed or constructed on the same parcel of land at a location that is within 25 nautical miles of the boundaries of a military aviation facility located in this state. The prohibition provided by this subsection applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

SECTION 3. Section 313.024(e), Tax Code, is amended by adding Subdivisions (8) and (9) to read as follows:

(8) "Military aviation facility" has the meaning assigned by Section 312.0021.

(9) "Wind-powered energy device" has the meaning assigned by Section 11.27.

SECTION 4. This Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 277** (house committee report) as follows:

(1) On page 2, strike lines 1 through 3 and substitute the following:
entered into on or after September 1, 2017, if, on or after that date, a wind-powered energy device is installed or

(2) On page 2, strike lines 21 through 23 and substitute the following:
September 1, 2017, if, on or after that date, a wind-powered energy device is

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

SECTION _____. Notwithstanding Sections 312.0021 and 313.024(b-1), Tax Code, as added by this Act, the change in law made by this Act does not apply to a tax abatement agreement under Chapter 312, Tax Code, or an application for a limitation on appraised value under Chapter 313, Tax Code, the approval of which is pending on the effective date of this Act.

Floor Amendment No. 1 on Third Reading

Amend **SB 277** on third reading as follows:

(1) In added Section 312.0021(a), Tax Code (page 1, line 10), strike "operations or".

(2) Immediately following added Section 312.0021(b), Tax Code (page 2, between lines 9 and 10) insert the following:

(c) The prohibition provided by this section does not apply if the wind-powered energy device is installed or constructed pursuant to a memorandum of understanding or other agreement between the owner of the device and the United States Department of Defense that authorizes the installation or construction of the device.

(d) The prohibition provided by this section does not apply if the wind-powered energy device is installed or constructed as part of an expansion or repowering of an existing project.

(3) In added Section 313.024, Tax Code (page 3, line 2) between "zone" and the underlined period, insert the following: ". The prohibition provided by this section does not apply if the wind-powered energy device is installed or constructed:

(1) pursuant to a memorandum of understanding or other agreement between the owner of the device and the United States Department of Defense that authorizes the installation or construction of the device; or

(2) as part of an expansion or repowering of an existing project."

The amendments were read.

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

The motion prevailed.

Senator Perry asked to be recorded as voting "Nay" on the motion to not concur in the House amendments to **SB 277**.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 277** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Campbell, Chair; Hughes, Hinojosa, Hall, and Estes.

SENATE BILL 2131 WITH HOUSE AMENDMENTS

Senator West called **SB 2131** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 2131** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to efforts to facilitate the completion by students of undergraduate certificate and degree programs.

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

SECTION 1. Section 33.007, Education Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), and (d) to read as follows:

(b) During the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school, and again during each year of a student's enrollment in high school or at the high school level, a school counselor shall provide information about postsecondary education to the student and the student's parent or guardian. The information must include information regarding:

(1) the importance of postsecondary education;

(2) the advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation high school program under Section 28.025;

(3) the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;

(4) financial aid eligibility;

(5) instruction on how to apply for federal financial aid;

(6) the center for financial aid information established under Section 61.0776;

(7) the automatic admission of certain students to general academic teaching institutions as provided by Section 51.803;

(8) the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56; ~~and~~

(9) the availability of advanced academic programs in the district under which a student may earn college credit, including advanced placement programs[; ~~dual credit programs, joint high school and college credit programs;~~] and international baccalaureate programs;

(10) the availability of dual credit and joint high school and college credit programs, including:

(A) the types of courses offered under each program, such as whether the courses are in the core curriculum of a certificate or degree program at an institution of higher education or are career and technology education courses; and

(B) whether the courses offered under each program would transfer to an institution of higher education for course credit applied toward a certificate or degree program; and

(11) recommended course sequences at and transfer compacts between institutions of higher education, including the web-based platforms developed under Sections 61.843(g) and 61.844(c).

(b-1) Each school district and open-enrollment charter school shall post the information described by Subsection (b)(10) on the district's or school's Internet website. The district or school shall annually review and, if necessary, update that information.

(b-2) Each school district and open-enrollment charter school, in consultation with school counselors employed by the district or school, shall develop a procedure for documenting on each student's transcript any postsecondary advising services provided to the student under this section, including the name of the person or counseling provider who provided the services.

(d) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

SECTION 2. Chapter 61, Education Code, is amended by adding Subchapter S-1 to read as follows:

SUBCHAPTER S-1. TEXAS GUIDED PATHWAYS PROGRAM

Sec. 61.841. DEFINITIONS. In this subchapter:

(1) "Program" means the Texas Guided Pathways program established under this subchapter.

(2) "Texas OnCourse initiative" means the postsecondary education and career counseling academy developed by The University of Texas at Austin under Section 33.009.

Sec. 61.842. ESTABLISHMENT OF PROGRAM. (a) The Texas Guided Pathways program is established to inform, empower, and support current and prospective students at institutions of higher education by providing those students clear and efficient pathways to completion of undergraduate certificate and degree programs.

(b) The goals of the program are to:

(1) provide recommended course sequences for all undergraduate certificate and degree programs offered at institutions of higher education;

(2) increase the efficiency of transferring course credit between two-year and four-year institutions of higher education;

(3) empower students to make well-informed choices by making useful course planning information available to students electronically;

(4) decrease the cost of completing undergraduate certificate and degree programs by helping students avoid taking courses that do not count toward the programs; and

(5) streamline student pathways to completion of undergraduate certificate and degree programs in a manner aligned with state goals to increase educational attainment.

Sec. 61.843. RECOMMENDED COURSE SEQUENCES. (a) Each institution of higher education shall develop a recommended course sequence for each undergraduate certificate or degree program offered by the institution. Each recommended course sequence must:

(1) be designed to enable a student to obtain a certificate or degree, as applicable, within:

(A) for an associate degree or certificate program, four semesters or other academic terms; or

(B) for a baccalaureate degree program, eight semesters or other academic terms;

(2) include a specific sequence in which (2) should be completed to ensure completion of the applicable program within the time frame described by Subdivision (1); and

(3) be aligned with the applicable certificate or degree requirements published by the institution.

(b) Not later than June 1 of each year, each institution of higher education shall:

(1) after reviewing and, if necessary, updating each recommended course sequence, adopt a version of each recommended course sequence to take effect beginning with entering freshmen and undergraduate transfer students for the following academic year;

(2) submit to the board, in an electronic format specified by the board, each recommended course sequence and, if the institution does not use the common course numbering system, information regarding the course equivalent under the common course numbering system, if any, for each course included in that course sequence; and

(3) post each recommended course sequence, including any information required to be provided under Subdivision (2) for that course sequence, on the institution's Internet website in a location that is accessible from the institution's website home page by use of not more than three links.

(c) Each institution of higher education shall inform students about the recommended course sequences, including how to use those course sequences as a tool to aid in course selection, and incorporate those course sequences into student advising.

(d) To enable students to compare recommended course sequences at institutions of higher education, each institution of higher education shall post on the institution's Internet website a link to the web-based platform on recommended course sequences developed under Subsection (g).

(e) After notice to the board, an institution of higher education may modify the institution's recommended course sequences as necessary to:

(1) align the course sequence with the applicable certificate or degree requirements published by the institution;

(2) incorporate recommended changes identified as a result of any program evaluation conducted by the institution; or

(3) comply with applicable institutional policies, accreditation requirements, and state or federal law.

(f) An institution of higher education shall honor each version of a recommended course sequence adopted by the institution under Subsection (b)(1), including any necessary modifications made to the course sequence under Subsection (e), for at least the four academic years occurring after the date on which that version of the course sequence is adopted.

(g) The Texas OnCourse initiative, in consultation with its partnering institutions of higher education and the board, shall develop a statewide web-based platform that enables a student to:

(1) search for and compare recommended course sequences at institutions of higher education; and

(2) determine whether a specific lower-division course offered by an institution of higher education and identified using the common course numbering system would transfer to another institution of higher education for course credit applied toward the student's undergraduate certificate or degree program and count toward that institution's recommended course sequence for that program.

(h) In developing the web-based platform under Subsection (g), the Texas OnCourse initiative may use technology platforms provided by the National Student Clearinghouse or any other electronic data sharing and exchange platforms that meet nationally accepted standards, conventions, and practices.

(i) The board shall maintain the web-based platform developed under Subsection (g) and ensure that an electronic link to the platform is posted on the Internet website of any electronic common application system developed by the board.

(j) Not later than November 1 of each even-numbered year, the board shall submit to the members of the legislature a report on the recommended course sequences at institutions of higher education. The report must include an analysis of the alignment of courses taken by students in each undergraduate certificate or degree program at an institution of higher education with the institution's recommended course sequence for that program.

Sec. 61.844. TRANSFER COMPACTS. (a) Not later than March 15 of each year, each institution of higher education shall submit to the board in an electronic format specified by the board:

(1) a list of the transfer compacts in which the institution participates; and

(2) a copy of, or an electronic link to a copy of, each transfer compact listed under Subdivision (1).

(b) The board shall provide any necessary support for the development of transfer compacts between institutions of higher education.

(c) The Texas OnCourse initiative, in consultation with its partnering institutions of higher education and the board, shall develop a statewide web-based platform that provides to students information regarding transfer compacts between institutions of higher education, including an electronic link to each transfer compact submitted to the board under Subsection (a).

(d) In developing the web-based platform under Subsection (c), the Texas OnCourse initiative may use technology platforms provided by the National Student Clearinghouse or any other electronic data sharing and exchange platforms that meet nationally accepted standards, conventions, and practices.

(e) The board shall maintain the web-based platform developed under Subsection (c).

(f) Not later than November 1 of each even-numbered year, the board shall submit to the members of the legislature a report on transfer compacts between institutions of higher education. The report must include an analysis of the impact of those compacts on students' efficient progress toward completion of an undergraduate certificate or degree program.

Sec. 61.845. GIFTS, GRANTS, AND DONATIONS. The board may solicit and accept gifts, grants, and donations from any public or private source for any expenses related to the program.

Sec. 61.846. RULES. The board, in consultation with institutions of higher education:

(1) shall adopt rules for the electronic submission of information required to be submitted to the board under this subchapter; and

(2) may adopt rules as necessary to implement the program.

SECTION 3. Section 33.007, Education Code, as amended by this Act, applies beginning with the 2017-2018 school year.

SECTION 4. Subchapter S-1, Chapter 61, Education Code, as added by this Act, applies beginning with the 2018-2019 academic year.

SECTION 5. Notwithstanding Section 61.843(b), Education Code, as added by this Act, not later than August 15, 2018, each public institution of higher education shall adopt, submit to the Texas Higher Education Coordinating Board, and post on the institution's Internet website the initial recommended course sequences as required under that section.

SECTION 6. Not later than November 1, 2018, the Texas Higher Education Coordinating Board shall submit its initial report required under Section 61.843(j), Education Code, as added by this Act.

SECTION 7. Not later than March 15, 2019, the Texas OnCourse initiative shall develop the statewide web-based platforms required under Sections 61.843(g) and 61.844(c), Education Code, as added by this Act.

SECTION 8. Not later than November 1, 2020, the Texas Higher Education Coordinating Board shall submit its initial report required under Section 61.844(f), Education Code, as added by this Act.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 2131** (house committee report) on page 2, between lines 14 and 15, by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions and cross-references to those subdivisions accordingly:

() the importance of selecting a major or field of study before, or as soon as possible after, enrollment at a postsecondary educational institution and the potential consequences of delaying that decision, particularly if the student intends to transfer between postsecondary educational institutions;

Floor Amendment No. 2

Amend **CSSB 2131** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 29.904, Education Code, is repealed.

Floor Amendment No. 1 on Third Reading

Amend **SB 2131** on third reading as follows:

(1) In the recital to the SECTION of the bill amending Section 33.007, Education Code, between "(b-2)," and "and", insert "(b-3),".

(2) In the SECTION of the bill amending Section 33.007, Education Code, at the end of amended Subsection (b), insert the following:

; and

(13) for a student with a disability, the postsecondary educational opportunities and programs that accommodate the student's disability available at the public junior college or institution of higher education closest to the student's school

(3) In the SECTION of the bill amending Section 33.007, Education Code, immediately after added Subsection (b-2), insert the following:

(b-3) The Texas Higher Education Coordinating Board shall develop and provide to each school district and open-enrollment charter school an outline of the information described by Subsection (b)(13) applicable to that district or school.

(4) In the SECTION of the bill amending Section 33.007, Education Code, strike added Subsection (d) and substitute the following:

(d) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Student with a disability" means a student who is:

(A) eligible to participate in a school district's special education program under Section 29.003; or

(B) covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

(5) Strike the SECTION of the bill addressing the applicability of Section 33.007, Education Code, as amended by the bill.

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

SECTION _____. (a) Except as provided by Subsection (b) of this section, Section 33.007, Education Code, as amended by this Act, applies beginning with the 2017-2018 school year.

(b) Section 33.007(b)(13), Education Code, as added by this Act, applies beginning with the 2018-2019 school year.

SECTION _____. Not later than September 1, 2018, the Texas Higher Education Coordinating Board shall develop and provide to each school district and open-enrollment charter school the outline required under Section 33.007(b-3), Education Code, as added by this Act.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2131** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators West, Chair; Hughes, Hall, Taylor of Collin, and Uresti.

SENATE BILL 1625 WITH HOUSE AMENDMENTS

Senator Uresti called **SB 1625** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer, Senator Huffman in Chair, laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1625** (house committee report) on page 4, by striking lines 11-13 and substituting the following:

(a) A license issued under this chapter is valid for a term of two or more years, as determined by physician assistant board rule.

Floor Amendment No. 2

Amend **SB 1625** (house committee report) as follows:

- (1) Strike SECTION 3 of the bill (page 2, line 17, through page 3, line 16).
- (2) Strike SECTION 6 of the bill (page 4, line 21, through page 5, line 11).
- (3) Strike SECTION 11 of the bill (page 8, lines 2-11).
- (4) Renumber the SECTIONS of the bill accordingly.

Floor Amendment No. 3

Amend **SB 1625** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____ . Section 157.0512, Occupations Code, is amended by amending Subsections (e) and (f) and adding Subsection (f-1) to read as follows:

- (e) A prescriptive authority agreement must, at a minimum:
- (1) be in writing and signed and dated by the parties to the agreement;
 - (2) state the name, address, and all professional license numbers of the parties to the agreement;
 - (3) state the nature of the practice, practice locations, or practice settings;
 - (4) identify the types or categories of drugs or devices that may be prescribed or the types or categories of drugs or devices that may not be prescribed;
 - (5) provide a general plan for addressing consultation and referral;
 - (6) provide a plan for addressing patient emergencies;

(7) state the general process for communication and the sharing of information between the physician and the advanced practice registered nurse or physician assistant to whom the physician has delegated prescriptive authority related to the care and treatment of patients;

(8) if alternate physician supervision is to be utilized, designate one or more alternate physicians who may:

(A) provide appropriate supervision on a temporary basis in accordance with the requirements established by the prescriptive authority agreement and the requirements of this subchapter; and

(B) participate in the prescriptive authority quality assurance and improvement plan meetings required under this section; and

(9) describe a prescriptive authority quality assurance and improvement plan and specify methods for documenting the implementation of the plan that include ~~includes~~ the following:

(A) chart review, with the number of charts to be reviewed determined by the physician and advanced practice registered nurse or physician assistant; ~~and~~

(B) if the agreement is between a physician and an advance practice registered nurse, periodic face-to-face meetings between the advanced practice registered nurse ~~or physician assistant~~ and the physician at a location determined by the physician and the advanced practice registered nurse; and

(C) if the agreement is between a physician and a physician assistant, periodic meetings between the physician assistant and the physician ~~or physician assistant~~.

(f) The periodic face-to-face meetings described by Subsection (e)(9)(B) must:

(1) include:

(A) the sharing of information relating to patient treatment and care, needed changes in patient care plans, and issues relating to referrals; and

(B) discussion of patient care improvement; and

(2) be documented and occur:

(A) except as provided by Paragraph (B):

(i) at least monthly until the third anniversary of the date the agreement is executed; and

(ii) at least quarterly after the third anniversary of the date the agreement is executed, with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet; or

(B) if during the seven years preceding the date the agreement is executed the advanced practice registered nurse ~~or physician assistant~~ for at least five years was in a practice that included the exercise of prescriptive authority with required physician supervision:

(i) at least monthly until the first anniversary of the date the agreement is executed; and

(ii) at least quarterly after the first anniversary of the date the agreement is executed, with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet.

(f-1) The periodic meetings described by Subsection (e)(9)(C) must:

(1) include:

(A) the sharing of information relating to patient treatment and care, needed changes in patient care plans, and issues relating to referrals; and

(B) discussion of patient care improvement;

(2) be documented; and

(3) take place at least once a month in a manner determined by the physician and the physician assistant.

SECTION ____ . Section 157.0512, Occupations Code, as amended by this Act, applies only to a prescriptive authority agreement entered into on or after the effective date of this Act. An agreement entered into before the effective date of this Act is governed by the law in effect on the date the agreement was entered into, and the former law is continued in effect for that purpose.

Floor Amendment No. 4

Amend **SB 1625** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____ . Section 157.0511, Occupations Code, is amended by amending Subsections (a), (b), (b-1), and (c) and adding Subsection (b-3) to read as follows:

(a) A physician's authority to delegate the prescribing or ordering of a drug or device under this subchapter is limited to:

(1) nonprescription drugs;

(2) dangerous drugs; and

(3) controlled substances to the extent provided by Subsections (b), ~~(c)~~ (b-1), and (b-3).

(b) Except as provided by ~~Subsection~~ Subsections (b-1) and (b-3), a physician may delegate the prescribing or ordering of a controlled substance only if:

(1) the prescription is for a controlled substance listed in Schedule III, IV, or V as established by the commissioner of state health services ~~[the Department of State Health Services]~~ under Chapter 481, Health and Safety Code;

(2) the prescription, including any refill ~~[a refill]~~ of the prescription, is for a period not to exceed 90 days;

(3) with regard to the refill of a prescription, the refill is authorized after consultation with the delegating physician and the consultation is noted in the patient's chart; and

(4) with regard to a prescription for a child less than two years of age, the prescription is made after consultation with the delegating physician and the consultation is noted in the patient's chart.

(b-1) A physician may delegate the prescribing or ordering of a controlled substance listed in Schedule II as established by the commissioner of state health services ~~[the Department of State Health Services]~~ under Chapter 481, Health and Safety Code~~[, only]~~:

(1) in a hospital facility-based practice under Section 157.054, in accordance with policies approved by the hospital's medical staff or a committee of the hospital's medical staff as provided by the hospital bylaws to ensure patient safety, and as part of the care provided to a patient who:

(A) has been admitted to the hospital for an intended length of stay of 24 hours or greater; or

(B) is receiving services in the emergency department of the hospital; or

(2) as part of the plan of care for the treatment of a person who has executed a written certification of a terminal illness, has elected to receive hospice care, and is receiving hospice treatment from a qualified hospice provider.

(b-3) A physician may delegate to a physician assistant the prescribing or ordering of a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481, Health and Safety Code, at the practice site.

(c) This subchapter does not modify the authority granted by law for a licensed registered nurse or physician assistant to administer or provide a medication, including a controlled substance listed in Schedule II as established by the commissioner of state health services [~~the Department of State Health Services~~] under Chapter 481, Health and Safety Code, that is authorized by a physician under a physician's order, standing medical order, standing delegation order, or protocol.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1625** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Uresti, Chair; Schwertner, Buckingham, Watson, and Taylor of Collin.

SENATE BILL 2227 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 2227** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 2227** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to an increase in and the use of the fee for permits issued for the movement of oversized or overweight vehicles carrying cargo in Hidalgo County.

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

SECTION 1. Section 623.364, Transportation Code, is amended to read as follows:

Sec. 623.364. PERMIT FEES. (a) The authority may collect a fee for permits issued under this subchapter. Beginning September 1, 2017 [~~2013~~], the maximum amount of the fee may not exceed \$200 [~~\$80~~] per trip. On September 1 of each subsequent year, the authority may adjust the maximum fee amount as necessary to reflect the percentage change during the preceding year in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics or its successor in function.

(b) Except as provided by Subsection (d), fees [Fees] collected under Subsection (a) shall be used only for the construction and maintenance of the roads described by or designated under Section 623.363 and for the authority's administrative costs, which may not exceed:

(1) 15 percent of the fees collected from the issuance of permits authorizing the movement of oversize or overweight vehicles on a road not listed in Section 623.363(a)(1)(J), (K), (L), or (M); or

(2) 15 percent of the fees collected from the issuance of permits authorizing the movement of oversize or overweight vehicles on a road listed in Section 623.363(a)(1)(J), (K), (L), or (M) minus the amount of fees used under Subsection (d).

(c) The authority shall make payments to the Texas Department of Transportation to provide funds for the maintenance of roads and highways subject to this subchapter.

(d) Fees collected under Subsection (a) from the issuance of permits authorizing the movement of oversize or overweight vehicles on a road listed in Section 623.363(a)(1)(J), (K), (L), or (M) must be used in an amount not to exceed five percent of those fees to leverage funding from other sources to:

(1) construct a bridge on Farm-to-Market Road 1015 in Hidalgo County between Military Highway and Mile 5 Road North;

(2) improve the roads described by Section 623.363 that are in Weslaco or Progreso;

(3) improve Mile 5 Road North in Hidalgo County; and

(4) support the construction of roads proposed by the City of Donna connecting a proposed commercial import lot near the Donna-Rio Bravo International Bridge to Farm-to-Market Road 493 and Military Highway.

SECTION 2. This Act takes effect September 1, 2017.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2227** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Nichols, Kolkhorst, Perry, and Hall.

SENATE BILL 1148 WITH HOUSE AMENDMENTS

Senator Buckingham called **SB 1148** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1148** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to maintenance of certification by a physician or an applicant for a license to practice medicine in this state.

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

SECTION 1. Subtitle F, Title 8, Insurance Code, is amended by adding Chapter 1461 to read as follows:

CHAPTER 1461. DISCRIMINATION AGAINST PHYSICIAN BASED ON
MAINTENANCE OF CERTIFICATION

Sec. 1461.001. DEFINITIONS. In this chapter:

(1) "Enrollee" means an individual who is eligible to receive health care services under a managed care plan.

(2) "Maintenance of certification" has the meaning assigned by Section 151.002, Occupations Code.

(3) "Managed care plan" means a health benefit plan under which health care services are provided to enrollees through contracts with physicians and that requires enrollees to use participating physicians or that provides a different level of coverage for enrollees who use participating physicians. The term includes a health benefit plan issued by:

(A) a health maintenance organization;

(B) a preferred provider benefit plan issuer; or

(C) any other entity that issues a health benefit plan, including an insurance company.

(4) "Participating physician" means a physician who has directly or indirectly contracted with a health benefit plan issuer to provide services to enrollees.

(5) "Physician" means an individual licensed to practice medicine in this state.

Sec. 1461.002. APPLICABILITY. (a) This chapter applies to a physician regardless of whether the physician is a participating physician.

(b) This chapter applies to a person with whom a managed care plan issuer contracts to:

(1) process or pay claims;

(2) obtain the services of physicians to provide health care services to enrollees; or

(3) issue verifications or preauthorizations.

Sec. 1461.003. DISCRIMINATION BASED ON MAINTENANCE OF CERTIFICATION. (a) Except as provided by Subsection (b), a managed care plan issuer may not differentiate between physicians based on a physician's maintenance of certification in regard to:

- (1) paying the physician;
- (2) reimbursing the physician; or
- (3) directly or indirectly contracting with the physician to provide services

to enrollees.

(b) A managed care plan issuer may differentiate between physicians based on a physician's maintenance of certification only if the designation under law or certification or accreditation by a national certifying or accrediting organization of an entity described by Section 151.0515(a), Occupations Code, is contingent on the entity requiring a specific maintenance of certification by physicians seeking staff privileges or credentialing at the entity.

SECTION 2. Section 151.002(a), Occupations Code, is amended by adding Subdivision (6-b) to read as follows:

(6-b) "Maintenance of certification" means the satisfactory completion of periodic recertification requirements that are required for a physician to maintain certification after initial certification from:

(A) a medical specialty member board of the American Board of Medical Specialties;

(B) a medical specialty member board of the American Osteopathic Association Bureau of Osteopathic Specialists;

(C) the American Board of Oral and Maxillofacial Surgery; or

(D) any other certifying board that is recognized by the Texas Medical Board.

SECTION 3. Subchapter B, Chapter 151, Occupations Code, is amended by adding Sections 151.0515 and 151.057 to read as follows:

Sec. 151.0515. DISCRIMINATION BASED ON MAINTENANCE OF CERTIFICATION. (a) Except as provided by Subsection (b), the following entities may not differentiate between physicians based on a physician's maintenance of certification:

(1) a health facility that is licensed under Subtitle B, Title 4, Health and Safety Code, or a mental hospital that is licensed under Chapter 577, Health and Safety Code, if the facility or hospital has an organized medical staff or a process for credentialing physicians;

(2) a hospital that is owned or operated by this state;

(3) an institution or program that is owned, operated, or licensed by this state, including an institution or program that directly or indirectly receives state financial assistance, if the institution or program has an organized medical staff or a process for credentialing physicians on its staff; or

(4) an institution or program that is owned, operated, or licensed by a political subdivision of this state, if the institution or program has an organized medical staff or a process for credentialing physicians on its staff.

(b) An entity described by Subsection (a) may differentiate between physicians based on a physician's maintenance of certification only if the entity's designation under law or certification or accreditation by a national certifying or accrediting organization is contingent on the entity requiring a specific maintenance of certification by physicians seeking staff privileges or credentialing at the entity.

Sec. 151.057. RECOGNITION OF ENTITIES TO PROVIDE MAINTENANCE OF CERTIFICATION; STUDY. (a) The board, using existing funds, shall study whether to recognize one or more entities to provide maintenance of certification for physicians in this state.

(b) In conducting the study under this section, the board shall consult with appropriate state agencies and other entities, as determined by the board.

(c) The results of the study under this section shall be made available through the board's Internet website and other appropriate means, as determined by the board.

(d) If the study under this section indicates a need for the board to recognize one or more entities to provide maintenance of certification for physicians in this state, the board may develop and implement a program to recognize such entities. The program must include an assessment of the following as eligibility criteria for an entity to provide maintenance of certification:

(1) the amount of time and expense required for a physician to complete the maintenance of certification requirement and the extent to which the time requirement has an impact on the physician's ability to participate in medical practice;

(2) the adequacy of the activities required of a physician in the area of practice improvement; and

(3) the degree to which the maintenance of certification requirements are relevant to the practice of the particular medical specialty for which the maintenance of certification is provided.

SECTION 4. Section 155.003, Occupations Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (d-1), in [the] addition to the other requirements prescribed by this subtitle, the board may require an applicant to comply with other requirements that the board considers appropriate.

(d-1) The board may not require maintenance of certification by an applicant for the applicant to be eligible for a license under this chapter.

SECTION 5. Section 156.001, Occupations Code, is amended by adding Subsection (f) to read as follows:

(f) The board may not adopt a rule requiring maintenance of certification by a license holder for the license holder to be eligible for an initial or renewal registration permit.

SECTION 6. The Texas Medical Board shall begin the study required under Section 151.057, Occupations Code, as added by this Act, not later than January 1, 2018.

SECTION 7. This Act takes effect January 1, 2018.

Floor Amendment No. 1

Amend **CSSB 1148** (house committee printing) as follows:

(1) In SECTION 3 of the bill (page 3, line 17, through page 5, line 17), strike proposed Section 151.0515, Occupations Code (page 3, line 19, through page 4, line 17).

Floor Amendment No. 2

Amend **CSSB 1148** as follows:

(1) In SECTION 3, delete Sec. 151.057 and replace it with the following new SECTION 4 and SECTION 5 as follows, and renumber the following sections as appropriate:

SECTION 4. CREATION OF JOINT INTERIM COMMITTEE. (a) A joint interim committee is created to study and assess maintenance of certification of physicians in this state.

(b) The joint interim committee shall be composed of five senators appointed by the lieutenant governor and five 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 shall include input from representatives from hospitals, the insurance industry, the physician community, the American Board of Medical Specialties, and the AOA Bureau of Osteopathic Specialties.

(f) 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.

SECTION 5. INTERIM STUDY REGARDING MAINTENANCE OF CERTIFICATION. The joint interim committee created by Section 4 of the Act shall:

(1) review, analyze and assess:

(A) the entities who provide maintenance of certification for physicians in this state;

(B) the amount of time and expense required for a physician to completed the various maintenance of certification requirements;

(C) studies, reports and scholarly materials demonstrating the impact of maintenance of certification programs on patient care;

(D) the adequacy of the maintenance of certification activities required of a physician in the area of practice improvement; and

(E) the degree to which maintenance of certification requirements are relevant to the practice of the particular medical speciality for which the maintenance of certification is provided.

(2) Not later than January 15, 2019, the joint interim committee shall report the committee's findings and recommendations to the lieutenant governor, the speaker of the house of representatives, and the governor. The joint interim committee shall include in its recommendations specific statutory and regulatory changes that are necessary from the results of the committee's study under Section 5 of this Act.

(3) Not later than the 60th day after the effective date of this Act, the lieutenant governor and the speaker of the house of representatives shall appoint the members of the joint interim committee created under this Act in accordance with that section.

(4) The joint interim committee created by this Act is abolished and the directives to this committee expire January 20, 2019.

(2) Delete existing SECTION 6.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1148** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Buckingham, Chair; Schwertner, Campbell, Taylor of Galveston, and Hinojosa.

SENATE BILL 1633 WITH HOUSE AMENDMENTS

Senator Perry called **SB 1633** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 1633** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 551.003, Occupations Code, is amended by adding Subdivision (15-a) to read as follows:

(15-a) "Direct supervision" means supervision by a pharmacist who directs the activities of a pharmacist-intern, pharmacy technician, or pharmacy technician trainee to a sufficient degree to ensure the activities are performed accurately, safely, and without risk of harm to patients, as specified by board rule.

SECTION _____. Section 554.053(a), Occupations Code, is amended to read as follows:

(a) The board shall establish rules for the use and the duties of a pharmacy technician and pharmacy technician trainee employed by ~~in~~ a pharmacy licensed by the board. A pharmacy technician and pharmacy technician trainee shall be responsible to and must be directly supervised by a pharmacist.

Floor Amendment No. 4

Amend **SB 1633** (house committee report) as follows:

(1) On page 4, line 6, strike "and".

(2) On page 4, between lines 6 and 7, insert the following:

(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

(3) On page 4, line 7, strike "(I)" and substitute "(J)".

Floor Amendment No. 5

Amend **SB 1633** (house committee report) as follows:

(1) On page 1, line 8, strike "and (i)" and substitute "(i), and (j)".

(2) On page 4, line 19, strike "A" and substitute "Except as provided by Subsection (i), a".

(3) On page 4, line 24, strike "If" and substitute "Except as provided by Subsection (i), if".

(4) On page 4, between lines 26 and 27, insert the following:

(i) A telepharmacy system located at a remote dispensing site under Subsection (d)(2) in a county with a population of at least 13,000 but not more than 14,000 may not be located within 22 miles by road of a Class A pharmacy. If a Class A pharmacy is established within 22 miles by road of a remote dispensing site described by this subsection that is currently operating, the remote dispensing site may continue to operate at that location.

(5) On page 4, line 27, strike "(i)" and substitute "(j)".

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1633** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Schwertner, Buckingham, Uresti, and Burton.

SENATE BILL 224 WITH HOUSE AMENDMENT

Senator Watson called **SB 224** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 224** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 102.051(a), Health and Safety Code, is amended to read as follows:

(a) The institute:

(1) may make grants to provide funds to public or private persons to implement the Texas Cancer Plan, and may make grants to institutions of learning and to advanced medical research facilities and collaborations in this state for:

(A) research into the causes of and cures for all types of cancer in humans;

(B) facilities for use in research into the causes of and cures for cancer;

(C) research, including translational research, to develop therapies, protocols, medical pharmaceuticals, or procedures for the cure or substantial mitigation of all types of cancer in humans; ~~and~~

(D) cancer prevention and control programs in this state to mitigate the incidence of all types of cancer in humans; and

(E) programs designed to encourage access to and participation in cancer clinical trials and associated research and community outreach;

(2) may support institutions of learning and advanced medical research facilities and collaborations in this state in all stages in the process of finding the causes of all types of cancer in humans and developing cures, from laboratory research to clinical trials and including programs to address the problem of access to advanced cancer treatment;

(3) may establish the appropriate standards and oversight bodies to ensure the proper use of funds authorized under this chapter for cancer research and facilities development;

(4) may employ necessary staff to provide administrative support;

(5) shall continuously monitor contracts and agreements authorized by this chapter and ensure that each grant recipient complies with the terms and conditions of the grant contract;

(6) shall ensure that all grant proposals comply with this chapter and rules adopted under this chapter before the proposals are submitted to the oversight committee for approval; and

(7) shall establish procedures to document that the institute, its employees, and its committee members appointed under this chapter comply with all laws and rules governing the peer review process and conflicts of interest.

SECTION _____. The heading to Section 102.155, Health and Safety Code, is amended to read as follows:

Sec. 102.155. AD HOC ADVISORY COMMITTEES [~~COMMITTEE~~].

SECTION _____. Section 102.155(a), Health and Safety Code, is amended to read as follows:

(a) The oversight committee shall create ~~an~~ ad hoc committees [~~committee~~] of experts to address childhood cancers and access to and participation in cancer clinical trials. The oversight committee, as necessary, may create additional ad hoc committees of experts to advise the oversight committee on issues relating to cancer.

SECTION _____. Section 102.203(b), Health and Safety Code, is amended to read as follows:

(b) Except as otherwise provided by this section, money awarded under this subchapter may be used for authorized expenses, including honoraria, salaries and benefits, travel, conference fees and expenses, consumable supplies, other operating expenses, contracted research and development, capital equipment, ~~and~~ construction

or renovation of state or private facilities, and reimbursement for costs incurred by cancer clinical trial participants that are related to the participation, including transportation and lodging.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 224** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; Nelson, Uresti, Schwertner, and Campbell.

SENATE BILL 715 WITH HOUSE AMENDMENTS

Senator Campbell called **SB 715** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 715** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to municipal annexation.

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

SECTION 1. Section 43.021, Local Government Code, is transferred to Subchapter A, Chapter 43, Local Government Code, redesignated as Section 43.003, Local Government Code, and amended to read as follows:

Sec. 43.003 [~~43.021~~]. AUTHORITY OF HOME-RULE MUNICIPALITY TO ANNEX AREA AND TAKE OTHER ACTIONS REGARDING BOUNDARIES. A home-rule municipality may take the following actions according to rules as may be provided by the charter of the municipality and not inconsistent with the requirements [~~procedural rules~~] prescribed by this chapter:

- (1) fix the boundaries of the municipality;
- (2) extend the boundaries of the municipality and annex area adjacent to the municipality; and
- (3) exchange area with other municipalities.

SECTION 2. Chapter 43, Local Government Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. GENERAL AUTHORITY TO ANNEX

Sec. 43.011. APPLICABILITY. This subchapter applies to:

- (1) a municipality wholly located in one or more counties each with a population of less than 500,000; and

(2) notwithstanding Subchapter C-4 or C-5:

(A) a municipality wholly or partly located in a county with a population of 500,000 or more; and

(B) a municipality described by Subdivision (1) that proposes to annex an area in a county with a population of 500,000 or more.

SECTION 3. Section 43.026, Local Government Code, is transferred to Subchapter A-1, Chapter 43, Local Government Code, as added by this Act, redesignated as Section 43.012, Local Government Code, and amended to read as follows:

Sec. 43.012 [~~43.026~~]. AUTHORITY OF TYPE A GENERAL-LAW MUNICIPALITY TO ANNEX AREA IT OWNS. The governing body of a Type A general-law municipality by ordinance may annex area that the municipality owns under the procedures prescribed by Subchapter C-1. The ordinance must describe the area by metes and bounds and must be entered in the minutes of the governing body.

SECTION 4. Section 43.027, Local Government Code, is transferred to Subchapter A-1, Chapter 43, Local Government Code, as added by this Act, redesignated as Section 43.013, Local Government Code, and amended to read as follows:

Sec. 43.013 [~~43.027~~]. AUTHORITY OF [GENERAL-LAW] MUNICIPALITY TO ANNEX NAVIGABLE STREAM. The governing body of a [~~general-law~~] municipality by ordinance may annex any navigable stream adjacent to the municipality and within the municipality's extraterritorial jurisdiction under the procedures prescribed by Subchapter C-1.

SECTION 5. Section 43.051, Local Government Code, is transferred to Subchapter A-1, Chapter 43, Local Government Code, as added by this Act, and redesignated as Section 43.014, Local Government Code, to read as follows:

Sec. 43.014 [~~43.051~~]. AUTHORITY TO ANNEX LIMITED TO EXTRATERRITORIAL JURISDICTION. A municipality may annex area only in its extraterritorial jurisdiction unless the municipality owns the area.

SECTION 6. Section 43.031, Local Government Code, is transferred to Subchapter A-1, Chapter 43, Local Government Code, as added by this Act, and redesignated as Section 43.015, Local Government Code, to read as follows:

Sec. 43.015 [~~43.031~~]. AUTHORITY OF ADJACENT MUNICIPALITIES TO CHANGE BOUNDARIES BY AGREEMENT. Adjacent municipalities may make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width.

SECTION 7. Section 43.035, Local Government Code, is transferred to Subchapter A-1, Chapter 43, Local Government Code, as added by this Act, redesignated as Section 43.016, Local Government Code, and amended to read as follows:

Sec. 43.016 [~~43.035~~]. AUTHORITY OF MUNICIPALITY TO ANNEX AREA QUALIFIED FOR AGRICULTURAL OR WILDLIFE MANAGEMENT USE OR AS TIMBER LAND. (a) This section applies only to an area:

(1) eligible to be the subject of a development agreement under Subchapter G, Chapter 212; and

(2) appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter.

(b) A municipality may not annex an area to which this section applies unless:

(1) the municipality offers to make a development agreement with the landowner under Section 212.172 that would:

(A) guarantee the continuation of the extraterritorial status of the area; and

(B) authorize the enforcement of all regulations and planning authority of the municipality that do not interfere with the use of the area for agriculture, wildlife management, or timber; and

(2) the landowner declines to make the agreement described by Subdivision (1).

(c) For purposes of Section 43.003(2) [~~43.021(2)~~] or another law, including a municipal charter or ordinance, relating to municipal authority to annex an area adjacent to the municipality, an area adjacent or contiguous to an area that is the subject of a development agreement described by Subsection (b)(1) is considered adjacent or contiguous to the municipality.

(d) A provision of a development agreement described by Subsection (b)(1) that restricts or otherwise limits the annexation of all or part of the area that is the subject of the agreement is void if the landowner files any type of subdivision plat or related development document for the area with a governmental entity that has jurisdiction over the area, regardless of how the area is appraised for ad valorem tax purposes.

(e) A development agreement described by Subsection (b)(1) is not a permit for purposes of Chapter 245.

SECTION 8. Section 43.037, Local Government Code, is transferred to Subchapter A-1, Chapter 43, Local Government Code, as added by this Act, and redesignated as Section 43.017, Local Government Code, to read as follows:

Sec. 43.017 [~~43.037~~]. PROHIBITION AGAINST ANNEXATION TO SURROUND MUNICIPALITY IN CERTAIN COUNTIES. A municipality with a population of more than 175,000 located in a county that contains an international border and borders the Gulf of Mexico may not annex an area that would cause another municipality to be entirely surrounded by the corporate limits or extraterritorial jurisdiction of the annexing municipality.

SECTION 9. The heading to Subchapter B, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER B. GENERAL AUTHORITY TO ANNEX: MUNICIPALITIES WHOLLY LOCATED IN COUNTIES WITH POPULATION OF LESS THAN 500,000

SECTION 10. Subchapter B, Chapter 43, Local Government Code, is amended by adding Section 43.0205 to read as follows:

Sec. 43.0205. APPLICABILITY. (a) Except as provided by Subsection (b), this subchapter applies only to a municipality wholly located in one or more counties each with a population of less than 500,000.

(b) This subchapter does not apply to a municipality described by Subsection (a) that proposes to annex an area in a county with a population of 500,000 or more.

SECTION 11. The heading to Subchapter C, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C. ANNEXATION PROCEDURE FOR AREAS ANNEXED UNDER MUNICIPAL ANNEXATION PLAN: MUNICIPALITIES WHOLLY LOCATED IN COUNTIES WITH POPULATION OF LESS THAN 500,000

SECTION 12. Subchapter C, Chapter 43, Local Government Code, is amended by adding Section 43.0505 to read as follows:

Sec. 43.0505. APPLICABILITY. (a) Except as provided by Subsection (b), this subchapter applies only to a municipality wholly located in one or more counties each with a population of less than 500,000.

(b) Unless otherwise specifically provided by this chapter, this subchapter does not apply to:

(1) a municipality wholly or partly located in a county with a population of 500,000 or more; or

(2) a municipality described by Subsection (a) that proposes to annex an area in a county with a population of 500,000 or more.

SECTION 13. Section 43.052(h), Local Government Code, is amended to read as follows:

(h) This section does not apply to an area proposed for annexation if:

(1) the area contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract;

(2) the area will be annexed by petition of more than 50 percent of the real property owners in the area proposed for annexation or by vote or petition of the qualified voters or real property owners as provided by Subchapter B;

(3) the area is or was the subject of:

(A) an industrial district contract under Section 42.044; or

(B) a strategic partnership agreement under Section 43.0751;

(4) the area is located in a colonia, as that term is defined by Section 2306.581, Government Code;

(5) the area is annexed under Section 43.012, 43.013, 43.015 [~~43.026, 43.027~~], or 43.029[~~, or 43.031~~];

(6) the area is located completely within the boundaries of a closed military installation; or

(7) the municipality determines that the annexation of the area is necessary to protect the area proposed for annexation or the municipality from:

(A) imminent destruction of property or injury to persons; or

(B) a condition or use that constitutes a public or private nuisance as defined by background principles of nuisance and property law of this state.

SECTION 14. Section 43.054(a), Local Government Code, is amended to read as follows:

(a) A municipality [~~with a population of less than 1.6 million~~] may not annex a publicly or privately owned area, including a strip of area following the course of a road, highway, river, stream, or creek, unless the width of the area at its narrowest point is at least 1,000 feet.

SECTION 15. Section 43.056(l), Local Government Code, is amended to read as follows:

(l) A service plan is valid for 10 years. Renewal of the service plan is at the discretion of the municipality. ~~[A person residing or owning land in an annexed area in a municipality with a population of 1.6 million or more may enforce a service plan by petitioning the municipality for a change in policy or procedures to ensure compliance with the service plan. If the municipality fails to take action with regard to the petition, the petitioner may request arbitration of the dispute under Section 43.0565.]~~ A person residing or owning land in an annexed area ~~[in a municipality with a population of less than 1.6 million]~~ may enforce a service plan by applying for a writ of mandamus not later than the second anniversary of the date the person knew or should have known that the municipality was not complying with the service plan. If a writ of mandamus is applied for, the municipality has the burden of proving that the services have been provided in accordance with the service plan in question. If a court issues a writ under this subsection, the court:

(1) must provide the municipality the option of disannexing the area within a reasonable period specified by the court;

(2) may require the municipality to comply with the service plan in question before a reasonable date specified by the court if the municipality does not disannex the area within the period prescribed by the court under Subdivision (1);

(3) may require the municipality to refund to the landowners of the annexed area money collected by the municipality from those landowners for services to the area that were not provided;

(4) may assess a civil penalty against the municipality, to be paid to the state in an amount as justice may require, for the period in which the municipality is not in compliance with the service plan;

(5) may require the parties to participate in mediation; and

(6) may require the municipality to pay the person's costs and reasonable attorney's fees in bringing the action for the writ.

SECTION 16. Section 43.0562(a), Local Government Code, is amended to read as follows:

(a) After holding the hearings as provided by Section 43.0561:

(1) ~~[if a municipality has a population of less than 1.6 million,]~~ the municipality and the property owners of the area proposed for annexation shall negotiate for the provision of services to the area after annexation or for the provision of services to the area in lieu of annexation under Section 43.0563; or

(2) if a municipality proposes to annex a special district, as that term is defined by Section 43.052, the municipality and the governing body of the district shall negotiate for the provision of services to the area after annexation or for the provision of services to the area in lieu of annexation under Section 43.0751.

SECTION 17. Section 43.0563(a), Local Government Code, is amended to read as follows:

(a) The governing body of a municipality ~~[with a population of less than 1.6 million]~~ may negotiate and enter into a written agreement for the provision of services and the funding of the services in an area with:

(1) representatives designated under Section 43.0562(b), if the area is included in the municipality's annexation plan; or

(2) an owner of an area within the extraterritorial jurisdiction of the municipality if the area is not included in the municipality's annexation plan.

SECTION 18. The heading to Subchapter C-1, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-1. ANNEXATION PROCEDURE FOR AREAS EXEMPTED FROM MUNICIPAL ANNEXATION PLAN: MUNICIPALITIES WHOLLY LOCATED IN COUNTIES WITH POPULATION OF LESS THAN 500,000

SECTION 19. Section 43.061, Local Government Code, is amended to read as follows:

Sec. 43.061. APPLICABILITY. (a) Except as provided by Subsection (b), this [This] subchapter applies only to an area that is proposed for annexation by a municipality wholly located in one or more counties each with a population of less than 500,000 and that is not required to be included in a municipal annexation plan under Section 43.052(h) [43.052].

(b) Unless otherwise specifically provided by this chapter, this subchapter does not apply to an area that is proposed for annexation by:

(1) a municipality wholly or partly located in a county with a population of 500,000 or more; or

(2) a municipality described by Subsection (a) that proposes to annex an area in a county with a population of 500,000 or more.

SECTION 20. Section 43.062(a), Local Government Code, is amended to read as follows:

(a) Sections ~~[43.051,]~~ 43.054, 43.0545, 43.055, ~~[43.0565, 43.0567,]~~ and 43.057 apply to the annexation of an area to which this subchapter applies.

SECTION 21. Section 43.064, Local Government Code, is amended to read as follows:

Sec. 43.064. PERIOD FOR COMPLETION OF ANNEXATION[; EFFECTIVE DATE]. ~~[(a)]~~ The annexation of an area must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void. Any period during which the municipality is restrained or enjoined by a court from annexing the area is not included in computing the 90-day period.

~~[(b) Notwithstanding any provision of a municipal charter to the contrary, the governing body of a municipality with a population of 1.6 million or more may provide that an annexation take effect on any date within 90 days after the date of the adoption of the ordinance providing for the annexation.]~~

SECTION 22. Chapter 43, Local Government Code, is amended by adding Subchapter C-2 to read as follows:

SUBCHAPTER C-2. GENERAL ANNEXATION AUTHORITY AND PROCEDURES: MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN COUNTY WITH POPULATION OF 500,000 OR MORE

Sec. 43.066. APPLICABILITY. This subchapter applies only to:

(1) a municipality wholly or partly located in a county with a population of 500,000 or more; and

(2) a municipality wholly located in one or more counties each with a population of less than 500,000 that proposes to annex an area in a county with a population of 500,000 or more.

Sec. 43.0661. AUTHORITY TO ANNEX NONCONTIGUOUS AREAS. A municipality may annex an area that is noncontiguous to the boundaries of the municipality if the area is in the municipality's extraterritorial jurisdiction.

Sec. 43.0662. PROVISION OF CERTAIN SERVICES TO ANNEXED AREA.

(a) This section applies only to a municipality that includes solid waste collection services in the list of services that will be provided in the area proposed for annexation on or before the second anniversary of the effective date of the annexation of the area under a written agreement under Section 43.0672 or a resolution under Section 43.0682 or 43.0692.

(b) A municipality is not required to provide solid waste collection services to a person who continues to use the services of a privately owned solid waste management service provider as provided by Subsection (c).

(c) Before the second anniversary of the effective date of the annexation of an area, a municipality may not:

(1) prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or

(2) impose a fee for solid waste management services on a person who continues to use the services of a privately owned solid waste management service provider.

Sec. 43.0664. EFFECT ON OTHER LAW. Subchapters C-3 through C-5 do not affect the procedures described by Section 397.005 or 397.006 applicable to a defense community as defined by Section 397.001.

SECTION 23. Section 43.030, Local Government Code, is transferred to Subchapter C-2, Chapter 43, Local Government Code, as added by this Act, redesignated as Section 43.0663, Local Government Code, and amended to read as follows:

Sec. 43.0663 [~~43.030~~]. AUTHORITY OF MUNICIPALITY WITH POPULATION OF 74,000 TO 99,700 IN URBAN COUNTY TO ANNEX SMALL, SURROUNDED GENERAL-LAW MUNICIPALITY. (a) Notwithstanding Subchapter C-4 or C-5, a [A] municipality that has a population of 74,000 to 99,700, that is located wholly or partly in a county with a population of more than 1.8 million, and that completely surrounds and is contiguous to a general-law municipality with a population of less than 600, may annex the general-law municipality as provided by this section.

(b) The governing body of the smaller municipality may adopt an ordinance ordering an election on the question of consenting to the annexation of the smaller municipality by the larger municipality. The governing body of the smaller municipality shall adopt the ordinance if it receives a petition to do so signed by a number of qualified voters of the municipality equal to at least 10 percent of the number of voters of the municipality who voted in the most recent general election. If the ordinance ordering the election is to be adopted as a result of a petition, the ordinance shall be adopted within 30 days after the date the petition is received.

(c) The ordinance ordering the election must provide for the submission of the question at an election to be held on the first uniform election date prescribed by Chapter 41, Election Code, that occurs after the 30th day after the date the ordinance is adopted and that affords enough time to hold the election in the manner required by law.

(d) Within 10 days after the date on which the election is held, the governing body of the smaller municipality shall canvass the election returns and by resolution shall declare the results of the election. If a majority of the votes received is in favor of the annexation, the secretary of the smaller municipality or other appropriate municipal official shall forward by certified mail to the secretary of the larger municipality a certified copy of the resolution.

(e) The larger municipality, within 90 days after the date the resolution is received, must complete the annexation by ordinance in accordance with its municipal charter or the general laws of the state. If the annexation is not completed within the 90-day period, any annexation proceeding is void and the larger municipality may not annex the smaller municipality under this section. However, the failure to complete the annexation as provided by this subsection does not prevent the smaller municipality from holding a new election on the question to enable the larger municipality to annex the smaller municipality as provided by this section.

(f) If the larger municipality completes the annexation within the prescribed period, the incorporation of the smaller municipality is abolished. The records, public property, public buildings, money on hand, credit accounts, and other assets of the smaller municipality become the property of the larger municipality and shall be turned over to the officers of that municipality. The offices in the smaller municipality are abolished and the persons holding those offices are not entitled to further remuneration or compensation. All outstanding liabilities of the smaller municipality are assumed by the larger municipality.

(g) In the annexation ordinance, the larger municipality shall adopt, for application in the area zoned by the smaller municipality, the identical comprehensive zoning ordinance that the smaller municipality applied to the area at the time of the election. Any attempted annexation of the smaller municipality that does not include the adoption of that comprehensive zoning ordinance is void. That comprehensive zoning ordinance may not be repealed or amended for a period of 10 years unless the written consent of the landowners who own at least two-thirds of the surface land of the annexed smaller municipality is obtained.

(h) If the annexed smaller municipality has on hand any bond funds for public improvements that are not appropriated or contracted for, the funds shall be kept in a separate special fund to be used only for public improvements in the area for which the bonds were voted.

(i) On the annexation, all claims, fines, debts, or taxes due and payable to the smaller municipality become due and payable to the larger municipality and shall be collected by it. If taxes for the year in which the annexation occurs have been assessed in the smaller municipality before the annexation, the amounts assessed remain as the amounts due and payable from the inhabitants of the smaller municipality for that year.

(j) This section does not affect a charter provision of a home-rule municipality. This section grants additional power to the municipality and is cumulative of the municipal charter.

SECTION 24. Chapter 43, Local Government Code, is amended by adding Subchapters C-3, C-4, and C-5 to read as follows:

SUBCHAPTER C-3. ANNEXATION OF AREA ON REQUEST OF OWNERS:
MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN COUNTY WITH
POPULATION OF 500,000 OR MORE

Sec. 43.067. APPLICABILITY. This subchapter applies only to a municipality to which Subchapter C-2 applies.

Sec. 43.0671. AUTHORITY TO ANNEX AREA ON REQUEST OF OWNERS. Notwithstanding Subchapter C-4 or C-5, a municipality may annex an area if each owner of land in the area requests the annexation.

Sec. 43.0672. WRITTEN AGREEMENT REGARDING SERVICES. (a) The governing body of the municipality that elects to annex an area under this subchapter must first negotiate and enter into a written agreement with the owners of land in the area for the provision of services in the area.

(b) The agreement must include:

(1) a list of each service the municipality will provide on the effective date of the annexation; and

(2) a schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation.

(c) The municipality is not required to provide a service that is not included in the agreement.

Sec. 43.0673. PUBLIC HEARINGS. (a) Before a municipality may adopt an ordinance annexing an area under this section, the governing body of the municipality must conduct at least two public hearings.

(b) The hearings must be conducted not less than 10 business days apart.

(c) During the first public hearing, the governing body must provide persons interested in the annexation the opportunity to be heard. During the final public hearing, the governing body may adopt an ordinance annexing the area.

(d) The municipality must post notice of the hearings on the municipality's Internet website if the municipality has an Internet website and publish notice of the hearings in a newspaper of general circulation in the municipality and in the area proposed for annexation. The notice for each hearing must be published at least once on or after the 20th day but before the 10th day before the date of the hearing. The notice for each hearing must be posted on the municipality's Internet website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing.

SUBCHAPTER C-4. ANNEXATION OF AREAS WITH POPULATION OF LESS
THAN 200: MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN COUNTY
WITH POPULATION OF 500,000 OR MORE

Sec. 43.068. APPLICABILITY. This subchapter applies only to a municipality to which Subchapter C-2 applies.

Sec. 43.0681. AUTHORITY TO ANNEX. A municipality may annex an area with a population of less than 200 only if the municipality obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area.

Sec. 43.0682. RESOLUTION. The governing body of the municipality that proposes to annex an area under this subchapter must adopt a resolution that includes:

- (1) a statement of the municipality's intent to annex the area;
- (2) a detailed description and map of the area;
- (3) a description of each service to be provided by the municipality in the area on or after the effective date of the annexation, including, as applicable:
 - (A) police protection;
 - (B) fire protection;
 - (C) emergency medical services;
 - (D) solid waste collection;
 - (E) operation and maintenance of water and wastewater facilities in the annexed area;
 - (F) operation and maintenance of roads and streets, including road and street lighting;
 - (G) operation and maintenance of parks, playgrounds, and swimming pools; and
 - (H) operation and maintenance of any other publicly owned facility, building, or service;
- (4) a list of each service the municipality will provide on the effective date of the annexation; and
- (5) a schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation.

Sec. 43.0683. NOTICE OF PROPOSED ANNEXATION. Not later than the seventh day after the date the governing body of the municipality adopts the resolution under Section 43.0682, the municipality must mail to each resident in the area proposed to be annexed notification of the proposed annexation that includes:

- (1) notice of the public hearing required by Section 43.0684;
- (2) an explanation of the 180-day petition period described by Section 43.0685; and
- (3) a description, list, and schedule of services to be provided by the municipality in the area on or after annexation as provided by Section 43.0682.

Sec. 43.0684. PUBLIC HEARING. The governing body of a municipality must conduct at least one public hearing not earlier than the 21st day and not later than the 30th day after the date the governing body adopts the resolution under Section 43.0682.

Sec. 43.0685. PETITION. (a) The petition required by Section 43.0681 may be signed only by a registered voter of the area proposed to be annexed.

(b) The municipality may collect signatures on the petition only during the period beginning on the 31st day after the date the governing body of the municipality adopts the resolution under Section 43.0682 and ending on the 180th day after the date the resolution is adopted.

(c) The petition must clearly state that a person signing the petition is consenting to the proposed annexation.

(d) The petition must include a map of and describe the area proposed to be annexed.

(e) Signatures collected on the petition must be in writing.

(f) Chapter 277, Election Code, applies to a petition under this section.

Sec. 43.0686. RESULTS OF PETITION. (a) When the petition period prescribed by Section 43.0685 ends, the petition shall be verified by the municipal secretary or other person responsible for verifying signatures. The municipality must notify the residents of the area proposed to be annexed of the results of the petition.

(b) If the municipality does not obtain the number of signatures on the petition required to annex the area, the municipality may not annex the area and may not adopt another resolution under Section 43.0682 to annex the area until the first anniversary of the date the petition period ended.

(c) If the municipality obtains the number of signatures on the petition required to annex the area, the municipality may annex the area after:

(1) providing notice under Subsection (a);

(2) holding a public hearing at which members of the public are given an opportunity to be heard; and

(3) holding a final public hearing not earlier than the 10th day after the date of the public hearing under Subdivision (2) at which the ordinance annexing the area may be adopted.

Sec. 43.0687. VOTER APPROVAL BY MUNICIPAL RESIDENTS ON PETITION. If a petition protesting the annexation of an area under this subchapter is signed by a number of registered voters of the municipality proposing the annexation equal to at least 50 percent of the number of voters who voted in the most recent municipal election and is received by the secretary of the municipality before the date the petition period prescribed by Section 43.0685 ends, the municipality may not complete the annexation of the area without approval of a majority of the voters of the municipality voting at an election called and held for that purpose.

SUBCHAPTER C-5. ANNEXATION OF AREAS WITH POPULATION OF AT LEAST 200: MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN COUNTY WITH POPULATION OF 500,000 OR MORE

Sec. 43.069. APPLICABILITY. This subchapter applies only to a municipality to which Subchapter C-2 applies.

Sec. 43.0691. AUTHORITY TO ANNEX. A municipality may annex an area with a population of 200 or more only if the following conditions are met, as applicable:

(1) the municipality holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation and a majority of the votes received at the election approve the annexation; and

(2) if the registered voters of the area do not own more than 50 percent of the land in the area, the municipality obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.

Sec. 43.0692. RESOLUTION. The governing body of the municipality that proposes to annex an area under this subchapter must adopt a resolution that includes:

(1) a statement of the municipality's intent to annex the area;
(2) a detailed description and map of the area;
(3) a description of each service to be provided by the municipality in the area on or after the effective date of the annexation, including, as applicable:

(A) police protection;

(B) fire protection;

(C) emergency medical services;

(D) solid waste collection;

(E) operation and maintenance of water and wastewater facilities in the annexed area;

(F) operation and maintenance of roads and streets, including road and street lighting;

(G) operation and maintenance of parks, playgrounds, and swimming pools; and

(H) operation and maintenance of any other publicly owned facility, building, or service;

(4) a list of each service the municipality will provide on the effective date of the annexation; and

(5) a schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation.

Sec. 43.0693. NOTICE OF PROPOSED ANNEXATION. Not later than the seventh day after the date the governing body of the municipality adopts the resolution under Section 43.0692, the municipality must mail to each property owner in the area proposed to be annexed notification of the proposed annexation that includes:

(1) notice of the public hearings required by Section 43.0694;

(2) notice that an election on the question of annexing the area will be held; and

(3) a description, list, and schedule of services to be provided by the municipality in the area on or after annexation as provided by Section 43.0692.

Sec. 43.0694. PUBLIC HEARINGS. (a) The governing body of a municipality must conduct an initial public hearing not earlier than the 21st day and not later than the 30th day after the date the governing body adopts the resolution under Section 43.0692.

(b) The governing body must conduct at least one additional public hearing not earlier than the 31st day and not later than the 90th day after the date the governing body adopts a resolution under Section 43.0692.

Sec. 43.0695. PROPERTY OWNER CONSENT REQUIRED FOR CERTAIN AREAS. (a) If the registered voters in the area proposed to be annexed do not own more than 50 percent of the land in the area, the municipality must obtain consent to the annexation through a petition signed by more than 50 percent of the owners of land in the area in addition to the election required by this subchapter.

(b) The municipality must obtain the consent required by this section through the petition process prescribed by Section 43.0685, and the petition must be verified in the manner provided by Section 43.0686(a).

(c) Notwithstanding Section 43.0685(e), the municipality may provide for an owner of land in the area that is not a resident of the area to sign the petition electronically.

Sec. 43.0696. ELECTION. (a) A municipality shall order an election on the question of annexing an area to be held on the first uniform election date that falls on or after:

(1) the 90th day after the date the governing body of the municipality adopts the resolution under Section 43.0692; or

(2) if the consent of the owners of land in the area is required under Section 43.0695, the 78th day after the date the petition period to obtain that consent ends.

(b) An election under this section shall be held in the same manner as general elections of the municipality. The municipality shall pay for the costs of holding the election.

(c) A municipality that holds an election under this section may not hold another election on the question of annexation before the corresponding uniform election date of the following year.

Sec. 43.0697. RESULTS OF ELECTION AND PETITION. (a) Following an election held under this subchapter, the municipality must notify the residents of the area proposed to be annexed of the results of the election and, if applicable, of the petition required by Section 43.0695.

(b) If at the election held under this subchapter a majority of qualified voters do not approve the proposed annexation, or if the municipality is required to petition owners of land in the area under Section 43.0695 and does not obtain the required number of signatures, the municipality may not annex the area and may not adopt another resolution under Section 43.0692 to annex the area until the first anniversary of the date of the adoption of the resolution.

(c) If at the election held under this subchapter a majority of qualified voters approve the proposed annexation, and if the municipality, as applicable, obtains the required number of petition signatures under Section 43.0695, the municipality may annex the area after:

(1) providing notice under Subsection (a);

(2) holding a public hearing at which members of the public are given an opportunity to be heard; and

(3) holding a final public hearing not earlier than the 10th day after the date of the public hearing under Subdivision (2) at which the ordinance annexing the area may be adopted.

Sec. 43.0698. VOTER APPROVAL BY MUNICIPAL RESIDENTS ON PETITION. If a petition protesting the annexation of an area under this subchapter is signed by a number of registered voters of the municipality proposing the annexation equal to at least 50 percent of the number of voters who voted in the most recent municipal election and is received by the secretary of the municipality before the date the election required by this subchapter is held, the municipality may not complete the annexation of the area without approval of a majority of the voters of the municipality voting at a separate election called and held for that purpose.

SECTION 25. Subchapter D, Chapter 43, Local Government Code, is amended by adding Section 43.0711 to read as follows:

Sec. 43.0711. LIMITATION ON AUTHORITY OF CERTAIN MUNICIPALITIES. (a) This section applies only to:

(1) a municipality wholly or partly located in a county with a population of 500,000 or more; and

(2) a municipality wholly located in one or more counties each with a population of less than 500,000 that proposes to annex an area in a county with a population of 500,000 or more.

(b) With respect to an industrial district designated by the governing body of a municipality under Section 42.044, the municipality may annex all or part of the district under the requirements applicable to a municipality wholly located in one or more counties each with a population of less than 500,000.

SECTION 26. Sections 43.0715(b) and (c), Local Government Code, are amended to read as follows:

(b) If a municipality with a population of less than 1.5 million annexes a special district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds, the municipality shall, prior to the effective date of the annexation, pay in cash to the landowner or developer of the district a sum equal to all actual costs and expenses incurred by the landowner or developer in connection with the district that the district has, in writing, agreed to pay and that would otherwise have been eligible for reimbursement from bond proceeds under the rules and requirements of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality as such rules and requirements exist on the date of annexation. ~~[For an annexation that is subject to preclearance by a federal authority, a payment will be considered timely if the municipality: (i) escrows the reimbursable amounts determined in accordance with Subsection (e) prior to the effective date of the annexation; and (ii) subsequently causes the escrowed funds and accrued interest to be disbursed to the developer within five business days after the municipality receives notice of the preclearance.]~~

(c) At the time notice of the municipality's intent to annex the land within the district is first given ~~[published]~~ in accordance with Section 43.052, 43.0683, or 43.0693, as applicable, the municipality shall proceed to initiate and complete a report for each developer conducted in accordance with the format approved by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality for audits. In the event the municipality is unable to complete the report prior to the effective date of the annexation as a result of the developer's failure to provide information to the municipality which cannot be obtained from other sources, the municipality shall obtain from the district the estimated costs of each project previously undertaken by a developer which are eligible for reimbursement. The amount of such costs, as estimated by the district, shall be escrowed by the municipality for the benefit of the persons entitled to receive payment in an insured interest-bearing account with a financial institution authorized to do business in the state. To compensate the developer for the municipality's use of the infrastructure facilities pending the determination of the reimbursement amount ~~[or federal preclearance]~~, all interest accrued on the escrowed funds shall be paid to the developer whether or not the annexation is valid. Upon placement of the funds in the escrow account, the annexation may become effective. In the event a municipality timely escrows all

estimated reimbursable amounts as required by this subsection and all such amounts, determined to be owed, including interest, are subsequently disbursed to the developer within five days of final determination in immediately available funds as required by this section, no penalties or interest shall accrue during the pendency of the escrow. Either the municipality or developer may, by written notice to the other party, require disputes regarding the amount owed under this section to be subject to nonbinding arbitration in accordance with the rules of the American Arbitration Association.

SECTION 27. Section 43.0751, Local Government Code, is amended by amending Subsection (h) and adding Subsection (s) to read as follows:

(h) On the full-purpose annexation conversion date set forth in the strategic partnership agreement pursuant to Subsection (f)(5) [~~(f)(5)(A)~~], the land included within the boundaries of the district shall be deemed to be within the full-purpose boundary limits of the municipality without the need for further action by the governing body of the municipality. The full-purpose annexation conversion date established by a strategic partnership agreement may be altered only by mutual agreement of the district and the municipality. However, nothing herein shall prevent the municipality from terminating the agreement and instituting proceedings to annex the district, on request by the governing body of the district, on any date prior to the full-purpose annexation conversion date established by the strategic partnership agreement under the procedures applicable to a municipality wholly located in one or more counties each with a population of less than 500,000. Land annexed for limited or full purposes under this section shall not be included in calculations prescribed by Section 43.055(a).

(s) Notwithstanding any other law, the procedures prescribed by Subchapters C-3, C-4, and C-5 do not apply to the annexation of an area under this section.

SECTION 28. The heading to Section 43.101, Local Government Code, is amended to read as follows:

Sec. 43.101. ANNEXATION OF MUNICIPALLY OWNED RESERVOIR [~~BY GENERAL LAW MUNICIPALITY~~].

SECTION 29. Section 43.101(c), Local Government Code, is amended to read as follows:

(c) The area may be annexed without the consent of any [~~the~~] owners or residents of the area under the procedures applicable to a municipality described by Subdivision (1) by:

(1) a municipality wholly located in one or more counties each with a population of less than 500,000; and

(2) if there are no owners other than the municipality or residents of the area:

(A) a municipality wholly or partly located in a county with a population of 500,000 or more; and

(B) a municipality described by Subdivision (1) that proposes to annex an area in a county with a population of 500,000 or more.

SECTION 30. Section 43.102(c), Local Government Code, is amended to read as follows:

(c) The area may be annexed without the consent of any [the] owners or residents of the area under the procedures applicable to a municipality described by Subdivision (1) by:

(1) a municipality wholly located in one or more counties each with a population of less than 500,000; and

(2) if there are no owners other than the municipality or residents of the area:

(A) a municipality wholly or partly located in a county with a population of 500,000 or more; and

(B) a municipality described by Subdivision (1) that proposes to annex an area in a county with a population of 500,000 or more.

SECTION 31. Section 43.1025(c), Local Government Code, is amended to read as follows:

(c) The area described by Subsection (b) may be annexed under the requirements applicable to a municipality wholly or partly located in a county with a population of 500,000 or more [~~without the consent of the owners or residents of the area~~], but the annexation may not occur unless each municipality in whose extraterritorial jurisdiction the area may be located:

(1) consents to the annexation; and

(2) reduces its extraterritorial jurisdiction over the area as provided by Section 42.023.

SECTION 32. The heading to Section 43.103, Local Government Code, is amended to read as follows:

Sec. 43.103. ANNEXATION OF STREETS, HIGHWAYS, AND OTHER WAYS BY CERTAIN GENERAL-LAW MUNICIPALITIES [~~MUNICIPALITY~~].

SECTION 33. Section 43.103(a), Local Government Code, is amended to read as follows:

(a) Subject to Section 43.1055(b), a [A] general-law municipality with a population of 500 or more wholly located in one or more counties each with a population of less than 500,000 may annex, by ordinance and without the consent of any person, the part of a street, highway, alley, or other public or private way, including a railway line, spur, or roadbed, that is adjacent and runs parallel to the boundaries of the municipality.

SECTION 34. Section 43.105, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This section applies only to:

(1) a [A] general-law municipality that:

(A) has a population of 1,066-1,067;

(B) [~~and~~] is wholly located in a county with a population of 85,000 or more and less than 500,000; and

(C) [~~that~~] is not adjacent to a county with a population of 2 million or more;[s] or

(2) a general-law municipality that:

(A) has a population of 6,000-6,025; and

(B) is wholly located in a county with a population of less than 500,000.

(a-1) Subject to Section 43.1055(b), a municipality described by Subsection (a) may annex, by ordinance and without the consent of any person, a public street, highway, road, or alley adjacent to the municipality.

SECTION 35. Subchapter E, Chapter 43, Local Government Code, is amended by adding Section 43.1055 to read as follows:

Sec. 43.1055. ANNEXATION OF ROADS AND RIGHTS-OF-WAY IN CERTAIN LARGE COUNTIES. (a) Notwithstanding any other law, a municipality wholly or partly located in a county with a population of 500,000 or more may by ordinance annex a road or the right-of-way of a road on request of the owner of the road or right-of-way or the governing body of the political subdivision that maintains the road or right-of-way under the procedures applicable to a municipality wholly located in one or more counties each with a population of less than 500,000.

(b) A municipality described by Section 43.103 or 43.105 that proposes to annex a road or right-of-way in a county with a population of 500,000 or more must comply with this section.

SECTION 36. Sections 43.121(a) and (c), Local Government Code, are amended to read as follows:

(a) Subject to Section 43.1211, the ~~[The]~~ governing body of a home-rule municipality with more than 225,000 inhabitants by ordinance may annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area.

(c) The provisions of this subchapter, other than Sections 43.1211 and ~~[Section]~~ 43.136, do not affect the authority of a municipality to annex an area for limited purposes under Section 43.136 or any other statute granting the authority to annex for limited purposes.

SECTION 37. Subchapter F, Chapter 43, Local Government Code, is amended by adding Section 43.1211 to read as follows:

Sec. 43.1211. AUTHORITY OF MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN COUNTY WITH POPULATION OF 500,000 OR MORE TO ANNEX FOR LIMITED PURPOSES. Except as provided by Section 43.0711(b) or 43.0751, beginning September 1, 2017, a municipality described below may not annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area:

(1) a municipality wholly or partly located in a county with a population of 500,000 or more; or

(2) a municipality wholly located in one or more counties each with a population of 500,000 or less that proposes to annex an area in a county with a population of 500,000 or more.

SECTION 38. Sections 43.141(a) and (b), Local Government Code, are amended to read as follows:

(a) A majority of the qualified voters of an annexed area may petition the governing body of the municipality to disannex the area if the municipality fails or refuses to provide services or to cause services to be provided to the area:

(1) if the municipality is wholly located in one or more counties each with a population of less than 500,000, within the period specified by Section 43.056 or by the service plan prepared for the area under that section; or

(2) if the municipality is wholly or partly located in a county with a population of 500,000 or more or is a municipality described by Subdivision (1) that proposes to annex an area in a county with a population of 500,000 or more, within the period specified by the written agreement under Section 43.0672 or the resolution under Section 43.0682 or 43.0692, as applicable.

(b) If the governing body fails or refuses to disannex the area within 60 days after the date of the receipt of the petition, any one or more of the signers of the petition may bring a cause of action in a district court of the county in which the area is principally located to request that the area be disannexed. On the filing of an answer by the governing body, and on application of either party, the case shall be advanced and heard without further delay in accordance with the Texas Rules of Civil Procedure. The district court shall enter an order disannexing the area if the court finds that a valid petition was filed with the municipality and that the municipality failed to:

(1) perform its obligations in accordance with:

(A) the service plan under Section 43.056;

(B) the written agreement entered into under Section 43.0672; or

(C) the resolution adopted under Section 43.0682 or 43.0692, as

applicable; or

(2) [failed to] perform in good faith.

SECTION 39. Sections 43.203(a) and (b), Local Government Code, are amended to read as follows:

(a) Notwithstanding any other law, the [The] governing body of a district by resolution may petition a municipality to alter the annexation status of land in the district from full-purpose annexation to limited-purpose annexation.

(b) On receipt of the district's petition, the governing body of the municipality shall enter into negotiations with the district for an agreement to alter the status of annexation that must:

(1) specify the period, which may not be less than 10 years beginning on January 1 of the year following the date of the agreement, in which limited-purpose annexation is in effect;

(2) provide that, at the expiration of the period, the district's annexation status will automatically revert to full-purpose annexation without following procedures provided by Sections 43.014 and 43.052 [43.051] through 43.055 or any other procedural requirement for annexation not in effect on January 1, 1995; and

(3) specify the financial obligations of the district during and after the period of limited-purpose annexation for:

(A) facilities constructed by the municipality that are in or that serve the district;

(B) debt incurred by the district for water and sewer infrastructure that will be assumed by the municipality at the end of the period of limited-purpose annexation; and

(C) use of the municipal sales taxes collected by the municipality for facilities or services in the district.

SECTION 40. Section 43.905(a), Local Government Code, is amended to read as follows:

(a) A municipality that proposes to annex an area shall provide written notice of the proposed annexation to each public school district located in the area proposed for annexation within the period prescribed for providing ~~publishing~~ the notice of the first hearing under Section 43.0561, ~~or~~ 43.063, 43.0673, 43.0683, or 43.0693, as applicable.

SECTION 41. Section 8489.109, Special District Local Laws Code, is amended to read as follows:

Sec. 8489.109. MUNICIPAL ANNEXATION ADJACENT TO DISTRICT. For the purposes of Section 43.003(2) [~~43.021(2)~~], Local Government Code, or other law, including a municipal charter or ordinance relating to annexation, an area adjacent to the district or any new district created by the division of the district is considered adjacent to a municipality in whose corporate limits or extraterritorial jurisdiction any of the land in the area described by Section 2 of the Act enacting this chapter is located.

SECTION 42. Section 9038.110, Special District Local Laws Code, is amended to read as follows:

Sec. 9038.110. MUNICIPAL ANNEXATION ADJACENT TO DISTRICT. For the purposes of Section 43.003(2) [~~43.021(2)~~], Local Government Code, or other law, including a municipal charter or ordinance relating to annexation, an area adjacent to the district or any new district created by the division of the district is considered adjacent to a municipality in whose corporate limits or extraterritorial jurisdiction any of the land in the area described by Section 2 of the Act creating this chapter is located.

SECTION 43. Section 9039.110, Special District Local Laws Code, is amended to read as follows:

Sec. 9039.110. MUNICIPAL ANNEXATION ADJACENT TO DISTRICT. For the purposes of Section 43.003(2) [~~43.021(2)~~], Local Government Code, or other law, including a municipal charter or ordinance relating to annexation, an area adjacent to the district or any new district created by the division of the district is considered adjacent to a municipality in whose corporate limits or extraterritorial jurisdiction any of the land in the area described by Section 2 of the Act creating this chapter is located.

SECTION 44. (a) Sections 43.036, 43.0546, 43.056(d), (h), and (p), 43.0565, 43.0567, 43.1025(e) and (g), and 43.906, Local Government Code, are repealed.

(b) Section 5.701(n)(6), Water Code, is repealed.

(c) The repeal of Section 43.036, Local Government Code, by this Act does not affect a boundary change agreement entered into under that section, the release and transfer of area under a boundary change agreement entered into under that section, or the requirements related to a boundary change agreement entered into under that section.

(d) The repeal of Sections 43.056(d), (h), and (p) and Sections 43.0565 and 43.0567, Local Government Code, by this Act and the change in law made by this Act to Section 43.056(l), Local Government Code, do not affect a right, requirement, limitation, or remedy provided for under those sections and applicable in an area

annexed by a municipality for which the first hearing notice required by Section 43.0561 or 43.063, Local Government Code, as applicable, was published before September 1, 2017.

SECTION 45. The changes in law made by this Act apply only to the annexation of an area that is not final on the effective date of this Act. An annexation of an area that was final before the effective date of this Act is governed by those portions of Chapter 43, Local Government Code, that relate to post-annexation procedures and requirements in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 46. This Act takes effect September 1, 2017.

Floor Amendment No. 2

Amend **CSSB 715** (house committee printing) on page 2, between lines 5 and 6, by inserting the following:

Sec. 43.0115. AUTHORITY OF MUNICIPALITY TO ANNEX ENCLAVES.

(a) This section applies only to an area that:

(1) is wholly surrounded by a municipality and within the municipality's extraterritorial jurisdiction; and

(2) has fewer than 100 dwelling units.

(b) Notwithstanding any other law, the governing body of a municipality by ordinance may annex an area without the consent of any of the residents of, voters of, or owners of land in the area under the procedures prescribed by Subchapter C-1.

Floor Amendment No. 3

Amend **CSSB 715** (house committee printing) as follows:

(1) On page 21, between lines 15 and 16, insert the following appropriately numbered section:

Sec. 43. . RETALIATION FOR ANNEXATION DISAPPROVAL PROHIBITED. (a) The disapproval of the proposed annexation of an area under this subchapter does not affect any existing legal obligation of the municipality proposing the annexation to continue to provide governmental services in the area, including water or wastewater services.

(b) The municipality may not initiate a rate proceeding solely because of the disapproval of a proposed annexation of an area under this subchapter.

(2) On page 26, between lines 4 and 5, insert the following appropriately numbered section:

Sec. 43. . RETALIATION FOR ANNEXATION DISAPPROVAL PROHIBITED. (a) The disapproval of the proposed annexation of an area under this subchapter does not affect any existing legal obligation of the municipality proposing the annexation to continue to provide governmental services in the area, including water or wastewater services.

(b) The municipality may not initiate a rate proceeding solely because of the disapproval of a proposed annexation of an area under this subchapter.

(3) On page 28, line 20, strike "Subsection (s)" and substitute "Subsections (s) and (t)".

(4) On page 29, line 12, between "other law" and the underlined comma, insert "and except as provided by Subsection (t)".

(5) On page 29, between lines 14 and 15, insert the following:

(t) This subsection applies only to a municipality with a population of less than 850,000 that is served by a municipally owned electric utility with 400,000 or more customers and that is wholly or partly located in a county with a population of 500,000 or more. Notwithstanding the provisions of this section, a municipality that annexes an area under a strategic partnership agreement executed on or after September 1, 2017, must annex the area in compliance with Subchapter C-3, C-4, or C-5.

Floor Amendment No. 6

Amend **CSSB 715** (engrossed printing) as follows:

(1) On page 22, between lines 4 and 5, insert the following:

(b) Notwithstanding any other provision of this section, for an area within the extraterritorial jurisdiction of a municipality with a population of 1.8 million or more to be eligible for annexation, in addition to the requirements in Subsection (a), the area to be annexed must receive full municipal police and fire services at the time of proposed annexation.

Floor Amendment No. 7

Amend **CSSB 715** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 43.002, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding Subsection (c) and until the 20th anniversary of the date of the annexation of an area that includes a permanent retail structure, a municipality may not prohibit a person from continuing to use the structure for the indoor seasonal sale of retail goods if the structure:

(1) is more than 5,000 square feet; and

(2) was authorized under the laws of this state to be used for the indoor seasonal sale of retail goods on the effective date of the annexation.

Floor Amendment No. 8

Amend **CSSB 715** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 8395.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8395.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

(1) Travis County Municipal Utility District No. 4;

(2) Travis County Municipal Utility District No. 5;

(3) Travis County Municipal Utility District No. 6;

(4) Travis County Municipal Utility District No. 7;

(5) Travis County Municipal Utility District No. 8;

(6) Travis County Municipal Utility District No. 9; and

(7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described by the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section ~~[on the earlier of:~~

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created; and~~

~~[(C) exercise the powers provided by general law and this chapter; or~~

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8396.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8396.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a ~~[A]~~ municipality that plans to ~~[may]~~ annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

(1) Travis County Municipal Utility District No. 3;

(2) Travis County Municipal Utility District No. 5;

(3) Travis County Municipal Utility District No. 6;

(4) Travis County Municipal Utility District No. 7;

(5) Travis County Municipal Utility District No. 8;

(6) Travis County Municipal Utility District No. 9; and

(7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section ~~[on the earlier of:~~

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created; and~~

~~[(C) exercise the powers provided by general law and this chapter; or~~

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8397.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8397.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 6;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8;
- (6) Travis County Municipal Utility District No. 9; and
- (7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created; and~~

~~[(C) exercise the powers provided by general law and this chapter; or~~

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8398.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8398.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 5;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8;
- (6) Travis County Municipal Utility District No. 9; and
- (7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created; and~~

~~[(C) exercise the powers provided by general law and this chapter; or~~

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8399.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8399.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

(1) Travis County Municipal Utility District No. 3;

(2) Travis County Municipal Utility District No. 4;

(3) Travis County Municipal Utility District No. 5;

(4) Travis County Municipal Utility District No. 6;

(5) Travis County Municipal Utility District No. 8;

(6) Travis County Municipal Utility District No. 9; and

(7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created; and~~

~~[(C) exercise the powers provided by general law and this chapter; or~~

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8400.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8400.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

(1) Travis County Municipal Utility District No. 3;

(2) Travis County Municipal Utility District No. 4;

(3) Travis County Municipal Utility District No. 5;

(4) Travis County Municipal Utility District No. 6;

(5) Travis County Municipal Utility District No. 7;

(6) Travis County Municipal Utility District No. 9; and

(7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

~~(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created; and~~

~~[(C) exercise the powers provided by general law and this chapter; or~~

~~(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8401.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8401.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

(1) Travis County Municipal Utility District No. 3;

(2) Travis County Municipal Utility District No. 4;

(3) Travis County Municipal Utility District No. 5;

(4) Travis County Municipal Utility District No. 6;

(5) Travis County Municipal Utility District No. 7;

(6) Travis County Municipal Utility District No. 8; and

(7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

~~(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created; and~~

~~[(C) exercise the powers provided by general law and this chapter; or~~

~~(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9073 to read as follows:

CHAPTER 9073. TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT
DISTRICT NO. 19; ANNEXATION

Sec. 9073.001. DEFINITION. In this chapter, "district" means the Travis County Water Control and Improvement District No. 19.

Sec. 9073.002. ANNEXATION BY MUNICIPALITY. (a) The governing body of a municipality that plans to annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 5;
- (4) Travis County Municipal Utility District No. 6;
- (5) Travis County Municipal Utility District No. 7;
- (6) Travis County Municipal Utility District No. 8; and
- (7) Travis County Municipal Utility District No. 9.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section.

Floor Amendment No. 11

Amend **CSSB 715** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. The changes in law made by this Act apply only to the annexation of an area subject to a development agreement entered into by a municipality with a population of more than 227,000 and less than 236,000 under Section 212.172, Local Government Code, before the effective date of this Act that is initiated on or after the expiration date provided for in the agreement. The annexation of an area subject to the agreement that is initiated before the expiration date of the agreement as the result of a termination of the agreement is governed by the law in effect on January 1, 2017, and the former law is continued in effect for that purpose.

Floor Amendment No. 14

Amend **CSSB 715** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 43, Local Government Code, is amended by adding Section 43.909 to read as follows:

Sec. 43.909. FINANCIAL ASSISTANCE TO MULTIFAMILY HOUSING PROJECT DEVELOPER. Notwithstanding any other law, a municipality that is annexing an area or that retains control over an area in which a multifamily housing

development project is located may authorize the municipality's economic development corporation to provide financial assistance to the developer of the project, and the corporation may provide that assistance.

Floor Amendment No. 15

Amend **CSSB 715** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 775.022(e), Health and Safety Code, is amended to read as follows:

(e) The amount of compensation under Subsection (c) shall be determined by multiplying the district's total indebtedness at the time of the annexation by a fraction:

(1) the numerator of which is the assessed value of the property to be annexed based on the most recent certified county property tax rolls at the time of annexation plus the total amount of the district's sales and use tax revenue collected by businesses located in the property to be annexed in the 12 months preceding the date of annexation, as reported by the comptroller; and

(2) the denominator of which is the total assessed value of the property of the district based on the most recent certified county property tax rolls at the time of annexation plus the total amount of the district's sales and use tax revenue collected by businesses located in the district in the 12 months preceding the date of annexation, as reported by the comptroller.

Floor Amendment No. 17

Amend **CSSB 715** (house committee report) as follows:

(1) On page 7, line 26, strike "Section 43.056(l), Local Government Code, is" and substitute "Sections 43.056(l) and (n), Local Government Code, are".

(2) On page 9, between lines 10 and 11, insert the following:

(n) Before the second anniversary of the date an area is included within the corporate boundaries of a municipality by annexation, the municipality may not:

(1) prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or

(2) offer [impose a fee for] solid waste management services in the area unless a privately owned solid waste management service provider is unavailable [on a person who continues to use the services of a privately owned solid waste management service provider].

(3) Strike page 13, lines 3-5, and substitute the following:

(2) offer solid waste management services in the area unless a privately owned solid waste management service provider is unavailable.

Floor Amendment No. 19

Amend **CSSB 715** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 43, Local Government Code, is amended by adding Section 43.9051 to read as follows:

Sec. 43.9051. EFFECT OF ANNEXATION ON PUBLIC ENTITIES. (a) In this section, "public entity" includes a county, fire protection service provider, including a volunteer fire department, emergency medical services provider, including a volunteer emergency medical services provider, or special district, as that term is defined by Section 43.052.

(b) A municipality that proposes to annex an area shall provide written notice of the proposed annexation within the period prescribed for providing the notice of the first hearing under Section 43.0561, 43.063, 43.0673, 43.0683, or 43.0693, as applicable, to each public entity that is located in or provides services to the area proposed for annexation.

(c) A municipality that proposes to enter into a strategic partnership agreement under Section 43.0751 shall provide written notice of the proposed agreement within the period prescribed for providing the notice of the first hearing under Section 43.0751 to each public entity that is located in or provides services to the area subject to the proposed agreement.

(d) A notice to a public entity shall contain a description of:

(1) the area proposed for annexation;

(2) any financial impact on the entity resulting from the annexation, including any changes in the entity's revenues or maintenance and operation costs; and

(3) any proposal the municipality has to abate, reduce, or limit any financial impact on the entity.

(e) The municipality may not proceed with the annexation unless the municipality provides the required notice under this section.

Floor Amendment No. 21

Amend **CSSB 715** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 43, Local Government Code, is amended by adding Section 43.908 to read as follows:

Sec. 43.908. REGULATION IN EXTRATERRITORIAL JURISDICTION NEAR MILITARY BASE. Notwithstanding Section 212.003 or another provision of law, the governing body of a municipality by ordinance may extend the application of the municipality's ordinances regulating land use to an area within the extraterritorial jurisdiction of the municipality and located within five miles of an active military base.

Floor Amendment No. 22

Amend Amendment No. 21 by Gutierrez to **CSSB 715** (852845) as follows:

(1) On page 1, line 6, between "BASE" and the underlined period, insert "; MUNICIPAL REGULATORY AUTHORITY".

(2) On page 1, immediately after line 14, insert the following:

(c) Notwithstanding any other law, if the most recent Joint Land Use Study recommends municipal regulation of land use in an area surrounding a military base, the municipality may adopt an ordinance regulating land use in the area in the manner recommended by the study.

Floor Amendment No. 1 on Third Reading

Amend **SB 715** on third reading in added Section 43.0751(t), Local Government Code, by striking "2017" and substituting "2009".

Floor Amendment No. 2 on Third Reading

Amend **SB 715** on third reading by striking added Section 43.1211, Local Government Code, and substituting the following:

Sec. 43.1211. AUTHORITY OF MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN COUNTY WITH POPULATION OF 500,000 OR MORE TO ANNEX FOR LIMITED PURPOSES. Except as provided by Section 43.0751, beginning September 1, 2017, a municipality to which Subchapter C-2 through C-5 applies may annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area using the procedures under Subchapter C-3, C-4, or C-5, as applicable.

Floor Amendment No. 3 on Third Reading

Amend **SB 715** (house committee printing) as follows:

(1) On page 5, line 6, between "COUNTIES. " and "A" insert "(a)".

(2) On page 5, between lines 11 and 12, insert the following:

(b) A municipality described by Subsection (a) to which Section 42.0235 applies and a neighboring municipality may waive the application of Subsection (a) or Section 42.0235 if the governing body of each municipality adopts, on or after June 1, 2017, a resolution stating that the applicable section is waived.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 715** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Campbell, Chair; Huffines, Creighton, Nichols, and Hinojosa.

SENATE BILL 999 WITH HOUSE AMENDMENTS

Senator West called **SB 999** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer, Senator Huffman in Chair, laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 999** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 161.101, Family Code, is amended to read as follow:

Sec. 161.101. PETITION ALLEGATIONS. (a) Except as provided by Subsection (b), a [A] petition for the termination of the parent-child relationship is sufficient without the necessity of specifying the underlying facts if the petition alleges in the statutory language the ground for the termination and that termination is in the best interest of the child.

(b) In a suit filed by the Department of Family and Protective Services requesting termination of the parent-child relationship, the department may plead a ground for termination against a parent only if the department includes an affidavit supporting the petition that states facts sufficient to plead the ground for termination alleged in the petition against that parent. The department may not plead a ground for termination against another parent unless the affidavit also states facts sufficient to plead the ground for termination against that parent. Facts sufficient to support a pleading alleging a ground for termination against one parent are not, in and of themselves, a sufficient basis to support a pleading alleging a ground for termination against another parent.

(c) If after filing suit, the Department of Family and Protective Services discovers additional facts sufficient to support pleading a ground for termination against a parent who was not named in the original petition, the department may amend or supplement its pleading to allege a ground for termination against the parent. The amended or supplemental pleading must be supported by an affidavit that complies with the requirements of Subsection (b).

(d) On filing an amended or supplemental pleading under Subsection (c), the court shall conduct a hearing under Section 262.201 not later than the 14th day after the date the amended or supplemental pleading is filed.

(e) The department shall join any party whose joinder is required under Rule 39, Texas Rules of Civil Procedure.

Floor Amendment No. 2

Amend **SB 999** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 155.201, Family Code, is amended by adding Subsection (d) to read as follows:

(d) On receiving notice that a court exercising jurisdiction under Chapter 262 has ordered the transfer of a suit under Section 262.203(a)(2), the court of continuing, exclusive jurisdiction shall, pursuant to the requirements of Section 155.204(i), transfer the proceedings to the court in which the suit under Chapter 261 is pending, within the time required by Subsection 155.207(a).

SECTION _____. Section 155.204(i), Family Code, is amended to read as follows:

(i) If a transfer order has been signed by a court exercising jurisdiction under Chapter 262, the Department of Family and Protective Services shall [a party may] file the transfer order with the clerk of the court of continuing, exclusive jurisdiction. On receipt and without a hearing or further order from the court of continuing, exclusive jurisdiction, the clerk of the court of continuing, exclusive jurisdiction shall transfer the files as provided by this subchapter within the time required by Subsection 155.207(a).

SECTION _____. Section 262.203(a), Family Code, is amended to read as follows:

(a) On the motion of a party or the court's own motion, if applicable, the court that rendered the temporary order shall in accordance with procedures provided by Chapter 155:

(1) transfer the suit to the court of continuing, exclusive jurisdiction, if any, within the time required by Subsection 155.207(a), if the court finds that the transfer is:

(A) necessary for the convenience of the parties; and

(B) in the best interest of the child;

(2) ~~if grounds exist for mandatory transfer from the court of continuing, exclusive jurisdiction under Section 155.201,]~~ order transfer of the suit from the the [that] court of continuing, exclusive jurisdiction; or

(3) if grounds exist for transfer based on improper venue, order transfer of the suit to the court having venue of the suit under Chapter 103.

SECTION _____. Chapter 262, Family Code, is amended by adding Section 262.012 to read as follows:

Sec. 262.012. For allegations of abuse or neglect arising from the same incident or occurrence, the Department of Family and Protective Services shall file petitions for the protection of children in same home in the same court.

Floor Amendment No. 1 on Third Reading

Amend **SB 999** on third reading in the section of the bill that amends Section 262.105(a), Family Code, by striking Subdivisions (1), (2), and (3) and substituting the following:

(1) file a suit affecting the parent-child relationship;

(2) request the court to appoint an attorney ad litem for the child; and

(3) request an initial hearing to be held by no later than the first business ~~working~~ day after the date the child is taken into possession.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 999** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators West, Chair; Kolkhorst, Perry, Schwertner, and Uresti.

SENATE BILL 81 WITH HOUSE AMENDMENT

Senator Nelson called **SB 81** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 81** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 102.003, Health and Safety Code, is amended to read as follows:

Sec. 102.003. SUNSET PROVISION. The Cancer Prevention and Research Institute of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the institute is abolished and this chapter expires September 1, 2023 [~~2021~~].

SECTION _____. Section 102.254, Health and Safety Code, is amended to read as follows:

Sec. 102.254. PERIOD FOR AWARDS. The oversight committee may not award money under Subchapter E [~~before January 1, 2008, or~~] after August 31, 2022 [~~2020~~].

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 81**.

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

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

Nays: Burton, Huffines, Taylor of Collin.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 25, 2017 - 4

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 4 (144 Yeas, 0 Nays, 2 Present, not voting)

HB 13 (138 Yeas, 7 Nays, 1 Present, not voting)

HB 214 (135 Yeas, 9 Nays, 2 Present, not voting)

HB 867 (133 Yeas, 10 Nays, 2 Present, not voting)

HB 1407 (130 Yeas, 14 Nays, 2 Present, not voting)

HB 1556 (142 Yeas, 0 Nays, 2 Present, not voting)

HB 2062 (130 Yeas, 12 Nays, 2 Present, not voting)

HB 2174 (134 Yeas, 11 Nays, 2 Present, not voting)

HB 2279 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 2466 (145 Yeas, 1 Nays, 2 Present, not voting)

HB 2523 (141 Yeas, 0 Nays, 2 Present, not voting)

HB 2792 (133 Yeas, 11 Nays, 3 Present, not voting)

HB 3107 (144 Yeas, 0 Nays, 2 Present, not voting)

HB 3294 (119 Yeas, 22 Nays, 1 Present, not voting)

HB 3521 (144 Yeas, 0 Nays, 1 Present, not voting)

HB 3649 (141 Yeas, 0 Nays, 2 Present, not voting)

HB 3690 (144 Yeas, 1 Nays, 2 Present, not voting)

HB 4029 (128 Yeas, 12 Nays, 2 Present, not voting)

HB 4042 (145 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 5 (non-record vote)

House Conferees: Frank - Chair/Clardy/Geren/Raymond/Smithee

HB 1003 (non-record vote)

House Conferees: Capriglione - Chair/Longoria/Parker/Simmons/Springer

HB 1036 (non-record vote)

House Conferees: Thompson, Senfronia - Chair/Collier/Davis, Sarah/Hernandez/Sheffield

HB 1549 (non-record vote)

House Conferees: Burkett - Chair/Dale/Raymond/Rose/Simmons

HB 2098 (non-record vote)

House Conferees: Geren - Chair/Darby/Frullo/Herrero/Kuempel

HB 2691 (non-record vote)

House Conferees: Bonnen, Greg - Chair/Israel/Laubenberg/Longoria/Schofield

HB 3879 (non-record vote)

House Conferees: Goldman - Chair/Geren/Herrero/Shine/Simmons

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 190 WITH HOUSE AMENDMENT

Senator Uresti called **SB 190** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1 on Third Reading

Amend **SB 190** on third reading in SECTION 1 of the bill, in added Section 261.3017 as follows:

- (1) In added Subsection (a)(2), after "initial report;", strike "and".
- (2) In added Subsection (a)(3), strike "(3)either:".
- (3) In added Subsection (a)(3)(A), strike "(A)" and substitute "(3)".
- (4) In added Subsection (a)(3)(A), after "assistance;", strike "or" and substitute "and".
- (5) In added Subsection (a)(3)(B), strike "(B)" and substitute "(4)".
- (6) Strike added Subsection (b) and substitute the following:
 - (b) A department supervisor shall review each reported case of child abuse or neglect that has remained open for more than 60 days and administratively close the case if:

- (1) the supervisor determines that:
 - (A) the circumstances described by Subsections (a)(1)-(4) exist; and
 - (B) closing the case would not expose the child to an undue risk of harm; and
- (2) the department director grants approval for the administrative closure of the case.

The amendment was read.

Senator Uresti moved to concur in the House amendment to **SB 190**.

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

SENATE BILL 213 WITH HOUSE AMENDMENT

Senator Menéndez called **SB 213** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 213** (house committee printing) as follows:

- (1) On page 1, strike lines 18-19 and substitute the following:

SECTION 4. Section 531.992, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(2) On page 1, between lines 23 and 24, insert the following:

(d) The ombudsman may not use the name or any logo of the department on any forms or other materials produced and distributed by the ombudsman.

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

SECTION _____. Subchapter Y, Chapter 531, Government Code, is amended by adding Section 531.9931 to read as follows:

Sec. 531.9931. DIVISION OF OMBUDSMAN FOR CHILDREN AND YOUTH IN FOSTER CARE. (a) The division of the ombudsman for children and youth in foster care is created within the office of the ombudsman for the purpose of:

(1) receiving complaints from children and youth in the conservatorship of the department as provided under Section 531.993(a)(1);

(2) informing children and youth in the conservatorship of the department who file a complaint under this subchapter about the result of the ombudsman's investigation of the complaint, including whether the ombudsman was able to substantiate the child's or youth's complaint; and

(3) collaborating with the department to develop an outreach plan for children and youth in the conservatorship of the department to promote awareness of the ombudsman.

(b) If a child or youth in the conservatorship of the department contacts the ombudsman by telephone call to report a complaint under this subchapter, the call shall be transferred directly to a person employed by the division of the ombudsman created under this section.

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 213**.

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

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

Nays: Burton, Taylor of Collin.

SENATE BILL 317 WITH HOUSE AMENDMENTS

Senator Nichols called **SB 317** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 317** (house committee report) by inserting the following appropriately numbered SECTION and renumbering the subsequent sections and cross-references to those sections appropriately:

SECTION _____. Section 453.251(a), Occupations Code, is amended to read as follows:

(a) A physical therapist or physical therapist assistant license expires on the third [~~second~~] anniversary of the date the license is issued.

Floor Amendment No. 2

Amend Amendment No. 1 by Cain to **SB 317** by striking lines 8-9 of the amendment and substituting the following:

license expires on the later of:

- (1) the second anniversary of the date the license is issued; or
- (2) another date determined by the board.

The amendments were read.

Senator Nichols moved to concur in the House amendments to **SB 317**.

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

Nays: Hall.

SENATE BILL 721 WITH HOUSE AMENDMENT

Senator Perry called **SB 721** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 721** (house committee report) as follows:

(1) On page 3, line 12, between "veterinarian" and the underlined comma, insert "on staff".

(2) On page 3, line 14, between "Aquariums" and the period, insert: "or one of the following organizations that has a veterinarian on staff:

- (A) the Global Federation of Animal Sanctuaries; or
- (B) the Zoological Association of America".

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 721**.

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

SENATE BILL 725 WITH HOUSE AMENDMENTS

Senator Miles called **SB 725** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 725** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to donation and distribution of surplus food at public schools and grace period policies for public school students with insufficient balances on prepaid meal cards.

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

SECTION 1. This Act shall be known as the Student Fairness in Feeding Act.

SECTION 2. Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.907 to read as follows:

Sec. 33.907. DONATION OF FOOD. (a) In this section:

(1) "Donate" has the meaning assigned by Section 76.001, Civil Practice and Remedies Code.

(2) "Nonprofit organization" has the meaning assigned by Section 76.001, Civil Practice and Remedies Code.

(b) A school district or open-enrollment charter school may allow a campus to elect to donate food to a nonprofit organization through an official of the nonprofit organization who is directly affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

(1) surplus food prepared for breakfast, lunch, or dinner meals or a snack to be served at the campus cafeteria, subject to any applicable local, state, and federal requirements; or

(2) food donated to the campus as the result of a food drive or similar event.

(c) The type of food donated under this section may include:

(1) packaged or unpackaged unserved food;

(2) packaged served food if the packaging is in good condition;

(3) whole, uncut produce;

(4) wrapped raw produce; and

(5) unpeeled fruit required to be peeled before consumption.

(d) Food donated under this section to a nonprofit organization may be distributed at the campus at any time. Campus employees may assist in preparing and distributing the food as volunteers for the nonprofit organization.

(e) The commissioner may adopt rules as necessary to implement this section.

SECTION 3. Section 33.908, Education Code, is amended to read as follows:

Sec. 33.908. GRACE PERIOD POLICY FOR EXHAUSTED OR INSUFFICIENT MEAL CARD OR ACCOUNT BALANCE. (a) In this section, "regular meal" means a meal for which a school district ordinarily receives reimbursement under the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

(b) A school district that allows students to use a prepaid meal card or account to purchase meals served at the school shall adopt a grace period policy regarding the use of the cards or accounts. The policy:

(1) must allow a student whose meal card or account balance is exhausted or insufficient to continue, for a grace period determined by the board of trustees of the district, to purchase regular meals by:

(A) accumulating a negative balance on the student's card or account;

or

(B) otherwise receiving an extension of credit from the district;

(2) must require the district to make at least one attempt by telephone or e-mail during each week of the grace period to privately:

(A) notify the parent of or person standing in parental relation to the student that the student's meal card or account balance is exhausted;

(B) make arrangements with the parent or other person for payment of negative balances or amounts otherwise due, including through use of a payment plan; and

(C) assist the parent or other person in completing an application on behalf of the student for free or reduced-price meals, if it is determined that the student may be eligible for free or reduced-price meals;

(3) must require the district to provide the parent or other person with a written notice of a negative balance or other amount due that includes information on how to obtain an application for free or reduced-price meals;

(4) may not permit the district to charge a fee or interest in connection with meals purchased under Subdivision (1); and

(5) [(4)] may permit the district to set a schedule for repayment on the account balance or other amount due if the district is unable to set a repayment schedule by agreement through efforts required under Subdivision (2) [as part of the notice to the parent or person standing in parental relation to the student].

(c) After expiration of the grace period, the school district may:

(1) permit the student to continue to purchase regular meals in the manner described by Subsection (b)(1); or

(2) provide the student with alternate meals at no cost.

(d) A school district that elects to provide alternate meals must:

(1) privately notify the student's parent or person standing in parental relation to the student of the district's action; and

(2) provide those meals through the same serving line as regular meals.

(e) If a school district provides regular meals to a student under Subsection (c)(1) and is unable at the end of the school year to obtain payment for the meals from the student's parent or person standing in parental relation to the student, the district may pay the negative balance on the student's meal card or account using private donations solicited by the district from individuals and entities for that purpose and maintained in a separate district account. The amount of any private donations received under this subsection is in addition to any reimbursement to which the district is entitled under federal law.

(f) A school district may not publicly identify a student with a negative balance on a meal card or account and must implement any action authorized under this section in a manner that protects the student's privacy. The district's policy must identify the manner in which the district will protect the student's privacy.

SECTION 4. This Act applies beginning with the 2017-2018 school year.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 725** (house committee printing) by striking SECTION 1 and SECTION 3 of the bill and renumbering the remaining SECTIONS of the bill.

Floor Amendment No. 1 on Third Reading

Amend **SB 725** on third reading in added Section 33.907, Education Code, between Subsections (d) and (e), by adding the following subsection and relettering the following subsection accordingly:

(e) Under this program A school district or open-enrollment charter school may adopt a policy under which the district or charter school provides food at no cost to a student for breakfast, lunch, or dinner meals or a snack if the student is unable to purchase breakfast, lunch, or dinner meals or a snack.

The amendments were read.

Senator Miles moved to concur in the House amendments to **SB 725**.

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

Nays: Burton.

SENATE BILL 924 WITH HOUSE AMENDMENT

Senator Perry called **SB 924** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 924** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to informal dispute resolutions for violations of health and safety standards at certain long-term care facilities; authorizing the imposition of costs.

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

SECTION 1. Section 247.051, Health and Safety Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (e) to read as follows:

(a) The executive commissioner by rule shall establish an informal dispute resolution process to address disputes between an assisted living [a] facility and the commission [department] concerning a statement of violations prepared by the commission [department] in accordance with this section. The process must provide for adjudication by an appropriate disinterested person of disputes relating to a statement of violations. The informal dispute resolution process must require:

(1) the assisted living facility to request informal dispute resolution not later than the 10th day after the date of notification by the commission [department] of the violation of a standard or standards;

(2) that the [commission to complete the] process be completed not later than the 90th day after the date of receipt of a request from the assisted living facility for informal dispute resolution;

(3) that, not later than the 20th [10th] business day after the date an assisted living facility requests an informal dispute resolution, the commission [department] forward to the assisted living facility a copy of all information referenced [that is referred to] in the disputed statement of violations or on which a citation is based in connection with the survey, inspection, investigation, or other visit, including any

notes taken by or e-mails or messages sent by a commission employee involved with the survey, inspection, investigation, or other visit and excluding the following information:

(A) the name of any complainant, witness, or informant, which must be redacted from information provided to the assisted living facility;

(B) any information that would reasonably lead to the identification of a complainant, witness, or informant, which must be redacted from information provided to the assisted living facility;

(C) information obtained from or contained in the records of the facility;

(D) information that is publicly available; or

(E) information that is confidential by law;

(4) that [the commission to give] full consideration is given to all factual arguments raised during the informal dispute resolution process [that:

~~[(A) are supported by references to specific information that the facility or department relies on to dispute or support findings in the statement of violations; and~~

~~[(B) are provided by the proponent of the argument to the commission and the opposing party];~~

(5) that full consideration is given during the informal dispute resolution process [staff give full consideration] to the information provided by the assisted living facility and the commission [department];

(6) that ex parte communications concerning the substance of any argument relating to a survey, inspection, investigation, visit, or statement of violations under consideration not occur between the informal dispute resolution staff and the assisted living facility or the commission [department]; [and]

(7) that the assisted living facility and the commission [department] be given a reasonable opportunity to submit arguments and information supporting the position of the assisted living facility or the commission [department] and to respond to arguments and information presented against them, provided the assisted living facility submits its arguments and supporting information not later than the 10th business day after the date of receipt of the materials provided under Subdivision (3); and

(8) that the commission bears the burden of proving the violation of a standard or standards.

(c) An assisted living facility requesting an informal dispute resolution under this section must reimburse the commission [department] for any costs associated with the commission's [department's] preparation, copying, and delivery of information requested by the facility.

(d) A statement of violations prepared by the commission [department] following a survey, inspection, investigation, or visit is confidential pending the outcome of the informal dispute resolution process. Information concerning the outcome of a survey, inspection, investigation, or visit may be posted on any website maintained by the commission [department] while the dispute is pending if the posting clearly notes each finding that is in dispute.

(e) The commission may charge and the assisted living facility shall pay the reasonable costs associated with making the redactions required by Subsections (a)(3)(A) and (B).

SECTION 2. Section 531.058, Government Code, is amended by amending Subsections (a) and (a-1) and adding Subsection (d) to read as follows:

(a) The executive commissioner by rule shall establish an informal dispute resolution process in accordance with this section. The process must provide for adjudication by an appropriate disinterested person of disputes relating to a proposed enforcement action or related proceeding of the commission under Section 32.021(d), Human Resources Code, or ~~[the Department of Aging and Disability Services]~~ under Chapter 242, 247, or 252, Health and Safety Code. The informal dispute resolution process must require:

(1) an institution or facility to request informal dispute resolution not later than the 10th calendar day after notification by the commission ~~[or department, as applicable,]~~ of the violation of a standard or standards; and

(2) the completion of ~~[commission to complete]~~ the process not later than:

(A) the 30th calendar day after receipt of a request from an institution or facility, other than an assisted living facility, for informal dispute resolution; or

(B) the 90th calendar day after receipt of a request from an assisted living facility for informal dispute resolution.

(a-1) As part of the informal dispute resolution process established under this section, the commission shall contract with an appropriate disinterested person ~~[who is a nonprofit organization]~~ to adjudicate disputes between an institution or facility licensed under Chapter 242, Health and Safety Code, or a facility licensed under Chapter 247, Health and Safety Code, and the commission ~~[Department of Aging and Disability Services]~~ concerning a statement of violations prepared by the commission ~~[department]~~ in connection with a survey conducted by the commission ~~[department]~~ of the institution or facility. Section 2009.053 does not apply to the selection of an appropriate disinterested person under this subsection. The person with whom the commission contracts shall adjudicate all disputes described by this subsection.

(d) The rules adopted by the executive commissioner under Subsection (a) that relate to a dispute described by Section 247.051(a), Health and Safety Code, must incorporate the requirements of Section 247.051, Health and Safety Code.

SECTION 3. This Act takes effect September 1, 2017.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 924**.

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

SENATE BILL 36 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 36** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 36** (house committee report) as follows:

(1) On page 1, line 12, between "or" and "has", insert "refused renewal, or".

(2) On page 2, line 6, between "Services" and the period, insert "or its successor agency".

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

SECTION _____. Section 155.102, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) An individual who directly supervises an individual who will provide guardianship services in this state to a ward of a guardianship program must hold a certificate issued under this section.

(4) On page 2, line 10, between "provide" and "guardianship", insert ", or directly supervise the provision of,".

(5) On page 2, line 13, between "expired" and "or", insert "or refused renewal,".

(6) On page 3, line 27, strike "and".

(7) On page 4, line 5, strike the underlined period and substitute "; and".

(8) On page 4, between lines 5 and 6, insert the following:

(6) prescribe procedures for addressing a guardianship for which a guardianship program is the appointed guardian if the guardianship program's registration certificate is expired or refused renewal, or has been revoked and not been reissued.

(9) On page 4, between lines 23 and 24, insert the following:

(c) An individual described by Section 155.102(a-1), Government Code, as added by this Act, is not required to hold a certificate issued under that section until September 1, 2018.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 36**.

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

Nays: Taylor of Collin.

SENATE BILL 39 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 39** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 2

Amend **SB 39** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. (a) Section 361.052, Estates Code, is amended to read as follows:

Sec. 361.052. REMOVAL WITH NOTICE. (a) The court may remove a personal representative on the court's own motion, or on the complaint of any interested person, after the representative has been cited by personal service to answer at a time and place set [~~fixed~~] in the notice, if:

(1) sufficient grounds appear to support a belief that the representative has misapplied, embezzled, or removed from the state, or is about to misapply, embezzle, or remove from the state, all or part of the property entrusted to the representative's care;

(2) the representative fails to return any account required by law to be made;

(3) the representative fails to obey a proper order of the court that has jurisdiction with respect to the performance of the representative's duties;

(4) the representative is proved to have been guilty of gross misconduct, or mismanagement in the performance of the representative's duties;

(5) the representative:

(A) becomes incapacitated;

(B) is sentenced to the penitentiary; or

(C) from any other cause, becomes incapable of properly performing the duties of the representative's trust; or

(6) the representative, as executor or administrator, fails to~~[-~~

~~[(A)]~~ make a final settlement by the third anniversary of the date letters testamentary or of administration are granted, unless that period is extended by the court on a showing of sufficient cause supported by oath~~[-or~~

~~[(B)]~~ timely file the affidavit or certificate required by Section 308.004.

(b) If a personal representative, as executor or administrator, fails to timely file the affidavit or certificate required by Section 308.004, the court, on the court's own motion, may remove the personal representative after providing 30 days' written notice to the personal representative to answer at a time and place set in the notice, by certified mail, return receipt requested, to:

(1) the representative's last known address; and

(2) the last known address of the representative's attorney of record.

(b) Section 404.0035, Estates Code, is amended to read as follows:

Sec. 404.0035. REMOVAL OF INDEPENDENT EXECUTOR WITH NOTICE. (a) The probate court, on the court's own motion, may remove an independent executor appointed under this subtitle after providing 30 days' written notice of the court's intention to the independent executor, requiring answering at a time and place set in the notice ~~[of the court's intent to remove the independent executor]~~, by certified mail, return receipt requested, to the independent executor's last known address and to the last known address of the independent executor's attorney of record, if the independent executor:

(1) neglects to qualify in the manner and time required by law; ~~[or]~~

(2) fails to return, before the 91st day after the date the independent executor qualifies, either an inventory of the estate property and a list of claims that have come to the independent executor's knowledge or an affidavit in lieu of the inventory, appraisal, and list of claims, unless that deadline is extended by court order; or

(3) fails to timely file the affidavit or certificate required by Section 308.004.

(b) The probate court, on its own motion or on motion of any interested person, after the independent executor has been cited by personal service to answer at a time and place set ~~[fixed]~~ in the notice, may remove an independent executor when:

(1) the independent executor fails to make an accounting which is required by law to be made;

(2) ~~the independent executor fails to timely file the affidavit or certificate required by Section 308.004;~~

~~(3)~~ the independent executor is proved to have been guilty of gross misconduct or gross mismanagement in the performance of the independent executor's duties;

~~(3)~~ ~~(4)~~ the independent executor becomes an incapacitated person, or is sentenced to the penitentiary, or from any other cause becomes legally incapacitated from properly performing the independent executor's fiduciary duties; or

~~(4)~~ ~~(5)~~ the independent executor becomes incapable of properly performing the independent executor's fiduciary duties due to a material conflict of interest.

(c) Section 1023.003, Estates Code, is amended to read as follows:

Sec. 1023.003. ~~[APPLICATION FOR]~~ TRANSFER OF GUARDIANSHIP TO ANOTHER COUNTY. (a) When a guardian or any other person desires to transfer the transaction of the business of the guardianship from one county to another, the person shall file a written application in the court in which the guardianship is pending stating the reason for the transfer.

(b) With notice as provided by Section 1023.004, the court in which a guardianship is pending, on the court's own motion, may transfer the transaction of the business of the guardianship to another county if the ward resides in the county to which the guardianship is to be transferred.

(d) Section 1023.004, Estates Code, is amended to read as follows:

Sec. 1023.004. NOTICE. (a) On filing an application or on motion of a court to transfer a guardianship to another county under Section 1023.003, the sureties on the bond of the guardian shall be cited by personal service to appear and show cause why the guardianship [application] should not be transferred [granted].

(b) If an application is filed by a person other than the guardian or if a court made a motion to transfer a guardianship, the guardian shall be cited by personal service to appear and show cause why the guardianship [application] should not be transferred [granted].

(e) Section 1023.005, Estates Code, is amended to read as follows:

Sec. 1023.005. COURT ACTION. On hearing an application or motion under Section 1023.003, if good cause is not shown to deny the transfer [application] and it appears that transfer of the guardianship is in the best interests of the ward, the court shall enter an order:

(1) authorizing the transfer on payment on behalf of the estate of all accrued costs; and

(2) requiring that any existing bond of the guardian must remain in effect until a new bond has been given or a rider has been filed in accordance with Section 1023.010.

(f) Section 1203.052, Estates Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The court may remove a guardian as provided by Subsection (a-1) ~~[on the court's own motion, or on the complaint of an interested person, after the guardian has been cited by personal service to answer at a time and place set in the notice,] if:~~

(1) sufficient grounds appear to support a belief that the guardian has misapplied, embezzled, or removed from the state, or is about to misapply, embezzle, or remove from the state, any of the property entrusted to the guardian's care;

(2) the guardian fails to return any account or report that is required by law to be made;

(3) the guardian fails to obey a proper order of the court that has jurisdiction with respect to the performance of the guardian's duties;

(4) the guardian is proved to have been guilty of gross misconduct or mismanagement in the performance of the guardian's duties;

(5) the guardian:

(A) becomes incapacitated;

(B) is sentenced to the penitentiary; or

(C) from any other cause, becomes incapable of properly performing the duties of the guardian's trust;

(6) the guardian has engaged in conduct with respect to the ward that would be considered to be abuse, neglect, or exploitation, as those terms are defined by Section 48.002, Human Resources Code, if engaged in with respect to an elderly or disabled person, as defined by that section;

(7) the guardian neglects to educate or maintain the ward as liberally as the means of the ward's estate and the ward's ability or condition permit;

(8) the guardian interferes with the ward's progress or participation in programs in the community;

(9) the guardian fails to comply with the requirements of Subchapter G, Chapter 1104;

(10) the court determines that, because of the dissolution of the joint guardians' marriage, the termination of the guardians' joint appointment and the continuation of only one of the joint guardians as the sole guardian is in the best interest of the ward; or

(11) the guardian would be ineligible for appointment as a guardian under Subchapter H, Chapter 1104.

(a-1) The court may remove a guardian for a reason listed in Subsection (a) on the:

(1) court's own motion, after the guardian has been notified, by certified mail, return receipt requested, to answer at a time and place set in the notice; or

(2) complaint of an interested person, after the guardian has been cited by personal service to answer at a time and place set in the notice.

(g) Sections 361.052 and 404.0035, Estates Code, as amended by this SECTION, apply to the estate of a decedent who dies before, on, or after the effective date of this Act.

(h) Sections 1023.003, 1023.004, 1023.005, and 1203.052, Estates Code, as amended by this SECTION, apply to a guardianship created before, on, or after the effective date of this Act.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 39**.

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

(Senator Nelson in Chair)

SENATE BILL 5 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 5** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 5

Amend **SB 5** (house committee printing) as follows:

(1) On page 2, line 4, strike "Subsection (i)" and substitute "Subsections (c-1) and (i)".

(2) On page 2, between lines 13 and 14, insert the following:

(c-1) An election officer may not refuse to accept documentation presented to meet the requirements of Subsection (b) solely because the address on the documentation does not match the address on the list of registered voters.

Floor Amendment No. 10

Amend **SB 5** (house committee printing) as follows:

(1) On page 1, line 6, strike "Section 31.013" and substitute "Sections 31.013 and 31.014".

(2) On page 2, between lines 2 and 3, insert the following:

Sec. 31.014. VOTER TURNOUT STRATEGIC PLAN. (a) The secretary of state shall prepare and implement a strategic plan aimed at making all affected citizens of this state aware of their ability to use mobile locations for obtaining election identification certificates, the use of a declaration of reasonable impediment, and documentation that is acceptable proof of identification.

(b) Not later than December 1 of each even-numbered year, the secretary of state shall report on the progress of the strategic plan under this section, using the most recently updated data, to the standing committee of each house of the legislature with primary jurisdiction over election matters.

(c) This section expires January 1, 2023.

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

SECTION _____. The secretary of state shall adopt the strategic plan under Section 31.014, Election Code, as added by this Act, not later than January 1, 2018, to be fully implemented not later than December 31, 2022.

Floor Amendment No. 14

Amend **SB 5** (house committee printing) on page 4, lines 20 and 21, by striking "felony of the third degree" and substituting "Class A misdemeanor".

Floor Amendment No. 15

Amend **SB 5** (house committee printing) as follows:

(1) On page 5, line 13, strike "two years" and substitute "four years".

(2) On page 5, line 17, strike "two years" and substitute "four years".

(3) On page 5, line 22, strike "two years" and substitute "four years".

(4) On page 5, line 26, strike "two years" and substitute "four years".

Floor Amendment No. 16

Amend **SB 5** (house committee printing) on page 5, line 21, between "passport" and "issued", insert "book or card".

Floor Amendment No. 17

Amend **SB 5** (house committee printing) by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 63.012(b), Election Code, is amended to read as follows:

(b) An offense under this section is a Class A [~~B~~] misdemeanor.

Floor Amendment No. 26

Amend **SB 5** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.014 to read as follows:

Sec. 31.014. REPORT ON EXPENDITURES FOR VOTER EDUCATION PROGRAMS. (a) The secretary of state shall prepare a report on the expenditures for its voter education programs for each general election detailing expenditures by each medium, vendor and the targeted voter demographic.

(b) Not later than January 31 of each odd-numbered year, the secretary of state shall deliver the report to the committees of each house of the legislature with jurisdiction over elections.

SECTION _____. Not later than December 1, 2017, the secretary of state shall prepare a report on the expenditures of the 2016 general election voter education programs, including all the information required by Section 31.014, Election Code, as added by this Act, and deliver the report to the committees of each house of the legislature with jurisdiction over elections.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 5** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Hughes, Lucio, Nelson, and Bettencourt.

SENATE BILL 1329 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 1329** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1329** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the operation and administration of and practice in courts in the judicial branch of state government; increasing a fee.

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

ARTICLE 1. JURISDICTION OF ASSOCIATE JUDGES

SECTION 1.01. Section 101.034, Family Code, as effective until September 1, 2018, is amended to read as follows:

Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an action in which services are provided by the Title IV-D agency under Part D, Title IV, of the federal Social Security Act (42 U.S.C. Section 651 et seq.), relating to the location of an absent parent, determination of parentage, or establishment, modification, or enforcement of a child support or medical support obligation, including a suit for modification filed by the Title IV-D agency under Section 231.101(d) and any other action relating to the services that the Title IV-D agency is required or authorized to provide under Section 231.101.

SECTION 1.02. Section 101.034, Family Code, as effective on September 1, 2018, is amended to read as follows:

Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an action in which services are provided by the Title IV-D agency under Part D, Title IV, of the federal Social Security Act (42 U.S.C. Section 651 et seq.), relating to the location of an absent parent, determination of parentage, or establishment, modification, or enforcement of a child support, medical support, or dental support obligation, including a suit for modification filed by the Title IV-D agency under Section 231.101(d) and any other action relating to the services that the Title IV-D agency is required or authorized to provide under Section 231.101.

SECTION 1.03. (a) Section 201.007, Family Code, is amended by amending Subsections (a) and (c) and adding Subsection (e) to read as follows:

(a) Except as limited by an order of referral, an associate judge may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for:

(A) the appearance of witnesses; and

(B) the appearance of a parent who has failed to appear before an agency authorized to conduct an investigation of an allegation of abuse or neglect of a child after receiving proper notice;

(6) examine a witness;
 (7) swear a witness for a hearing;
 (8) make findings of fact on evidence;
 (9) formulate conclusions of law;
 (10) recommend an order to be rendered in a case;
 (11) regulate all proceedings in a hearing before the associate judge;
 (12) order the attachment of a witness or party who fails to obey a subpoena;

(13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 201.013;

(14) without prejudice to the right to a de novo hearing before the referring court ~~[of appeal]~~ under Section 201.015 and subject to Subsection (c), render and sign:

(A) a final order agreed to in writing as to both form and substance by all parties;

(B) a final default order;

(C) a temporary order; or

(D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;

(15) take action as necessary and proper for the efficient performance of the associate judge's duties; and

(16) render and sign a final order if the parties waive [that includes a waiver of] the right to a de novo hearing before the referring court under [of appeal pursuant to] Section 201.015 in writing before the start of a hearing conducted by the associate judge.

(c) A final order described by Subsection (a)(14) becomes final after the expiration of the period described by Section 201.015(a) if a party does not request a de novo hearing in accordance with that section. An order described by Subsection (a)(14) or (16) that is rendered and signed by an associate judge constitutes an order of the referring court.

(e) An order signed before May 1, 2017, by an associate judge under Subsection (a)(16) is a final order rendered as of the date the order was signed.

(b) Section 201.013(b), Family Code, is amended to read as follows:

(b) Except as provided by Section 201.007(c), if a request for a de novo hearing before the referring court is not timely filed ~~[or the right to a de novo hearing before the referring court is waived]~~, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) Section 201.014(a), Family Code, is amended to read as follows:

(a) Except as otherwise provided in this subchapter, unless [Unless] a party files a written request for a de novo hearing before the referring court, the referring court may:

(1) adopt, modify, or reject the associate judge's proposed order or judgment;

(2) hear further evidence; or

(3) recommit the matter to the associate judge for further proceedings.

(d) Section 201.016(c), Family Code, is amended to read as follows:

(c) The date an agreed order, ~~or~~ a default order, or a final order described by Section 201.007(a)(16) is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

(e) The change in law made by this section to Section 201.007(a), Family Code, applies only to a final order signed by an associate judge on or after the effective date of this Act.

(f) Notwithstanding Subsection (a) of this section, Section 201.007(e), Family Code, as added by this Act, applies to an order signed by an associate judge under Section 201.007(a)(16), Family Code, before May 1, 2017. The legislature ratifies such an order.

SECTION 1.04. Section 201.204, Family Code, is amended by adding Subsection (d) to read as follows:

(d) An associate judge may hear and render an order in a suit for the adoption of a child for whom the Texas Department of Family and Protective Services has been named managing conservator.

ARTICLE 2. DISTRICT COURTS

SECTION 2.01. (a) Effective September 1, 2018, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.597 to read as follows:

Sec. 24.597. 453RD JUDICIAL DISTRICT (HAYS COUNTY). The 453rd Judicial District is composed of Hays County.

(b) The 453rd Judicial District is created on September 1, 2018.

SECTION 2.02. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6002 to read as follows:

Sec. 24.6002. 458TH JUDICIAL DISTRICT (FORT BEND COUNTY). The 458th Judicial District is composed of Fort Bend County.

(b) The 458th Judicial District is created on September 1, 2017.

SECTION 2.03. (a) Effective October 1, 2017, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6003 to read as follows:

Sec. 24.6003. 459TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 459th Judicial District is composed of Travis County.

(b) The 459th District Court shall give preference to civil matters.

(b) The 459th Judicial District is created on October 1, 2017.

SECTION 2.04. (a) Effective October 1, 2019, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6004 to read as follows:

Sec. 24.6004. 460TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 460th Judicial District is composed of Travis County.

(b) The 460th District Court shall give preference to criminal matters.

(b) The 460th Judicial District is created on October 1, 2019.

SECTION 2.05. (a) Effective January 1, 2019, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6006 to read as follows:

Sec. 24.6006. 462ND JUDICIAL DISTRICT (DENTON COUNTY). The 462nd Judicial District is composed of Denton County.

(b) The 462nd Judicial District is created on January 1, 2019.

SECTION 2.06. (a) Effective January 1, 2019, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6008 to read as follows:

Sec. 24.6008. 464TH JUDICIAL DISTRICT (HIDALGO COUNTY). The 464th Judicial District is composed of Hidalgo County.

(b) The 464th Judicial District is created on January 1, 2019.

ARTICLE 3. STATUTORY COUNTY COURTS

SECTION 3.01. Effective January 1, 2019, Section 25.0634, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), a [A] county criminal court has no jurisdiction over civil, civil appellate, probate, or mental health matters.

(c) The County Criminal Court No. 4 of Denton County has jurisdiction over mental health matters.

SECTION 3.02. (a) Effective January 1, 2018, Section 25.0811, Government Code, is amended to read as follows:

Sec. 25.0811. FORT BEND COUNTY. Fort Bend County has the following statutory county courts:

- (1) County Court at Law No. 1 of Fort Bend County;
- (2) County Court at Law No. 2 of Fort Bend County;
- (3) County Court at Law No. 3 of Fort Bend County;
- (4) County Court at Law No. 4 of Fort Bend County; ~~[and]~~
- (5) County Court at Law No. 5 of Fort Bend County; and
- (6) County Court at Law No. 6 of Fort Bend County.

(b) The County Court at Law No. 6 of Fort Bend County is created on January 1, 2018.

SECTION 3.03. (a) Effective October 1, 2017, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0951 and 25.0952 to read as follows:

Sec. 25.0951. GRIMES COUNTY. Grimes County has one statutory county court, the County Court at Law of Grimes County.

Sec. 25.0952. GRIMES COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Grimes County has concurrent jurisdiction with the district court in family law cases and proceedings.

(b) The judge of the county court at law shall be paid an annual salary set by the commissioners court in an amount that is at least equal to the amount that is \$1,000 less than the total annual salary, including contributions and supplements, received by a district judge in the county. The salary shall be paid by the county treasurer by order of the commissioners court.

(c) The judge of the county court at law is entitled to travel expenses and necessary office expenses, including administrative and clerical assistance, in the same manner as the district judge.

(d) The judge of a county court at law may not engage in the private practice of law.

(e) The district clerk serves as clerk of a county court at law for family cases and proceedings, and the county clerk serves as clerk for all other cases. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(f) If a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before a jury, the jury shall be composed of 12 members. In all other cases, the jury shall be composed of six members.

(g) The judge of a county court at law may, instead of appointing an official court reporter, contract for the services of a court reporter under guidelines established by the commissioners court.

(h) The laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. Jurors regularly impaneled for a week by the district court may, on a request of a judge of the county court at law, be made available and shall serve for the week in a county court at law.

(i) A county court at law has the same terms of court as a district court in Grimes County.

(b) The County Court at Law of Grimes County is created on October 1, 2017.

SECTION 3.04. (a) Effective October 1, 2018, Section 25.1071, Government Code, is amended to read as follows:

Sec. 25.1071. HAYS COUNTY. Hays County has the following statutory county courts:

- (1) the County Court at Law No. 1 of Hays County; ~~and~~
- (2) the County Court at Law No. 2 of Hays County; and
- (3) the County Court at Law No. 3 of Hays County.

(b) The County Court at Law No. 3 of Hays County is created on October 1, 2018.

SECTION 3.05. Sections 25.2382(a), (g), (h), and (k), Government Code, are amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Walker County has concurrent jurisdiction with the district court in[~~:-~~

~~[(1)] family law cases and proceedings[~~:-and~~~~

~~[(2) cases and proceedings involving justiciable controversies and differences between spouses, between parents, or between parent and child, or between any of these and third persons].~~

(g) The district clerk serves as clerk of a county court at law in family law cases and proceedings ~~[the cases enumerated in Subsections (a)(2)(B) and (C)]~~, and the county clerk serves as clerk of the court in all other matters. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve a county court at law.

(h) The judge of a county court at law shall set the ~~[may, instead of appointing an]~~ official court reporter's salary at an amount that does not exceed the salary of an official court reporter for a district court ~~[reporter, contract for the services of a court reporter under guidelines established by the commissioners court].~~

(k) All cases appealed from the justice courts and other courts of inferior jurisdiction in the county shall be made directly [~~direct~~] to a county court at law, unless otherwise provided by law.

SECTION 3.06. Section 25.2382(e), Government Code, is repealed.

ARTICLE 4. JUDICIAL OATHS

SECTION 4.01. Chapter 602, Government Code, is amended by adding Section 602.007 to read as follows:

Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL OFFICERS AND JUDICIAL APPOINTEES. The oath made and signed statement executed as required by Section 1, Article XVI, Texas Constitution, by any of the following judicial officers and judicial appointees shall be filed with the secretary of state:

(1) an officer appointed by the supreme court, the court of criminal appeals, or the State Bar of Texas; and

(2) an associate judge appointed under Subchapter B or C, Chapter 201, Family Code.

ARTICLE 5. JUDICIAL PERSONNEL AND OFFICIALS

SECTION 5.01. Section 51.006, Government Code, is amended to read as follows:

Sec. 51.006. FEE FOR ATTORNEY'S LICENSE OR CERTIFICATE. The clerk shall collect a fee of \$25 [~~\$10~~] for the issuance of an attorney's license or certificate affixed with a seal. The fee shall be held by the clerk and expended by the supreme court or under the direction of the court for the preparation and issuance, including mailing, of the license or certificate.

ARTICLE 6. BAILIFFS

SECTION 6.01. Section 53.001, Government Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) The judges of the 244th, 358th, and 446th district courts shall each appoint a bailiff.

(l) The judge of the 271st District Court and the judges of the county courts at law in Wise County shall each appoint a bailiff.

SECTION 6.02. Section 53.004, Government Code, is amended by amending Subsection (a) and adding Subsections (h) and (i) to read as follows:

(a) A bailiff in the 34th or [~~70th,~~] 71st [~~or 161st~~] district court must be a resident of the county in which the bailiff serves the court and must be at least 18 years old.

(h) A bailiff in the 70th, 161st, 244th, or 358th district court must be:

(1) a resident of the county in which the bailiff serves the court;

(2) at least 18 years of age; and

(3) a citizen of the United States.

(i) A bailiff in the 271st District Court or a county court at law in Wise County must be:

(1) at least 21 years of age; and

(2) a citizen of the United States.

SECTION 6.03. Section 53.007(a), Government Code, is amended to read as follows:

(a) This section applies to:

- (1) the 34th, 70th, 71st, 86th, 97th, 130th, 142nd, 161st, 238th, 244th, 318th, 341st, 355th, 358th, ~~and~~ 385th, and 446th district courts;
- (2) the County Court of Harrison County;
- (3) the criminal district courts of Tarrant County;
- (4) the district courts in Taylor County;
- (5) the courts described in Section 53.002(c), (d), (e), or (f);
- (6) the county courts at law of Taylor County;
- (7) the district courts in Tarrant County that give preference to criminal cases; and
- (8) the 115th District Court in Upshur County.

SECTION 6.04. Section 53.0071, Government Code, is amended to read as follows:

Sec. 53.0071. BAILIFF AS PEACE OFFICER. Unless the appointing judge provides otherwise in the order of appointment, a bailiff appointed under Section 53.001(b), ~~(g)~~ (g), or (k) or 53.002(c), (e), or (f) is a "peace officer" for purposes of Article 2.12, Code of Criminal Procedure.

SECTION 6.05. Section 53.008, Government Code, is amended to read as follows:

Sec. 53.008. OATH. The bailiffs of the 34th, 70th, 86th, 97th, 130th, 142nd, 161st, 238th, 244th, 271st, 318th, 341st, 355th, 358th, ~~and~~ 385th, and 446th district courts, the bailiffs of the courts described in Section 53.002(c), (d), (e), or (f), the bailiffs and the grand jury bailiffs of the district courts in Tarrant County that give preference to criminal cases, the bailiffs and grand jury bailiffs of the criminal district courts in Tarrant County, the bailiffs of the district courts in Taylor County, ~~and~~ the bailiffs of the county courts at law of Taylor County, and the bailiffs of the county courts at law of Wise County shall each swear to the following oath, to be administered by the judge: "I solemnly swear that I will faithfully and impartially perform all duties as may be required of me by law, so help me God."

SECTION 6.06. Section 53.009, Government Code, is amended by adding Subsection (o) to read as follows:

(o) Each bailiff appointed by the judge of the 271st District Court or appointed by a county court at law judge in Wise County is entitled to receive a salary that does not exceed the salary of a lieutenant in the sheriff's department of the county. The salary is paid out of the general fund of the county.

ARTICLE 7. EFFECTIVE DATE

SECTION 7.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 1329** (house committee report) on page 7, by striking lines 10 through 17 and renumbering SECTIONS of ARTICLE 3 of the bill accordingly.

Floor Amendment No. 2

Amend **CSSB 1329** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES of the bill accordingly:

ARTICLE ____ . JUDICIAL ASSIGNMENTS

SECTION ____ .01. Section 74.055(c), Government Code, is amended to read as follows:

(c) To be eligible to be named on the list, a retired or former judge must:

- (1) have served as an active judge for at least four terms of office ~~[96 months]~~ in a district, statutory probate, statutory county, or appellate court;
- (2) have developed substantial experience in the judge's area of specialty;
- (3) not have been removed from office;
- (4) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that:

(A) the judge has not in the preceding 10 years ~~[never]~~ been publicly reprimanded or censured by the State Commission on Judicial Conduct related to behavior on the bench or judicial duties; and

(B) the judge has not:

(i) been convicted of any felony ~~[did not resign or retire from office after the State Commission on Judicial Conduct notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge as provided in Section 33.022 and before the final disposition of that investigation];~~ or

(ii) been charged with a claim of domestic abuse or a crime involving moral turpitude ~~[if the judge did resign from office under circumstances described by Subparagraph (i), was not publicly reprimanded or censured as a result of the investigation];~~

(5) annually demonstrate that the judge has completed in the past state fiscal year the educational requirements for active district, statutory probate, and statutory county court judges; and

(6) certify to the presiding judge a willingness not to appear and plead as an attorney in any court in this state for a period of two years.

SECTION ____ .02. Section 74.055(f), Government Code, is repealed.

SECTION ____ .03. Section 74.055(c), Government Code, as amended by this Act, applies only to the appointment of a retired or former judge that occurs on or after the effective date of this Act. The appointment of a retired or former judge before the effective date of this Act is governed by the law in effect when the judge was appointed, and that law is continued in effect for that purpose.

Floor Amendment No. 3

Amend **CSSB 1329** (house committee printing) as follows:

(1) Insert the following appropriately numbered SECTIONS in ARTICLE 2 of the bill and renumber the SECTIONS of ARTICLE 2 accordingly:

SECTION 2. ____ . SECTION 24.593, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding any other law:

(1) except as provided by Subdivision (3), the 449th District Court has exclusive jurisdiction over family law and juvenile matters in Hidalgo County;

(2) the judge of the 449th District Court acts as a presiding judge over all family law, juvenile, and child welfare matters in Hidalgo County, including matters referred to a master; and

(3) the judge of the 449th District Court may transfer family law and juvenile matters from that court to other district courts in Hidalgo County.

SECTION 2.____. (a) Effective January 1, 2019, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6009 to read as follows:

Sec. 24.6009. 465TH JUDICIAL DISTRICT (HIDALGO COUNTY). The 465th Judicial District is composed of Hidalgo County.

(b). The 465th Judicial District is created on January 1, 2019.

(2) Insert the following SECTION in ARTICLE 3 of the bill and renumber the SECTIONS of ARTICLE 3 accordingly:

SECTION 3.____. (a) Section 25.1101(a), Government Code, is amended to read as follows:

(a) Hidalgo County has the following statutory county courts:

- (1) County Court at Law No. 1 of Hidalgo County;
- (2) County Court at Law No. 2 of Hidalgo County;
- (3) County Court at Law No. 4 of Hidalgo County;
- (4) County Court at Law No. 5 of Hidalgo County;
- (5) County Court at Law No. 6 of Hidalgo County;
- (6) County Court at Law No. 7 of Hidalgo County; ~~and~~
- (7) County Court at Law No. 8 of Hidalgo County; and
- (8) County Court at Law No. 9 of Hidalgo County.

(b) Notwithstanding Section 25.1101, Government Code, as amended by this Act, the County Court at Law No. 9 of Hidalgo County is created on September 1, 2019, or on an earlier date determined by the Commissioners Court of Hidalgo County by an order entered in its minutes.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1329** before appointment.

There were no motions offered.

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

SENATE BILL 1232 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 1232** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1232** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to inappropriate conduct between a person and an animal; creating a criminal offense.

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

SECTION 1. Section 21.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person [he] knowingly engages in any of the following acts in a public place or, if not in a public place, the person [he] is reckless about whether another is present who will be offended or alarmed by the person's [his]:

- (1) act of sexual intercourse;
- (2) act of deviate sexual intercourse; or
- (3) act of sexual contact~~;~~~~or~~

~~[(4) act involving contact between the person's mouth or genitals and the anus or genitals of an animal or fowl].~~

SECTION 2. Chapter 21, Penal Code, is amended by adding Section 21.09 to read as follows:

Sec. 21.09. BESTIALITY. (a) A person commits an offense if the person knowingly:

- (1) engages in an act involving contact between:

(A) the person's mouth, anus, or genitals and the anus or genitals of an animal; or

- (B) the person's anus or genitals and the mouth of the animal;

(2) fondles or touches the anus or genitals of an animal in a manner that is not a generally accepted and otherwise lawful animal husbandry or veterinary practice, including touching through clothing;

- (3) causes an animal to contact the seminal fluid of the person;

(4) inserts any part of a person's body or any object into the anus or genitals of an animal in a manner that is not a generally accepted and otherwise lawful animal husbandry or veterinary practice;

(5) possesses, sells, transfers, purchases, or otherwise obtains an animal with the intent that the animal be used for conduct described by Subdivision (1), (2), (3), or (4);

(6) organizes, promotes, conducts, or participates as an observer of conduct described by Subdivision (1), (2), (3), or (4);

(7) causes a person to engage or aids a person in engaging in conduct described by Subdivision (1), (2), (3), or (4);

(8) permits conduct described by Subdivision (1), (2), (3), or (4) to occur on any premises under the person's control;

(9) engages in conduct described by Subdivision (1), (2), (3), or (4) in the presence of a child younger than 18 years of age; or

(10) advertises, offers, or accepts the offer of an animal with the intent that the animal be used in this state for conduct described by Subdivision (1), (2), (3), or (4).

(b) An offense under this section is a state jail felony, unless the offense is committed under Subsection (a)(9) or results in serious bodily injury or death of the animal, in which event the offense is a felony of the second degree.

(c) It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful animal husbandry or veterinary practice.

SECTION 3. Article 42A.511, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.511. COMMUNITY SUPERVISION FOR CERTAIN OFFENSES INVOLVING ANIMALS. (a) If a judge grants community supervision to a defendant convicted of an offense under Section 42.09, 42.091, 42.092, or 42.10, Penal Code, the judge may require the defendant to attend a responsible pet owner course sponsored by a municipal animal shelter, as defined by Section 823.001, Health and Safety Code, that:

- (1) receives federal, state, county, or municipal funds; and
- (2) serves the county in which the court is located.

(b) If a judge grants community supervision to a defendant convicted of an offense under Section 21.09, Penal Code, the judge may:

(1) require the defendant to relinquish custody of any animals in the defendant's possession;

(2) prohibit the defendant from possessing or exercising control over any animals or residing in a household where animals are present; or

(3) require the defendant to participate in a psychological counseling or other appropriate treatment program for a period to be determined by the court.

SECTION 4. Article 62.001(5), Code of Criminal Procedure, is amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or children), 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(B-1) a violation of Section 43.02 (Prostitution), Penal Code, if the offense is punishable under Subsection (c)(3) of that section;

(C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with intent to violate or abuse the victim sexually;

(D) a violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in Paragraph (A) or (C);

(E) a violation of Section 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping), Penal Code, if, as applicable:

(i) the judgment in the case contains an affirmative finding under Article 42.015; or

(ii) the order in the hearing or the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age;

(F) the second violation of Section 21.08 (Indecent exposure), Penal Code, but not if the second violation results in a deferred adjudication;

(G) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), (E), or (K);

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E), (G), (J), or (K), but not if the violation results in a deferred adjudication;

(I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication;

(J) a violation of Section 33.021 (Online solicitation of a minor), Penal Code; or

(K) a violation of Section 20A.02(a)(3), (4), (7), or (8) (Trafficking of persons), Penal Code.

SECTION 5. Section 821.021(1), Health and Safety Code, is amended to read as follows:

(1) "Cruelly treated" includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, ~~or~~ caused to fight with another animal, or subjected to conduct prohibited by Section 21.09, Penal Code.

SECTION 6. Section 821.023, Health and Safety Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) A finding in a court of competent jurisdiction that a person is guilty of an offense under Section 21.09, Penal Code, is prima facie evidence at a hearing authorized by Section 821.022 that any animal in the person's possession has been cruelly treated, regardless of whether the animal was subjected to conduct prohibited by Section 21.09, Penal Code.

(b) A statement of an owner made at a hearing provided for under this subchapter is not admissible in a trial of the owner for an offense under Section 21.09, 42.09, or 42.092, Penal Code.

SECTION 7. The change in law made by this Act 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 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 this Act if any element of the offense occurred before that date.

SECTION 8. This Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 1232** (house committee report) as follows:

(1) On page 6, line 15, strike "and amending Subsection (b)".

(2) On page 6, strike lines 23 through 25.

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

SECTION _____. Section 42.092, Penal Code, is amended by amending Subsection (c) and adding Subsections (c-1) and (c-2) to read as follows:

(c) An offense under Subsection (b)(3), (4), (5), (6), or (9) is a Class A misdemeanor, except that the offense is a state jail felony if the person has previously been convicted two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09.

(c-1) An offense under Subsection (b)(1) or~~;~~ (2) is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under Subsection (b)(1), (2), (7), or (8) or under Section 42.09.

(c-2) An offense under Subsection (b)(7)~~;~~ (7), or (8) is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted [~~two times~~] under this section~~;~~ [~~two times under Section 42.09;~~] or [~~one time under this section and one time~~] under Section 42.09.

SECTION _____. Section 821.023(b), Health and Safety Code, is repealed.

The amendments were read.

Senator Huffman moved to concur in the House amendments to **SB 1232**.

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

RECESS

On motion of Senator Whitmire, the Senate at 4:49 p.m. recessed until 5:30 p.m. today.

AFTER RECESS

The Senate met at 5:51 p.m. and was called to order by Senator Bettencourt.

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 15, SB 132, SB 261, SB 314, SB 584, SB 625, SB 670, SB 679, SB 919, SB 1016, SB 1138, SB 1557, SB 1664, SB 1665, SB 1680, SB 1780, SB 1805, SB 1963, SB 2190, SCR 26, HB 53, HB 62, HB 264, HB 355, HB 448, HB 1043, HB 1076, HB 1573, HB 1630, HB 1646, HB 1896, HB 1930, HB 1946, HB 2007, HB 2008, HB 2124, HB 2215, HB 2223, HB 2228, HB 2277, HB 2285, HB 2378, HB 2431, HB 2475, HB 2501, HB 2567, HB 2647, HB 2654, HB 2798, HB 2849,

HB 2895, HB 2928, HB 3063, HB 3078, HB 3130, HB 3157, HB 3167, HB 3257, HB 3283, HB 3398, HB 3484, HB 3537, HB 3563, HB 3618, HB 3917, HB 4002, HB 4181, HB 4279, HB 4284, HCR 136.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, May 25, 2017 - 5

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 61** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 91** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 681** (136 Yeas, 7 Nays, 2 Present, not voting)
- HB 1426** (119 Yeas, 25 Nays, 2 Present, not voting)
- HB 1507** (113 Yeas, 28 Nays, 2 Present, not voting)
- HB 1735** (141 Yeas, 2 Nays, 2 Present, not voting)
- HB 2319** (143 Yeas, 2 Nays, 2 Present, not voting)
- HB 2529** (142 Yeas, 0 Nays, 3 Present, not voting)
- HB 3066** (140 Yeas, 1 Nays, 2 Present, not voting)
- HB 3158** (142 Yeas, 0 Nays, 3 Present, not voting)
- HB 3632** (142 Yeas, 0 Nays, 2 Present, not voting)
- HB 3808** (120 Yeas, 21 Nays, 3 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 150 (non-record vote)

House Conferees: Bell - Chair/Guillen/Johnson, Jarvis/Shine/Springer

HB 1290 (non-record vote)

House Conferees: Roberts - Chair/Cook/Darby/Longoria/Price

HB 1553 (non-record vote)

House Conferees: Lozano - Chair/Ashby/Gooden/King, Ken/Morrison, Geanie W.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 2065 WITH HOUSE AMENDMENTS

Senator Hancock called **SB 2065** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 2065** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the licensing and regulation of certain occupations and activities.

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

ARTICLE 1. VEHICLE PROTECTION PRODUCTS

SECTION 1.001. Section 17.45, Business & Commerce Code, is amended by adding Subdivisions (14), (15), and (16) to read as follows:

(14) "Vehicle protection product":

(A) means a product or system, including a written warranty:

(i) that is:

(a) installed on or applied to a vehicle; and

(b) designed to prevent loss of or damage to a vehicle from a specific cause; and

(ii) under which, after installation or application of the product or system described by Subparagraph (i), if loss or damage results from the failure of the product or system to perform as represented in the warranty, the warrantor, to the extent agreed on as part of the warranty, is required to pay expenses to the person in this state who purchases or otherwise possesses the product or system for the loss of or damage to the vehicle; and

(B) may also include identity recovery, as defined by Section 1304.003, Occupations Code, if the product or system described by Paragraph (A) is financed under Chapter 348 or 353, Finance Code.

(15) "Warrantor" means a person named under the terms of a vehicle protection product warranty as the contractual obligor to a person in this state who purchases or otherwise possesses a vehicle protection product.

(16) "Loss of or damage to the vehicle," for purposes of Subdivision (14)(A)(ii), may also include unreimbursed incidental expenses that may be incurred by the warrantor, including expenses for a replacement vehicle, temporary vehicle rental expenses, and registration expenses for replacement vehicles.

SECTION 1.002. Section 17.46(b), Business & Commerce Code, as amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) Except as provided in Subsection (d) of this section, the term "false, misleading, or deceptive acts or practices" includes, but is not limited to, the following acts:

(1) passing off goods or services as those of another;

(2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(3) causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another;

(4) using deceptive representations or designations of geographic origin in connection with goods or services;

(5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not;

(6) representing that goods are original or new if they are deteriorated, reconditioned, reclaimed, used, or secondhand;

(7) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(8) disparaging the goods, services, or business of another by false or misleading representation of facts;

(9) advertising goods or services with intent not to sell them as advertised;

(10) advertising goods or services with intent not to supply a reasonable expectable public demand, unless the advertisements disclosed a limitation of quantity;

(11) making false or misleading statements of fact concerning the reasons for, existence of, or amount of price reductions;

(12) representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law;

(13) knowingly making false or misleading statements of fact concerning the need for parts, replacement, or repair service;

(14) misrepresenting the authority of a salesman, representative or agent to negotiate the final terms of a consumer transaction;

(15) basing a charge for the repair of any item in whole or in part on a guaranty or warranty instead of on the value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the warranty or guaranty, if any;

(16) disconnecting, turning back, or resetting the odometer of any motor vehicle so as to reduce the number of miles indicated on the odometer gauge;

(17) advertising of any sale by fraudulently representing that a person is going out of business;

(18) advertising, selling, or distributing a card which purports to be a prescription drug identification card issued under Section 4151.152, Insurance Code, in accordance with rules adopted by the commissioner of insurance, which offers a discount on the purchase of health care goods or services from a third party provider, and which is not evidence of insurance coverage, unless:

(A) the discount is authorized under an agreement between the seller of the card and the provider of those goods and services or the discount or card is offered to members of the seller;

(B) the seller does not represent that the card provides insurance coverage of any kind; and

(C) the discount is not false, misleading, or deceptive;

(19) using or employing a chain referral sales plan in connection with the sale or offer to sell of goods, merchandise, or anything of value, which uses the sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers if receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchases the merchandise or goods;

(20) representing that a guaranty or warranty confers or involves rights or remedies which it does not have or involve, provided, however, that nothing in this subchapter shall be construed to expand the implied warranty of merchantability as defined in Sections 2.314 through 2.318 and Sections 2A.212 through 2A.216 to involve obligations in excess of those which are appropriate to the goods;

(21) promoting a pyramid promotional scheme, as defined by Section 17.461;

(22) representing that work or services have been performed on, or parts replaced in, goods when the work or services were not performed or the parts replaced;

(23) filing suit founded upon a written contractual obligation of and signed by the defendant to pay money arising out of or based on a consumer transaction for goods, services, loans, or extensions of credit intended primarily for personal, family, household, or agricultural use in any county other than in the county in which the defendant resides at the time of the commencement of the action or in the county in which the defendant in fact signed the contract; provided, however, that a violation of this subsection shall not occur where it is shown by the person filing such suit that the person neither knew or had reason to know that the county in which such suit was filed was neither the county in which the defendant resides at the commencement of the suit nor the county in which the defendant in fact signed the contract;

(24) failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed;

(25) using the term "corporation," "incorporated," or an abbreviation of either of those terms in the name of a business entity that is not incorporated under the laws of this state or another jurisdiction;

(26) selling, offering to sell, or illegally promoting an annuity contract under Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), with the intent that the annuity contract will be the subject of a salary reduction agreement, as defined by that Act, if the annuity contract is not an eligible qualified investment under that Act or is not registered with the Teacher Retirement System of Texas as required by Section 8A of that Act;

(27) taking advantage of a disaster declared by the governor under Chapter 418, Government Code, by:

(A) selling or leasing fuel, food, medicine, or another necessity at an exorbitant or excessive price; or

(B) demanding an exorbitant or excessive price in connection with the sale or lease of fuel, food, medicine, or another necessity;

(28) using the translation into a foreign language of a title or other word, including "attorney," "lawyer," "licensed," "notary," and "notary public," in any written or electronic material, including an advertisement, a business card, a letterhead, stationery, a website, or an online video, in reference to a person who is not an attorney in order to imply that the person is authorized to practice law in the United States;

(29) ~~(28)~~ delivering or distributing a solicitation in connection with a good or service that:

(A) represents that the solicitation is sent on behalf of a governmental entity when it is not; or

(B) resembles a governmental notice or form that represents or implies that a criminal penalty may be imposed if the recipient does not remit payment for the good or service;

(30) ~~(29)~~ delivering or distributing a solicitation in connection with a good or service that resembles a check or other negotiable instrument or invoice, unless the portion of the solicitation that resembles a check or other negotiable instrument or invoice includes the following notice, clearly and conspicuously printed in at least 18-point type:

"SPECIMEN-NON-NEGOTIABLE";

(31) ~~(30)~~ in the production, sale, distribution, or promotion of a synthetic substance that produces and is intended to produce an effect when consumed or ingested similar to, or in excess of, the effect of a controlled substance or controlled substance analogue, as those terms are defined by Section 481.002, Health and Safety Code:

(A) making a deceptive representation or designation about the synthetic substance; or

(B) causing confusion or misunderstanding as to the effects the synthetic substance causes when consumed or ingested; ~~(B)~~

(32) ~~(31)~~ a licensed public insurance adjuster directly or indirectly soliciting employment, as defined by Section 38.01, Penal Code, for an attorney, or a licensed public insurance adjuster entering into a contract with an insured for the primary purpose of referring the insured to an attorney without the intent to actually perform the services customarily provided by a licensed public insurance adjuster, provided that this subdivision may not be construed to prohibit a licensed public insurance adjuster from recommending a particular attorney to an insured; or

(33) a warrantor of a vehicle protection product warranty using, in connection with the product, a name that includes "casualty," "surety," "insurance," "mutual," or any other word descriptive of an insurance business, including property or casualty insurance, or a surety business.

SECTION 1.003. Subchapter A, Chapter 348, Finance Code, is amended by adding Section 348.014 to read as follows:

Sec. 348.014. TRANSACTION CONDITIONED ON PURCHASE OF VEHICLE PROTECTION PRODUCT PROHIBITED. (a) In this section, "vehicle protection product" has the meaning assigned by Section 17.45, Business & Commerce Code.

(b) A retail seller may not require as a condition of a retail installment transaction or the cash sale of a motor vehicle that the buyer purchase a vehicle protection product that is not installed on the vehicle at the time of the transaction.

(c) A violation of this section is a false, misleading, or deceptive act or practice within the meaning of Section 17.46, Business & Commerce Code, and is actionable in a public or private suit brought under Subchapter E, Chapter 17, Business & Commerce Code.

SECTION 1.004. Subchapter A, Chapter 353, Finance Code, is amended by adding Section 353.017 to read as follows:

Sec. 353.017. TRANSACTION CONDITIONED ON PURCHASE OF VEHICLE PROTECTION PRODUCT PROHIBITED. (a) In this section, "vehicle protection product" has the meaning assigned by Section 17.45, Business & Commerce Code.

(b) A retail seller may not require as a condition of a retail installment transaction or the cash sale of a commercial vehicle that the buyer purchase a vehicle protection product that is not installed on the vehicle at the time of the transaction.

(c) A violation of this section is a false, misleading, or deceptive act or practice within the meaning of Section 17.46, Business & Commerce Code, and is actionable in a public or private suit brought under Subchapter E, Chapter 17, Business & Commerce Code.

SECTION 1.005. Chapter 2306, Occupations Code, is repealed.

SECTION 1.006. (a) On the effective date of this Act:

(1) an action, including a disciplinary or administrative proceeding, pending under Chapter 51 or 2306, Occupations Code, on the effective date of this Act related to an alleged violation of Chapter 2306, Occupations Code, as that chapter existed immediately before the effective date of this Act, is dismissed;

(2) the Vehicle Protection Product Warrantor Advisory Board is abolished; and

(3) a registration issued under former Chapter 2306, Occupations Code, expires.

(b) As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall repeal all rules regarding the regulation of vehicle protection product warrantors adopted under former Chapter 2306, Occupations Code.

(c) An administrative penalty assessed by the Texas Commission of Licensing and Regulation or the executive director of the Texas Department of Licensing and Regulation related to a violation of Chapter 2306, Occupations Code, as that chapter existed immediately before the effective date of this Act, may be collected as provided by Chapter 51, Occupations Code.

(d) The repeal by this Act of Chapter 2306, Occupations Code, does not affect the validity or terms of a vehicle protection product warranty that was issued or renewed before the effective date of this Act.

SECTION 1.007. Section 17.46(b), Business & Commerce Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 1.008. Sections 348.014 and 353.017, Finance Code, as added by this Act, apply only to a transaction for the purchase of a motor vehicle or commercial vehicle, as applicable, that occurs on or after the effective date of this Act. A transaction for the purchase of a motor vehicle or commercial vehicle that occurs before the effective date of this Act is governed by the law in effect on the date the transaction occurred, and the former law is continued in effect for that purpose.

ARTICLE 2. TEMPORARY COMMON WORKER EMPLOYERS

SECTION 2.001. Section 92.001(a), Labor Code, is amended to read as follows:

(a) The legislature finds that this chapter is necessary to:

(1) provide for the health, safety, and welfare of common workers throughout this state; and

(2) establish uniform standards of conduct and practice for temporary common worker ~~[certain]~~ employers in this state.

SECTION 2.002. Section 92.002, Labor Code, is amended by amending Subdivision (6) and adding Subdivision (6-a) to read as follows:

(6) "Labor hall" means a central location maintained by a temporary common worker employer ~~[license holder]~~ where common workers assemble and are dispatched to work for a user of common workers.

(6-a) "Municipality" has the meaning assigned by Section 1.005, Local Government Code.

SECTION 2.003. The heading to Subchapter B, Chapter 92, Labor Code, is amended to read as follows:

SUBCHAPTER B. AUTHORITY TO OPERATE ~~[LICENSE REQUIREMENTS]~~

SECTION 2.004. Subchapter B, Chapter 92, Labor Code, is amended by adding Section 92.0115 to read as follows:

Sec. 92.0115. AUTHORITY TO OPERATE. Subject to Section 92.013 and unless prohibited by a governmental subdivision, a person may operate as a temporary common worker employer in this state if the person meets the requirements of this chapter.

SECTION 2.005. The heading to Section 92.012, Labor Code, is amended to read as follows:

Sec. 92.012. EXEMPTIONS ~~[FROM LICENSING REQUIREMENT]~~.

SECTION 2.006. Section 92.013(b), Labor Code, is amended to read as follows:

(b) A municipality with a population greater than one million may establish municipal ~~[licensing]~~ requirements that impose stricter standards of conduct and practice than those imposed under Subchapter C.

SECTION 2.007. The heading to Subchapter C, Chapter 92, Labor Code, is amended to read as follows:

SUBCHAPTER C. STANDARDS OF CONDUCT AND PRACTICE [~~POWERS AND DUTIES OF LICENSE HOLDER~~]

SECTION 2.008. Section 92.021, Labor Code, is amended to read as follows:

Sec. 92.021. POWERS AND DUTIES OF [~~LICENSE HOLDER AS~~] EMPLOYER. (a) Each temporary common worker employer [~~license holder~~] is the employer of the common workers provided by that temporary common worker employer [~~license holder~~].

(b) A temporary common worker employer [~~license holder~~] may hire, reassign, control, and discharge the employees of the temporary common worker employer [~~license holder~~].

SECTION 2.009. Section 92.022, Labor Code, is amended to read as follows:

Sec. 92.022. REQUIRED RECORDS; CONFIDENTIALITY. (a) Each temporary common worker employer [~~license holder~~] shall maintain and make available to a governmental subdivision [~~representative of the department~~] records that show for each common worker provided by the temporary common worker employer [~~license holder~~] to a user of common workers:

- (1) the name and address of the worker;
- (2) the hours worked;
- (3) the places at which the work was performed;
- (4) the wages paid to the worker; and
- (5) any deductions made from those wages.

(b) The temporary common worker employer [~~license holder~~] shall maintain the records at least until the second anniversary of the date on which the worker was last employed by the temporary common worker employer [~~license holder~~].

(c) Information received by the governmental subdivision [~~commission or department~~] under this section is privileged and confidential and is for the exclusive use of the governmental subdivision [~~commission or department~~]. The information may not be disclosed to any other person except on the entry of a court order requiring disclosure or on the written consent of a person under investigation who is the subject of the records.

SECTION 2.010. Section 92.023(b), Labor Code, is amended to read as follows:

(b) Each temporary common worker employer [~~license holder~~] shall [~~also~~] post in a conspicuous place in the [~~licensed~~] premises on which the temporary common worker employer operates a notice of any charge permitted under this chapter that the temporary common worker employer [~~license holder~~] may assess against a common worker for equipment, tools, transportation, or other work-related services.

SECTION 2.011. Section 92.024, Labor Code, is amended to read as follows:

Sec. 92.024. LABOR HALL REQUIREMENTS. A temporary common worker employer [~~license holder~~] that operates a labor hall as part of a [~~licensed~~] premises on which the temporary common worker employer operates shall provide adequate facilities for a worker waiting for a job assignment. The facilities must include:

- (1) restroom facilities for both men and women;
- (2) drinking water;
- (3) sufficient seating; and
- (4) access to vending refreshments and food.

SECTION 2.012. Section 92.025, Labor Code, is amended to read as follows:

Sec. 92.025. CERTAIN CHARGES AND DEDUCTIONS PROHIBITED.

(a) A temporary common worker employer [~~license holder~~] may not charge a common worker for:

- (1) safety equipment, clothing, or accessories required by the nature of the work, either by law, custom, or the requirements of the user of common workers;
- (2) uniforms, special clothing, or other items required as a condition of employment by the user of common workers;
- (3) the cashing of a check or voucher; or
- (4) the receipt by the worker of earned wages.

(b) A temporary common worker employer [~~license holder~~] may not deduct or withhold any amount from the earned wages of a common worker except:

- (1) a deduction required by federal or state law; or
- (2) a reimbursement for a cash advance made to the worker during the same pay period.

SECTION 2.013. Chapter 92, Labor Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. ENFORCEMENT

Sec. 92.031. ENFORCEMENT. A governmental subdivision may enforce this chapter within the boundaries of the governmental subdivision.

SECTION 2.014. The following provisions of the Labor Code are repealed:

- (1) Sections 92.002(1), (4), and (4-a);
- (2) Section 92.003;
- (3) Section 92.004;
- (4) Section 92.011;
- (5) Section 92.013(a);
- (6) Section 92.014;
- (7) Section 92.015; and
- (8) Section 92.023(a).

SECTION 2.015. (a) An administrative proceeding pending under Chapter 51, Occupations Code, or Chapter 92, Labor Code, on the effective date of this Act related to a violation of Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act, is dismissed.

(b) An administrative penalty assessed by the Texas Commission of Licensing and Regulation or the executive director of the Texas Department of Licensing and Regulation related to a violation of Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act, may be collected as provided by Chapter 51, Occupations Code.

(c) The changes in law made by this Act do not affect the pending prosecution of an offense under Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act. 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.

ARTICLE 3. FOR-PROFIT LEGAL SERVICE CONTRACT COMPANIES

SECTION 3.001. Section 953.001(1), Occupations Code, is amended to read as follows:

(1) "Administrator" means the person responsible for the administration of a legal service contract. ~~[The term includes a person responsible for any filing required by this chapter.]~~

SECTION 3.002. Section 953.156, Occupations Code, is amended to read as follows:

Sec. 953.156. FORM OF LEGAL SERVICE CONTRACT AND REQUIRED DISCLOSURES. ~~[(a) A legal service contract must be filed with the executive director before it is marketed, sold, offered for sale, administered, or issued in this state. Any subsequent endorsement or attachment to the contract must also be filed with the executive director before the endorsement or attachment is delivered to legal service contract holders.]~~

~~[(b)]~~ A legal service contract marketed, sold, offered for sale, administered, or issued in this state must:

(1) be written, printed, or typed in clear, understandable language that is easy to read;

(2) include the name and full address of the company;

(3) include the purchase price of the contract and the terms under which the contract is sold;

(4) include the terms and restrictions governing cancellation of the contract by the company or the legal service contract holder;

(5) identify:

(A) any administrator, if the administrator is not the company;

(B) the sales representative; and

(C) the name of the legal service contract holder;

(6) include the amount of any deductible or copayment;

(7) specify the legal services and other benefits to be provided under the contract, and any limitation, exception, or exclusion;

(8) specify the legal services, if any, for which the company will provide reimbursement and the amount of that reimbursement;

(9) specify any restriction governing the transferability of the contract or the assignment of benefits;

(10) include the duties of the legal service contract holder;

~~(11) [include the contact information for the department, including the department's toll free number and electronic mail address, as well as a statement that the department regulates the company and the company's sales representatives;~~

~~[(12)]~~ explain the method to be used in resolving the legal service contract holder's complaints and grievances;

~~(12) [(13)]~~ explain how legal services may be obtained under the legal service contract;

~~(13) [(14)]~~ include a provision stating that no change in the contract is valid until the change has been approved by an executive officer of the company and unless the approval is endorsed or attached to the contract;

(14) ~~(15)~~ include any eligibility and effective date requirements, including a definition of eligible dependents and the effective date of their coverage;

(15) ~~(16)~~ include the conditions under which coverage will terminate;

(16) ~~(17)~~ explain any subrogation arrangements;

(17) ~~(18)~~ contain a payment provision that provides for a grace period of at least 31 days; and

(18) ~~(19)~~ include conditions under which contract rates may be modified[; and

~~(20) include any other items required by the executive director as determined by rule].~~

SECTION 3.003. Section 953.162, Occupations Code, is amended to read as follows:

Sec. 953.162. APPOINTMENT AND RESPONSIBILITIES OF ADMINISTRATOR. ~~(a)~~ A company may appoint an administrator or designate a person to be responsible for:

- (1) all or any part of the administration or sale of legal service contracts; and
- (2) compliance with this chapter.

~~[(b) The executive director may adopt rules regarding the registration of an administrator with the department.]~~

SECTION 3.004. Chapter 953, Occupations Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. ENFORCEMENT

Sec. 953.251. DECEPTIVE TRADE PRACTICE. A violation of this chapter is a deceptive trade practice actionable under Subchapter E, Chapter 17, Business & Commerce Code.

SECTION 3.005. The following provisions of the Occupations Code are repealed:

- (1) Sections 953.001(4), (5), and (6);
- (2) Sections 953.004, 953.005, and 953.155; and
- (3) Subchapters B, C, and E, Chapter 953.

SECTION 3.006. (a) On the effective date of this article, a registration issued under former Subchapter B, Chapter 953, Occupations Code, expires.

(b) On the effective date of this article, a pending proceeding under Chapter 953, Occupations Code, including a complaint investigation, disciplinary action, or administrative penalty proceeding, relating to a registration issued under former Subchapter B, Chapter 953, Occupations Code, or relating to another former provision of Chapter 953, Occupations Code, that is repealed by this article, is dismissed.

SECTION 3.007. This article takes effect September 1, 2019.

ARTICLE 4. BARBERING AND COSMETOLOGY

SECTION 4.001. Section 1601.002, Occupations Code, is amended to read as follows:

Sec. 1601.002. DEFINITION OF BARBERING. In this chapter, "barbering," "practicing barbering," or the "practice of barbering" means:

(1) performing or offering or attempting to perform for compensation or the promise of compensation any of the following services:

(A) treating a person's mustache or beard by arranging, beautifying, coloring, processing, shaving, styling, or trimming;

(B) treating a person's hair by:

(i) arranging, beautifying, bleaching, cleansing, coloring, curling, dressing, dyeing, processing, ~~shampooing,~~ shaping, singeing, straightening, styling, tinting, or waving;

(ii) providing a necessary service that is preparatory or ancillary to a service under Subparagraph (i), including bobbing, clipping, cutting, or trimming; or

(iii) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from a charge for any other service;

(C) cleansing, stimulating, or massaging a person's scalp, face, neck, arms, or shoulders:

(i) by hand or by using a device, apparatus, or appliance; and

(ii) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

(D) beautifying a person's face, neck, arms, or shoulders using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;

(E) treating a person's nails by:

(i) cutting, trimming, polishing, tinting, coloring, cleansing, manicuring, or pedicuring; or

(ii) attaching false nails;

(F) massaging, cleansing, treating, or beautifying a person's hands;

(G) administering facial treatments;

(H) weaving a person's hair by using any method to attach commercial hair to a person's hair or scalp; or

(I) ~~shampooing or conditioning a person's hair; or~~

~~(I)~~ servicing in any manner listed in Paragraph (B) a person's wig, toupee, or artificial hairpiece on a person's head or on a block after the initial retail sale;

(2) advertising or representing to the public in any manner that a person is a barber or is authorized to practice barbering; or

(3) advertising or representing to the public in any manner that a location or place of business is a barbershop, specialty shop, or barber school.

SECTION 4.002. Subchapter A, Chapter 1601, Occupations Code, is amended by adding Section 1601.0025 to read as follows:

Sec. 1601.0025. SERVICES NOT CONSTITUTING BARBERING. Notwithstanding Section 1601.002, "barbering," "practicing barbering," and "practice of barbering" do not include threading, which involves removing unwanted hair from a person by using a piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair.

SECTION 4.003. Section 1601.256(a), Occupations Code, is amended to read as follows:

(a) A person holding a barber technician license may:

(1) perform only barbering as defined by Sections 1601.002(1)(C), (D), (F), and (G)~~, and (I)~~; and

(2) practice only at a location that has been issued a barbershop permit.

SECTION 4.004. Section 1602.002(a), Occupations Code, is amended to read as follows:

(a) In this chapter, "cosmetology" means the practice of performing or offering to perform for compensation any of the following services:

(1) treating a person's hair by:

(A) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, ~~shampooing,~~ shaping, singeing, straightening, styling, tinting, or waving;

(B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming a person's hair or shaving a person's neck with a safety razor; or

(C) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;

(2) ~~shampooing and conditioning a person's hair;~~

~~(3)~~ servicing a person's wig or artificial hairpiece on a person's head or on a block after the initial retail sale and servicing in any manner listed in Subdivision (1);

~~(4)~~ treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;

~~(5)~~ cleansing, stimulating, or massaging a person's scalp, face, neck, or arms:

(A) by hand or by using a device, apparatus, or appliance; and

(B) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

~~(6)~~ beautifying a person's face, neck, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;

~~(7)~~ administering facial treatments;

~~(8)~~ removing superfluous hair from a person's body using depilatories, preparations or chemicals, tweezers, or other devices or appliances of any kind or description ~~tweezing techniques~~;

~~(9)~~ treating a person's nails by:

(A) cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring; or

(B) attaching false nails;

~~(10)~~ massaging, cleansing, treating, or beautifying a person's hands or feet;

~~(11)~~ applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes; or

~~(12)~~ weaving a person's hair.

SECTION 4.005. Subchapter A, Chapter 1602, Occupations Code, is amended by adding Section 1602.0025 to read as follows:

Sec. 1602.0025. SERVICES NOT CONSTITUTING COSMETOLOGY. Notwithstanding Section 1602.002(a), "cosmetology" does not include threading, which involves removing unwanted hair from a person by using a piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair.

SECTION 4.006. Section 1602.255(c), Occupations Code, is amended to read as follows:

(c) The commission shall adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of cosmetology defined in Sections 1602.002(a)(5), (7), (8), and (10) [~~1602.002(a)(6), (8), (9), and (11)~~].

SECTION 4.007. Section 1602.256(a), Occupations Code, is amended to read as follows:

(a) A person holding a manicurist specialty license may perform only the practice of cosmetology defined in Section 1602.002(a)(8) or (9) [~~1602.002(a)(9) or (10)~~].

SECTION 4.008. Section 1602.257(a), Occupations Code, is amended to read as follows:

(a) A person holding an esthetician specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a)(4), (5), (6), (7), and (10) [~~1602.002(a)(5), (6), (7), (8), and (11)~~].

SECTION 4.009. Section 1602.2571(a), Occupations Code, is amended to read as follows:

(a) A person holding a specialty license in eyelash extension application may perform only the practice of cosmetology defined in Section 1602.002(a)(10) [~~1602.002(a)(11)~~].

SECTION 4.010. Section 1602.259(a), Occupations Code, is amended to read as follows:

(a) A person holding a hair weaving specialty certificate may perform only the practice of cosmetology defined in Section 1602.002(a)(11) [~~Sections 1602.002(a)(2) and (12)~~].

SECTION 4.011. Section 1602.260(a), Occupations Code, is amended to read as follows:

(a) A person holding a wig specialty certificate may perform only the practice of cosmetology defined in Section 1602.002(a)(2) [~~1602.002(a)(3)~~].

SECTION 4.012. Section 1602.261(a), Occupations Code, is amended to read as follows:

(a) A person holding a manicurist/esthetician specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a)(4) through (9) [~~1602.002(a)(5) through (10)~~].

SECTION 4.013. Section 1602.305(a), Occupations Code, is amended to read as follows:

(a) A person holding a specialty shop license may maintain an establishment in which only the practice of cosmetology as defined in Section 1602.002(a)(2), (5), (7), (8), or (10) [~~1602.002(a)(3), (6), (8), (9), or (11)~~] is performed.

SECTION 4.014. Section 1602.354(a), Occupations Code, is amended to read as follows:

(a) The commission will by rule recognize, prepare, or administer continuing education programs for the practice of cosmetology. Participation in the programs is mandatory for all license renewals [~~other than renewal of a shampoo specialty certificate~~].

SECTION 4.015. Section 1602.403(c), Occupations Code, is amended to read as follows:

(c) A person holding a beauty shop license or specialty shop license may not employ[~~:-~~

~~[(+) a person as an operator or specialist or lease to a person who acts as an operator or specialist unless the person holds a license or certificate under this chapter or under Chapter 1601[-or~~

~~[(2) a person to shampoo or condition a person's hair unless the person holds a shampoo apprentice permit or student permit].~~

SECTION 4.016. Section 1603.352(a), Occupations Code, is amended to read as follows:

(a) A person who holds a license, certificate, or permit issued under this chapter, Chapter 1601, or Chapter 1602 and who performs a barbering service described by Section 1601.002(1)(E) or (F) or a cosmetology service described by Section 1602.002(a)(8) or (9) [~~1602.002(a)(9) or (10)~~] shall, before performing the service, clean, disinfect, and sterilize with an autoclave or dry heat sterilizer or sanitize with an ultraviolet sanitizer, in accordance with the sterilizer or sanitizer manufacturer's instructions, each metal instrument, including metal nail clippers, cuticle pushers, cuticle nippers, and other metal instruments, used to perform the service.

SECTION 4.017. The following provisions of the Occupations Code are repealed:

- (1) Section 1601.260(c);
- (2) Section 1601.261;
- (3) Section 1601.301(c);
- (4) Section 1602.266(c);
- (5) Section 1602.267;
- (6) Section 1602.301(c); and
- (7) Section 1602.456(b-1).

SECTION 4.018. On the effective date of this Act:

(1) a shampoo apprentice permit issued under former Section 1601.261 or 1602.267, Occupations Code, expires; and

(2) a shampoo specialty certificate issued under Chapter 1602 expires.

SECTION 4.019. (a) The changes in law made by this Act to Chapters 1601, 1602, and 1603, Occupations Code, do not affect the validity of a proceeding pending before a court or other governmental entity on the effective date of this Act.

(b) An offense or other violation of law committed under Chapter 1601, 1602, or 1603, Occupations Code, before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

ARTICLE 5. MOTOR VEHICLE TOWING, BOOTING, AND STORAGE

SECTION 5.001. Section 2303.058, Occupations Code, is amended to read as follows:

Sec. 2303.058. ADVISORY BOARD. The Towing and[~~;~~] Storage[~~, and Booting~~] Advisory Board under Chapter 2308 shall advise the commission in adopting vehicle storage rules under this chapter.

SECTION 5.002. Section 2308.002, Occupations Code, is amended by amending Subdivisions (1) and (8-a) and adding Subdivisions (5-b) and (8-b) to read as follows:

(1) "Advisory board" means the Towing and[~~;~~] Storage[~~, and Booting~~] Advisory Board.

(5-b) "Local authority" means a state or local governmental entity authorized to regulate traffic or parking and includes:

(A) an institution of higher education; and

(B) a political subdivision, including a county, municipality, special district, junior college district, housing authority, or other political subdivision of this state.

(8-a) "Peace officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure.

(8-b) "Private property tow" means any tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle.

SECTION 5.003. Effective September 1, 2018, Section 2308.004, Occupations Code, is amended to read as follows:

Sec. 2308.004. EXEMPTION. Sections 2308.151(b), 2308.2085, 2308.257, and 2308.258 do [~~(a) This chapter does~~] not apply to:

(1) a person who, while exercising a statutory or contractual lien right with regard to a vehicle:

(A) [~~(1)~~] installs or removes a boot; or

(B) [~~(2)~~] controls, installs, or directs the installation and removal of one or more boots; or[~~;~~]

(2) [~~(b) This chapter does not apply to~~] a commercial office building owner or manager who installs or removes a boot in the building's parking facility.

SECTION 5.004. Section 2308.051(a), Occupations Code, as amended by Chapters 457 (H.B. 2548) and 845 (S.B. 2153), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(a) The advisory board consists of the following members appointed by the presiding officer of the commission with the approval of the commission:

(1) one representative of a towing company operating in a county with a population of less than one million;

(2) one representative of a towing company operating in a county with a population of one million or more;

(3) one representative [~~owner~~] of a vehicle storage facility located in a county with a population of less than one million;

(4) one representative [~~owner~~] of a vehicle storage facility located in a county with a population of one million or more;

(5) one parking facility representative [~~owner~~];

(6) one peace officer [~~law enforcement officer~~] from a county with a population of less than one million;

(7) one peace officer [~~law enforcement officer~~] from a county with a population of one million or more;

(8) one representative of a member insurer, as defined by Section 462.004, Insurance Code, of the Texas Property and Casualty Insurance Guaranty Association who writes [~~property and casualty insurers who write~~] automobile insurance in this state; and

~~[(9) one representative of a booting company]~~

(9) one person who operates both a towing company and a vehicle storage facility [~~public member~~].

SECTION 5.005. Effective September 1, 2018, Section 2308.151, Occupations Code, is amended to read as follows:

Sec. 2308.151. LICENSE OR LOCAL AUTHORIZATION REQUIRED.

(a) Unless the person holds an appropriate license under this subchapter, a person may not:

(1) perform towing operations; or

(2) operate a towing company.^[5]

(b) Unless prohibited by a local authority under Section 2308.2085, a person may:

(1) [~~3~~] perform booting operations; and ~~or~~

(2) [~~4~~] operate a booting company.

SECTION 5.006. Section 2308.205(a), Occupations Code, is amended to read as follows:

(a) A towing company that makes a nonconsent tow shall tow the vehicle to a vehicle storage facility that is operated by a person who holds a license to operate the facility under Chapter 2303, unless:

(1) the towing company agrees to take the vehicle to a location designated by the vehicle's owner; or

(2) the vehicle is towed under Section 2308.259(b).

SECTION 5.007. Section 2308.2085, Occupations Code, is amended to read as follows:

Sec. 2308.2085. LOCAL AUTHORITY REGULATION OF [~~MUNICIPAL ORDINANCE REGULATING~~] BOOTING ACTIVITIES [~~COMPANIES AND OPERATORS~~]. (a) A local authority [~~municipality~~] may regulate, in areas in which the entity regulates parking or traffic, [~~adopt an ordinance that is identical to the~~] booting activities, including:

(1) operation of booting companies and operators that operate on a parking facility;

(2) any permit and sign requirements in connection with the booting of a vehicle; and

(3) [~~provisions in this chapter or that imposes additional requirements that exceed the minimum standards of the booting provisions in this chapter but may not adopt an ordinance that conflicts with the booting provisions in this chapter.~~

[(b) A municipality may regulate the] fees that may be charged in connection with the booting of a vehicle[~~, including associated parking fees~~].

(b) Regulations adopted under this section must:

- (1) incorporate the requirements of Sections 2308.257 and 2308.258;
- (2) include procedures for vehicle owners and operators to file a complaint with the local authority regarding a booting company or operator;
- (3) provide for the imposition of a penalty on a booting company or operator for a violation of Section 2308.258; and
- (4) provide for the revocation of any permit, license, or other authority of a booting company or operator to boot vehicles if the company or operator violates Section 2308.258 more than twice in a five-year period [~~(e) A municipality may require booting companies to obtain a permit to operate in the municipality.~~].

SECTION 5.008. Section 2308.255, Occupations Code, is amended to read as follows:

Sec. 2308.255. TOWING COMPANY'S [~~OR BOOT OPERATOR'S~~] AUTHORITY TO TOW [~~REMOVE~~] AND STORE [~~OR BOOT~~] UNAUTHORIZED VEHICLE. (a) A towing company [~~that is insured as provided by Subsection (e)~~] may, without the consent of an owner or operator of an unauthorized vehicle, tow the vehicle to [~~remove~~] and store the vehicle at a vehicle storage facility at the expense of the owner or operator of the vehicle if:

(1) the towing company has received written verification from the parking facility owner that:

(A) [~~the parking facility owner has installed~~] the signs required by Section 2308.252(a)(1) are posted; or

(B) the owner or operator received notice under Section 2308.252(a)(2) or the parking facility owner gave notice complying with Section 2308.252(a)(3); or

(2) on request the parking facility owner provides to the owner or operator of the vehicle information on the name of the towing company and vehicle storage facility that will be used to tow [~~remove~~] and store the vehicle and the vehicle is:

(A) left in violation of Section 2308.251;

(B) in or obstructing a portion of a paved driveway; or

(C) on a public roadway used for entering or exiting the facility and the tow [~~removal~~] is approved by a peace officer.

(b) A towing company may not tow [~~remove~~] an unauthorized vehicle except under:

(1) this chapter;

(2) a municipal ordinance that complies with Section 2308.208; or

(3) the direction of:

(A) a peace officer; or

(B) the owner or operator of the vehicle.

(c) Only a towing company that is insured against liability for property damage incurred in towing a vehicle may tow [~~remove~~] and store an unauthorized vehicle under this section.

(d) A towing company may tow [~~remove~~] and store a vehicle under Subsection (a) [~~and a boot operator may boot a vehicle under Section 2308.257~~] only if the parking facility owner:

(1) requests that the towing company tow [~~remove~~] and store [~~or that the boot operator boot~~] the specific vehicle; or

(2) has a standing written agreement with the towing company [~~or boot operator~~] to enforce parking restrictions in the parking facility.

(e) When a tow truck is used for a nonconsent tow authorized by a peace officer under Section 545.3051, Transportation Code, the operator of the tow truck and the towing company are agents of the law enforcement agency and are subject to Section 545.3051(e), Transportation Code.

SECTION 5.009. Section 2308.257, Occupations Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A boot operator that installs a boot on a vehicle must affix a conspicuous notice to the vehicle's front windshield or driver's side window stating:

(1) that the vehicle has been booted and damage may occur if the vehicle is moved;

(2) the date and time the boot was installed;

(3) the name, address, and telephone number of the booting company;

(4) a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to arrange for removal of the boot;

(5) the amount of the fee for removal of the boot and any associated parking fees; [~~and~~]

(6) notice of the right of a vehicle owner or vehicle operator to a hearing under Subchapter J; and

(7) in the manner prescribed by the local authority, notice of the procedure to file a complaint with the local authority for violation of this chapter by a boot operator.

(b-1) No more than one boot may be installed on a vehicle at any time.

SECTION 5.010. Subchapter F, Chapter 2308, Occupations Code, is amended by adding Sections 2308.258 and 2308.259 to read as follows:

Sec. 2308.258. BOOT REMOVAL. (a) A booting company responsible for the installation of a boot on a vehicle shall remove the boot not later than one hour after the time the owner or operator of the vehicle contacts the company to request removal of the boot.

(b) A booting company shall waive the amount of the fee for removal of a boot, excluding any associated parking fees, if the company fails to have the boot removed within the time prescribed by Subsection (a).

Sec. 2308.259. TOWING COMPANY'S AUTHORITY TO TOW VEHICLE FROM UNIVERSITY PARKING FACILITY. (a) In this section:

(1) "Special event" means a university-sanctioned, on-campus activity, including parking lot maintenance.

(2) "University" means:

(A) a public senior college or university, as defined by Section 61.003, Education Code; or

(B) a private or independent institution of higher education, as defined by Section 61.003, Education Code.

(b) Subject to Subsection (c), an individual designated by a university may, to facilitate a special event, request that a vehicle parked at a university parking facility be towed to another location on the university campus.

(c) A vehicle may not be towed under Subsection (b) unless signs complying with this section are installed on the parking facility for the 72 hours preceding towing enforcement for the special event and for 48 hours after the conclusion of the special event.

(d) Each sign required under Subsection (c) must:

(1) contain:

(A) a statement of:

(i) the nature of the special event; and

(ii) the dates and hours of towing enforcement; and

(B) the number, including the area code, of a telephone that is answered 24 hours a day to identify the location of a towed vehicle;

(2) face and be conspicuously visible to the driver of a vehicle that enters the facility;

(3) be located:

(A) on the right or left side of each driveway or curb-cut through which a vehicle can enter the facility, including an entry from an alley abutting the facility;
or

(B) at intervals along the entrance so that no entrance is farther than 25 feet from a sign if:

(i) curbs, access barriers, landscaping, or driveways do not establish definite vehicle entrances onto a parking facility from a public roadway other than an alley; and

(ii) the width of an entrance exceeds 35 feet;

(4) be made of weather-resistant material;

(5) be at least 18 inches wide and 24 inches tall;

(6) be mounted on a pole, post, wall, or free-standing board; and

(7) be installed so that the bottom edge of the sign is no lower than two feet and no higher than six feet above ground level.

(e) If a vehicle is towed under Subsection (b), personnel must be available to:

(1) release the vehicle within two hours after a request for release of the vehicle; and

(2) accept any payment required for the release of the vehicle.

(f) A university may not charge a fee for a tow under Subsection (b) that exceeds 75 percent of the private property tow fee established under Section 2308.0575.

(g) A vehicle towed under Subsection (b) that is not claimed by the vehicle owner or operator within 48 hours after the conclusion of the special event may only be towed:

(1) without further expense to the vehicle owner or operator; and

(2) to another location on the university campus.

(h) The university must notify the owner or operator of a vehicle towed under Subsection (b) of the right of the vehicle owner or operator to a hearing under Subchapter J.

SECTION 5.011. The heading to Subchapter I, Chapter 2308, Occupations Code, is amended to read as follows:

SUBCHAPTER I. REGULATION OF TOWING COMPANIES~~[-BOOTING COMPANIES,]~~ AND PARKING FACILITY OWNERS

SECTION 5.012. (a) The following provisions of the Occupations Code are repealed:

- (1) Section 2308.002(9); and
- (2) Section 2308.103(d).

(b) Effective September 1, 2018, Sections 2308.1555 and 2308.1556, Occupations Code, are repealed.

SECTION 5.013. (a) On September 1, 2018, a license issued under former Section 2308.1555 or 2308.1556, Occupations Code, expires.

(b) The changes in law made by this article to Section 2308.051(a), Occupations Code, regarding the qualifications for a member of the Towing and Storage Advisory Board do not affect the entitlement of a member serving on the board immediately before the effective date of this article to continue to serve and function as a member of the board for the remainder of the member's term. When board vacancies occur on or after the effective date of this article, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint new members to the board in a manner that reflects the changes in law made by this article.

(c) The changes in law made by this article to Section 2308.255, Occupations Code, do not apply to the booting of a vehicle pursuant to a standing written agreement between a booting company and a parking facility owner entered into before the effective date of this article. The booting of a vehicle pursuant to a standing written agreement entered into before the effective date of this article is governed by the law as it existed immediately before the effective date of this article, and that law is continued in effect for that purpose.

SECTION 5.014. Except as otherwise provided by this article, this article 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 immediate effect, this article takes effect September 1, 2017.

ARTICLE 6. CONFLICT OF LAW; EFFECTIVE DATE

SECTION 6.001. 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.

SECTION 6.002. 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.

SECTION 6.003. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 2065** (house committee printing) as follows:

- (1) On page 33, line 2, after the underlined semicolon, add "and".
- (2) On page 33, line 4, strike the underlined semicolon.
- (3) On page 33, strike lines 5 through 8.
- (4) On page 33, line 9, strike "twice in a five-year period".

Floor Amendment No. 2

Amend **CSSB 2065** (house committee printing) as follows:

(1) On page 35, line 8, strike "Section 2308.257" and substitute "Section 2308.257(b)".

(2) On page 35, line 9, strike "by amending Subsection (b) and adding Subsection (b-1)".

(3) On page 36, strike lines 2 and 3.

Floor Amendment No. 3

Amend **CSSB 2065** (house committee printing) as follows:

(1) On page 36, between lines 15 and 16, insert the following:

(c) A booting company responsible for the installation of more than one boot on a vehicle may not charge a total amount for the removal of the boots that is greater than the amount of the fee for the removal of a single boot.

(2) On page 35, line 8, strike "Section 2308.257" and substitute "Section 2308.257(b)".

(3) On page 35, line 9, strike "by amending Subsection (b) and adding Subsection (b-1)".

(4) On page 36, strike lines 2 and 3.

Floor Amendment No. 4

Amend **CSSB 2065** (house committee report) by adding the following appropriately number ARTICLE to the bill and renumbering the ARTICLES of the bill accordingly:

ARTICLE __. REGISTRATION OF MARKS

SECTION __.001. Section 16.051(a), Business & Commerce Code, is amended to read as follows:

(a) A mark that distinguishes an applicant's goods or services from those of others is registrable unless the mark:

(1) consists of or comprises matter that is immoral, deceptive, or scandalous;

(2) consists of or comprises matter that may disparage, falsely suggest a connection with, or bring into contempt or disrepute:

(A) a person, whether living or dead;

(B) an institution;

(C) a belief; or

(D) a national symbol;

(3) depicts, comprises, or simulates the flag, the coat of arms, the seal, the geographic outline, or other insignia of:

(A) the United States;

(B) a state;

(C) a municipality; or

(D) a foreign nation;

(4) consists of or comprises the name, signature, or portrait of a particular living individual who has not consented in writing to the mark's registration;

(5) when used on or in connection with the applicant's goods or services:

(A) is merely descriptive or deceptively misdescriptive of the applicant's goods or services; or

(B) is primarily geographically descriptive or deceptively misdescriptive of the applicant's goods or services;

(6) is primarily merely a surname; or

(7) is likely to cause confusion or mistake, or to deceive, because, when used on or in connection with the applicant's goods or services, it resembles:

(A) a mark registered in this state; or

(B) an unabandoned mark registered with the United States Patent and Trademark Office.

Floor Amendment No. 6

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and sections of the bill accordingly:

ARTICLE __. VOLUNTEER SECURITY SERVICES

SECTION __.001. Subchapter N, Chapter 1702, Occupations Code, is amended by adding Section 1702.333 to read as follows:

Sec. 1702.333. PLACE OF RELIGIOUS WORSHIP; CERTAIN VOLUNTEERS. (a) In this section, "volunteer security services" means services or activities that are:

(1) regulated under this chapter; and

(2) provided without compensation or remuneration.

(b) This chapter does not apply to a person who is providing volunteer security services on the premises of a church, synagogue, or other established place of religious worship.

(c) While providing volunteer security services under Subsection (b), a person may not wear a uniform or badge that:

(1) contains the word "security"; or

(2) gives the person the appearance of being a peace officer, personal protection officer, or security officer.

Floor Amendment No. 7

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES and SECTIONS of the bill accordingly:

ARTICLE __. INDUSTRIALIZED HOUSING AND BUILDINGS

SECTION __.001. Section 1202.002(c), Occupations Code, is amended to read as follows:

(c) Industrialized housing does not include:

(1) a residential structure that exceeds 14 [~~four~~] stories or 168 [~~60~~] feet in height;

(2) housing constructed of a sectional or panelized system that does not use a modular component; or

(3) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

SECTION __.002. Section 1202.003(d), Occupations Code, is amended to read as follows:

(d) An industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include:

- (1) a commercial structure that exceeds 14 [~~four~~] stories or 168 [~~60~~] feet in height; or
- (2) a commercial building or structure that is:
 - (A) installed in a manner other than on a permanent foundation; and
 - (B) either:
 - (i) not open to the public; or
 - (ii) less than 1,500 square feet in total area and used other than as a school or a place of religious worship.

Floor Amendment No. 8

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE __. REPORT ON OCCUPATIONAL LICENSING BY COMPTROLLER

SECTION __.01. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.03058 to read as follows:

Sec. 403.03058. REPORT ON OCCUPATIONAL LICENSING. (a) Not later than December 31 of each even-numbered year, the comptroller shall prepare and submit to the legislature a report regarding all occupational licenses, including permits, certifications, and registrations, required by this state. The report must include:

- (1) for each type of license:
 - (A) a description of the license;
 - (B) the department with regulatory authority for the license;
 - (C) the number of active licenses;
 - (D) the cost of an initial application for the license and for a renewal of the license; and
 - (E) the amount of state revenue generated from the issuance and renewal of the license; and
- (2) a list of all statutory provisions requiring a license that were abolished during the previous legislative session.

(b) The comptroller shall post on its Internet website the report prepared under Subsection (a).

SECTION __.02. Not later than December 31, 2018, the comptroller of public accounts shall provide the initial report to the legislature as required by Section 403.03058, Government Code, as added by this article.

ARTICLE __. CERTIFICATE OF AUTHORITY; OVER-THE-COUNTER SALE OF EPHEDRINE, PSEUDOEPHEDRINE, AND NORPSEUDOEPHEDRINE BY ESTABLISHMENTS OTHER THAN PHARMACIES

SECTION __.01. Sections 486.004(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The department shall collect fees for[±
~~[(1) the issuance of a certificate of authority under this chapter; and~~
~~[(2)]~~ an inspection performed in enforcing this chapter and rules adopted under this chapter.

(b) The executive commissioner by rule shall set the fees in amounts that allow the department to recover the biennial expenditures of state funds by the department in[±

~~[(1) reviewing applications for the issuance of a certificate of authority under this chapter;~~

~~[(2) issuing certificates of authority under this chapter;~~

~~[(3) inspecting and auditing a business establishment that is issued a certificate of authority under this chapter; and~~

~~[(4) otherwise]~~ implementing and enforcing this chapter.

SECTION __.02. Section 486.0142(b), Health and Safety Code, is amended to read as follows:

(b) On application by a business establishment that engages in over-the-counter sales of products containing ephedrine, pseudoephedrine, or norpseudoephedrine ~~in accordance with a certificate of authority issued under Section 486.012],~~ the department may grant that business establishment a temporary exemption, not to exceed 180 days, from the requirement of using a real-time electronic logging system under this chapter.

SECTION __.03. Section 486.012, Health and Safety Code, is repealed.

ARTICLE __. TITLE ATTORNEY LICENSE; ATTORNEY'S TITLE
 INSURANCE COMPANY

SECTION __.01. Section 35.001(2), Insurance Code, is amended to read as follows:

(2) "Regulated entity" means each insurer, organization, person, or program regulated by the department, including:

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

(B) a domestic or foreign, stock or mutual, fire or casualty insurance company;

(C) a Mexican casualty company;

(D) a domestic or foreign Lloyd's plan;

(E) a domestic or foreign reciprocal or interinsurance exchange;

(F) a domestic or foreign fraternal benefit society;

(G) a domestic or foreign title insurance company;

(H) ~~[an attorney's title insurance company;~~

~~[(H)]~~ a stipulated premium company;

~~[(I)]~~ a nonprofit legal service corporation;

~~[(J)]~~ a health maintenance organization;

~~[(K)]~~ a statewide mutual assessment company;

~~[(L)]~~ a local mutual aid association;

~~[(M)]~~ a local mutual burial association;

~~[(N)]~~ an association exempt under Section 887.102;

(O) [~~(P)~~] a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;

(P) [~~(Q)~~] a county mutual insurance company;

(Q) [~~(R)~~] a farm mutual insurance company; and

(R) [~~(S)~~] an agency or agent of an insurer, organization, person, or program described by this subdivision.

SECTION __.02. Section 82.002(a), Insurance Code, is amended to read as follows:

(a) This chapter applies to each company regulated by the commissioner, including:

(1) a domestic or foreign, stock or mutual, life, health, or accident insurance company;

(2) a domestic or foreign, stock or mutual, fire or casualty insurance company;

(3) a Mexican casualty company;

(4) a domestic or foreign Lloyd's plan insurer;

(5) a domestic or foreign reciprocal or interinsurance exchange;

(6) a domestic or foreign fraternal benefit society;

(7) a domestic or foreign title insurance company;

(8) [~~an attorney's title insurance company;~~

~~(9)~~] a stipulated premium insurance company;

(9) [~~(10)~~] a nonprofit legal service corporation;

(10) [~~(11)~~] a health maintenance organization;

(11) [~~(12)~~] a statewide mutual assessment company;

(12) [~~(13)~~] a local mutual aid association;

(13) [~~(14)~~] a local mutual burial association;

(14) [~~(15)~~] an association exempt under Section 887.102;

(15) [~~(16)~~] a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;

(16) [~~(17)~~] a county mutual insurance company; and

(17) [~~(18)~~] a farm mutual insurance company.

SECTION __.03. Section 83.002(a), Insurance Code, is amended to read as follows:

(a) This chapter applies to each company regulated by the commissioner, including:

(1) a domestic or foreign, stock or mutual, life, health, or accident insurance company;

(2) a domestic or foreign, stock or mutual, fire or casualty insurance company;

(3) a Mexican casualty company;

(4) a domestic or foreign Lloyd's plan insurer;

(5) a domestic or foreign reciprocal or interinsurance exchange;

(6) a domestic or foreign fraternal benefit society;

(7) a domestic or foreign title insurance company;

(8) [~~an attorney's title insurance company;~~

~~(9)~~] a stipulated premium insurance company;

- (9) ~~[(40)]~~ a nonprofit legal service corporation;
- (10) ~~[(41)]~~ a statewide mutual assessment company;
- (11) ~~[(42)]~~ a local mutual aid association;
- (12) ~~[(43)]~~ a local mutual burial association;
- (13) ~~[(44)]~~ an association exempt under Section 887.102;
- (14) ~~[(45)]~~ a nonprofit hospital, medical, or dental service corporation,

including a company subject to Chapter 842;

- (15) ~~[(46)]~~ a county mutual insurance company; and
- (16) ~~[(47)]~~ a farm mutual insurance company.

SECTION __.04. Section 554.001, Insurance Code, is amended to read as follows:

Sec. 554.001. APPLICABILITY OF CHAPTER. This chapter applies to each insurer or health maintenance organization engaged in the business of insurance or the business of a health maintenance organization in this state, regardless of form and however organized, including:

- (1) a stock life, health, or accident insurance company;
- (2) a mutual life, health, or accident insurance company;
- (3) a stock fire or casualty insurance company;
- (4) a mutual fire or casualty insurance company;
- (5) a Mexican casualty insurance company;
- (6) a Lloyd's plan;
- (7) a reciprocal or interinsurance exchange;
- (8) a fraternal benefit society;
- (9) a title insurance company;
- (10) ~~[an attorney's title insurance company;~~

~~[(41)]~~ a stipulated premium company;

- (11) ~~[(42)]~~ a nonprofit legal services corporation;
- (12) ~~[(43)]~~ a statewide mutual assessment company;
- (13) ~~[(44)]~~ a local mutual aid association;
- (14) ~~[(45)]~~ a local mutual burial association;
- (15) ~~[(46)]~~ an association exempt under Section 887.102;
- (16) ~~[(47)]~~ a nonprofit hospital, medical, or dental service corporation,

including a corporation subject to Chapter 842;

- (17) ~~[(48)]~~ a county mutual insurance company;
- (18) ~~[(49)]~~ a farm mutual insurance company; and
- (19) ~~[(20)]~~ an insurer or health maintenance organization engaged in the

business of insurance or the business of a health maintenance organization in this state that does not hold a certificate of authority issued by the department or is not otherwise authorized to engage in business in this state.

SECTION __.05. Section 703.001, Insurance Code, is amended to read as follows:

Sec. 703.001. DEFINITION. In this chapter, "covered entity" means a health maintenance organization or insurer regulated by the department, including:

- (1) a stock life, health, or accident insurance company;
- (2) a mutual life, health, or accident insurance company;
- (3) a stock fire or casualty insurance company;

- (4) a mutual fire or casualty insurance company;
- (5) a Mexican casualty insurance company;
- (6) a Lloyd's plan;
- (7) a reciprocal or interinsurance exchange;
- (8) a fraternal benefit society;
- (9) a title insurance company;
- (10) ~~[an attorney's title insurance company;~~
- ~~[(11)]~~ a stipulated premium company;
- ~~[(12)]~~ ~~[(12)]~~ a nonprofit legal services corporation;
- ~~[(13)]~~ ~~[(13)]~~ a statewide mutual assessment company;
- ~~[(14)]~~ ~~[(14)]~~ a local mutual aid association;
- ~~[(15)]~~ ~~[(15)]~~ a local mutual burial association;
- ~~[(16)]~~ ~~[(16)]~~ an association exempt under Section 887.102;
- ~~[(17)]~~ ~~[(17)]~~ a nonprofit hospital, medical, or dental service corporation, including a corporation subject to Chapter 842;
- ~~[(18)]~~ ~~[(18)]~~ a county mutual insurance company; and
- ~~[(19)]~~ ~~[(19)]~~ a farm mutual insurance company.

SECTION __.06. Section 802.051, Insurance Code, is amended to read as follows:

Sec. 802.051. APPLICABILITY OF SUBCHAPTER. This subchapter applies to each company regulated by the commissioner, including:

- (1) a stock life, health, or accident insurance company;
- (2) a mutual life, health, or accident insurance company;
- (3) a stock fire or casualty insurance company;
- (4) a mutual fire or casualty insurance company;
- (5) a Mexican casualty company;
- (6) a Lloyd's plan;
- (7) a reciprocal or interinsurance exchange;
- (8) a fraternal benefit society;
- (9) a title insurance company;
- (10) ~~[an attorney's title insurance company;~~
- ~~[(11)]~~ a stipulated premium insurance company;
- ~~[(12)]~~ ~~[(12)]~~ a nonprofit legal service corporation;
- ~~[(13)]~~ ~~[(13)]~~ a health maintenance organization;
- ~~[(14)]~~ ~~[(14)]~~ a statewide mutual assessment company;
- ~~[(15)]~~ ~~[(15)]~~ a local mutual aid association;
- ~~[(16)]~~ ~~[(16)]~~ a local mutual burial association;
- ~~[(17)]~~ ~~[(17)]~~ an association exempt under Section 887.102;
- ~~[(18)]~~ ~~[(18)]~~ a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;
- ~~[(19)]~~ ~~[(19)]~~ a county mutual insurance company; and
- ~~[(20)]~~ ~~[(20)]~~ a farm mutual insurance company.

SECTION __.07. Section 2551.053(a), Insurance Code, is amended to read as follows:

(a) A ~~[Except as provided by Section 2552.053(b), a]~~ title insurance company must have a paid-up capital of at least \$1 million and a surplus of at least \$1 million.

SECTION __.08. Section 2602.003(2), Insurance Code, is amended to read as follows:

(2) "Agent" includes:

(A) a title insurance agent, as defined by Section 2501.003; and

(B) ~~[a title attorney, as defined by Section 2552.002; and~~

~~[(C)]~~ a direct operation or a title insurance company's wholly owned subsidiary or affiliate that performs the services usually and customarily performed by a title insurance agent.

SECTION __.09. Chapter 2552, Insurance Code, is repealed.

SECTION __.10. The changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE __. EMERGENCY MANAGING GENERAL AGENT LICENSE

SECTION __.01. Section 4053.052, Insurance Code, is repealed.

SECTION __.02. The changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE __. BINGO UNIT MANAGER LICENSE

SECTION __.01. Section 2001.431(4), Occupations Code, is amended to read as follows:

(4) "Unit manager" means an individual who is [licensed under this subchapter to be] responsible for the revenues, authorized expenses, and inventory of a unit.

SECTION __.02. The heading to Section 2001.437, Occupations Code, is amended to read as follows:

Sec. 2001.437. UNIT MANAGER~~[-LICENSE]~~.

SECTION __.03. Section 2001.437(c), Occupations Code, is amended to read as follows:

(c) ~~[A person may not provide services as a unit manager to licensed authorized organizations that form a unit unless the person holds a unit manager license under this subchapter.]~~ A person designated as an agent under Section 2001.438(b) is not a unit manager on account of that designation for purposes of this section.

SECTION __.04. Sections 2001.437(d), (e), (f), and (g), Occupations Code, are repealed.

SECTION __.05. The changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE __. AGRICULTURAL, INDUSTRIAL, AND WILDLIFE CONTROL FIREWORKS PERMIT

SECTION __.01. Section 2154.152(a), Occupations Code, is amended to read as follows:

(a) A person must be a licensed distributor if the person:

(1) imports into this state or stores, possesses, and sells Fireworks 1.3G to a licensed pyrotechnic operator or distributor or to a single public display or[;] multiple public display[; or agricultural, industrial, and wildlife control fireworks] permit holder; or

(2) imports or stores, possesses, and sells Fireworks 1.4G to a licensed jobber, retailer, or distributor in this state.

SECTION __.02. Section 2154.251(b), Occupations Code, is amended to read as follows:

(b) A person may not manufacture, distribute, sell, or use fireworks in a public fireworks display [~~or for agricultural, industrial, or wildlife control purposes~~] without an appropriate license or permit. Fireworks manufactured, distributed, sold, or used without an appropriate license or permit are illegal fireworks.

SECTION __.03. Section 2154.203, Occupations Code, is repealed.

Floor Amendment No. 10

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered SECTIONS to ARTICLE 4 of the bill and renumbering the SECTIONS of ARTICLE 4 accordingly:

SECTION 4.__. Section 1601.353, Occupations Code, is amended to read as follows:

Sec. 1601.353. **REQUIRED FACILITIES AND EQUIPMENT.** The department may approve an application for a permit for a barber school if the school meets the health and safety standards established by the commission. The commission may not establish building or facility standards that are not related to health and safety, including a requirement that a facility have a specific:

(1) square footage of floor space [~~is located in:~~

~~](A) a municipality with a population of more than 50,000 that has a building of permanent construction containing at least 2,000 square feet of floor space, including classroom and practical areas, covered in a hard surface floor covering of tile or other suitable material; or~~

~~](B) a municipality with a population of 50,000 or less or an unincorporated area of a county that has a building of permanent construction containing at least 1,000 square feet of floor space, including classroom and practical areas, covered in a hard surface floor covering of tile or other suitable material];~~

(2) number of chairs [~~has the following equipment:~~

~~](A) at least 10 student workstations that include a chair that reclines, a back bar, and a wall mirror;~~

~~](B) a sink behind every two workstations;~~

~~](C) adequate lighting for each room;~~

~~](D) at least 10 classroom chairs and other materials necessary to teach the required subjects; and~~

~~](E) access to permanent restrooms and adequate drinking fountain facilities]; or [and]~~

(3) number of sinks [~~meets any other requirement set by the commission].~~

SECTION 4.__. Section 1602.303, Occupations Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) An application for a private beauty culture school license must be accompanied by the required license fee and inspection fee and:

(1) be on a form prescribed by the department;

(2) be verified by the applicant; and

(3) contain a statement that the building meets the health and safety standards established by the commission[-

~~[(A) is of permanent construction and is divided into at least two separate areas:~~

~~[(i) one area for instruction in theory; and~~

~~[(ii) one area for clinic work;~~

~~[(B) contains a minimum of:~~

~~[(i) 2,800 square feet of floor space if the building is located in a county with a population of more than 100,000; or~~

~~[(ii) 1,800 square feet of floor space if the building is located in a county with a population of 100,000 or less;~~

~~[(C) has access to permanent restrooms and adequate drinking fountain facilities; and~~

~~[(D) contains, or will contain before classes begin, the equipment established by commission rule as sufficient to properly instruct a minimum of 10 students].~~

(c) The applicant is entitled to a private beauty culture school license if:

(1) the department determines that the applicant is financially sound and capable of fulfilling the school's commitments for training;

(2) the applicant's facilities meet the health and safety standards established by the commission and pass an inspection conducted by the department under Section 1603.103; and

(3) the applicant has not committed an act that constitutes a ground for denial of a license.

(d) The commission may not establish building or facility standards that are not related to health and safety, including a requirement that a facility have a specific:

(1) square footage of floor space;

(2) number of chairs; or

(3) number of sinks.

SECTION 4. __. As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt rules to implement Sections 1601.353 and 1602.303, Occupations Code, as amended by this Act.

Floor Amendment No. 11

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered Article to the bill and renumbering subsequent Articles of the bill accordingly:

Article __. CHARITABLE RAFFLES

SECTION __.001 Section 2002.056(b-1), Occupations Code, is amended to read as follows:

(b-1) The value of a residential dwelling offered or awarded as a prize at a raffle that is purchased by the organization or for which the organization provides any consideration may not exceed \$2 million [~~\$250,000~~].

SECTION __.002 The change in law made by this Act to Section 2002.056(b-1), Occupations Code, applies only to a charitable raffle conducted under Chapter 2002, Occupations Code, for which the prize is to be awarded on or after the effective date of this Act.

Floor Amendment No. 12

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES of the bill and the SECTIONS of those ARTICLES accordingly:

ARTICLE ___. PLUMBING

SECTION ___.001. Section 1301.704, Occupations Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Failure to request a hearing or accept the determination and recommended penalty within the time provided by this section waives the right to a hearing under this chapter.

(d) If the board determines without a hearing that the person committed a violation and a penalty is to be imposed, the board shall:

(1) provide written notice to the person of the board's findings; and

(2) enter an order requiring the person to pay the recommended penalty.

SECTION ___.002. Section 1301.705(a), Occupations Code, is amended to read as follows:

(a) If the person requests a hearing [~~or fails to respond in a timely manner to the notice~~], the enforcement committee shall set a hearing and give written notice of the hearing to the person. An administrative law judge of the State Office of Administrative Hearings shall hold the hearing.

SECTION ___.003. The change in law made by this article to Section 1301.704, Occupations Code, applies only to imposition of an administrative penalty against a person who receives notice under Section 1301.703(b), Occupations Code, on or after the effective date of this Act. An administrative penalty for which notice under that section is received before the effective date of this Act is governed by the law in effect on the date the notice was received, and the former law is continued in effect for that purpose.

Floor Amendment No. 15

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered SECTION to Article 4 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 4. ___. Section 1603.351, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding any other law, the commission may adopt rules to:

(1) authorize a school licensed under this chapter, Chapter 1601, or Chapter 1602 to account for any hours of instruction completed under those chapters on the basis of clock hours or credit hours; and

(2) establish standards for determining the equivalency and conversion of clock hours to credit hours and credit hours to clock hours.

Floor Amendment No. 16

Amend **CSSB 2065** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 17.46(b), Business & Commerce Code, as amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) Except as provided in Subsection (d) of this section, the term "false, misleading, or deceptive acts or practices" includes, but is not limited to, the following acts:

- (1) passing off goods or services as those of another;
- (2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another;
- (4) using deceptive representations or designations of geographic origin in connection with goods or services;
- (5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not;
- (6) representing that goods are original or new if they are deteriorated, reconditioned, reclaimed, used, or secondhand;
- (7) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (8) disparaging the goods, services, or business of another by false or misleading representation of facts;
- (9) advertising goods or services with intent not to sell them as advertised;
- (10) advertising goods or services with intent not to supply a reasonable expectable public demand, unless the advertisements disclosed a limitation of quantity;
- (11) making false or misleading statements of fact concerning the reasons for, existence of, or amount of price reductions;
- (12) representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law;
- (13) knowingly making false or misleading statements of fact concerning the need for parts, replacement, or repair service;
- (14) misrepresenting the authority of a salesman, representative or agent to negotiate the final terms of a consumer transaction;
- (15) basing a charge for the repair of any item in whole or in part on a guaranty or warranty instead of on the value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the warranty or guaranty, if any;
- (16) disconnecting, turning back, or resetting the odometer of any motor vehicle so as to reduce the number of miles indicated on the odometer gauge;
- (17) advertising of any sale by fraudulently representing that a person is going out of business;

(18) advertising, selling, or distributing a card which purports to be a prescription drug identification card issued under Section 4151.152, Insurance Code, in accordance with rules adopted by the commissioner of insurance, which offers a discount on the purchase of health care goods or services from a third party provider, and which is not evidence of insurance coverage, unless:

(A) the discount is authorized under an agreement between the seller of the card and the provider of those goods and services or the discount or card is offered to members of the seller;

(B) the seller does not represent that the card provides insurance coverage of any kind; and

(C) the discount is not false, misleading, or deceptive;

(19) using or employing a chain referral sales plan in connection with the sale or offer to sell of goods, merchandise, or anything of value, which uses the sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers if receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchases the merchandise or goods;

(20) representing that a guaranty or warranty confers or involves rights or remedies which it does not have or involve, provided, however, that nothing in this subchapter shall be construed to expand the implied warranty of merchantability as defined in Sections 2.314 through 2.318 and Sections 2A.212 through 2A.216 to involve obligations in excess of those which are appropriate to the goods;

(21) promoting a pyramid promotional scheme, as defined by Section 17.461;

(22) representing that work or services have been performed on, or parts replaced in, goods when the work or services were not performed or the parts replaced;

(23) filing suit founded upon a written contractual obligation of and signed by the defendant to pay money arising out of or based on a consumer transaction for goods, services, loans, or extensions of credit intended primarily for personal, family, household, or agricultural use in any county other than in the county in which the defendant resides at the time of the commencement of the action or in the county in which the defendant in fact signed the contract; provided, however, that a violation of this subsection shall not occur where it is shown by the person filing such suit that the person neither knew or had reason to know that the county in which such suit was filed was neither the county in which the defendant resides at the commencement of the suit nor the county in which the defendant in fact signed the contract;

(24) failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed;

(25) using the term "corporation," "incorporated," or an abbreviation of either of those terms in the name of a business entity that is not incorporated under the laws of this state or another jurisdiction;

(26) selling, offering to sell, or illegally promoting an annuity contract under Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), with the intent that the annuity contract will be the subject of a salary reduction agreement, as defined by that Act, if the annuity contract is not an eligible qualified investment under that Act or is not registered with the Teacher Retirement System of Texas as required by Section 8A of that Act;

(27) taking advantage of a disaster declared by the governor under Chapter 418, Government Code, by:

(A) selling or leasing fuel, food, medicine, or another necessity at an exorbitant or excessive price; or

(B) demanding an exorbitant or excessive price in connection with the sale or lease of fuel, food, medicine, or another necessity;

(28) using the translation into a foreign language of a title or other word, including "attorney," "immigration consultant," "immigration expert," "lawyer," "licensed," "notary," and "notary public," in any written or electronic material, including an advertisement, a business card, a letterhead, stationery, a website, or an online video, in reference to a person who is not an attorney in order to imply that the person is authorized to practice law in the United States;

(29) [~~28~~] delivering or distributing a solicitation in connection with a good or service that:

(A) represents that the solicitation is sent on behalf of a governmental entity when it is not; or

(B) resembles a governmental notice or form that represents or implies that a criminal penalty may be imposed if the recipient does not remit payment for the good or service;

(30) [~~29~~] delivering or distributing a solicitation in connection with a good or service that resembles a check or other negotiable instrument or invoice, unless the portion of the solicitation that resembles a check or other negotiable instrument or invoice includes the following notice, clearly and conspicuously printed in at least 18-point type:

"SPECIMEN-NON-NEGOTIABLE";

(31) [~~30~~] in the production, sale, distribution, or promotion of a synthetic substance that produces and is intended to produce an effect when consumed or ingested similar to, or in excess of, the effect of a controlled substance or controlled substance analogue, as those terms are defined by Section 481.002, Health and Safety Code:

(A) making a deceptive representation or designation about the synthetic substance; or

(B) causing confusion or misunderstanding as to the effects the synthetic substance causes when consumed or ingested; or

(32) [~~31~~] a licensed public insurance adjuster directly or indirectly soliciting employment, as defined by Section 38.01, Penal Code, for an attorney, or a licensed public insurance adjuster entering into a contract with an insured for the

primary purpose of referring the insured to an attorney without the intent to actually perform the services customarily provided by a licensed public insurance adjuster, provided that this subdivision may not be construed to prohibit a licensed public insurance adjuster from recommending a particular attorney to an insured.

SECTION _____. Section 406.017, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A person commits an offense if the person is a notary public and the person:

(1) states or implies that the person is an attorney licensed to practice law in this state;

(2) solicits or accepts compensation to prepare documents for or otherwise represent the interest of another in a judicial or administrative proceeding, including a proceeding relating to immigration or admission to the United States, United States citizenship, or related matters;

(3) solicits or accepts compensation to obtain relief of any kind on behalf of another from any officer, agency, or employee of this state or the United States;

(4) uses the phrase "notario" or "notario publico" to advertise the services of a notary public, whether by signs, pamphlets, stationery, or other written communication or by radio or television; or

(5) advertises the services of a notary public in a language other than English, whether by signs, pamphlets, stationery, or other written communication or by radio or television, if the person does not post or otherwise include with the advertisement a notice that complies with Subsection (b).

(a-1) A person does not violate this section by offering or providing language translation or typing services and accepting compensation.

SECTION _____. The change in law made by this Act to Section 17.46(b), Business & Commerce Code, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. The change in law made by this Act to Section 406.017, Government 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.

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.

Floor Amendment No. 17

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbers ARTICLE to the bill and renumbering the ARTICLE and SECTIONS of the bill accordingly:

ARTICLE ____ . PROVISION OF TRANSPORTATION SERVICES TO CERTAIN
SCHOOL DISTRICTS

SECTION ____ .001 (a) This Article applies on to a county board of education that provides, without competitive bidding, transportation services in a county with a population of 2.2 million or less.

(b) Transportation services must be placed by bid and if a contract currently exists, it shall be wound down in the manner described below. Each county board of education, board of county school trustees, and office of county school superintendent in a county with a population of 2.2 million or more and that is adjacent to a county with a population of more than 800, 000 is abolished effective November 15, 2017, unless the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved by a majority of voters at an election held on the November 2017 uniform election date in the county in which the county board of education, board of county school trustees, and office of county school superintendent are located. Subsections (b) - (q) of this section do not take effect in a county if the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved at the election held in the county under this subsection.

(b) Not later than November 15, 2017, a dissolution committee shall be formed for each county board of education or board of county school trustees to be abolished as provided by Subsection (a) of this section. The dissolution committee is responsible for all financial decisions for each county board of education or board of county school trustees abolished by this Act, including asset distribution and payment of all debt obligations.

(c) A dissolution committee required by this Act shall be appointed by the comptroller and include:

- (1) one financial advisor;
- (2) the superintendent or the superintendent's designee of each participating component school district that chooses to participate in the dissolution committee;
- (3) one certified public accountant;
- (4) one auditor who holds a license or other professional credential;
- (5) one bond counsel who holds a license or other professional credential;
- (6) one member of the county commissioners court;
- (7) one additional representative appointed by the commissioner of education.

(d) A dissolution committee created under this Act is subject to the open meetings requirements under Chapter 551, Government Code, and public information requirements under Chapter 552, Government Code.

(e) Members of a dissolution committee may not receive compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the dissolution committee.

(f) Subject to the other requirements of this Act, the dissolution committee shall determine the manner in which all assets, liabilities, contracts, and services of the county board of education or board of county school trustees abolished by this Act are divided, transferred, or discontinued. The dissolution committee shall create a sinking

fund to deposit all money received in the abolishment of each county board of education or board of county school trustees for the payment of all debts of the county board of education or board of county school trustees.

(g) The dissolution committee shall continue providing transportation services to participating component school districts for the 2017-2018 school year. The dissolution committee shall maintain current operations and personnel needed to provide the transportation services.

(h) At the end of the 2017-2018 school year all school buses, vehicles, and bus service centers shall be transferred to participating component school districts in proportionate shares equal to the amount of buses currently assigned to each district. The dissolution committee shall audit and confirm assignment of buses by vehicle identification numbers or some other agreed upon means assigned to applicable districts. Final distribution and assignment of these assets will be not later than September 1, 2018, at no cost to the districts.

(i) The dissolution committee may employ for the 2017-2018 school year one person to assist in the abolishment of the county board of education or board of county school trustees.

(j) On September 1, 2017, the participating component school district with the largest number of students in average daily attendance has the right of first refusal to buy, at fair market value, the administrative building of the county board of education or board of county school trustees.

(k) An ad valorem tax assessed by a county board of education or board of county school trustees shall continue to be assessed by the county on behalf of the board for the purpose of paying the principal of and interest on any bonds issued by the county board of education or board of county school trustees until all bonds are paid in full. This subsection applies only to a bond issued before the effective date of this Act for which the tax receipts were obligated. On payment of all bonds issued by the county board of education or board of county school trustees the ad valorem tax may not be assessed.

(l) In the manner provided by rule of the commissioner of education, the county shall collect and use any delinquent taxes imposed by or on behalf of the county board of education or board of county school trustees.

(m) The dissolution committee shall distribute the assets remaining after discharge of the liabilities of the county board of education or board of county school trustees to the component school districts in the county in proportionate shares equal to the proportion that the amount of money a district has submitted to the county board of education or board of county school trustees has to the total amount of money submitted by all districts. The dissolution committee shall liquidate board assets as necessary to discharge board liabilities and facilitate the distribution of assets. A person authorized by the dissolution committee shall execute any documents necessary to complete the transfer of assets, liabilities, or contracts.

(n) The dissolution committee shall encourage the component school districts to:
(1) continue sharing services received through the county board of education or board of county school trustees; and

(2) give preference to private sector contractors to continue services provided by the county board of education or board of county school trustees.

(o) The chief financial officer and financial advisor for the county board of education or board of county school trustees shall provide assistance to the dissolution committee in abolishing the county board of education or board of county school trustees.

(p) The Texas Education Agency shall provide assistance to a dissolution committee in the distribution of assets, liabilities, contracts, and services of a county board of education or board of county school trustees abolished by this Act.

(q) Any dissolution committee created as provided by this Act is abolished on the date all debt obligations of the county board of education or board of county school trustees are paid in full and all assets distributed to component school districts.

SECTION _____.002. Chapter 266 (SB 394), Acts of the 40th Legislature, Regular Session, 1927 (Article 2700a, Vernon's Texas Civil Statutes), is repealed.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2065** before appointment.

There were no motions offered.

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

SENATE BILL 1987 WITH HOUSE AMENDMENT

Senator Lucio called **SB 1987** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Bettencourt in Chair, laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1987** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the notice requirements for bills proposing the creation of or annexation of land to certain special purpose districts.

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

SECTION 1. The heading to Section 313.006, Government Code, is amended to read as follows:

Sec. 313.006. NOTICE FOR LAWS ESTABLISHING OR ADDING TERRITORY TO MUNICIPAL MANAGEMENT DISTRICTS.

SECTION 2. Section 313.006, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (e) and (f) to read as follows:

(a) In addition to the other requirements of this chapter, a person, other than a member of the legislature, who intends to apply for the passage of a law establishing or adding territory to a special district that incorporates a power from Chapter 375, Local Government Code, must provide notice as provided by this section.

(b) The person shall notify by mail each person who owns real property ~~in the~~ proposed to be included in a new district or to be added to an existing district, according to the most recent certified tax appraisal roll for the county in which the real property is owned. The notice, properly addressed with postage paid, must be deposited with the United States Postal Service not later than the 30th day before the date on which the intended law is introduced in the legislature.

(d) The person is not required to mail notice under Subsection (b) or (e) to a person who owns real property in the proposed district or in the area proposed to be added to a district if the property cannot be subject to an assessment by the district.

(e) After the introduction of a law in the legislature establishing or adding territory to a special district that incorporates a power from Chapter 375, Local Government Code, the person shall mail to each person who owns real property proposed to be included in a new district or to be added to an existing district a notice that the legislation has been introduced, including the applicable bill number. The notice, properly addressed with postage paid, must be deposited with the United States Postal Service not later than the 30th day after the date on which the intended law is introduced in the legislature. If the person has not mailed the notice required under this subsection on the 31st day after the date on which the intended law is introduced in the legislature, the person may cure the deficiency by immediately mailing the notice, but the person shall in no event mail the notice later than the date on which the intended law is reported out of committee in the chamber other than the chamber in which the intended law was introduced. If similar bills are filed in both chambers of the legislature, a person is only required to provide a single notice under this subsection not later than the 30th day after the date the first of the bills is filed.

(f) A landowner may waive any notice required under this section at any time.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1987** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Lucio, Chair; Bettencourt, Campbell, Creighton, and Garcia.

SENATE BILL 570 WITH HOUSE AMENDMENTS

Senator Rodriguez called **SB 570** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 570** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the regulation of the retention, storage, transportation, disposal, processing, and reuse of used or scrap tires; providing a civil penalty; creating a criminal offense.

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

SECTION 1. The heading to Section 361.112, Health and Safety Code, is amended to read as follows:

Sec. 361.112. STORAGE[~~—TRANSPORTATION,~~] AND DISPOSAL OF USED OR SCRAP TIRES; CERTAIN REUSE OF SCRAP TIRES.

SECTION 2. Section 361.112, Health and Safety Code, is amended by adding Subsections (n) and (o) to read as follows:

(n) A used or scrap tire generator, including a tire dealer, junkyard, or fleet operator, who stores used or scrap tires outdoors on its business premises shall store the used or scrap tires in a locked, secured, or contained manner that protects the tires from theft.

(o) The commission shall adopt rules to require a person who uses more than 1,000 used or scrap tires in a construction project to obtain approval from the commission before the use of the tires in the project. In evaluating a project for approval under rules adopted under this section, the commission shall consider potential effects on human health and the environment.

SECTION 3. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Sections 361.1121 and 361.1122 to read as follows:

Sec. 361.1121. USED OR SCRAP TIRE GENERATORS. (a) In this section:

(1) "Generator" means a fleet operator, an automotive dismantler, a tire recapper or retreader, or a retailer, wholesaler, or manufacturer of whole new or used tires. The term does not include a scrap tire energy recovery facility or a scrap tire recycling facility.

(2) "Retailer" means a person who is engaged in the business of selling or otherwise placing tires in the stream of commerce for use on a vehicle, trailer, or piece of equipment.

(3) "Scrap tire" has the meaning assigned by Section 361.112. The term does not include a tire:

(A) in or on a vehicle that:

(i) has been crushed; or

(ii) is being transported to a registered metal recycling entity or a

licensed used automotive parts recycler; or

(B) that is mounted on a metal wheel that is intended to be recycled.

(4) "Used tire" means a tire that:

(A) has been used as a tire on a vehicle, trailer, or piece of equipment;

(B) has tire tread at least one-sixteenth inch deep;

(C) can still be used for its original intended purpose; and

(D) meets the visual and tread depth requirements for used tires

established by the Department of Public Safety.

(b) A customer may retain a scrap or used tire removed from the customer's vehicle during the purchase of a tire. A retailer whose customer retains a scrap tire shall keep a record of the customer's retention of the tire in accordance with commission rules at least until the third anniversary of the date the customer retained the tire.

(c) A retailer who takes possession of a scrap tire from a customer during a transaction described by Subsection (b) shall store or dispose of the scrap tire according to local and state laws, including Section 361.112.

(d) A retailer shall post a sign in a location readily visible to the customer that specifies the requirements for the disposal of scrap and used tires.

(e) The commission shall develop the language and specifications for the sign described by Subsection (d) and make the language and specifications available on the commission's Internet website.

(f) A generator may contract for the transportation of used or scrap tires only with a transporter who:

(1) is registered as described by Section 361.1122(b); and

(2) has filed evidence of financial assurance according to Sections 361.1122(d) and (e).

(g) A generator who contracts for the transportation of used or scrap tires with a transporter the generator knows to be unregistered is:

(1) jointly and severally liable for any civil penalty imposed on the transporter under Subchapter D, Chapter 7, Water Code, for the illegal disposal of the tires; and

(2) criminally responsible, under Chapter 7, Penal Code, for an offense involving the tires under Section 365.012 of this code committed by the transporter.

(h) Notwithstanding Sections 7.102 and 7.103, Water Code, the amount of a civil penalty for a violation of this section may not be less than \$1,000 a day for each violation. A separate penalty may be imposed for each day a violation occurs.

Sec. 361.1122. USED OR SCRAP TIRE TRANSPORTERS AND CERTAIN TIRE PROCESSORS; MANIFEST REQUIREMENT. (a) In this section:

(1) "Scrap tire" and "used tire" have the meanings assigned by Section 361.1121.

(2) "Transporter" means a person who collects used or scrap tires from another person for the purpose of removal to a used tire dealer, scrap tire processor, end user, or disposal facility.

(b) Except as provided by Subsection (c), a person shall register annually with the commission if the person is:

(1) a transporter; or

(2) a tire processor that is not required to register as a storage site under Section 361.112.

(c) The following persons are not required to register under this section:

(1) a person who ships used or defective tires back to the manufacturer or the manufacturer's representative for adjustment, provided that the person retains, until the third anniversary of the shipment date, written records of the shipments indicating the date of shipment, the destination, and the number of tires in each shipment and makes those records available to the commission on request;

(2) an on-site sewage facility installer who is registered with the commission and who transports used or scrap tires or tire pieces for construction of an on-site sewage disposal system, provided that the installer complies with the commission's manifest and recordkeeping requirements;

(3) a retreader who hauls tires from customers for the purpose of retreading the tires or who returns tires to customers after retreading or recapping, provided that the retreader does not haul tires to an authorized facility for used or scrap tire collection;

(4) a person who owns or operates a truck for municipal solid waste collection or commercial route collection and handles incidental loads of used or scrap tires or tire pieces as part of normal household or commercial collection activities;

(5) a municipality, county, or other governmental entity that owns or operates a transport vehicle used to transport used or scrap tires to an authorized facility or to a facility used by a governmental entity to collect used or scrap tires, provided that each load of used or scrap tires is manifested as required by the commission;

(6) a generator, as that term is defined in Section 361.1121, transporting the generator's used or scrap tires:

(A) between business locations owned or controlled by the generator; or

(B) to a facility authorized by the commission to receive used or scrap

tires;

(7) a person transporting five or fewer used or scrap tires; and

(8) a person exempt from registration requirements under commission rules.

(d) A transporter or tire processor who is required to register with the commission shall provide financial assurance by filing with the commission:

(1) a surety bond obtained from a surety company authorized to transact business in this state;

(2) evidence of an established trust account; or

(3) an irrevocable letter of credit.

(e) The bond, trust account, or irrevocable letter of credit described by Subsection (d) must be in favor of the state and:

(1) for a transporter, in an amount of \$25,000 or more; and

(2) for a tire processor, in an amount adequate to ensure proper cleanup and closure of the site.

(f) Money that the commission receives from a bond, trust account, or irrevocable letter of credit obtained by a transporter to meet the requirements of Subsections (d) and (e) must be used for the cleanup of unauthorized tire sites where the transporter has delivered tires.

(g) The commission shall require a person who transports used or scrap tires to maintain records and use a manifest or other appropriate system to assure that tires are transported to a storage site that is registered or to a site or facility authorized by the

commission. A political subdivision or a person who contracts with a political subdivision is not required to comply with this subsection regarding the transportation of used or scrap tires directly from:

(1) a roadway maintained by the political subdivision; or

(2) an easement maintained by the political subdivision that is adjacent to a roadway.

(h) The commission shall require a transporter to submit to the commission in an electronic format an annual report on the records maintained by the transporter under this subsection. A transporter who fails to submit an annual report under this subsection is not eligible to renew the transporter's registration.

(i) The commission shall annually issue a registration insignia to each transporter. The transporter shall display the insignia on each vehicle used to transport tires under the registration. The insignia expires annually on a date specified by the commission. The commission may adopt rules for issuing duplicate and multiple insignia.

SECTION 4. Subchapter E, Chapter 7, Water Code, is amended by adding Sections 7.1855 and 7.1856 to read as follows:

Sec. 7.1855. RECKLESS VIOLATIONS RELATING TO USED OR SCRAP TIRES. (a) A person commits an offense if the person recklessly violates:

(1) Section 361.112, 361.1121, or 361.1122, Health and Safety Code; or

(2) a rule adopted under or the terms of an order, permit, or exception granted or issued under Chapter 361, Health and Safety Code, relating to used or scrap tires.

(b) An offense under this section is punishable for an individual under Section 7.187(a)(1)(B) or 7.187(a)(2)(D) or both.

(c) An offense under this section is punishable for a person other than an individual under Section 7.187(a)(1)(C).

Sec. 7.1856. INTENTIONAL OR KNOWING VIOLATIONS RELATING TO USED OR SCRAP TIRES. (a) A person commits an offense if the person intentionally or knowingly violates:

(1) Section 361.112, 361.1121, or 361.1122, Health and Safety Code; or

(2) a rule adopted under or the terms of an order, permit, or exception granted or issued under Chapter 361, Health and Safety Code, relating to used or scrap tires.

(b) An offense under this section is punishable for an individual under Section 7.187(a)(1)(C) or Section 7.187(a)(2)(E) or both.

(c) An offense under this section is punishable for a person other than an individual under Section 7.187(a)(1)(D).

SECTION 5. Section 7.303(a), Water Code, is amended to read as follows:

(a) This section applies to a license, certificate, or registration issued:

(1) by the commission under:

(A) Section 26.0301;

(B) Chapter 37;

(C) Section 361.0861, 361.092, ~~or~~ 361.112, or 361.1122, Health and Safety Code;

(D) Chapter 366, 371, or 401, Health and Safety Code; or

(E) Chapter 1903, Occupations Code;

(2) by a county under Subchapter E, Chapter 361, Health and Safety Code;

or

(3) under a rule adopted under any of those provisions.

SECTION 6. Sections 361.112(g) and (k), Health and Safety Code, are repealed.

SECTION 7. Not later than March 1, 2018, the Texas Commission on Environmental Quality shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 8. Notwithstanding Section 361.1122, Health and Safety Code, as added by this Act, a person is not required to register under that section until September 1, 2018.

SECTION 9. This Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 570** (house committee printing) on page 4, line 10, by striking "\$1000" and substituting "\$500".

Floor Amendment No. 1 on Third Reading

Amend **SB 570** on third reading in SECTION 3 of the bill, in added Section 361.1122(g), Health and Safety Code, by striking the second sentence and substituting the following:

A political subdivision, state agency, or a person who contracts with a political subdivision or state agency is not required to comply with this subsection regarding the transportation of used or scrap tires directly from:

(1) a roadway maintained by the political subdivision or state agency; or

(2) an easement maintained by the political subdivision or state agency that

is adjacent to a roadway.

The amendments were read.

Senator Rodríguez moved to concur in the House amendments to **SB 570**.

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

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

Nays: Bettencourt, Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Hughes, Kolkhorst, Schwertner, Taylor of Collin.

SENATE BILL 396 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 396** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 396** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the designation of Business State Highway 123-B in Guadalupe County as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway.

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

SECTION 1. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:

Sec. 225.123. TEXAS GAME WARDEN TEYRAN "TY" PATTERSON MEMORIAL HIGHWAY. (a) Business State Highway 123-B in Guadalupe County is designated as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway. This designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 396**.

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

SENATE BILL 537 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 537** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 537** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to requiring the disclosure of special course fees at public institutions of higher education.

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

SECTION 1. Subchapter A, Chapter 54, Education Code, is amended by adding Section 54.0051 to read as follows:

Sec. 54.0051. DISCLOSURE OF COURSE FEES IN COURSE CATALOG. Each institution of higher education shall include in the institution's online course catalog, for each course listed in the catalog, a description and the amount of any

special course fee, including an online access fee or lab fee, to be charged specifically for the course. If the institution publishes a paper course catalog, the institution may publish any fees specifically charged for each course using the amounts charged in the most recent academic year.

SECTION 2. Section 54.0051, Education Code, as added by this Act, applies beginning with course catalogs published for the 2018-2019 academic year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 537**.

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

SENATE BILL 589 WITH HOUSE AMENDMENT

Senator Lucio called **SB 589** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 589** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the licensing and regulation of behavior analysts and assistant behavior analysts; requiring an occupational license; imposing fees.

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

SECTION 1. Section 51.2031(a), Occupations Code, is amended to read as follows:

(a) This section applies only to the regulation of the following professions by the department:

- (1) athletic trainers;
- (2) behavior analysts;
- (3) dietitians;
- (4) [~~3~~] hearing instrument fitters and dispensers;
- (5) [~~4~~] midwives;
- (6) [~~5~~] orthotists and prosthetists; and
- (7) [~~6~~] speech-language pathologists and audiologists.

SECTION 2. Subtitle I, Title 3, Occupations Code, is amended by adding Chapter 506 to read as follows:

CHAPTER 506. BEHAVIOR ANALYSTS SUBCHAPTER A. GENERAL PROVISIONS

Sec. 506.001. SHORT TITLE. This chapter may be cited as the Behavior Analyst Licensing Act.

Sec. 506.002. DEFINITIONS. In this chapter:

- (1) "Advisory board" means the Behavior Analyst Advisory Board.

(2) "Certifying entity" means the nationally accredited Behavior Analyst Certification Board or another entity that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute to issue credentials in the professional practice of applied behavior analysis and approved by the department.

(3) "Commission" means the Texas Commission of Licensing and Regulation.

(4) "Department" means the Texas Department of Licensing and Regulation.

(5) "Executive director" means the executive director of the department.

(6) "License holder" means a person licensed under this chapter.

(7) "Licensed assistant behavior analyst" means a person who is certified by the certifying entity as a Board Certified Assistant Behavior Analyst or who has an equivalent certification issued by the certifying entity and who meets the requirements specified by Sections 506.252 and 506.254.

(8) "Licensed behavior analyst" means a person who is certified by the certifying entity as a Board Certified Behavior Analyst or a Board Certified Behavior Analyst–Doctoral or who has an equivalent certification issued by the certifying entity and who meets the requirements specified by Sections 506.252 and 506.253.

(9) "Physician" means a person licensed to practice medicine by the Texas Medical Board.

Sec. 506.003. PRACTICE OF APPLIED BEHAVIOR ANALYSIS. (a) The practice of applied behavior analysis is the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior.

(b) The practice of applied behavior analysis includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment or functional analysis.

(c) Applied behavior analysis interventions:

(1) are based on scientific research and the direct observation and measurement of behavior and environment; and

(2) use contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other procedures to help individuals develop new behaviors, increase or decrease existing behaviors, and elicit or evoke behaviors under specific environmental conditions.

(d) The practice of applied behavior analysis does not include:

(1) psychological testing, psychotherapy, cognitive therapy, psychoanalysis, hypnotherapy, or counseling as treatment modalities; or

(2) the diagnosis of disorders.

SUBCHAPTER B. APPLICATION OF CHAPTER; USE OF TITLE

Sec. 506.051. LICENSED PSYCHOLOGISTS. This chapter does not apply to a person licensed to practice psychology in this state if the applied behavior analysis services provided are within the scope of the licensed psychologist's education, training, and competence.

Sec. 506.052. OTHER LICENSED PROFESSIONALS. This chapter does not apply to a person licensed to practice another profession in this state if the applied behavior analysis services provided are within:

- (1) the scope of practice of the person's license under state law; and
- (2) the scope of the person's education, training, and competence.

Sec. 506.053. FAMILY MEMBERS AND GUARDIANS. This chapter does not apply to a family member or guardian of a recipient of applied behavior analysis services who is implementing a behavior analysis treatment plan for the recipient under the extended authority and direction of a licensed behavior analyst or licensed assistant behavior analyst.

Sec. 506.054. PARAPROFESSIONALS. This chapter does not apply to a paraprofessional technician who delivers applied behavior analysis services if:

(1) the applied behavior analysis services are provided under the extended authority and direction of a licensed behavior analyst or licensed assistant behavior analyst; and

(2) the person is designated as an "applied behavior analysis technician," "behavior technician," "tutor," or "front-line therapist."

Sec. 506.055. STUDENTS, INTERNS, AND FELLOWS. This chapter does not apply to an applied behavior analysis activity or service of a college or university student, intern, or fellow if:

(1) the activity or service is part of a defined behavior analysis program of study, course, practicum, internship, or postdoctoral fellowship;

(2) the activity or service is directly supervised by a licensed behavior analyst or an instructor in a course sequence approved by the certifying entity; and

(3) the person is designated as a "student," "intern," "fellow," or "trainee."

Sec. 506.056. SUPERVISED EXPERIENCE. This chapter does not apply to an unlicensed person pursuing supervised experience in applied behavior analysis if the supervised experience is consistent with the requirements of the certifying entity and commission rules.

Sec. 506.057. TEMPORARY SERVICES OF BEHAVIOR ANALYST FROM ANOTHER STATE. (a) This chapter does not apply to a behavior analyst licensed in another jurisdiction or certified by the certifying entity if the activities and services conducted in this state:

- (1) are within the behavior analyst's customary area of practice;
- (2) are conducted not more than 20 days in a calendar year; and
- (3) are not otherwise in violation of this chapter.

(b) A behavior analyst described by Subsection (a) shall inform the recipient of applied behavior analysis services, or a parent or guardian of the recipient if the recipient is under 18 years of age, that:

(1) the behavior analyst is not licensed in this state; and
(2) the activities and services provided by the behavior analyst are time-limited.

Sec. 506.058. TEACHER OR EMPLOYEE OF SCHOOL DISTRICT. (a) This chapter does not apply to a teacher or employee of a private or public school who provides applied behavior analysis services if the teacher or employee is performing duties within the scope of the teacher's or employee's employment.

(b) A person described by Subsection (a) may not:

(1) represent that the person is a behavior analyst, unless the applied behavior analysis services provided are within the person's education, training, and competence;

(2) offer applied behavior analysis services to any person, other than within the scope of the person's employment duties for the school; or

(3) receive compensation for providing applied behavior analysis services, other than the compensation that the person receives from the person's school employer.

Sec. 506.059. PERSONS WHO DO NOT PROVIDE DIRECT SERVICES. (a) This chapter does not apply to a person who:

(1) is a behavior analyst who practices with nonhumans, including an applied animal behaviorist or an animal trainer;

(2) teaches behavior analysis or conducts behavior analytic research if the teaching or research activities do not involve the delivery or supervision of applied behavior analysis services; or

(3) is a professional who provides general applied behavior analysis services to organizations if those services:

(A) are for the benefit of the organization; and

(B) do not involve direct services to individuals.

(b) A person described by Subsection (a) may use the title "behavior analyst."

SUBCHAPTER C. BEHAVIOR ANALYST ADVISORY BOARD

Sec. 506.101. ADVISORY BOARD MEMBERSHIP. (a) The advisory board is composed of nine members appointed by the presiding officer of the commission with the approval of the commission as follows:

(1) four licensed behavior analysts, at least one of whom must be certified as a Board Certified Behavior Analyst–Doctoral or hold an equivalent certification issued by the certifying entity;

(2) one licensed assistant behavior analyst;

(3) one physician who has experience providing mental health or behavioral health services; and

(4) three members who represent the public and who are either former recipients of applied behavior analysis services or the parent or guardian of a current or former recipient of applied behavior analysis services.

(b) To be qualified for appointment under Subsection (a)(1), a person must have at least five years of experience as a licensed behavior analyst after being certified by the certifying entity.

(c) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

Sec. 506.102. DUTIES OF ADVISORY BOARD. The advisory board shall provide advice and recommendations to the department on technical matters relevant to the administration of this chapter.

Sec. 506.103. TERMS; VACANCY. (a) Members of the advisory board serve staggered six-year terms, with the terms of three members expiring February 1 of each odd-numbered year.

(b) A member may not serve more than two consecutive six-year terms.

(c) If a vacancy occurs during a member's term, the presiding officer of the commission, with the commission's approval, shall appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.

Sec. 506.104. PRESIDING OFFICER. The presiding officer of the commission shall designate a member of the advisory board to serve as the presiding officer of the advisory board for a term of one year. The presiding officer of the advisory board may vote on any matter before the advisory board.

Sec. 506.105. MEETINGS. The advisory board shall meet at least twice each year and at the call of the presiding officer of the commission or the executive director.

Sec. 506.106. GROUNDS FOR REMOVAL. A member of the advisory board may be removed as provided by Section 51.209.

Sec. 506.107. COMPENSATION; REIMBURSEMENT. (a) A member of the advisory board may not receive compensation for service on the advisory board.

(b) A member of the advisory board is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the advisory board, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 506.151. GENERAL POWERS AND DUTIES. (a) The commission shall adopt rules consistent with this chapter for the administration and enforcement of this chapter.

(b) The department shall:

(1) administer and enforce this chapter;

(2) evaluate the qualifications of license applicants;

(3) provide for the examination of license applicants;

(4) issue licenses;

(5) in connection with a hearing under this chapter, issue subpoenas, examine witnesses, and administer oaths under the laws of this state; and

(6) investigate persons engaging in practices that violate this chapter.

(c) The commission or executive director may deny, revoke, or suspend a license or may otherwise discipline a license holder in accordance with Section 51.353.

Sec. 506.152. STANDARDS OF ETHICAL PRACTICE. The commission shall adopt rules under this chapter that establish standards of ethical practice.

Sec. 506.153. ASSISTANCE FILING COMPLAINT. The department, in accordance with Section 51.252, shall provide reasonable assistance to a person who wishes to file a complaint with the department regarding a person or activity regulated under this chapter.

Sec. 506.154. FEES. The commission by rule shall set fees in amounts reasonable and necessary to cover the costs of administering this chapter.

SUBCHAPTER E. PUBLIC INTEREST INFORMATION
AND COMPLAINT PROCEDURES

Sec. 506.201. TELEPHONE NUMBER FOR COMPLAINTS. The department shall list with its regular telephone number any toll-free telephone number established under other state law that may be called to present a complaint about a health professional.

Sec. 506.202. CONFIDENTIALITY OF COMPLAINT INFORMATION. (a) Except as provided by Subsection (b), a complaint and investigation concerning a license holder and all information and materials compiled by the department in connection with the complaint and investigation are not subject to:

(1) disclosure under Chapter 552, Government Code; or

(2) disclosure, discovery, subpoena, or other means of legal compulsion for release of information to any person.

(b) A complaint or investigation subject to Subsection (a) and all information and materials compiled by the department in connection with the complaint, in accordance with Chapter 611, Health and Safety Code, may be disclosed to:

(1) the department and its employees or agents involved in license holder discipline;

(2) a party to a disciplinary action against the license holder or that party's designated representative;

(3) a law enforcement agency if required by law;

(4) a governmental agency if:

(A) the disclosure is required or permitted by law; and

(B) the agency obtaining the disclosure protects the identity of any patient whose records are examined; or

(5) the legislature.

(c) The department shall protect the identity of any patient whose records are examined in connection with a disciplinary investigation or proceeding against a license holder, except:

(1) a patient who initiates the disciplinary action; or

(2) a patient who has submitted a written consent to release the records.

SUBCHAPTER F. LICENSE REQUIREMENTS

Sec. 506.251. LICENSE REQUIRED. (a) Except as provided by Subchapter B, a person may not engage in the practice of applied behavior analysis unless the person holds a license under this chapter.

(b) A person may not use the title "licensed behavior analyst" or "licensed assistant behavior analyst," as appropriate, unless the person is licensed under this chapter.

(c) Except as provided by Subchapter B, a person may not use the title "behavior analyst" unless the person is licensed under this chapter.

Sec. 506.252. LICENSE APPLICATION. Each applicant for a license under this chapter must submit an application and the required fees to the department. The application must include sufficient evidence, as defined by commission rules, that the applicant has successfully completed a state-approved criminal background check.

Sec. 506.253. REQUIREMENTS FOR LICENSED BEHAVIOR ANALYST. An applicant for a license as a licensed behavior analyst must present evidence to the department that the applicant:

(1) is currently certified by the certifying entity as a Board Certified Behavior Analyst or a Board Certified Behavior Analyst–Doctoral or an equivalent certification issued by the certifying entity;

(2) has met the educational requirements of the Board Certified Behavior Analyst standard or the Board Certified Behavior Analyst–Doctoral standard or an equivalent standard adopted by the certifying entity;

(3) has passed the Board Certified Behavior Analyst examination, or an equivalent examination offered by the certifying entity, in applied behavior analysis;

(4) is in compliance with all professional, ethical, and disciplinary standards established by the certifying entity; and

(5) is not subject to any disciplinary action by the certifying entity.

Sec. 506.254. REQUIREMENTS FOR LICENSED ASSISTANT BEHAVIOR ANALYST. An applicant for a license as a licensed assistant behavior analyst must present evidence to the department that the applicant:

(1) is currently certified by the certifying entity as a Board Certified Assistant Behavior Analyst or an equivalent certification issued by the certifying entity;

(2) has met the educational requirements of the Board Certified Assistant Behavior Analyst standard or an equivalent standard adopted by the certifying entity;

(3) has passed the Board Certified Assistant Behavior Analyst examination, or an equivalent examination offered by the certifying entity, in applied behavior analysis;

(4) is in compliance with all professional, ethical, and disciplinary standards established by the certifying entity;

(5) is not subject to any disciplinary action by the certifying entity; and

(6) is currently supervised by a licensed behavior analyst in accordance with the requirements of the certifying entity.

Sec. 506.255. ISSUANCE OF LICENSE. The department shall issue a license as a licensed behavior analyst or a licensed assistant behavior analyst, as appropriate, to an applicant who:

(1) complies with the requirements of this chapter;

(2) meets any additional requirements the commission establishes by rule;

and

(3) pays the required fees.

Sec. 506.256. RECIPROCITY. (a) The department shall issue a license to a person who is currently licensed as a behavior analyst or as an assistant behavior analyst from another state or jurisdiction that imposes licensure requirements similar to those specified in this chapter.

(b) An applicant for a reciprocal license shall:

(1) submit evidence to the department that the applicant:

(A) is in good standing as determined by the department;

(B) holds a valid license from another state or jurisdiction; and

(C) is in compliance with other requirements established by Section 506.252, 506.253, 506.254, or 506.255, as appropriate; and

(2) pay the required fees.

Sec. 506.257. RETIREMENT STATUS. The commission by rule may adopt a system for placing a person licensed under this chapter on retirement status.

SUBCHAPTER G. LICENSE RENEWAL

Sec. 506.301. LICENSE EXPIRATION. A license issued under this chapter expires on the second anniversary of the date of issuance.

Sec. 506.302. LICENSE RENEWAL. Before the expiration of a license, a license may be renewed by:

(1) submitting an application for renewal;

(2) paying the renewal fee imposed by the commission; and

(3) providing verification to the department of continued certification by the certifying entity, which signifies that the applicant for renewal has met any continuing education requirements established by the certifying entity.

SUBCHAPTER H. LICENSE DENIAL AND DISCIPLINARY PROCEDURES

Sec. 506.351. GROUNDS FOR LICENSE DENIAL AND DISCIPLINARY ACTION. After a hearing, the commission or executive director may deny a license to an applicant, suspend or revoke a person's license, or place on probation a license holder if the applicant or license holder:

(1) violates this chapter, a commission rule, or an order of the commission or the executive director;

(2) obtains a license by means of fraud, misrepresentation, or concealment of a material fact;

(3) sells, barter, or offers to sell or barter a license; or

(4) engages in unprofessional conduct that:

(A) endangers or is likely to endanger the health, welfare, or safety of the public as defined by commission rule; or

(B) violates the code of ethics adopted and published by the commission.

SUBCHAPTER I. ENFORCEMENT PROCEDURES

Sec. 506.401. ENFORCEMENT PROCEEDINGS. The commission, department, or executive director may enforce this chapter, a rule adopted under this chapter, or an order of the commission or executive director as provided by Subchapters F and G, Chapter 51.

SECTION 3. (a) As soon as practicable after the effective date of this Act, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint nine members to the Behavior Analyst Advisory Board in accordance with Chapter 506, Occupations Code, as added by this Act. In making the initial appointments, the presiding officer of the commission shall designate three members for terms expiring February 1, 2019, three members for terms expiring February 1, 2021, and three members for terms expiring February 1, 2023.

(b) Notwithstanding Section 506.101, Occupations Code, as added by this Act, a person who meets the requirements of Section 506.253 or 506.254, Occupations Code, as added by this Act, may be appointed as an initial behavior analyst or

assistant behavior analyst member of the Behavior Analyst Advisory Board, as applicable, regardless of whether the person holds a license issued under Chapter 506, Occupations Code, as added by this Act.

SECTION 4. Not later than April 1, 2018, the Texas Commission of Licensing and Regulation shall adopt the rules, procedures, and fees necessary to administer Chapter 506, Occupations Code, as added by this Act.

SECTION 5. Notwithstanding Chapter 506, Occupations Code, as added by this Act, a behavior analyst or assistant behavior analyst is not required to hold a license under that chapter to practice as a licensed behavior analyst or licensed assistant behavior analyst in this state before September 1, 2018.

SECTION 6. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2017.

(b) Section 506.251, Occupations Code, and Subchapter I, Chapter 506, Occupations Code, as added by this Act, take effect September 1, 2018.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 589**.

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

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

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

SENATE BILL 744 WITH HOUSE AMENDMENTS

Senator Kolkhorst called **SB 744** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 744** (house committee printing) on page 2, between lines 22 and 23, by adding the following appropriately lettered subsection:

() In this section, "tree mitigation fee" includes a parkland dedication or the payment of a fee in lieu of a dedication.

Floor Amendment No. 1 on Third Reading

Amend **SB 744** on third reading by striking the text of Floor Amendment No. ___ by Darby (Bar code No. 852936).

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 744**.

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

SENATE BILL 1005 WITH HOUSE AMENDMENTS

Senator Campbell called **SB 1005** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 1005** (house committee printing) as follows:

(1) On page 2, line 5, strike "the SAT or the ACT" and substitute "the SAT, the ACT, or the Texas Success Initiative (TSI) diagnostic assessment".

(2) On page 2, line 11, strike "the SAT and the ACT" and substitute "the SAT, the ACT, and the Texas Success Initiative (TSI) diagnostic assessment".

Floor Amendment No. 1 on Third Reading

Amend **SB 1005** on third reading as follows:

(1) In the recital for SECTION 1 of the bill, strike "Subsection (f-1)" and substitute "Subsections (f-1) and (f-2)".

(2) In SECTION 1 of the bill, amending Section 39.025(f)(2), Education Code, strike "the SAT, the ACT, or the Texas Success Initiative (TSI) diagnostic assessment" and substitute "the SAT, the ACT, the Texas Success Initiative (TSI) diagnostic assessment, or the current assessment instrument or instruments administered for graduation purposes".

(3) In SECTION 1 of the bill, adding Section 39.025(f-1), Education Code, strike "the SAT, the ACT, and the Texas Success Initiative (TSI) diagnostic assessment" and substitute "the SAT, the ACT, the Texas Success Initiative (TSI) diagnostic assessment, and the current assessment instrument or instruments administered for graduation purposes".

(4) In SECTION 1 of the bill, following added Section 39.025(f-1), insert the following:

(f-2) A school district shall determine which assessment or assessments described by Subsection (f-1) qualifies a student subject to Subsection (f)(1) to receive a high school diploma from the district.

The amendments were read.

Senator Campbell moved to concur in the House amendments to **SB 1005**.

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

SENATE BILL 1009 WITH HOUSE AMENDMENT

Senator Perry called **SB 1009** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 1009** (house committee printing) on page 2, by striking line 8 and substituting "district by law is authorized to consider."

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 1009**.

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

SENATE BILL 1089 WITH HOUSE AMENDMENT

Senator Perry called **SB 1089** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 1089** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the certification of food service workers.

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

SECTION 1. Sections 438.046(b), (b-1), and (c), Health and Safety Code, are amended to read as follows:

(b) ~~[A local health jurisdiction that requires training for a food service worker shall accept as sufficient to meet the jurisdiction's training and testing requirements a training course that is accredited by the department and listed with the registry.]~~ A food service worker trained in a course for the employees of a single entity is considered to have met a local health jurisdiction's training, ~~and~~ testing, and permitting requirements only as to food service performed for that entity.

(b-1) A food service worker trained in a food handler training course that is accredited by the American National Standards Institute or that is accredited by the department and listed with the registry is considered to have met a local health jurisdiction's training, testing, and permitting requirements. A local health jurisdiction may require a food establishment, as that term is defined by Section 438.101, to maintain on the premises of the food establishment a certificate of completion of the training course for employees of the food establishment.

(c) A local health jurisdiction may not charge a fee or require or issue a local food handler card for a certificate issued to a food service worker who provides proof of completion of an accredited course described by Subsection (b-1) ~~[Any fee charged by a local health jurisdiction for a certificate issued to a food service worker trained by an accredited course listed in the registry may not exceed the lesser of:~~

~~(1) the reasonable cost incurred by the jurisdiction in issuing the certificate;~~
~~or~~

~~(2) the fee charged by the jurisdiction to issue a certificate to a food service worker certified by the jurisdiction as having met the training and testing requirements by any other means].~~

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 1089**.

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

SENATE BILL 292 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 292** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 292** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the creation of a grant program to reduce recidivism, arrest, and incarceration of individuals with mental illness.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0993 to read as follows:

Sec. 531.0993. GRANT PROGRAM TO REDUCE RECIDIVISM, ARREST, AND INCARCERATION AMONG INDIVIDUALS WITH MENTAL ILLNESS AND TO REDUCE WAIT TIME FOR FORENSIC COMMITMENT. (a) For purposes of this section, "low-income household" means a household with a total income at or below 200 percent of the federal poverty guideline.

(b) The commission shall establish a program to provide grants to county-based community collaboratives for the purposes of reducing:

(1) recidivism by, the frequency of arrests of, and incarceration of persons with mental illness; and

(2) the total waiting time for forensic commitment of persons with mental illness to a state hospital.

(c) A community collaborative may petition the commission for a grant under the program only if the collaborative includes a county, a local mental health authority that operates in the county, and each hospital district, if any, located in the county. A community collaborative may include other local entities designated by the collaborative's members.

(d) The commission shall condition each grant provided to a community collaborative under this section on the collaborative providing funds from non-state sources in a total amount at least equal to:

(1) 50 percent of the grant amount if the collaborative includes a county with a population of less than 250,000;

(2) 100 percent of the grant amount if the collaborative includes a county with a population of 250,000 or more; and

(3) the percentage of the grant amount otherwise required by this subsection for the largest county included in the collaborative, if the collaborative includes more than one county.

(d-1) To raise the required non-state sourced funds, a collaborative may seek and receive gifts, grants, or donations from any person.

(d-2) From money appropriated to the commission for each fiscal year to implement this section, the commission shall reserve 40 percent of that total to be awarded only as grants to a community collaborative that includes a county with a population of less than 250,000.

(e) For each state fiscal year for which a community collaborative seeks a grant, the collaborative must submit a petition to the commission not later than the 30th day of that fiscal year. The community collaborative must include with a petition:

(1) a statement indicating the amount of funds from non-state sources the collaborative is able to provide; and

(2) a plan that:

(A) is endorsed by each of the collaborative's member entities;

(B) identifies a target population;

(C) describes how the grant money and funds from non-state sources will be used;

(D) includes outcome measures to evaluate the success of the plan; and

(E) describes how the success of the plan in accordance with the outcome measures would further the state's interest in the grant program's purposes.

(f) The commission must review plans submitted with a petition under Subsection (e) before the commission provides a grant under this section. The commission must fulfill the commission's requirements under this subsection not later than the 60th day of each fiscal year.

(g) For each petition timely submitted and containing the statement and plan required by Subsection (e), the commission shall estimate the number of cases of serious mental illness in low-income households located in the county included in the community collaborative that submitted the petition. The commission must fulfill the commission's requirements under this subsection not later than the 60th day of each fiscal year.

(h) For each state fiscal year, the commission shall determine an amount of grant money available for the program on a per-case basis by dividing the total amount of money appropriated to the commission for the purpose of providing grants under this section for that fiscal year by the total number of the cases estimated under Subsection (g) for all collaboratives to which the commission intends to provide grants under this section. The commission must fulfill the commission's requirements under this subsection not later than the 60th day of each fiscal year.

(i) Not later than the 90th day of each fiscal year, the commission shall make available to a community collaborative receiving a grant under this section a grant in an amount equal to the lesser of:

(1) the amount determined by multiplying the per-case amount determined under Subsection (h) by the number of cases of serious mental illness in low-income households estimated for that collaborative under Subsection (g); or

(2) the collaborative's available matching funds.

(j) Acceptable uses for the grant money and matching funds include:

(1) the continuation of a mental health jail diversion program;

(2) the establishment or expansion of a mental health jail diversion program;

(3) the establishment of alternatives to competency restoration in a state hospital, including outpatient competency restoration, inpatient competency restoration in a setting other than a state hospital, or jail-based competency restoration;

(4) the provision of assertive community treatment or forensic assertive community treatment with an outreach component;

(5) the provision of intensive mental health services and substance abuse treatment not readily available in the county;

(6) the provision of continuity of care services for an individual being released from a state hospital;

(7) the establishment of interdisciplinary rapid response teams to reduce law enforcement's involvement with mental health emergencies; and

(8) the provision of local community hospital, crisis, respite, or residential beds.

(j-1) To the extent money appropriated to the commission to implement this section for a fiscal year remains available to the commission after the commission selects grant recipients for the fiscal year, the commission shall make grants available using the money remaining for the fiscal year through a competitive request for proposal process, without regard to the limitation provided by Subsection (d-2).

(k) Not later than the 90th day after the last day of the state fiscal year for which the commission distributes a grant under this section, each community collaborative that receives a grant shall prepare and submit a report describing the effect of the grant money and matching funds in achieving the standard defined by the outcome measures in the plan submitted under Subsection (e).

(l) The commission may make inspections of the operation and provision of mental health services provided by a community collaborative to ensure state money appropriated for the grant program is used effectively.

SECTION 2. This Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 292** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 531.0993, Government Code (page 1, lines 9-11), strike Subsection (a).

(2) In SECTION 1 of the bill, in added Section 531.0993, Government Code (page 2, lines 17-21), strike Subsection (d-2) and substitute the following subsection:

(d-2) Beginning on or after September 1, 2018, from money appropriated to the commission for each fiscal year to implement this section, the commission shall reserve at least 20 percent of that total to be awarded only as grants to a community collaborative that includes a county with a population of less than 250,000.

(3) In SECTION 1 of the bill, in added Section 531.0993, Government Code (page 3, line 18, through page 4, line 15), strike Subsections (g), (h), and (i).

(4) In SECTION 1 of the bill, in added Section 531.0993, Government Code (page 5, lines 10-16), strike Subsection (j-1) and substitute the following appropriately lettered subsection:

() Beginning on or after September 1, 2018, to the extent money appropriated to the commission for a fiscal year to implement this section remains available to the commission after the commission selects grant recipients for the fiscal

year, the commission shall make grants available using the money remaining for the fiscal year through a competitive request for proposal process, without regard to the limitation provided by Subsection (d-2).

(5) On page 5, between lines 26 and 27, insert the following appropriately lettered subsections:

() The commission may not award a grant under this section for a fiscal year to a community collaborative that includes a county with a population greater than four million if the legislature appropriates money for a mental health jail diversion program in the county for that fiscal year.

() Notwithstanding any other provision in this section, the commission may award a grant under this section for the state fiscal year beginning on September 1, 2017, only to a community collaborative that includes a county with a population of 250,000 or more. This subsection expires on August 31, 2018.

(6) Reletter subsections of added Section 531.0993, Government Code, and cross-references to those subsections as necessary.

Floor Amendment No. 1 on Third Reading

Amend **SB 292** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.09935 to read as follows:

Sec. 531.09935. GRANT PROGRAM TO REDUCE RECIDIVISM, ARREST, AND INCARCERATION AMONG INDIVIDUALS WITH MENTAL ILLNESS AND TO REDUCE WAIT TIME FOR FORENSIC COMMITMENT IN MOST POPULOUS COUNTY. (a) The commission shall establish a program to provide a grant to a county-based community collaborative in the most populous county in this state for the purposes of reducing:

(1) recidivism by, the frequency of arrests of, and incarceration of persons with mental illness; and

(2) the total waiting time for forensic commitment of persons with mental illness to a state hospital.

(b) The community collaborative may receive a grant under the program only if the collaborative includes the county, a local mental health authority that operates in the county, and each hospital district located in the county. A community collaborative may include other local entities designated by the collaborative's members.

(c) Not later than the 30th day of each fiscal year, the commission shall make available to the community collaborative established in the county described by Subsection (a) a grant in an amount equal to the lesser of:

(1) the amount appropriated to the commission for that fiscal year for a mental health jail diversion pilot program in that county; or

(2) the collaborative's available matching funds.

(d) The commission shall condition a grant provided to the community collaborative under this section on the collaborative providing funds from non-state sources in a total amount at least equal to the grant amount.

(e) To raise the required non-state sourced funds, the collaborative may seek and receive gifts, grants, or donations from any person.

(f) Acceptable uses for the grant money and matching funds include:

(1) the continuation of a mental health jail diversion program;

(2) the establishment or expansion of a mental health jail diversion program;

(3) the establishment of alternatives to competency restoration in a state hospital, including outpatient competency restoration, inpatient competency restoration in a setting other than a state hospital, or jail-based competency restoration;

(4) the provision of assertive community treatment or forensic assertive community treatment with an outreach component;

(5) the provision of intensive mental health services and substance abuse treatment not readily available in the county;

(6) the provision of continuity of care services for an individual being released from a state hospital;

(7) the establishment of interdisciplinary rapid response teams to reduce law enforcement's involvement with mental health emergencies; and

(8) the provision of local community hospital, crisis, respite, or residential beds.

(g) Not later than the 90th day after the last day of the state fiscal year for which the commission distributes a grant under this section, the community collaborative shall prepare and submit a report describing the effect of the grant money and matching funds in fulfilling the purpose described by Subsection (a).

(h) The commission may make inspections of the operation and provision of mental health services provided by the community collaborative to ensure state money appropriated for the grant program is used effectively.

The amendments were read.

Senator Huffman moved to concur in the House amendments to **SB 292**.

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

SENATE BILL 2244 WITH HOUSE AMENDMENT

Senator West called **SB 2244** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Bettencourt in Chair, laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 2244** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the creation of the University Hills Municipal Management District; providing authority to issue bonds; providing authority to impose assessments or fees.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3947 to read as follows:

CHAPTER 3947. UNIVERSITY HILLS MUNICIPAL MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3947.001. DEFINITIONS. In this chapter:

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

Sec. 3947.002. CREATION AND NATURE OF DISTRICT. The University Hills Municipal Management District is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3947.003. 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.

Sec. 3947.004. 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 district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment; and

(3) develop or expand transportation and commerce.

(e) 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 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.

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

Sec. 3947.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 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 contract;

(3) authority to borrow money or issue bonds or other obligations described by Section 3947.203 or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect an assessment or collect other revenue; or

(5) legality or operation.

Sec. 3947.006. 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 3947.203.

(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. 3947.007. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. On receipt of a petition signed by the owners of a majority of the acreage and the assessed value of real property in the district according to the most recent certified tax appraisal roll for the county, 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. 3947.008. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. Except as provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3947.009. CONSTRUCTION OF CHAPTER. This chapter shall be construed in conformity with the findings and purposes stated in this chapter.

Sec. 3947.010. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 3947.007 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. 3947.011. CONCURRENCE ON ADDITIONAL POWERS. If the legislature grants the district a power that is in addition to the powers approved by the initial resolution of the governing body of the city consenting to the creation of the district, the district may not exercise that power unless the governing body of the city consents to that change by ordinance or resolution.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3947.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3947.054, directors serve staggered four-year terms, with two or three directors' terms expiring June 1 of each odd-numbered year.

Sec. 3947.052. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public.

Sec. 3947.053. 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. 3947.054. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Kenneth Medlock</u>
<u>2</u>	<u>Michael Williams</u>
<u>3</u>	<u>Susan Larson</u>
<u>4</u>	<u>Alan Michlin</u>
<u>5</u>	<u>Michael Warner</u>

(b) Initial directors serve until the earlier of:

(1) the date permanent directors are elected under Section 3947.007; 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 3947.007 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 3947.007; 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. 3947.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3947.102. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the improvement projects described by Subchapter D or activities in support of or incidental to those projects.

Sec. 3947.103. WATER DISTRICT POWERS. The district has the powers provided by the general laws relating to conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.

Sec. 3947.104. 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. 3947.105. 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.

Sec. 3947.106. NO TOLL ROADS. The district may not construct, acquire, maintain, or operate a toll road.

Sec. 3947.107. PUBLIC IMPROVEMENT DISTRICT POWERS. The district has the powers provided by Chapter 372, Local Government Code, to a municipality or county.

Sec. 3947.108. CONTRACT POWERS. The district may contract with a governmental or private entity, on terms determined by the board, to carry out a power or duty authorized by this chapter or to accomplish a purpose for which the district is created.

Sec. 3947.109. AD VALOREM TAXATION. The district may not impose an ad valorem tax.

Sec. 3947.110. LIMITATIONS ON EMERGENCY SERVICES POWERS. The district may not establish, operate, maintain, or finance a police or fire department without the consent of the city by ordinance or resolution.

Sec. 3947.111. ADDING OR REMOVING TERRITORY. As provided by Subchapter J, Chapter 49, Water Code, the board may add territory inside the corporate boundaries or the extraterritorial jurisdiction of the city to the district or remove territory inside the corporate boundaries or the extraterritorial jurisdiction of the city from the district, except that:

- (1) the addition or removal of the territory must be approved by the city;
- (2) the addition or removal may not occur without petition by the owners of the territory being added or removed; and
- (3) territory may not be removed from the district if bonds or other obligations of the district payable wholly or partly from assessments assessed on the territory are outstanding.

Sec. 3947.112. 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 2 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 3947.007 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 3947.007.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 3947.010 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. 3947.113. ENFORCEMENT OF REAL PROPERTY RESTRICTIONS. The district may enforce a real property restriction in the manner provided by Section 54.237, Water Code, if, in the reasonable judgment of the board, the enforcement of the restriction is necessary.

Sec. 3947.114. PROPERTY OF CERTAIN UTILITIES EXEMPT FROM ASSESSMENTS AND FEES. The district may not impose an assessment, impact fee, or standby fee on the property, including the equipment, rights-of-way, easements, facilities, or improvements, of:

(1) an electric utility or a power generation company as defined by Section 31.002, Utilities Code;

(2) a gas utility, as defined by Section 101.003 or 121.001, Utilities Code, or a person who owns pipelines used for the transportation or sale of oil or gas or a product or constituent of oil or gas;

(3) a person who owns pipelines used for the transportation or sale of carbon dioxide;

(4) a telecommunications provider as defined by Section 51.002, Utilities Code; or

(5) a cable service provider or video service provider as defined by Section 66.002, Utilities Code.

Sec. 3947.115. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. IMPROVEMENT PROJECTS AND SERVICES

Sec. 3947.151. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service, including water, wastewater, drainage, and roadway projects or services, using any money available to the district, or contract with a governmental or private entity and reimburse that entity for the provision, design, construction, acquisition, improvement, relocation, operation, maintenance, or financing of an improvement project, service, or cost, for the provision of credit enhancement, or for any cost of operating or maintaining the district or the issuance of district obligations authorized under this chapter, Chapter 372 or 375, Local Government Code, or Chapter 49 or 54, Water Code.

Sec. 3947.152. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project unless the board determines the project is necessary to accomplish a public purpose of the district.

Sec. 3947.153. LOCATION OF IMPROVEMENT PROJECT. An improvement project may be located or provide service inside or outside the district.

Sec. 3947.154. CITY REQUIREMENTS. An improvement project in the district must comply with any applicable requirements of the city, including codes and ordinances, unless specifically waived or superseded by agreement with the city.

Sec. 3947.155. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE AREA; BENEFIT BASIS. 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.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3947.201. 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. 3947.202. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may undertake and provide an improvement project or service authorized by this chapter using any money available to the district.

Sec. 3947.203. BORROWING MONEY; OBLIGATIONS. (a) The district may borrow money for a district purpose, including the acquisition or construction of improvement projects authorized by this chapter and the reimbursement of a person who develops or owns an improvement project authorized by this chapter, by issuing bonds, notes, time warrants, or other obligations, or by entering into a contract or other agreement payable wholly or partly from an assessment, a contract payment, a grant, revenue from a zone created under Chapter 311 or 312, Tax Code, other district revenue, or a combination of these sources.

(b) An obligation described by Subsection (a):

(1) may bear interest at a rate determined by the board; and

(2) may include a term or condition as determined by the board.

(c) The board may issue an obligation under this section without an election.

(d) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from assessments in the manner provided by Subchapter J, Chapter 375, Local Government Code.

(e) If the improvements financed by an obligation will be conveyed to or operated and maintained by a municipality or retail utility provider pursuant to an agreement between the district and the municipality or retail utility provider entered into before the issuance of the obligation, the obligation may be issued in the manner provided by Subchapter A, Chapter 372, Local Government Code.

Sec. 3947.204. ASSESSMENTS. (a) Except as provided by Subsections (b) and (c), the district may impose an assessment on property in the district to pay for an obligation described by Section 3947.203 or an improvement project authorized by Section 3947.151 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) The district may not impose an assessment on a municipality, county, or other political subdivision.

(c) The board may not finance an improvement project or service with assessments unless a written petition requesting that improvement project or service has been filed with the board. The petition must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3947.205. RESIDENTIAL PROPERTY NOT EXEMPT. Sections 375.161 and 375.164, Local Government Code, do not apply to the district.

Sec. 3947.206. COLLECTION OF ASSESSMENTS. The district may contract as provided by Chapter 791, Government Code, with the commissioners court of the county for the assessment and collection of assessments imposed under this subchapter.

Sec. 3947.207. RATES, FEES, AND CHARGES. The district may establish, revise, repeal, enforce, and collect rates, fees, and charges for the enjoyment, sale, rental, or other use of:

- (1) an improvement project;
- (2) a product resulting from an improvement project; or
- (3) another district facility, service, or property.

SUBCHAPTER F. DISSOLUTION

Sec. 3947.251. DISSOLUTION BY BOARD. The board may dissolve the district in the manner provided by Section 375.261, Local Government Code, subject to Section 375.264, Local Government Code.

Sec. 3947.252. DISSOLUTION BY CITY. (a) The city may dissolve the district by ordinance.

(b) The city may not dissolve the district until:

(1) the district's outstanding debt or contractual obligations have been repaid or discharged; or

(2) the city agrees to succeed to the rights and obligations of the district, including an obligation described by Section 3947.254.

Sec. 3947.253. 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, the city succeeds 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) revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations of the district.

Sec. 3947.254. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes the obligations of the district, including any contractual obligations or bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

Sec. 3947.255. NO DISSOLUTION BY PETITION. Section 375.262, Local Government Code, does not apply to the district.

SECTION 2. The University Hills Municipal Management District initially includes all the territory contained in the following area:

BEING a 281.112-acres tract or parcel of land out of Abstract Number 1277, Abstract Number 0014 and Abstract Number 0380 situated in the City of Dallas, Dallas County, Texas; and being part of that tract of land conveyed to Patriot Real Estate Holdings RS10 by Deed recorded in Instrument Number 201200385008, Deed

Records, Dallas County Texas, and being part of that tract of land conveyed to CADG Property Holdings I, LLC by deed recorded in Instrument Number 201600055916, Deed Records, Dallas County, Texas, and being part of that tract of land conveyed to CADG Property Holdings I, LLC by deed recorded in Instrument Number 201500029116, Deed Records, Dallas County, and being part of that tract of land conveyed to CADG Property Holdings SPV, LLC by deed recorded in Instrument Number 201400314231, Deed Recorded, Dallas County, Texas, and being part of that tract of land conveyed to St. Marks Believers Temple by deed recorded in Volume 81014, Page 976, Deed Records, Dallas County, Texas; and being more particularly described as follows:

COMMENCING at the northeast corner of a tract of land conveyed to Patriot Real Estate Holdings RS10 by deed recorded in Instrument Number 201200385008, Deed Records, Dallas County, Texas, said point being in the west right-of-way line of Lancaster Road (variable width right-of-way);

THENCE South 07 degrees 07 minutes 07 seconds East along the easterly line of said Patriot Real Estate Holdings RS10 tract and along the westerly right-of-way line of said Lancaster Road a distance of 433.04 feet to the POINT OF BEGINNING;

THENCE South 07 degrees 25 minutes 01 seconds East, continuing along the easterly line of said Instrument Number 201600198606 tract and the westerly right-of-way line of said Lancaster Road, a total distance of 734.79 feet to a point for corner;

THENCE South 07 degrees 25 minutes 18 seconds East, following the easterly line of said Instrument Number 201600055154 and the westerly right-of-way line of Lancaster Road, a total distance of 583.17 feet to a point for corner;

THENCE South 06 degrees 24 minutes 46 seconds East, continuing along said westerly right-of-way line, a total distance of 105.30 feet to a point for corner;

THENCE South 07 degrees 54 minutes 14 seconds East, continuing along said westerly right-of-way line, a total distance of 193.87 feet to a point for corner;

THENCE South 07 degrees 27 minutes 10 seconds East, continuing along said westerly right-of-way line and following the easterly line of said Instrument Number 201600055916a total distance of 401.82 feet to a point for corner, said point being the northeast corner of a tract of land conveyed to Yvonne Simmons by deed recorded in Volume 2005121, Page 3183, Deed Records, Dallas County, Texas;

THENCE South 82 degrees 29 minutes 50 seconds West, continuing along the easterly line of said Instrument Number 201600055916 tract and the northerly line of said Simmons tract, a total distance of 150.00 feet to a point for corner; said point being the northwesterly corner of said Simmons tract;

THENCE South 07 degrees 27 minutes 10 seconds East, continuing along the easterly line of said Instrument Number 201600055916 tract and the westerly line of said Simmons tract, a total distance of 68.00 feet to a point for corner, said point being the southwest corner of said Simmons tract;

THENCE North 82 degrees 29 minutes 50 seconds East, continuing along the easterly line of said Instrument Number 201600055916 tract and the southerly line of said Simmons tract, a total distance of 150.00 feet to a point for corner, said point being the southeast corner of said Simmons tract;

THENCE South 07 degrees 27 minutes 10 seconds East, following said westerly right-of-way line of Lancaster Road, a total distance of 251.73 feet to a point for corner, said point being the beginning of a tangent curve to the left;

THENCE in a southeasterly direction along a curve to the left, having a central angle of 00 degrees 23 minutes 50 seconds, a radius of 8654.40 feet, and a chord bearing and distance of South 07 degrees 39 minutes 05 seconds East, 60.00 feet, a total arc length of 60.00 feet to a point for corner, said point being in an easterly corner of a tract of land conveyed to King E. Rhodes, by deed recorded in Volume 2002187, Page 0125, Deed Records, Dallas County, Texas;

THENCE South 77 degrees 25 minutes 31 seconds West, along the southerly line of said Instrument Number 201600055916 tract and the easterly line of said Rhodes tract, a total distance of 323.66 feet to a point for corner, said point being the southwest corner of said Instrument Number 201600055916 tract, said point also being a easterly corner of said Rhodes tract;

THENCE North 07 degrees 22 minutes 14 seconds West, along the westerly line of said Instrument Number 201600055916 tract and the easterly line of said Rhodes tract, a total distance of 890.11 feet, to a point for corner, said point being the northwest corner of said Instrument Number 20160055916 tract and the northeast corner of said Rhodes tract, said point also being in a call centerline of Wheatland Road;

THENCE South 58 degrees 38 minutes 34 seconds West, following the centerline of said Wheatland Road, a total distance of 287.40 feet to a point for corner;

THENCE South 58 degrees 50 minutes 23 seconds West, continuing along the centerline of said Wheatland Road, a total distance of 834.11 feet to a point for corner, said point being the northwest corner of said Rhodes tract;

THENCE South 37 degrees 05 minutes 08 seconds East, following the westerly line of said Rhodes tract and the easterly line of said Instrument Number 201400314231, a total distance of 1206.46 feet to a point for corner, said point being the southwest corner of said Rhodes tract;

THENCE North 52 degrees 54 minutes 29 seconds East, following the southerly line of said Rhodes tract, a total distance of 492.84 feet to a point for corner;

THENCE North 07 degrees 22 minutes 14 seconds West, following the southeasterly line of said Rhodes tract, a total distance of 235.91 feet to a point for corner;

THENCE North 77 degrees 25 minutes 15 seconds East, continuing along said southeasterly line of said Rhodes tract, a total distance of 323.99 feet to a point for corner, said point being in said westerly right-of-way line of Lancaster Road, said point also being the beginning of a non-tangent curve to the left;

THENCE in a southeasterly direction along said curve to the left and following said westerly right-of-way line, having a central angle of 05 degrees 25 minutes 56 seconds, a radius of 8654.40 feet, and a chord bearing and distance of South 11 degrees 25 minutes 46 seconds East, 820.22 feet, a total arc length of 820.53 feet, to a point for corner, said point being in the southerly line of said Instrument Number 201600055916 tract, said point also being the most northeasterly corner of a tract of land conveyed to DFW Oil Inc. as recorded in Instrument #2008038074, Deed Records, Dallas County, Texas;

THENCE South 75 degrees 57 minutes 36 seconds West, along the southerly line of said Instrument Number 201600055916 tract and the northerly line of said DFW Oil Inc. tract, a total distance of 225.00 feet to a point for corner;

THENCE South 15 degrees 36 minutes 40 seconds East, continuing along the southerly line of Instrument Number 201600055916 tract and the northerly line of said DFW Oil Inc. tract, a total distance of 385.17 feet, to a point for corner, said point being the northeast corner of a tract of land conveyed to All Saints Inc., as recorded Instrument Number 200900059010, Deed Records, Dallas County, Texas, said point being in the southerly line of said Instrument Number 201600055916 tract;

THENCE South 69 degrees 59 minutes 35 seconds West, along the southerly line of said Instrument Number 201600055916 tract and the northerly line of said All Saints Inc. tract, a total distance of 295.42 feet, a point for corner, said point being in the southerly line of said Instrument #201600055916 tract and the northwesterly corner of said All Saints Inc. tract;

THENCE South 20 degrees 24 minutes 03 seconds East, along the southerly line of said Instrument Number 201600055916 tract and the westerly line of said All Saints Inc. tract a total distance of 231.52 feet to a point for corner, said point being the southwest corner of said All Saints Inc. tract and the southerly line of said Instrument Number 201600055916 tract and the northerly line of said DFW Oil Inc. tract;

THENCE South 69 degrees 51 minutes 21 seconds West, along the southerly line of said Instrument Number 201600055916 tract and the northerly line of said DFW Oil Inc. tract a total distance of 221.74 feet to a point for corner, said point being the southerly line of said Instrument Number 201600055916 tract and the northwest corner of said DFW Oil Inc. tract;

THENCE South 20 degrees 08 minutes 39 seconds East, along the southerly line of said Instrument Number 201600055916 tract and the west line of said DFW Oil Inc. tract, a total distance of 250.00 feet to a point for corner, said point being the most southerly corner of said Instrument Number 201600055916 tract and being the southwest corner of said DFW Oil Inc. tract, said point also being in the northerly line of Interstate Highway 20 (LBJ Freeway a variable width right-of-way);

THENCE South 69 degrees 51 minutes 21 seconds West, along the southerly line of said Instrument Number 201600055916 tract and the northerly right-of-way line of said Interstate Highway 20, a total distance of 315.04 feet;

THENCE South 71 degrees 39 minutes 35 seconds West, continuing along the southerly line of said Instrument Number 201600055916 tract with the northerly line of said Interstate Highway 20, a total distance of 1338.56 feet;

THENCE South 55 degrees 12 minutes 20 seconds West, continuing along the southerly line of said Instrument Number 201600055916 tract with the northerly line of said Interstate Highway 20, a total distance of 39.62 feet said point being the southwest corner of said Instrument #201600055916 tract and the southeast corner of a tract of land conveyed to Susan Wright Key, by deed recorded in Volume 88021, Page 1852, Deed Records, Dallas County, Texas;

THENCE North 30 degrees 14 minutes 08 seconds West, along the westerly line of said Instrument Number 201600055916 tract and along the easterly line of said Susan Wright Key tract and the easterly line of a tract of land conveyed to Wycliff

Bible Translators, Inc. as recorded in Volume 74198, Page 104, Deed Records, Dallas County, Texas and the easterly line of a tract of land conveyed to George P. Shropulos Family Limited Partnership as recorded in Volume 94043, Page 2846, Deed Records, Dallas County, Texas, a total distance of 2132.27 feet to a point for corner, said point being in the south right-of-way line of Wheatland Road (a variable width right-of-way), said point being the northwest corner of said Instrument Number 201600055916 tract;

THENCE with the westerly line of said Instrument #201500029116 tract and the easterly line of said RKCJ LLC tract the following courses and distances:

South 58 degrees 50 minutes 23 seconds West, a total distance of 22.99 feet to a point for corner;

North 30 degrees 26 minutes 17 seconds West, a total distance of 472.69 feet to a point for corner;

North 62 degrees 56 minutes 00 seconds East, a total distance of 17.96 feet to a point for corner;

North 31 degrees 11 minutes 24 seconds West, a total distance of 1205.27 feet to a point for corner, said point being approximately the center line of a creek;

THENCE along said approximately centerline of creek the following courses and distances;

North 18 degrees 56 minutes 06 seconds East, a total distance of 154.49 feet to a point for corner;

North 53 degrees 46 minutes 06 seconds East, a total distance of 203.00 feet to a point for corner;

South 68 degrees 22 minutes 54 seconds East, a total distance of 133.72 feet to a point for corner;

North 86 degrees 02 minutes 06 seconds East, a total distance of 111.50 feet to a point for corner;

North 10 degrees 48 minutes 06 seconds East, a total distance of 107.15 feet to a point for corner;

North 35 degrees 39 minutes 06 seconds East, a total distance of 141.00 feet to a point for corner;

North 78 degrees 20 minutes 06 seconds East, a total distance of 97.05 feet to a point for corner;

North 28 degrees 27 minutes 54 seconds West, a total distance of 140.57 feet to a point for corner;

North 47 degrees 08 minutes 06 seconds East, a total distance of 150.88 feet to a point for corner;

North 31 degrees 12 minutes 06 seconds East, a total distance of 130.56 feet to a point for corner;

North 63 degrees 34 minutes 36 seconds East, a total distance of 134.95 feet to a point for corner;

North 87 degrees 41 minutes 36 seconds East, a total distance of 129.10 feet to a point for corner;

North 03 degrees 13 minutes 36 seconds East, a total distance of 132.20 feet to a point for corner;

North 34 degrees 51 minutes 36 seconds East, a total distance of 164.10 feet to a point for corner;

North 11 degrees 51 minutes 36 seconds East, a total distance of 124.70 feet to a point for corner;

THENCE North 23 degrees 47 minutes 24 seconds West, a total distance of 139.58 feet to a point for corner, said point being in the northerly line of said Instrument Number 201500029116 tract and the southerly line of a tract of land conveyed to the City of Dallas as recorded in Volume 95095, Page 5779, Deed Records, Dallas County, Texas;

THENCE North 54 degrees 24 minutes 43 seconds East, along the northerly line of said Instrument Number 201500029116 tract and along the southerly line of said City of Dallas tract a total distance of 537.89 feet to a point for corner;

THENCE North 32 degrees 43 minutes 59 seconds West, continuing along said common linea total distance of 1.62 feet;

THENCE North 58 degrees 51 minutes 51 seconds East, continuing along said common line and passing along the southerly line of a tract of land conveyed to 154 Lancaster Ltd., as recorded in Volume 98055, Page 0435, Deed Records, Dallas County, Texas, a total distance of 471.29 feet to a point for corner, said point being the northeasterly corner of said Instrument #201500029116 tract;

THENCE South 31 degrees 05 minutes 57 seconds East, departing the southerly line of said 154 Lancaster Ltd. tract along the easterly line of said Instrument Number 201500029116 tract passing along the westerly line of a tract of land conveyed to Camplanc Investments as recorded in Instrument Number 201100097436, Deed Records, Dallas County, Texas and passing along the westerly line of said Proton Properties LLC tract, a total distance of 634.03 feet to a point for corner, said point being the southwesterly corner of said Proton Properties LLC tract, and being a northerly corner of said Instrument Number 201500029116 tract;

THENCE along the northerly line of said Instrument Number 201500029116 tract and the southerly line of said Proton Properties LLC tract the following courses and distances:

North 58 degrees 57 minutes 36 seconds East, a total distance of 894.69 feet to a point for corner;

South 07 degrees 25 minutes 01 seconds East, a total distance of 277.11 feet to a point for corner;

North 82 degrees 34 minutes 59 seconds East, a total distance of 439.00 feet to the POINT OF BEGINNING and containing a total area of 12,245,246.54 square feet, or 281.112 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

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

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

(e) 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 Act have been fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2244** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators West, Chair; Lucio, Campbell, Creighton, and Nichols.

SENATE BILL 1839 WITH HOUSE AMENDMENTS

Senator Hughes called **SB 1839** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1839** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the preparation, certification, and classification of public school educators.

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

SECTION 1. Section 21.043, Education Code, is amended to read as follows:

Sec. 21.043. ACCESS TO PEIMS DATA. (a) The agency shall provide the board with access to data obtained under the Public Education Information Management System (PEIMS).

(b) The agency shall provide educator preparation programs with data based on information reported through the Public Education Information Management System (PEIMS) that enables an educator preparation program to:

(1) assess the impact of the program; and

(2) revise the program as needed to improve the design and effectiveness of the program.

(c) The agency in coordination with the board shall solicit input from educator preparation programs to determine the data to be provided to educator preparation programs.

SECTION 2. Section 21.045, Education Code, is amended by adding Subsection (d) to read as follows:

(d) To assist an educator preparation program in improving the design and effectiveness of the program in preparing educators for the classroom, the agency shall provide to each program data that is compiled and analyzed by the agency based on information reported through the Public Education Information Management System (PEIMS) relating to the program.

SECTION 3. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0489 to read as follows:

Sec. 21.0489. EARLY CHILDHOOD CERTIFICATION. (a) To ensure that there are teachers with special training in early childhood education focusing on prekindergarten through grade three, the board shall establish an early childhood certificate.

(b) A person is not required to hold a certificate established under this section to be employed by a school district to provide instruction in prekindergarten through grade three.

(c) To be eligible for a certificate established under this section, a person must:

(1) either:

(A) satisfactorily complete the course work for that certificate in an educator preparation program, including a knowledge-based and skills-based course of instruction on early childhood education that includes:

(i) teaching methods for:

(a) using small group instructional formats that focus on building social, emotional, and academic skills;

(b) navigating multiple content areas; and

(c) managing a classroom environment in which small groups of students are working on different tasks; and

(ii) strategies for teaching fundamental academic skills, including reading, writing, and numeracy; or

(B) hold an early childhood through grade six certificate issued under this subchapter and satisfactorily complete a course of instruction described by Paragraph (A);

(2) perform satisfactorily on an early childhood certificate examination prescribed by the board; and

(3) satisfy any other requirements prescribed by the board.

(d) The criteria for the course of instruction described by Subsection (c)(1)(A) shall be developed by the board in consultation with faculty members who provide instruction at institutions of higher education in educator preparation programs for an early childhood through grade six certificate.

SECTION 4. Section 21.052, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The commissioner may adopt rules establishing exceptions to the examination requirements prescribed by Subsection (a)(3) for an educator from outside the state to obtain a certificate in this state.

SECTION 5. Section 30A.112(b), Education Code, is amended to read as follows:

(b) The state virtual school network may provide or authorize providers of electronic professional development courses to provide professional development for:

(1) teachers who are teaching subjects or grade levels for which the teachers are not certified; or

(2) ~~teachers who must become highly qualified under Section 1119, No Child Left Behind Act of 2001 (20 U.S.C. Section 6319); or~~

~~(3)~~ teachers who must become qualified under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

SECTION 6. The following provisions of the Education Code are repealed:

(1) Section 21.005; and

(2) Section 21.052(g).

SECTION 7. The State Board for Educator Certification shall propose rules:

(1) establishing requirements and prescribing an examination for an early childhood certificate examination as required by Section 21.0489, Education Code, as added by this Act; and

(2) establishing standards to govern the approval and renewal of approval of educator preparation programs for early childhood certification.

SECTION 8. The commissioner of education is required to implement Sections 21.043(b) and (c) and 21.045(d), Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commissioner of education may, but is not required to, implement those sections using other appropriations available for the purpose.

SECTION 9. This Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 1839** (house committee report) as follows:

(1) On page 3, line 17, between "(a-1)" and "to", insert "and amending Subsection (e)".

(2) On page 3, between lines 21 and 22, insert the following:

(e) An educator who has submitted all documents required by the board for certification and who receives a temporary certificate as provided by Subsection (c) ~~(e)~~ must perform satisfactorily on the examination prescribed under Section 21.048 not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.

Floor Amendment No. 2

Amend **CSSB 1839** (house committee report) as follows:

(1) Add the following appropriately numbered SECTIONS:

SECTION _____. Section 21.001, Education Code, is amended to read as follows:

Sec. 21.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Commissioner" [~~,"commissioner"~~] includes a person designated by the commissioner.

(2) "Universal design for learning" means a scientifically valid framework for guiding educational practice that:

(A) provides flexibility in the ways:

(i) information is presented;

(ii) students respond or demonstrate knowledge and skills; and

(iii) students are engaged;

(B) reduces barriers in instruction;

(C) provides appropriate accommodations, supports, and challenges;

and

(D) maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency.

SECTION _____. Section 21.044, Education Code, is amended by amending Subsections (a), (b), (c-1), and (g) and adding Subsection (a-1) to read as follows:

(a) The board shall propose rules:

(1) specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities;

(2) establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; and

(3) specifying [~~The board shall specify~~] the minimum academic qualifications required for a certificate.

(a-1) Any training requirements for a certificate specified under Subsection (a) must require that the person demonstrate:

(1) basic knowledge of each disability category under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and how each category can affect student learning and development; and

(2) competence in the use of evidence-based inclusive instructional practices, including:

(A) universal design for learning principles;

(B) general and special education collaborative and co-teaching models and approaches;

(C) multitiered systems of support, including response to intervention strategies, classroom and school level data-based collaborative structures, and evidence-based strategies for intervention and progress monitoring systems in academic areas;

(D) classroom management techniques using evidence-based behavioral intervention strategies and supports; and

(E) appropriate adaptation strategies, including accommodations, modifications, and instruction in the use of assistive technology for instruction provided using universal design for learning principles.

(b) ~~The [Any] minimum academic qualifications for a certificate specified under Subsection (a) [that require a person to possess a bachelor's degree]~~ must ~~[also]~~ require that the person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia.

(c-1) ~~The [Any] minimum academic qualifications for a certificate specified under Subsection (a) [that require a person to possess a bachelor's degree]~~ must ~~[also]~~ require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:

(1) be provided through a program selected from the list of recommended best practice-based programs established under Section 161.325, Health and Safety Code; and

(2) include effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports.

(g) Each educator preparation program must provide information regarding:

(1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students, including students with disabilities, in this state;

(2) the effect of supply and demand forces on the educator workforce in this state;

(3) the performance over time of the educator preparation program;

(4) the importance of building strong classroom management skills; and

(5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H.

SECTION _____. Section 21.0443(b), Education Code, is amended to read as follows:

(b) To be eligible for approval or renewal of approval, an educator preparation program must:

(1) use a universal design for learning framework integrating inclusion for all students, including students with disabilities, and evidence-based instruction and intervention strategies throughout course work, clinical experiences, and student teaching to adequately prepare candidates for educator certification; and

(2) meet the standards and requirements of the board.

(2) On page 1, lines 20-21, between "amended by" and "adding Subsection (d), insert "amending Subsection (a) and".

(3) On page 1, between lines 21 and 21, insert the following:

(a) The board shall propose rules necessary to establish standards to govern the continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to race, sex, and ethnicity:

(1) results of the certification examinations prescribed under Section 21.048(a);

(2) performance based on the appraisal system for beginning teachers adopted by the board;

(3) achievement, including improvement in achievement, of all students, including students with disabilities, taught by beginning teachers for the first three years following certification, to the extent practicable;

(4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to candidates completing student teaching, clinical teaching, or an internship; and

(5) results from a teacher satisfaction survey, developed by the board with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching.

(4) Add the following appropriately numbered SECTIONS:

SECTION _____. Section 21.0453(a), Education Code, is amended to read as follows:

(a) The board shall require an educator preparation program to provide candidates for teacher certification with information concerning the following:

(1) skills and responsibilities required of teachers with regard to all students, including students with disabilities;

(2) expectations for student performance, including students with disabilities, based on state standards;

(3) the current supply of and demand for teachers in this state;

(4) the importance of developing classroom management skills; and

(5) the state's framework for appraisal of teachers and principals.

SECTION _____. Section 21.046(b), Education Code, is amended to read as follows:

(b) The qualifications for certification as a principal must be sufficiently flexible so that an outstanding teacher may qualify by substituting approved experience and professional training for part of the educational requirements. Supervised and approved on-the-job experience in addition to required internship shall be accepted in lieu of classroom hours. The qualifications must emphasize:

(1) instructional leadership, including the ability to create an inclusive school environment and to foster parent involvement;

(2) administration, supervision, and communication skills;

(3) curriculum and instruction management;

(4) performance evaluation;

(5) organization; and

(6) fiscal management.

SECTION _____. Section 21.047(c), Education Code, is amended to read as follows:

(c) A center may develop and implement a comprehensive field-based educator preparation program to supplement the internship hours required in Section 21.050. This comprehensive field-based teacher program must:

(1) be designed on the basis of current research into state-of-the-art teaching practices applicable to all students, including students with disabilities, curriculum theory and application within diverse student populations, evaluation of student outcomes, and the effective application of technology; and

(2) have rigorous internal and external evaluation procedures that focus on content, delivery systems, and teacher and student outcomes.

SECTION _____. Sections 21.051(b) and (f), Education Code, are amended to read as follows:

(b) Before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities involving a diverse student population that, to the greatest extent practicable, includes students with disabilities under supervision at:

(1) a public school campus accredited or approved for the purpose by the agency; or

(2) a private school recognized or approved for the purpose by the agency.

(f) The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification. The options must, to the greatest extent practicable, involve interaction with a diverse student population, including students with disabilities.

SECTION _____. Section 21.4511(b), Education Code, is amended to read as follows:

(b) The training under this section shall include training relating to implementing curriculum and instruction that is aligned with the foundation curriculum described by Section 28.002(a)(1) and standards and expectations for college readiness, as determined by State Board of Education rule under Section 28.008(d). In order to create a classroom environment that meets the individual learning needs of each student, the training must emphasize inclusive collaborative strategies and providing instruction using a universal design for learning framework to the greatest extent practicable.

(5) Renumber existing SECTIONS of the bill accordingly.

Floor Amendment No. 3

Amend **CSSB 1839** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 21.051(b), Education Code, is amended to read as follows:

(b) Before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience, which may occur after the candidate's admission to an educator preparation program or during the two years preceding admission. The candidate may satisfy the experience requirement through serving as a substitute teacher or teacher's aide for at least five school days or through other experience requiring the candidate's active engagement in instructional or educational activities. The experience must be obtained [in which the candidate is actively engaged in instructional or educational activities under supervision] at:

(1) a public school campus accredited or approved for the purpose by the agency; or

(2) a private school recognized or approved for the purpose by the agency.

Floor Amendment No. 4

Amend **CSSB 1839** (house committee printing) as follows:

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

SECTION ____ . Section 21.001, Education Code, is amended to read as follows:

Sec. 21.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Commissioner" [~~"commissioner"~~] includes a person designated by the commissioner.

(2) "Digital learning" means any type of learning that is facilitated by technology or instructional practice that makes effective use of technology.

(3) "Digital literacy" means having the knowledge and ability to use a range of technology tools for varied purposes. The term includes the capacity to use, understand, and evaluate technology for use in education settings.

SECTION ____ . Section 21.044, Education Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in digital learning, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:

(1) be aligned with the International Society for Technology in Education's standards for teachers;

(2) provide effective, evidence-based strategies to determine a person's degree of digital literacy; and

(3) include resources to address any deficiencies identified by the digital literacy evaluation.

SECTION ____ . Sections 21.054(d) and (e), Education Code, are amended to read as follows:

(d) Continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding:

(1) collecting and analyzing information that will improve effectiveness in the classroom;

(2) recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) digital learning, digital teaching, and integrating technology into classroom instruction; and

(4) educating diverse student populations, including:

(A) students with disabilities, including mental health disorders;

(B) students who are educationally disadvantaged;

(C) students of limited English proficiency; and

(D) students at risk of dropping out of school.

(e) Continuing education requirements for a principal must provide that not more than 25 percent of the training required every five years include instruction regarding:

(1) effective and efficient management, including:

(A) collecting and analyzing information;

(B) making decisions and managing time; and

- (C) supervising student discipline and managing behavior;
- (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
- (3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction; and
- (4) educating diverse student populations, including:
 - (A) students with disabilities, including mental health disorders;
 - (B) students who are educationally disadvantaged;
 - (C) students of limited English proficiency; and
 - (D) students at risk of dropping out of school.

SECTION ____ . Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0543 to read as follows:

Sec. 21.0543. CONTINUING EDUCATION CREDIT FOR INSTRUCTION RELATED TO DIGITAL TECHNOLOGY. The board shall propose rules allowing an educator to receive credit toward the educator's continuing education requirements for completion of education courses that:

- (1) use technology to increase the educator's digital literacy; and
- (2) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

SECTION ____ . Section 21.451, Education Code, is amended by amending Subsection (d) and adding Subsection (d-3) to read as follows:

- (d) The staff development:
 - (1) may include training in:
 - (A) technology;
 - (B) conflict resolution;
 - (C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; ~~and~~
 - (D) preventing, identifying, responding to, and reporting incidents of bullying; and
 - (E) digital learning;
 - (2) subject to Subsection (e) and to Section 21.3541 and rules adopted under that section, must include training that is evidence-based ~~[based on scientifically based research]~~, as defined by Section 8101, Every Student Succeeds Act ~~[9101, No Child Left Behind Act of 2001]~~ (20 U.S.C. Section 7801), that:
 - (A) relates to instruction of students with disabilities; and
 - (B) is designed for educators who work primarily outside the area of special education; and
 - (3) must include suicide prevention training that must be provided:
 - (A) on an annual basis, as part of a new employee orientation, to all new school district and open-enrollment charter school educators; and
 - (B) to existing school district and open-enrollment charter school educators on a schedule adopted by the agency by rule.
- (d-3) The digital learning training provided by Subsection (d)(1)(E) must:
 - (1) discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and

(2) assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

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

(2) On page 5, strike line 1 and substitute the following section, appropriately numbered:

SECTION _____. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Floor Amendment No. 5

Amend **CSSB 1839** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 21.044, Education Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) Board rules addressing ongoing educator preparation program support for a candidate seeking certification in a certification class other than classroom teacher may not require that an educator preparation program conduct one or more formal observations of the candidate on the candidate's site in a face-to-face setting. The rules must permit each required formal observation to occur on the candidate's site or through use of electronic transmission or other video-based or technology-based method.

Floor Amendment No. 1 on Third Reading

Amend **SB 1839** on third reading by striking amended Section 21.044(c-1), Education Code, and substituting the following:

(c-1) The [Any] minimum academic qualifications for a certificate specified under Subsection (a) [that require a person to possess a bachelor's degree] must [also] require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:

(1) be provided through or acquired from a program selected from the list of recommended best practice-based programs established under Section 161.325, Health and Safety Code; ~~and~~

(2) include effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports; and

(3) be implemented in compliance with requirements of the program selected under Subdivision (1).

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1839** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Bettencourt, Campbell, Lucio, and Taylor of Galveston.

SENATE BILL 634 WITH HOUSE AMENDMENTS

Senator Estes called **SB 634** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 634** (house committee printing) on page 1, line 15, between "any" and "state funds", by inserting "unexpended".

Floor Amendment No. 1 on Third Reading

Amend **SB 634** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 303, Labor Code, is amended by adding Section 303.007 to read as follows:

Sec. 303.007. PILOT PROGRAM: PUBLIC JUNIOR COLLEGE DISTRICT REPORTING. (a) The commission, in consultation with public junior colleges, and the Legislative Budget Board, shall study best practices for the reporting of revenue and costs allocated across the districts and the practicability of disaggregating financial and instructional cost information by instructional site within a junior college district. The program shall consider the following data:

(1) expenses and student outcomes of public junior colleges participating in skills development fund programs under this chapter;

(2) the total amount of state appropriations, tax revenue, in-district and out-of-district tuition and fee revenue, and any other revenue received by the junior college district and the rates or methods by which those revenues are collected and allocated; and

(3) any other relevant data or reporting methodologies.

(b) Not later than June 1, 2018, the commission and the participating junior college districts shall report to the Legislative Budget Board the findings from the program, including best practices in reporting, methodologies in reporting, and a template for reporting.

(c) In the required report, the commission shall identify five junior college districts to report to the commission the district's financial and instructional costs using the reporting template developed under Subsection (b). The commission shall select participating junior college districts representative of:

(1) each of the public junior college district peer groups as identified by the Texas Higher Education Coordinating Board, with two selected from the peer groups of the largest junior college district; and

(2) the geographic diversity of this state

(d) Each participating junior college district shall report not later than:

(1) September 1, 2019, for the state fiscal year ending August 31, 2019; and

(2) September 1, 2020, for the state fiscal year ending August 31, 2020.

(e) To the extent of any conflict, this section prevails over any rider regarding a reporting requirement following the appropriations to Public Community/Junior Colleges in SB 1, Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

(f) This section expires December 31, 2020.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 634** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Estes, Chair; Seliger, Birdwell, Taylor of Galveston, and Garcia.

SENATE BILL 2118 WITH HOUSE AMENDMENTS

Senator Seliger called **SB 2118** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 2118** (house committee printing) as follows:

(1) On page 6, line 19, strike "section" and substitute "subchapter".

(2) On page 11, line 27, strike "section" and substitute "subchapter [~~section~~]".

Floor Amendment No. 2

Amend **SB 2118** as follows:

(1) On page 2, line 16, strike "and applied technology" and substitute ", applied technology, and nursing".

(2) On page 2, line 17, strike "those".

(3) On page 10, line 27, strike "and applied technology" and substitute ", applied technology, and nursing".

(4) On page 11, line 5, strike "or applied technology" and substitute ", applied technology, or nursing".

(5) On page 11, line 20, following the period, insert "This subsection does not apply to a public junior college authorized to offer baccalaureate degree programs under Section 130.303(a).".

Floor Amendment No. 3

Amend **SB 2118** (house committee printing) as follows:

(1) On page 2, line 25, through page 4, line 21, strike the text and substitute the following:

SECTION 5. Section 130.0012(b-1), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.304, Education Code, and amended to read as follows:

Sec. 130.304. BACCALAUREATE IN DENTAL HYGIENE. ~~[(b-1)]~~ The coordinating board shall authorize ~~[establish a pilot project to examine the feasibility and effectiveness of authorizing]~~ baccalaureate degree programs in the field of dental hygiene at a public junior college that offers a degree program in that field, has a main campus located in the county seat of a county with a population greater than 200,000, and includes territory in at least six public school districts located in two counties. ~~[Subsection (g) does not apply to junior level and senior level courses offered under this subsection. In its recommendations to the legislature relating to state funding for public junior colleges, the coordinating board shall recommend that junior level and senior level courses offered under this subsection by a public junior college receive the same state support as other courses offered by the public junior college.]~~

(2) On page 10, line 21 through page 11, line 14, strike the text and substitute the following:

(b) Notwithstanding Subsection (a), in [(g)–(h)] its recommendations to the legislature relating to state funding for public junior colleges, the coordinating board shall recommend that a public junior college authorized to offer baccalaureate degree programs under Section 130.303(a) or 130.304 receive substantially the same state support for junior-level and senior-level courses in the fields of applied science, applied technology, and dental hygiene offered under this subchapter [section] as that provided to a general academic teaching institution for substantially similar courses. For purposes of this subsection, in [(h)] determining the contact hours attributable to students enrolled in a junior-level or senior-level course in the field of applied science, applied technology, or dental hygiene offered under this subchapter [section] used to determine a public junior college's proportionate share of state appropriations under Section 130.003, the coordinating board shall weigh those contact hours as necessary to provide the junior college the appropriate level of state support to the extent state funds for those courses are included in the appropriations. This subsection does not prohibit the legislature from directly appropriating state funds to support junior-level and senior-level courses to which this subsection applies [offered under this section].

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

SECTION _____. Sections 130.0012(b-2) and (b-3), Education Code, are repealed.

SECTION _____. The changes in law made by this Act to Section 130.0012(b-1), Education Code, redesignated as Section 130.304, Education Code, apply beginning with funding recommendations made under Subchapter L, Chapter 130, Education Code, as added by this Act, for the state fiscal biennium beginning September 1, 2019.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2118** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Seliger, Chair; Watson, Taylor of Galveston, West, and Bettencourt.

SENATE BILL 969 WITH HOUSE AMENDMENT

Senator Watson called **SB 969** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 969** (house committee report) as follows:

(1) On page 1, lines 8 and 9, strike "INCIDENTS OF SEXUAL ASSAULT" and substitute "CERTAIN INCIDENTS".

(2) On page 1, between lines 11 and 12, insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() "Dating violence" means abuse or violence, or a threat of abuse or violence, against a person with whom the actor has or has had a social relationship of a romantic or intimate nature.

(3) On page 1, between lines 20 and 21, insert the following appropriately numbered subdivisions:

() "Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:

(A) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment;
or

(B) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.

() "Stalking" means a course of conduct directed at a person that would cause a reasonable person to fear for the person's safety or to suffer substantial emotional distress.

(4) Strike page 1, line 21, through page 2, line 5, and substitute the following appropriately lettered subsections and reletter subsequent subsections and cross-references to those subsections accordingly:

() A postsecondary educational institution may not take any disciplinary action against a student enrolled at the institution who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the institution's code of

conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any.

() A postsecondary educational institution may investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, or stalking was made in good faith.

(5) On page 2, strike lines 9 and 10 and substitute the following:
the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 969**.

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

Nays: Hall.

SENATE BILL 1004 WITH HOUSE AMENDMENT

Senator Hancock called **SB 1004** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Bettencourt in Chair, laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1004** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the deployment of network nodes in public right-of-way; authorizing fees.

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

SECTION 1. Subtitle A, Title 9, Local Government Code, is amended by adding Chapter 284 to read as follows:

CHAPTER 284. DEPLOYMENT OF NETWORK NODES IN PUBLIC RIGHT-OF-WAY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 284.001. FINDINGS AND POLICY. (a) The legislature finds that:

(1) network nodes are instrumental to increasing access to advanced technology and information for the citizens of this state and thereby further an important public policy of having reliable wireless networks and services;

(2) this state has delegated to each municipality the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public, subject to state law;

(3) network nodes often may be deployed most effectively in the public right-of-way;

(4) network providers' access to the public right-of-way and the ability to attach network nodes to poles and structures in the public right-of-way allow network providers to densify their networks and provide next-generation services;

(5) expeditious processes and reasonable and nondiscriminatory terms, conditions, and compensation for use of the public right-of-way for network node deployments are essential to state-of-the-art wireless services and thereby further an important public policy of having reliable wireless networks and services;

(6) network nodes help ensure that this state remains competitive in the global economy;

(7) the timely permitting of network nodes in the public right-of-way is a matter of statewide concern and interest;

(8) requirements of this chapter regarding fees, charges, rates, and public right-of-way management, when considered with fees charged to other public right-of-way users under this code, are fair and reasonable and in compliance with 47 U.S.C. Section 253;

(9) to the extent this state has delegated its fiduciary responsibility to municipalities as managers of a valuable public asset, the public right-of-way, this state is acting in its role as a landowner in balancing the needs of the public and the needs of the network providers by allowing access to the public right-of-way to place network nodes in the public right-of-way strictly within the terms of this chapter; and

(10) as to each municipality, including home-rule municipalities, this state has determined that it is reasonable and necessary to allow access to the public right-of-way for the purposes of deploying network nodes to protect and safeguard the health, safety, and welfare of the public as provided by this chapter.

(b) In order to safeguard the health, safety, and welfare of the public, it is the policy of this state to promote the adoption of and encourage competition in the provision of wireless services by reducing the barriers to entry for providers of services so that the number and types of services offered by providers continue to increase through competition.

(c) It is the policy of this state, subject to state law and strictly within the requirements and limitations prescribed by this chapter, that municipalities:

(1) retain the authority to manage the public right-of-way to ensure the health, safety, and welfare of the public; and

(2) receive from network providers fair and reasonable compensation for use of the public right-of-way and for collocation on poles.

Sec. 284.002. DEFINITIONS. In this chapter:

(1) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

(2) "Applicable codes" means:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and

(B) local amendments to those codes to the extent not inconsistent with this chapter.

(3) "Collocate" and "collocation" mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

(4) "Decorative pole" means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

(5) "Design district" means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

(6) "Historic district" means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

(7) "Law" means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

(8) "Macro tower" means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Section 284.103 and that supports or is capable of supporting antennas.

(9) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

(10) "Municipally owned utility pole" means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

(11) "Municipal park" means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

(12) "Network node" means equipment at a fixed location that enables wireless communications between user equipment and a communications network.

The term:

(A) includes:

(i) equipment associated with wireless communications;

(ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and

(iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

(i) an electric generator;

(ii) a pole; or

(iii) a macro tower.

(13) "Network provider" means:

(A) a wireless service provider; or

(B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:

(i) network nodes; or

(ii) node support poles or any other structure that supports or is capable of supporting a network node.

(14) "Node support pole" means a pole installed by a network provider for the primary purpose of supporting a network node.

(15) "Permit" means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

(16) "Pole" means a service pole, municipally owned utility pole, node support pole, or utility pole.

(17) "Private easement" means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

(18) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

(A) a private easement; or

(B) the airwaves above a public right-of-way with regard to wireless telecommunications.

(19) "Public right-of-way management ordinance" means an ordinance that complies with Subchapter C.

(20) "Public right-of-way rate" means an annual rental charge paid by a network provider to a municipality related to the construction, maintenance, or operation of network nodes within a public right-of-way in the municipality.

(21) "Service pole" means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

(A) a pole that supports traffic control functions;

(B) a structure for signage;

(C) a pole that supports lighting, other than a decorative pole; and

(D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

(22) "Transport facility" means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

(23) "Utility pole" means a pole that provides:

(A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or

(B) services of a telecommunications provider, as defined by Section 51.002, Utilities Code.

(24) "Wireless service" means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

(25) "Wireless service provider" means a person that provides wireless service to the public.

Sec. 284.003. LIMITATION ON SIZE OF NETWORK NODES. (a) Except as provided by Section 284.109, a network node to which this chapter applies must conform to the following conditions:

(1) each antenna that does not have exposed elements and is attached to an existing structure or pole:

(A) must be located inside an enclosure of not more than six cubic feet in volume;

(B) may not exceed a height of three feet above the existing structure or pole; and

(C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;

(2) if an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements:

(A) must fit within an imaginary enclosure of not more than six cubic feet;

(B) may not exceed a height of three feet above the existing structure or pole; and

(C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;

(3) the cumulative size of other wireless equipment associated with the network node attached to an existing structure or pole may not:

(A) be more than 28 cubic feet in volume; or

(B) protrude from the outer circumference of the existing structure or pole by more than two feet;

(4) ground-based enclosures, separate from the pole, may not be higher than three feet six inches from grade, wider than three feet six inches, or deeper than three feet six inches; and

(5) pole-mounted enclosures may not be taller than five feet.

(b) The following types of associated ancillary equipment are not included in the calculation of equipment volume under Subsection (a):

(1) electric meters;

(2) concealment elements;

(3) telecommunications demarcation boxes;

(4) grounding equipment;

(5) power transfer switches;

(6) cut-off switches; and

(7) vertical cable runs for the connection of power and other services.

(c) Equipment attached to node support poles may not protrude from the outer edge of the node support pole by more than two feet.

(d) Equipment attached to a utility pole must be installed in accordance with the National Electrical Safety Code, subject to applicable codes, and the utility pole owner's construction standards.

SUBCHAPTER B. USE OF PUBLIC RIGHT-OF-WAY

Sec. 284.051. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to activities related to transport facilities for network nodes, activities of a network provider collocating network nodes in the public right-of-way or installing, constructing, operating, modifying, replacing, and maintaining node support poles in a public right-of-way, and municipal authority in relation to those activities.

Sec. 284.052. EXCLUSIVE USE PROHIBITED. A municipality may not enter into an exclusive arrangement with any person for use of the public right-of-way for the construction, operation, marketing, or maintenance of network nodes or node support poles.

Sec. 284.053. ANNUAL PUBLIC RIGHT-OF-WAY RATE. (a) A public right-of-way rate for use of the public right-of-way may not exceed an annual amount equal to \$250 multiplied by the number of network nodes installed in the public right-of-way in the municipality's corporate boundaries.

(b) At the municipality's discretion, the municipality may charge a network provider a lower rate or fee if the lower rate or fee is:

- (1) nondiscriminatory;
- (2) related to the use of the public right-of-way; and
- (3) not a prohibited gift of public property.

Sec. 284.054. PUBLIC RIGHT-OF-WAY RATE ADJUSTMENT. (a) In this section, "consumer price index" means the annual revised Consumer Price Index for All Urban Consumers for Texas, as published by the federal Bureau of Labor Statistics.

(b) A municipality may adjust the amount of the public right-of-way rate not more often than annually by an amount equal to one-half the annual change, if any, in the consumer price index. The municipality shall provide written notice to each network provider of the new rate, and the rate shall apply to the first payment due to the municipality on or after the 60th day following that notice.

Sec. 284.055. USE OF PUBLIC RIGHT-OF-WAY AND APPLICABLE RATE. (a) A network provider that wants to connect a network node to the network using the public right-of-way may:

(1) install its own transport facilities subject to Subsection (b); or
(2) obtain transport service from a person that is paying municipal fees to occupy the public right-of-way that are the equivalent of not less than \$28 per node per month.

(b) A network provider may not install its own transport facilities unless the provider:

(1) has a permit to use the public right-of-way; and
(2) pays to the municipality a monthly public right-of-way rate for transport facilities in an amount equal to \$28 multiplied by the number of the network provider's network nodes located in the public right-of-way for which the installed transport facilities provide backhaul unless or until the time the network provider's payment of municipal fees to the municipality exceeds its monthly aggregate per-node compensation to the municipality.

(c) A public right-of-way rate required by Subsection (b) is in addition to any public right-of-way rate required by Section 284.053.

Sec. 284.056. COLLOCATION OF NETWORK NODES ON SERVICE POLES. A municipality, subject to an agreement with the municipality that does not conflict with this chapter, shall allow collocation of network nodes on service poles on nondiscriminatory terms and conditions and at a rate not greater than \$20 per year per service pole.

Sec. 284.057. PROHIBITION ON OTHER COMPENSATION. A municipality may not require a network provider to pay any compensation other than the compensation authorized by this chapter for the right to use a public right-of-way for network nodes, node support poles, or transport facilities for network nodes.

SUBCHAPTER C. ACCESS AND APPROVALS

Sec. 284.101. RIGHT OF ACCESS TO PUBLIC RIGHT-OF-WAY. (a) Except as specifically provided by this chapter, and subject to the requirements of this chapter and the approval of a permit application, if required, a network provider is authorized, as a permitted use, without need for a special use permit or similar zoning review and not subject to further land use approval, to do the following in the public right-of-way:

(1) construct, modify, maintain, operate, relocate, and remove a network node or node support pole;

(2) modify or replace a utility pole or node support pole; and

(3) collocate on a pole, subject to an agreement with the municipality that does not conflict with this chapter.

(b) A network provider taking an action authorized by Subsection (a) is subject to applicable codes, including applicable public right-of-way management ordinances.

Sec. 284.102. GENERAL CONSTRUCTION AND MAINTENANCE REQUIREMENTS. A network provider shall construct and maintain network nodes and node support poles described by Section 284.101 in a manner that does not:

(1) obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;

(2) obstruct the legal use of a public right-of-way by other utility providers;

(3) violate nondiscriminatory applicable codes;

(4) violate or conflict with the municipality's publicly disclosed public right-of-way design specifications; or

(5) violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

Sec. 284.103. GENERAL LIMITATION ON PLACEMENT OF POLES. A network provider shall ensure that each new, modified, or replacement utility pole or node support pole installed in a public right-of-way in relation to which the network provider received approval of a permit application does not exceed the lesser of:

(1) 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or

(2) 55 feet above ground level.

Sec. 284.104. INSTALLATION IN MUNICIPAL PARKS AND RESIDENTIAL AREAS. (a) A network provider may not install a new node support pole in a public right-of-way without the municipality's discretionary, nondiscriminatory, and written consent if the public right-of-way is in a municipal park or is adjacent to a street or thoroughfare that is:

(1) not more than 50 feet wide; and

(2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

(b) In addition to the requirement prescribed by Subsection (a), a network provider installing a network node or node support pole in a public right-of-way described by Subsection (a) shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

Sec. 284.105. INSTALLATION IN HISTORIC OR DESIGN DISTRICTS. (a) A network provider must obtain advance approval from a municipality before collocating new network nodes or installing new node support poles in an area of the municipality zoned or otherwise designated as a historic district or as a design district if the district has decorative poles. As a condition for approval of new network nodes or new node support poles in a historic district or a design district with decorative poles, a municipality may require reasonable design or concealment measures for the new network nodes or new node support poles. A municipality may request that a network provider comply with the design and aesthetic standards of the historic or design district and explore the feasibility of using certain camouflage measures to improve the aesthetics of the new network nodes, new node support poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in a historic district or on a design district's decorative poles.

(b) This section may not be construed to limit a municipality's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. Section 332(c)(7), the requirements for facility modifications under 47 U.S.C. Section 1455(a), or the National Historic Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.

Sec. 284.106. EQUIPMENT CABINETS. A network provider shall ensure that the vertical height of an equipment cabinet installed as part of a network node does not exceed the height limitation prescribed by Section 284.003, subject to approval of the pole's owner if applicable.

Sec. 284.107. COMPLIANCE WITH UNDERGROUNDING REQUIREMENT. (a) A network provider shall, in relation to installation for which the municipality approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

(b) A requirement or restriction described by Subsection (a) may not be interpreted to prohibit a network provider from replacing an existing structure.

Sec. 284.108. DESIGN MANUAL. (a) A municipality may adopt a design manual for the installation and construction of network nodes and new node support poles in the public right-of-way that includes additional installation and construction details that do not conflict with this chapter. The design manual may include:

(1) a requirement that an industry standard pole load analysis be completed and submitted to the municipality indicating that the service pole to which the network node is to be attached will safely support the load; and

(2) a requirement that network node equipment placed on new and existing poles be placed more than eight feet above ground level.

(b) A network provider shall comply with a design manual, if any, in place on the date a permit application is filed in relation to work for which the municipality approved the permit application. A municipality's obligations under Section 284.154 may not be tolled or extended pending the adoption or modification of a design manual.

Sec. 284.109. EXCEPTIONS. Subject to Subchapter D, a network provider may construct, modify, or maintain in a public right-of-way a network node or node support pole that exceeds the height or distance limitations prescribed by this chapter only if the municipality approves the construction, modification, or maintenance subject to all applicable zoning or land use regulations and applicable codes.

Sec. 284.110. DISCRIMINATION PROHIBITED. A municipality, in the exercise of the municipality's administrative and regulatory authority related to the management of and access to the public right-of-way, must be competitively neutral with regard to other users of the public right-of-way.

SUBCHAPTER D. APPLICATIONS AND PERMITS

Sec. 284.151. PROHIBITION OF CERTAIN MUNICIPAL ACTIONS. (a) Except as otherwise provided by this chapter, a municipality may not prohibit, regulate, or charge for the installation or collocation of network nodes in a public right-of-way.

(b) A municipality may not directly or indirectly require, as a condition for issuing a permit required under this chapter, that the applicant perform services unrelated to the installation or collocation for which the permit is sought, including in-kind contributions such as reserving fiber, conduit, or pole space for the municipality.

(c) A municipality may not institute a moratorium, in whole or in part, express or de facto, on:

- (1) filing, receiving, or processing applications; or
- (2) issuing permits or other approvals, if any, for the installation of network nodes or node support poles.

Sec. 284.152. AUTHORITY TO REQUIRE PERMIT. (a) Except as otherwise provided by this chapter, a municipality may require a network provider to obtain one or more permits to install a network node, node support pole, or transport facility in a public right-of-way if the permit:

- (1) is of general applicability to users of the public right-of-way;
- (2) does not apply exclusively to network nodes; and
- (3) is processed on nondiscriminatory terms and conditions regardless of the type of entity submitting the application for the permit.

(b) A network provider that wants to install or collocate multiple network nodes inside the territorial jurisdiction of a single municipality is entitled to file a consolidated permit application with the municipality for not more than 30 network nodes and receive permits for the installation or collocation of those network nodes.

Sec. 284.153. GENERAL PROCESS RELATING TO PERMIT APPLICATION. (a) Except as otherwise provided by this section, a municipality may not require an applicant to provide more information to obtain the permit than a telecommunications utility that is not a network provider is required to provide unless the information directly relates to the requirements of this chapter.

(b) As part of the standard form for a permit application, a municipality may require the applicant to include applicable construction and engineering drawings and information to confirm that the applicant will comply with the municipality's publicly disclosed public right-of-way design specifications and applicable codes.

(c) A municipality may require an applicant to provide:

(1) information reasonably related to the provider's use of the public right-of-way under this chapter to ensure compliance with this chapter;

(2) a certificate that the network node complies with applicable regulations of the Federal Communications Commission; and

(3) certification that the proposed network node will be placed into active commercial service by or for a network provider not later than the 60th day after the date the construction and final testing of the network node is completed.

Sec. 284.154. MUNICIPAL REVIEW PROCESS. (a) A municipality shall process each permit application on a nondiscriminatory basis.

(b) Not later than the 30th day after the date the municipality receives an application for a permit for a network node or node support pole, or the 10th day after the date the municipality receives an application for a permit for a transport facility, the municipality shall determine whether the application is complete and notify the applicant of that determination. If the municipality determines that the application is not complete, the municipality shall specifically identify the missing information.

(c) A municipality shall approve an application that does not require zoning or land use approval under this chapter unless the application or the corresponding work to be performed under the permit does not comply with the municipality's applicable codes or other municipal rules, regulations, or other law that is consistent with this chapter.

(d) A municipality must approve or deny an application for a node support pole not later than the 150th day after the date the municipality receives the complete application. A municipality must approve or deny an application for a network node not later than the 60th day after the date the municipality receives the complete application. A municipality must approve or deny an application for a transport facility not later than the 21st day after the date the municipality receives a complete application. An application for a permit for a node support pole, network node, or transport facility shall be deemed approved if the application is not approved or denied on or before the applicable date for approval or denial prescribed by this subsection.

(e) A municipality that denies a complete application must document the basis for the denial, including the specific applicable code provisions or other municipal rules, regulations, or other law on which the denial was based. The municipality shall send the documentation by electronic mail to the applicant on or before the date the municipality denies the application.

(f) Not later than the 30th day after the date the municipality denies the application, the applicant may cure the deficiencies identified in the denial documentation and resubmit the application without paying an additional application fee, other than a fee for actual costs incurred by the municipality. Notwithstanding Subsection (d), the municipality shall approve or deny the revised completed

application after a denial not later than the 90th day after the date the municipality receives the completed revised application. The municipality's review of the revised application is limited to the deficiencies cited in the denial documentation.

Sec. 284.155. TIME OF INSTALLATION. (a) A network provider shall begin the installation for which a permit is granted not later than six months after final approval and shall diligently pursue the installation to completion.

(b) Notwithstanding Subsection (a), the municipality may place a longer time limit on completion or grant reasonable extensions of time as requested by the network provider.

Sec. 284.156. APPLICATION FEES. (a) A municipality may charge an application fee for a permit only if the municipality requires the payment of the fee for similar types of commercial development inside the municipality's territorial jurisdiction other than a type for which application or permit fees are not allowed by law.

(b) The amount of an application fee charged by a municipality may not exceed the lesser of:

(1) the actual, direct, and reasonable costs the municipality determines are incurred in granting or processing an application that are reasonably related in time to the time the costs of granting or processing an application are incurred; or

(2) \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each pole.

(c) In determining for purposes of Subsection (b)(1) the amount of the actual, direct, and reasonable costs, the municipality may not:

(1) include costs incurred by the municipality in relation to third-party legal or engineering review of an application; or

(2) direct payments or reimbursement of third-party public right-of-way rates or fees charged on a contingency basis or under a result-based arrangement.

Sec. 284.157. CERTAIN WORK EXEMPTED. (a) Notwithstanding any other provision of this chapter, a municipality may not require a network provider to submit an application, obtain a permit, or pay a rate for:

(1) routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;

(2) replacing or upgrading a network node or pole with a node or pole that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or

(3) the installation, placement, maintenance, operation, or replacement of micro network nodes that are strung on cables between existing poles or node support poles, in compliance with the National Electrical Safety Code.

(b) For purposes of Subsection (a)(2):

(1) a network node or pole is considered to be "substantially similar" if:

(A) the new or upgraded network node, including the antenna or other equipment element, will not be more than 10 percent larger than the existing node, provided that the increase may not result in the node exceeding the size limitations provided by Section 284.003; and

(B) the new or upgraded pole will not be more than 10 percent higher than the existing pole, provided that the increase may not result in the pole exceeding the applicable height limitations prescribed by Section 284.103;

(2) the replacement or upgrade does not include replacement of an existing node support pole; and

(3) the replacement or upgrade does not defeat existing concealment elements of a node support pole.

(c) The determination under Subsection (b)(1) of whether a replacement or upgrade is substantially similar is made by measuring from the dimensions of the network node or node support pole as approved by the municipality.

(d) Notwithstanding Subsection (a):

(1) a municipality may require advance notice of work described by that subsection;

(2) a network provider may replace or upgrade a pole only with the approval of the pole's owner; and

(3) the size limitations may not in any event exceed the parameters prescribed by Section 284.003 without the municipality's approval in accordance with Section 284.109, with the municipality acting on behalf of this state as the fiduciary trustee of public property.

SUBCHAPTER E. ACCESS TO MUNICIPALLY OWNED UTILITY POLES

Sec. 284.201. USE OF MUNICIPALLY OWNED UTILITY POLES. (a) The governing body of a municipally owned utility shall allow collocation of network nodes on municipally owned utility poles on nondiscriminatory terms and conditions and pursuant to a negotiated pole attachment agreement, including any applicable permitting requirements of the municipally owned utility.

(b) The annual pole attachment rate for the collocation of a network node supported by or installed on a municipally owned utility pole shall be based on a pole attachment rate consistent with Section 54.204, Utilities Code, applied on a per-foot basis.

(c) The requirements of Subchapters B, C, and D applicable to the installation of a network node supported by or installed on a pole do not apply to a network node supported by or installed on a municipally owned utility pole.

SUBCHAPTER F. EFFECT ON OTHER UTILITIES AND PROVIDERS

Sec. 284.251. DEFINITIONS. In this subchapter:

(1) "Cable service" and "video service" have the meanings assigned by Section 66.002, Utilities Code.

(2) "Electric cooperative" has the meaning assigned by Section 11.003, Utilities Code.

(3) "Electric utility" has the meaning assigned by Section 31.002, Utilities Code.

(4) "Telecommunications provider" has the meaning assigned by Section 51.002, Utilities Code.

(5) "Telephone cooperative" has the meaning assigned by Section 162.003, Utilities Code.

Sec. 284.252. EFFECT ON INVESTOR-OWNED ELECTRIC UTILITIES, ELECTRIC COOPERATIVES, TELEPHONE COOPERATIVES, AND TELECOMMUNICATIONS PROVIDERS. Nothing in this chapter shall govern attachment of network nodes on poles and other structures owned or operated by investor-owned electric utilities, electric cooperatives, telephone cooperatives, or telecommunications providers. This chapter does not confer on municipalities any new authority over those utilities, cooperatives, or providers.

Sec. 284.253. EFFECT ON PROVIDERS OF CABLE SERVICES OR VIDEO SERVICES. (a) An approval for the installation, placement, maintenance, or operation of a network node or transport facility under this chapter may not be construed to confer authorization to provide:

(1) cable service or video service without complying with all terms of Chapter 66, Utilities Code; or

(2) information service as defined by 47 U.S.C. Section 153(24), or telecommunications service as defined by 47 U.S.C. Section 153(53), in the public right-of-way.

(b) Except as provided by this chapter, a municipality may not adopt or enforce any regulations or requirements that would require a wireless service provider, or its affiliate, that holds a cable or video franchise under Chapter 66, Utilities Code, to obtain any additional authorization or to pay any fees based on the provider's provision of wireless service over its network nodes.

SUBCHAPTER G. GENERAL CONDITIONS OF ACCESS

Sec. 284.301. LOCAL POLICE-POWER-BASED REGULATIONS.

(a) Subject to this chapter and applicable federal and state law, a municipality may continue to exercise zoning, land use, planning, and permitting authority in the municipality's boundaries, including with respect to utility poles.

(b) A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all persons subject to the municipality.

(c) A municipality may impose police-power-based regulations in the management of the activities of network providers in the public right-of-way only to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

Sec. 284.302. INDEMNIFICATION. The indemnification provisions of Sections 283.057(a) and (b) apply to a network provider accessing a public right-of-way under this chapter.

Sec. 284.303. RELOCATION. Except as provided in existing state and federal law, a network provider shall relocate or adjust network nodes in a public right-of-way in a timely manner and without cost to the municipality managing the public right-of-way.

Sec. 284.304. INTERFERENCE. (a) A network provider shall operate all network nodes in accordance with all applicable laws, including regulations adopted by the Federal Communications Commission.

(b) A network provider shall ensure that the operation of a network node does not cause any harmful radio frequency interference to a Federal Communications Commission-authorized mobile telecommunications operation of the municipality

operating at the time the network node was initially installed or constructed. On written notice, a network provider shall take all steps reasonably necessary to remedy any harmful interference.

SECTION 2. (a) In this section, "collocation," "network node," "network provider," and "public right-of-way" have the meanings assigned by Section 284.002, Local Government Code, as added by this Act.

(b) Public/private agreements between a municipality and a network provider for the deployment of network nodes in the public right-of-way on fair and reasonable terms as provided by Chapter 284, Local Government Code, as added by this Act, and corresponding ordinances governing that deployment, are necessary to protect the health, safety, and welfare of the public by facilitating robust and dependable wireless networks. Accordingly, those agreements and ordinances shall be conformed as provided by this section.

(c) Subject to Subsection (d) of this section, the rates, terms, and conditions of agreements and ordinances entered into or enacted before the effective date of this Act shall apply to all network nodes installed and operational before the effective date of this Act.

(d) For all network nodes installed and operational on or after the effective date of this Act:

(1) if a rate, term, or condition of an agreement or ordinance related to the construction, collocation, operation, modification, or maintenance of network nodes does not comply with the requirements of Chapter 284, Local Government Code, as added by this Act, a municipality shall amend the agreement or ordinance to comply with the requirements of Chapter 284, Local Government Code, as added by this Act, and the amended rates, terms, or conditions shall take effect for those network nodes on the six-month anniversary of the effective date of this Act; and

(2) the rates, terms, and conditions of each agreement executed, and each ordinance enacted, on or after the effective date of this Act shall comply with the requirements of Chapter 284, Local Government Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2017.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 1004**.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 2.

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

Present-not voting: Hinojosa, Watson.

SENATE BILL 1051 WITH HOUSE AMENDMENT

Senator Watson called **SB 1051** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 1051** (house committee printing) on page 1, line 15, between "agency" and "to create" by inserting "or contract with a licensed driver education school or instructor".

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1051**.

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

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

Nays: Creighton, Huffines.

SENATE BILL 840 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 840** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 840** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to certain images captured by an unmanned aircraft.

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

SECTION 1. Section 423.002(a), Government Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a human fatality;

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

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

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

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

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

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

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

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

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

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

(11) for the purpose of fire suppression;

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

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

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

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

~~(15) [(16)]~~ of public real property or a person on that property;

~~(16) [(17)]~~ if the image is captured by the owner or operator of an oil, gas, water, or other pipeline for the purpose of inspecting, maintaining, or repairing pipelines or other related facilities, and is captured without the intent to conduct surveillance on an individual or real property located in this state;

~~(17) [(18)]~~ in connection with oil pipeline safety and rig protection;

~~(18) [(19)]~~ in connection with port authority surveillance and security;

~~(19) [(20)]~~ if the image is captured by a registered professional land surveyor in connection with the practice of professional surveying, as those terms are defined by Section 1071.002, Occupations Code, provided that no individual is identifiable in the image; ~~or~~

~~(20) [(21)]~~ if the image is captured by a professional engineer licensed under Subchapter G, Chapter 1001, Occupations Code, in connection with the practice of engineering, as defined by Section 1001.003, Occupations Code, provided that no individual is identifiable in the image; or

(21) if:

(A) the image is captured by an employee of an insurance company or of an affiliate of the company in connection with the underwriting of an insurance policy, or the rating or adjusting of an insurance claim, regarding real property or a structure on real property; and

(B) the operator of the unmanned aircraft is authorized by the Federal Aviation Administration to conduct operations within the airspace from which the image is captured.

SECTION 2. The change in law made by this Act 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 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 this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 840** (house committee report) on page 3 as follows:

(1) On line 12, immediately after the semicolon, strike "or" and substitute "[~~or~~]".

(2) On line 15, immediately after the semicolon, insert the following:

or

(G) of real property or a person on real property that is within 25 miles of the United States border for the sole purpose of ensuring border security;

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 840**.

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

SENATE BILL 873 WITH HOUSE AMENDMENTS

Senator Creighton called **SB 873** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 873** (house committee printing) on page 4, line 24, between "Subchapter K" and "[submetering]", by inserting ". The utility commission may assess an administrative penalty under Section 13.4151 for a violation of this chapter or of any rule adopted under this chapter".

Floor Amendment No. 7

Amend **SB 873** (senate committee printing) on page 4, line 17, between "commission." and "If the utility", by inserting "The utility commission shall establish an online complaint and hearing system through which a person may file a complaint under this Subchapter and may appear remotely for a hearing before the utility commission.".

Floor Amendment No. 8

Amend Amendment No. 7 by Rodriguez (No. 853020) to **SB 873**, on page 1, on lines 3 and 4, between "online" and "complaint", by inserting "and telephone formal".

Floor Amendment No. 1 on Third Reading

Amend **SB 873** on third reading, in SECTION 4 of the bill, by striking added Section 13.505(c), Water Code, as amended by the Rodriguez amendment as amended, on second reading, and substituting the following:

(c) If ~~[In addition to the enforcement provisions contained in Subchapter K, if]~~ an apartment house owner, condominium manager, manufactured home rental community owner, or other multiple use facility owner violates a rule of the utility commission regarding utility costs, the person claiming the violation may file a complaint with the utility commission. The utility commission and State Office of Administrative Hearings shall establish an online and telephone formal complaint and hearing system through which a person may file a complaint under this subchapter and may appear remotely for a hearing before the utility commission or the State Office of Administrative Hearings. If the utility commission determines that the owner or condominium manager overcharged a complaining tenant for water or wastewater service from the retail public utility, the utility commission shall require the owner or condominium manager, as applicable, to repay the complaining tenant the amount overcharged.

The amendments were read.

Senator Creighton moved to concur in the House amendments to **SB 873**.

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.

STATEMENT OF LEGISLATIVE INTENT

Senator Creighton submitted the following statement of legislative intent for **SB 873**:

The house amendment clarifies that parties can participate remotely in the Public Utility Commission (PUC)'s formal complaint process. This process may include allowing parties to submit documentation online and participate in hearings by telephone. This is similar to how the PUC handles other complaints and ensures that there will not be unnecessary barriers to complainants who cannot participate in person. This ensures that parties, as well as the PUC and State Office of Administrative Hearings, have needed flexibility to handle formal water or wastewater billing complaints no matter where the parties are located. This language is not intended to require either the PUC or the State Office of Administrative Hearings to create any new process beyond what is already done for handling other complaints.

CREIGHTON

SENATE BILL 922 WITH HOUSE AMENDMENT

Senator Buckingham called **SB 922** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 922** (house committee report) on page 1 between lines 13 and 14, by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions appropriately:

() a licensed marriage and family therapist;

The amendment was read.

Senator Buckingham moved to concur in the House amendment to **SB 922**.

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, Taylor of Collin, Watson, West, Whitmire, Zaffirini.

Nays: Hall, Uresti.

SENATE BILL 1353 WITH HOUSE AMENDMENTS

Senator Taylor of Galveston called **SB 1353** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 1353** (senate committee report) as follows:

(1) Strike page 1, lines 5-6, and substitute the following:

SECTION 1. Section 13.054, Education Code, is amended by amending Subsections (f) and (g) and adding Subsections (h), (i), and (j) to read as follows:

(2) On page 1, between lines 6 and 7, insert the following:

(f) For five years beginning with the school year in which the annexation occurs, a school district shall receive additional funding under this subsection or Subsection (h). The amount of funding shall be determined [the commissioner shall annually adjust the local fund assignment of a district to which territory is annexed under this section] by multiplying the lesser of the enlarged district's local fund assignment computed under Section 42.252 or the enlarged district's total cost of tier one by a fraction, the numerator of which is the number of students residing in the [district] territory annexed to the receiving district preceding the date of the annexation and the denominator of which is the number of students residing in the district as enlarged on the date of the annexation.

(3) On page 2, between lines 5 and 6, insert the following:

(h) The commissioner may authorize a district to receive payments provided by Subchapter G, instead of Subsection (f), if the commissioner determines that would result in greater payments for the district. A determination by the commissioner is final and may not be appealed.

(i) The funding provided under Subsection (f), (g), or (h) is in addition to other funding the district receives through other provisions of this code, including Chapters 41 and 42.

(j) The commissioner may adopt rules as necessary to implement this section.

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

SECTION _____. Section 41.002(g), Education Code, is amended to read as follows:

(g) The wealth per student that a district may have under Subsection (e) is adjusted as follows:

$$AWPS = WPS \times (((EWL/280,000 - 1) \times DTR/1.17 [4.5]) + 1)$$

where:

"AWPS" is the district's wealth per student;

"WPS" is the district's wealth per student determined under Subsection (e);

"EWL" is the equalized wealth level; and

"DTR" is the district's adopted maintenance and operations tax rate for the current school year.

SECTION _____. Section 13.054(f), Education Code, as amended by this Act, and Section 13.054(h), Education Code, as added by this Act, apply only to an annexation that occurs on or after September 1, 2017.

(5) On page 2, line 6, strike "13.054" and substitute "13.054(g)".

Floor Amendment No. 1 on Third Reading

Amend **SB 1353** on third reading in the SECTION of the bill that addresses the applicability of amended Section 13.054(f), Education Code, and added Section 13.054(h), Education Code, by adding the following at the end of that SECTION: An annexation that occurs before that date is governed by Section 13.054(f), Education Code, as that section existed at the time the annexation occurred.

The amendments were read.

Senator Taylor of Galveston moved to concur in the House amendments to **SB 1353**.

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

SENATE BILL 830 WITH HOUSE AMENDMENT

Senator Rodríguez called **SB 830** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 830** (house committee report) on page 3, by striking lines 7 through 11 and substituting the following:

(1) the borrower is not liable for any fees, penalties, or late charges, or any other amounts except for any principal and interest that may be due for the preceding calendar year; and

The amendment was read.

Senator Rodríguez moved to concur in the House amendment to **SB 830**.

The motion prevailed by the following vote: Yeas 25, Nays 5, Present-not voting 1.

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

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

Present-not voting: Taylor of Collin.

SENATE BILL 1501 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 1501** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1501** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the regulation of motor vehicle towing, booting, and storage and to the elimination of required state licensing for vehicle booting companies and operators.

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

SECTION 1. Section 2303.058, Occupations Code, is amended to read as follows:

Sec. 2303.058. ADVISORY BOARD. The Towing ~~and~~ Storage ~~and Booting~~ Advisory Board under Chapter 2308 shall advise the commission in adopting vehicle storage rules under this chapter.

SECTION 2. Section 2308.002, Occupations Code, is amended by amending Subdivisions (1) and (8-a) and adding Subdivisions (5-b) and (8-b) to read as follows:

(1) "Advisory board" means the Towing ~~and~~ Storage ~~and Booting~~ Advisory Board.

(5-b) "Local authority" means a state or local governmental entity authorized to regulate traffic or parking and includes:

(A) an institution of higher education; and

(B) a political subdivision, including a county, municipality, special district, junior college district, housing authority, or other political subdivision of this state.

(8-a) "Peace officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure.

(8-b) "Private property tow" means any tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle.

SECTION 3. Effective September 1, 2018, Section 2308.004, Occupations Code, is amended to read as follows:

Sec. 2308.004. EXEMPTION. Sections 2308.151(b), 2308.2085, 2308.257, and 2308.258 do ~~[(a) This chapter does]~~ not apply to:

(1) a person who, while exercising a statutory or contractual lien right with regard to a vehicle:

(A) ~~[(1)]~~ installs or removes a boot; or

(B) ~~[(2)]~~ controls, installs, or directs the installation and removal of one or more boots; or ~~[-]~~

(2) ~~[(b) This chapter does not apply to]~~ a commercial office building owner or manager who installs or removes a boot in the building's parking facility.

SECTION 4. Section 2308.051(a), Occupations Code, as amended by Chapters 457 (H.B. 2548) and 845 (S.B. 2153), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(a) The advisory board consists of the following members appointed by the presiding officer of the commission with the approval of the commission:

(1) one representative of a towing company operating in a county with a population of less than one million;

(2) one representative of a towing company operating in a county with a population of one million or more;

(3) one representative ~~[owner]~~ of a vehicle storage facility located in a county with a population of less than one million;

(4) one representative [~~owner~~] of a vehicle storage facility located in a county with a population of one million or more;

(5) one parking facility representative [~~owner~~];

(6) one peace officer [~~law enforcement officer~~] from a county with a population of less than one million;

(7) one peace officer [~~law enforcement officer~~] from a county with a population of one million or more;

(8) one representative of a member insurer, as defined by Section 462.004, Insurance Code, of the Texas Property and Casualty Insurance Guaranty Association who writes [~~property and casualty insurers who write~~] automobile insurance in this state; and

~~(9) one representative of a booting company]~~

(9) one person who operates both a towing company and a vehicle storage facility [~~public member~~].

SECTION 5. Effective September 1, 2018, Section 2308.151, Occupations Code, is amended to read as follows:

Sec. 2308.151. LICENSE OR LOCAL AUTHORIZATION REQUIRED. (a) Unless the person holds an appropriate license under this subchapter, a person may not:

(1) perform towing operations; or

(2) operate a towing company.^[s]

(b) Unless a person is prohibited by a local authority under Section 2308.2085, a person may:

(1) [~~3~~] perform booting operations; and [~~or~~]

(2) [~~4~~] operate a booting company.

SECTION 6. Section 2308.205(a), Occupations Code, is amended to read as follows:

(a) A towing company that makes a nonconsent tow shall tow the vehicle to a vehicle storage facility that is operated by a person who holds a license to operate the facility under Chapter 2303, unless:

(1) the towing company agrees to take the vehicle to a location designated by the vehicle's owner; or

(2) the vehicle is towed under Section 2308.259(b).

SECTION 7. Section 2308.2085, Occupations Code, is amended to read as follows:

Sec. 2308.2085. LOCAL AUTHORITY REGULATION OF [~~MUNICIPAL ORDINANCE REGULATING~~] BOOTING ACTIVITIES [~~COMPANIES AND OPERATORS~~]. (a) A local authority [~~municipality~~] may regulate, in areas in which the entity regulates parking or traffic, [~~adopt an ordinance that is identical to the~~] booting activities, including:

(1) operation of booting companies and operators that operate on a parking facility;

(2) any permit and sign requirements in connection with the booting of a vehicle; and

~~(3) [provisions in this chapter or that imposes additional requirements that exceed the minimum standards of the booting provisions in this chapter but may not adopt an ordinance that conflicts with the booting provisions in this chapter.~~

~~[(b) A municipality may regulate the] fees that may be charged in connection with the booting of a vehicle [including associated parking fees].~~

(b) Regulations adopted under this section must:

(1) incorporate the requirements of Sections 2308.257 and 2308.258;

(2) include procedures for vehicle owners and operators to file a complaint with the local authority regarding a booting company or operator; and

(3) provide for the imposition of a penalty on a booting company or operator for a violation of Section 2308.258 ~~[(c) A municipality may require booting companies to obtain a permit to operate in the municipality].~~

SECTION 8. Section 2308.255, Occupations Code, is amended to read as follows:

Sec. 2308.255. TOWING COMPANY'S ~~[OR BOOT OPERATOR'S]~~ AUTHORITY TO TOW ~~[REMOVE]~~ AND STORE ~~[OR BOOT]~~ UNAUTHORIZED VEHICLE. (a) A towing company ~~[that is insured as provided by Subsection (e)]~~ may, without the consent of an owner or operator of an unauthorized vehicle, tow the vehicle to ~~[remove]~~ and store the vehicle at a vehicle storage facility at the expense of the owner or operator of the vehicle if:

(1) the towing company has received written verification from the parking facility owner that:

(A) ~~[the parking facility owner has installed]~~ the signs required by Section 2308.252(a)(1) are posted; or

(B) the owner or operator received notice under Section 2308.252(a)(2) or the parking facility owner gave notice complying with Section 2308.252(a)(3); or

(2) on request the parking facility owner provides to the owner or operator of the vehicle information on the name of the towing company and vehicle storage facility that will be used to tow ~~[remove]~~ and store the vehicle and the vehicle is:

(A) left in violation of Section 2308.251;

(B) in or obstructing a portion of a paved driveway; or

(C) on a public roadway used for entering or exiting the facility and the tow ~~[removal]~~ is approved by a peace officer.

(b) A towing company may not tow ~~[remove]~~ an unauthorized vehicle except under:

(1) this chapter;

(2) a municipal ordinance that complies with Section 2308.208; or

(3) the direction of:

(A) a peace officer; or

(B) the owner or operator of the vehicle.

(c) Only a towing company that is insured against liability for property damage incurred in towing a vehicle may tow ~~[remove]~~ and store an unauthorized vehicle under this section.

(d) A towing company may tow ~~[remove]~~ and store a vehicle under Subsection (a) ~~[and a boot operator may boot a vehicle under Section 2308.257]~~ only if the parking facility owner:

(1) requests that the towing company tow ~~[remove]~~ and store ~~[or that the boot operator boot]~~ the specific vehicle; or

(2) has a standing written agreement with the towing company ~~[or boot operator]~~ to enforce parking restrictions in the parking facility.

(e) When a tow truck is used for a nonconsent tow authorized by a peace officer under Section 545.3051, Transportation Code, the operator of the tow truck and the towing company are agents of the law enforcement agency and are subject to Section 545.3051(e), Transportation Code.

SECTION 9. Section 2308.257(b), Occupations Code, is amended to read as follows:

(b) A boot operator that installs a boot on a vehicle must affix a conspicuous notice to the vehicle's front windshield or driver's side window stating:

(1) that the vehicle has been booted and damage may occur if the vehicle is moved;

(2) the date and time the boot was installed;

(3) the name, address, and telephone number of the booting company;

(4) a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to arrange for removal of the boot;

(5) the amount of the fee for removal of the boot and any associated parking fees; ~~[and]~~

(6) notice of the right of a vehicle owner or vehicle operator to a hearing under Subchapter J; and

(7) in the manner prescribed by the local authority, notice of the procedure to file a complaint with the local authority for violation of this chapter by a boot operator.

SECTION 10. Subchapter F, Chapter 2308, Occupations Code, is amended by adding Sections 2308.258 and 2308.259 to read as follows:

Sec. 2308.258. BOOT REMOVAL. (a) A booting company responsible for the installation of a boot on a vehicle shall remove the boot not later than one hour after the time the owner or operator of the vehicle contacts the company to request removal of the boot.

(b) A booting company shall waive the amount of the fee for removal of a boot, excluding any associated parking fees, if the company fails to have the boot removed within the time prescribed by Subsection (a).

(c) A booting company responsible for the installation of more than one boot on a vehicle may not charge a total amount for the removal of the boots that is greater than the amount of the fee for the removal of a single boot.

Sec. 2308.259. TOWING COMPANY'S AUTHORITY TO TOW VEHICLE FROM UNIVERSITY PARKING FACILITY. (a) In this section:

(1) "Special event" means a university-sanctioned, on-campus activity, including parking lot maintenance.

(2) "University" means:

(A) a public senior college or university, as defined by Section 61.003, Education Code; or

(B) a private or independent institution of higher education, as defined by Section 61.003, Education Code.

(b) Subject to Subsection (c), an individual designated by a university may, to facilitate a special event, request that a vehicle parked at a university parking facility be towed to another location on the university campus.

(c) A vehicle may not be towed under Subsection (b) unless signs complying with this section are installed on the parking facility for the 72 hours preceding towing enforcement for the special event and for 48 hours after the conclusion of the special event.

(d) Each sign required under Subsection (c) must:

(1) contain:

(A) a statement of:

(i) the nature of the special event; and

(ii) the dates and hours of towing enforcement; and

(B) the number, including the area code, of a telephone that is answered 24 hours a day to identify the location of a towed vehicle;

(2) face and be conspicuously visible to the driver of a vehicle that enters the facility;

(3) be located:

(A) on the right or left side of each driveway or curb-cut through which a vehicle can enter the facility, including an entry from an alley abutting the facility; or

(B) at intervals along the entrance so that no entrance is farther than 25 feet from a sign if:

(i) curbs, access barriers, landscaping, or driveways do not establish definite vehicle entrances onto a parking facility from a public roadway other than an alley; and

(ii) the width of an entrance exceeds 35 feet;

(4) be made of weather-resistant material;

(5) be at least 18 inches wide and 24 inches tall;

(6) be mounted on a pole, post, wall, or free-standing board; and

(7) be installed so that the bottom edge of the sign is no lower than two feet and no higher than six feet above ground level.

(e) If a vehicle is towed under Subsection (b), personnel must be available to:

(1) release the vehicle within two hours after a request for release of the vehicle; and

(2) accept any payment required for the release of the vehicle.

(f) A university may not charge a fee for a tow under Subsection (b) that exceeds 75 percent of the private property tow fee established under Section 2308.0575.

(g) A vehicle towed under Subsection (b) that is not claimed by the vehicle owner or operator within 48 hours after the conclusion of the special event may only be towed:

(1) without further expense to the vehicle owner or operator; and

(2) to another location on the university campus.

(h) The university must notify the owner or operator of a vehicle towed under Subsection (b) of the right of the vehicle owner or operator to a hearing under Subchapter J.

SECTION 11. The heading to Subchapter I, Chapter 2308, Occupations Code, is amended to read as follows:

SUBCHAPTER I. REGULATION OF TOWING COMPANIES~~], BOOTING COMPANIES,~~] AND PARKING FACILITY OWNERS

SECTION 12. (a) The following provisions of the Occupations Code are repealed:

- (1) Section 2308.002(9); and
- (2) Section 2308.103(d).

(b) Effective September 1, 2018, Sections 2308.1555 and 2308.1556, Occupations Code, are repealed.

SECTION 13. (a) On September 1, 2018, a license issued under former Section 2308.1555 or 2308.1556, Occupations Code, expires.

(b) The changes in law made by this Act to Section 2308.051(a), Occupations Code, regarding the qualifications for a member of the Towing and Storage Advisory Board do not affect the entitlement of a member serving on the board immediately before the effective date of this Act to continue to serve and function as a member of the board for the remainder of the member's term. When board vacancies occur on or after the effective date of this Act, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint new members to the board in a manner that reflects the changes in law made by this Act.

(c) The changes in law made by this Act to Section 2308.255, Occupations Code, do not apply to the booting of a vehicle pursuant to a standing written agreement between a booting company and a parking facility owner entered into before the effective date of this Act. The booting of a vehicle pursuant to a standing written agreement entered into before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 14. Except as otherwise provided by this Act, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 1501** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 2303.151, Occupations Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) If the operator of a vehicle storage facility sends a notice required under this section after the time prescribed by Subsection (a) or (b):

(1) the deadline for sending any subsequent notice is determined based on the date notice required this section is actually sent;

(2) the operator may not begin to charge the daily storage fee authorized under Section 2303.155(b)(3) for the vehicle that is the subject of the notice until 24 hours after the operator sends the notice required under this section; and

(3) the ability of the operator to seek foreclosure of a lien for storage charges on the vehicle that is the subject of the notice is not affected.

(g) Notwithstanding any other law, a state agency or county office may not require proof of delivery of a notice sent under this section in order to issue a title for the vehicle that is the subject of the notice if proof is provided that the notice was mailed in accordance with this section.

SECTION _____. Section 2303.154, Occupations Code, is amended by amending Subsections (a) and (a-1) and adding Subsections (d), (e), (f), and (g) to read as follows:

~~(a) [If a vehicle is not claimed by a person permitted to claim the vehicle or a law enforcement agency has not taken an action in response to a notice under Section 683.031(e), Transportation Code, before the 15th day after the date notice is mailed or published under Section 2303.151 or 2303.152, the operator of the vehicle storage facility shall send a second notice to the registered owner and the primary lienholder of the vehicle.~~

~~[(a-1)] If a vehicle is not claimed by a person permitted to claim the vehicle before the 10th day after the date notice is mailed or published under Section 2303.151 or 2303.152, the operator of the vehicle storage facility shall consider the vehicle to be abandoned and, if required by the law enforcement agency with jurisdiction where the vehicle is located, report the [send notice of] abandonment to the [a] law enforcement agency. If the law enforcement agency notifies the vehicle storage facility that the agency will send notices and dispose of the abandoned vehicle under Subchapter B, Chapter 683, Transportation Code, the vehicle storage facility shall pay the fee required under Section 683.031, Transportation Code.~~

(d) Not earlier than the 15th day and before the 21st day after the date notice is mailed or published under Section 2303.151 or 2303.152, the operator of a vehicle storage facility shall send a second notice to the registered owner and each recorded lienholder of the vehicle if the facility:

(1) was not required to make a report under Subsection (a); or

(2) has made a required report under Subsection (a) and the law enforcement agency:

(A) has notified the facility that the law enforcement agency will not take custody of the vehicle;

(B) has not taken custody of the vehicle; or

(C) has not responded to the report.

(e) If the operator of a vehicle storage facility sends a notice required under this section outside of the time described by Subsection (d):

(1) the deadline for sending any subsequent notice is determined based on the date notice under this section is actually sent;

(2) the operator may not charge the daily storage fee authorized under Section 2303.155(b)(3) for the vehicle that is the subject of the notice during the period beginning on the 21st day after the date that notice under Section 2303.151 is sent and ending 24 hours after notice under this section is sent; and

(3) the ability of the operator to seek foreclosure of a lien for storage charges on the vehicle that is the subject of the notice is not affected.

(f) Notwithstanding any other law, a state agency or county office may not require proof of delivery of a notice sent under this section in order to issue a title for the vehicle that is the subject of the notice if proof is provided that the notice was mailed in accordance with this section.

(g) A report sent under Subsection (a) may, at the discretion of the law enforcement agency, contain a list of more than one vehicle, watercraft, or outboard motor.

SECTION _____. Sections 2303.151 and 2303.154, Occupations Code, as amended by this Act, apply only to a vehicle accepted for storage by a vehicle storage facility on or after the effective date of this Act. A vehicle accepted for storage by a vehicle storage facility before the effective date of this Act is governed by the law in effect at the time the vehicle was accepted, and the former law is continued in effect for that purpose.

Floor Amendment No. 2

Amend **CSSB 1501** (house committee printing) as follows:

(1) On page 4, line 4, strike "Section 2308.205(a)" and substitute "Section 2308.205".

(2) On page 4, line 5, between "amended" and "to", insert "by amending Subsection (a) and adding Subsection (a-1)".

(3) On page 4, line 12, between "under" and "Section" insert the following:

:

(A) rules adopted under Subsection (a-1); or

(B)

(4) On page 4, between lines 12 and 13, insert the following:

(a-1) The commission shall adopt rules authorizing a towing company that makes a nonconsent tow from a parking facility to tow the vehicle to another location on the same parking facility under the direction of:

(1) the parking facility owner;

(2) a parking facility authorized agent; or

(3) a peace officer.

(5) On page 11, between lines 25 and 26, insert the following appropriately designated subsections and redesignate the existing subsections of the section accordingly:

(____) The Texas Commission of Licensing and Regulation shall adopt rules to implement Section 2308.205(a-1), Occupations Code, as added by this Act, as soon as practicable after the effective date of this Act.

(____) Section 2308.253(e), Occupations Code, as amended by this Act, applies only to a contract, including a lease or rental agreement, entered into on or after the effective date of this Act. A contract entered into before that date is governed by the law in effect on the date the contract was entered into, and the former law is continued in effect for that purpose.

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

SECTION _____. The heading to Section 2308.205, Occupations Code, is amended to read as follows:

Sec. 2308.205. TOWING OF ~~[STORAGE OF TOWED]~~ VEHICLES TO LICENSED VEHICLE STORAGE FACILITIES OR OTHER LOCATIONS ON PARKING FACILITIES.

SECTION _____. Sections 2308.253(c), (d), and (e), Occupations Code, are amended to read as follows:

(c) A parking facility owner may not have an emergency vehicle described by Section 2308.251(b) towed ~~[removed]~~ from the parking facility.

(d) Except as provided by a contract described by Subsection (e), a parking facility owner may not have a vehicle towed ~~[removed]~~ from the parking facility merely because the vehicle does not display an unexpired license plate or registration insignia issued for the vehicle under Chapter 502, Transportation Code, or the vehicle registration law of another state or country.

(e) A contract provision providing for the towing ~~[removal]~~ from a parking facility of a vehicle that does not display an unexpired license plate or registration insignia is valid only if the provision requires the owner or operator of the vehicle to be given at least 10 days' written notice that the vehicle will be towed from the parking facility at the vehicle owner's or operator's expense if it is not removed from the parking facility. The notice must:

(1) state:

(A) that the vehicle does not display an unexpired license plate or registration insignia;

(B) that the vehicle will be towed at the expense of the owner or operator of the vehicle if the vehicle does not display an unexpired license plate or registration insignia; and

(C) a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to locate the vehicle; and

(2) be:

(A) ~~(1)~~ delivered in person to the owner or operator of the vehicle;
[✗]

(B) ~~(2)~~ sent by certified mail, return receipt requested, to that owner or operator; or

(C) attached:

(i) to the vehicle's front windshield;

(ii) to the vehicle's driver's side window; or

(iii) if the vehicle has no front windshield or driver's side window, to a conspicuous part of the vehicle.

Floor Amendment No. 3

Amend **CSSB 1501** (house committee printing) as follows:

(1) On page 11, line 11, strike "Sections 2308.1555" and substitute "Sections 2308.1551, 2308.1555,".

(2) On page 11, line 14, strike "Section 2308.1555" and substitute "Section 2308.1551, 2308.1555,".

Floor Amendment No. 4

Amend **CSSB 1501** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter E, Chapter 2308, Occupations Code, is amended by adding Section 2308.210 to read as follows:

Sec. 2308.210. ROADWAY CLEARANCE PROGRAM IN CERTAIN COUNTIES; OFFENSE. (a) In this section, "freeway" has the meaning assigned by Section 541.302, Transportation Code.

(b) The commissioners court of a county adjacent to a county with a population of more than 3.3 million by order may establish a program:

(1) for maintaining the safe movement of traffic on county freeways; and

(2) under which a peace officer designated by the sheriff's office or the commissioners court is authorized to direct, at the scene of an incident or remotely, a towing company, only for the purpose of the program, to:

(A) remove from a freeway, including the shoulder of a freeway, a vehicle that is impeding the safe movement of traffic; and

(B) relocate the vehicle to the closest safe location for the vehicle to be stored.

(c) An order under Subsection (b) must ensure the protection of the public and the safe and efficient operation of towing and storage services in the county.

(d) The commissioners court of a county operating a program under this section:

(1) may enter into an agreement with a federal agency, state agency, municipality, adjacent county, metropolitan rapid transit authority, or regional planning organization or any other governmental entity for the purpose of carrying out the program; and

(2) may apply for grants and other funding to carry out the program.

(e) A towing company or towing operator commits an offense if the company or operator violates a provision of an order establishing a program under this section relating to:

(1) the presence of a tow truck at the scene of an incident on a freeway or other area under the jurisdiction of the program; or

(2) the offering of towing or related services on a freeway or other area under the jurisdiction of the program.

(f) An offense under Subsection (e) is a misdemeanor punishable by a fine of not less than \$1 or more than \$200.

Floor Amendment No. 5

Amend **CSSB 1501** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ___. Section 2303.1551(b), Occupations Code, is amended to read as follows:

(b) A vehicle storage facility accepting a nonconsent towed vehicle shall post a sign that complies with commission rules and states [in one inch letters stating] "Nonconsent tow fees schedules available on request." The vehicle storage facility shall provide a copy of a nonconsent towing fees schedule on request. The commission shall adopt rules for signs required under this subsection.

Floor Amendment No. 6

Amend **CSSB 1501** (house committee printing) as follows:

(1) On page 11, strike lines 9 and 10 and substitute the following:

- (1) Sections 2303.056(c) and (d);
- (2) Section 2308.002(9);
- (3) Sections 2308.059(b) and (c); and
- (4) Section 2308.103(d).

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

SECTION _____. The heading to Section 2303.056, Occupations Code, is amended to read as follows:

Sec. 2303.056. PERIODIC ~~[AND RISK BASED]~~ INSPECTIONS.

SECTION _____. The heading to Section 2308.059, Occupations Code, is amended to read as follows:

Sec. 2308.059. PERIODIC ~~[AND RISK BASED]~~ INSPECTIONS.

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 1501**.

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

SENATE BILL 27 WITH HOUSE AMENDMENT

Senator Campbell called **SB 27** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 27** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 74, Education Code, is amended by adding Section 74.155 to read as follows:

Sec. 74.155. NATIONAL CENTER FOR WARRIOR RESILIENCY. (a) In this section:

- (1) "Board" means the board of regents of The University of Texas System.
- (2) "Center" means the National Center for Warrior Resiliency.

(b) The board shall establish the National Center for Warrior Resiliency at The University of Texas Health Science Center at San Antonio for purposes of:

(1) researching issues relating to the detection, prevention, diagnosis, and treatment of combat-related post-traumatic stress disorder and comorbid conditions; and

(2) providing clinical care to enhance the psychological resiliency of military personnel and veterans.

(c) The organization, control, and management of the center are vested in the board.

(d) The board shall:

(1) provide for the employment of staff and an operating budget for the center; and

(2) select a site for the center at The University of Texas Health Science Center at San Antonio.

(e) The board may solicit, accept, and administer gifts and grants from any public or private source for the use and benefit of the center.

(f) The center may enter into agreements or otherwise collaborate with public or private entities, including other public institutions of higher education, private or independent institutions of higher education, the United States Department of Veterans Affairs, the United States Department of Defense, the National Institutes of Health, and the Texas Veterans Commission, to perform the research functions of the center.

(g) An employee of the center is an employee of The University of Texas System.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 27** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Campbell, Chair; Buckingham, Schwertner, Uresti, and Menéndez.

SENATE BILL 1660 WITH HOUSE AMENDMENT

Senator Taylor of Galveston called **SB 1660** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Bettencourt in Chair, laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1660** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the minutes of operation required for public school districts, charter schools, and other education programs and to calculating the average daily attendance for certain education programs.

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

SECTION 1. Section 25.081, Education Code, is amended to read as follows:

Sec. 25.081. OPERATION OF SCHOOLS. (a) Except as authorized under Subsection (b) of this section, Section 25.084, or Section 29.0821, for each school year each school district must operate ~~[so that the district provides]~~ for at least 75,600 minutes, including time allocated for ~~[of]~~ instruction, ~~[including]~~ intermissions, and recesses~~;~~ for students.

(b) The commissioner may approve the operation of schools ~~[instruction of students]~~ for fewer than the number of minutes required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

(c) If the commissioner does not approve reduced operation ~~[instruction]~~ time under Subsection (b), a school district may add additional minutes to the end of the district's normal school hours as necessary to compensate for minutes ~~[of instruction]~~ lost due to school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.

(d) The commissioner may adopt rules to implement this section, including rules:

(1) for the application, on the basis of the minimum minutes of operation ~~[instruction]~~ required by Subsection (a), of any provision of this title that refers to a minimum number of days of instruction under this section;

(2) to determine the minutes of operation that are equivalent to a day of instruction;

(3) defining instructional time, which may include time allocated for recess and for serving breakfast or lunch to students; and

(4) establishing the minimum number of minutes of instruction required for a full-day and a half-day program to meet the time requirements under Subsection (a).

(e) A school district or education program is exempt from the minimum minutes of operation requirement if the district's or program's average daily attendance is calculated under Section 42.005(j). The commissioner may establish the alternative minimum minutes of operation required for a district or program that is subject to Section 42.005(j). The commissioner's determination under this subsection is final and may not be appealed ~~[For purposes of this code, a reference to a day of instruction means 420 minutes of instruction].~~

(f) The commissioner may proportionally reduce the amount of funding a district receives under Chapter 41, 42, or 46 and the average daily attendance calculation for the district if the district operates on a calendar that provides fewer minutes of operation than required under Subsection (a).

SECTION 2. The heading to Section 25.082, Education Code, is amended to read as follows:

Sec. 25.082. ~~[SCHOOL DAY;]~~ PLEDGES OF ALLEGIANCE; MINUTE OF SILENCE.

SECTION 3. Section 29.0822(c), Education Code, is amended to read as follows:

(c) Except in the case of a course designed for a student described by Subsection (a)(3), a course offered in a program under this section must provide for at least the same number of instructional hours as required for a course offered in a program that meets the required minimum number of minutes of operation [~~instructional days~~] under Section 25.081 [~~and the required length of school day under Section 25.082~~].

SECTION 4. Section 29.087(j), Education Code, is amended to read as follows:

(j) For purposes of funding under Chapters 41, 42, and 46, a student attending a program authorized by this section may be counted in attendance only for the actual number of hours each school day the student attends the program, in accordance with Section [~~Sections~~] 25.081 [~~and 25.082~~].

SECTION 5. Subchapter E, Chapter 29, Education Code, is amended by adding Section 29.162 to read as follows:

Sec. 29.162. DETERMINATION OF FULL-DAY AND HALF-DAY. The commissioner may adopt rules for this subchapter establishing full-day and half-day minutes of operation requirements as provided by Section 25.081.

SECTION 6. Section 30A.104(a), Education Code, is amended to read as follows:

(a) A course offered through the state virtual school network must:

(1) be in a specific subject that is part of the required curriculum under Section 28.002(a);

(2) be aligned with the essential knowledge and skills identified under Section 28.002(c) for a grade level at or above grade level three; and

(3) be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting during[~~;~~

~~[(A)] a semester of 90 instructional days[; and~~

~~[(B)] a school day that meets the minimum length of a school day required under Section 25.082].~~

SECTION 7. Section 37.008(a), Education Code, is amended to read as follows:

(a) Each school district shall provide a disciplinary alternative education program that:

(1) is provided in a setting other than a student's regular classroom;

(2) is located on or off of a regular school campus;

(3) provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;

(4) focuses on English language arts, mathematics, science, history, and self-discipline;

(5) provides for students' educational and behavioral needs;

(6) provides supervision and counseling; and

(7) employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21[~~; and~~

~~[(8)] provides not less than the minimum amount of instructional time per day required by Section 25.082(a)].~~

SECTION 8. Section 42.005, Education Code, is amended by amending Subsection (a) and adding Subsections (i), (j), (k), (l), and (m) to read as follows:

(a) In this chapter, average daily attendance is:

(1) the quotient of the sum of attendance for each day of the minimum number of days of instruction as described under Section 25.081(a) divided by the minimum number of days of instruction;

(2) for a district that operates under a flexible year program under Section 29.0821, the quotient of the sum of attendance for each actual day of instruction as permitted by Section 29.0821(b)(1) divided by the number of actual days of instruction as permitted by Section 29.0821(b)(1); ~~or~~

(3) for a district that operates under a flexible school day program under Section 29.0822, the average daily attendance as calculated by the commissioner in accordance with Sections 29.0822(d) and (d-1); or

(4) for a district that operates a half-day program, one-half of the average daily attendance calculated under Subdivision (1).

(i) A district that operates a half-day prekindergarten program is eligible to receive the half-day average daily attendance calculation under Subsection (a)(4) if the district's prekindergarten program provides at least 32,400 minutes of instruction to students.

(j) Notwithstanding Subsection (a), the commissioner may calculate the average daily attendance of a district using an alternative minimum amount of minutes of operation for:

(1) a dropout recovery school or program; and

(2) a school program offered at a residential or correctional facility.

(k) The commissioner may determine the qualifications to be considered a dropout recovery school for the purposes of Subsection (j). The qualifications selected by the commissioner may differ from the qualifications required for a dropout recovery school under Sections 12.137 and 39.0548.

(l) On application from an open-enrollment charter school or a charter school operating under Subchapter E, Chapter 12, the commissioner shall calculate the average daily attendance for the school using an alternative minimum amount of minutes of operation if:

(1) during the 2014-2015 school year, the school was eligible to earn a full average daily attendance calculation under the applicable law governing the school during that school year; and

(2) the school provides at least the same amount of instruction to students as the school provided during the 2014-2015 school year and is no longer eligible to earn the full average daily attendance during the current school year.

(m) To assist school districts in implementing this section as amended by H.B. 2442, Acts of the 85th Legislature, Regular Session, 2017, or similar legislation, the commissioner may waive a requirement of this section or adopt rules to implement this section. This subsection expires September 1, 2018.

SECTION 9. Section 25.082(a), Education Code, is repealed.

SECTION 10. This Act applies beginning with the 2018-2019 school year.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1660** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Taylor of Galveston, Chair; Bettencourt, Huffines, West, and Hughes.

(President in Chair)

SENATE BILL 669 WITH HOUSE AMENDMENTS

Senator Bettencourt, on behalf of Senator Nelson, called **SB 669** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 669** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the system for protesting or appealing certain ad valorem tax determinations; authorizing a fee.

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

SECTION 1. Section 1.085(a), Tax Code, is amended to read as follows:

(a) Notwithstanding any other provision in this title and except as provided by this section, any notice, rendition, application form, or completed application, or information requested under Section 41.461(a)(2), that is required or permitted by this title to be delivered between a chief appraiser, an appraisal district, an appraisal review board, or any combination of those persons and a property owner or ~~between a chief appraiser, an appraisal district, an appraisal review board, or any combination of those persons and~~ a person designated by a property owner under Section 1.111(f) may be delivered in an electronic format if the chief appraiser and the property owner or person designated by the owner agree under this section.

SECTION 2. Chapter 5, Tax Code, is amended by adding Section 5.01 to read as follows:

Sec. 5.01. PROPERTY TAX ADMINISTRATION ADVISORY BOARD.

(a) The comptroller shall appoint the property tax administration advisory board to advise the comptroller with respect to the division or divisions within the office of the comptroller with primary responsibility for state administration of property taxation and state oversight of appraisal districts and local tax offices. The advisory board may make recommendations to the comptroller regarding improving the effectiveness and efficiency of the property tax system, best practices, and complaint resolution procedures.

(b) The advisory board is composed of at least six members appointed by the comptroller. The members of the board should include:

(1) representatives of property tax payers, appraisal districts, and school districts; and

(2) a person who has knowledge or experience in conducting ratio studies.

(c) The members of the advisory board serve at the pleasure of the comptroller.

(d) Any advice to the comptroller relating to a matter described by Subsection (a) that is provided by a member of the advisory board must be provided at a meeting called by the comptroller.

(e) Chapter 2110, Government Code, does not apply to the advisory board.

SECTION 3. Sections 5.041(b) and (e-1), Tax Code, are amended to read as follows:

(b) A member of the appraisal review board established for an appraisal district must complete the course established under Subsection (a). The course must provide at least eight hours of classroom training and education. A member of the appraisal review board may not participate in a hearing conducted by the board unless the person has completed the course established under Subsection (a) and received a certificate of course completion.

(e-1) In addition to the course established under Subsection (a), the comptroller shall approve curricula and provide materials for use in a continuing education course for members of an appraisal review board. The course must provide at least four hours of classroom training and education. The curricula and materials must include information regarding:

(1) the cost, income, and market data comparison methods of appraising property;

(2) the appraisal of business personal property;

(3) the determination of capitalization rates for property appraisal purposes;

(4) the duties of an appraisal review board;

(5) the requirements regarding the independence of an appraisal review board from the board of directors and the chief appraiser and other employees of the appraisal district;

(6) the prohibitions against ex parte communications applicable to appraisal review board members;

(7) the Uniform Standards of Professional Appraisal Practice;

(8) the duty of the appraisal district to substantiate the district's determination of the value of property;

(9) the requirements regarding the equal and uniform appraisal of property;

(10) the right of a property owner to protest the appraisal of the property as provided by Chapter 41; and

(11) a detailed explanation of each of the actions described by Sections 25.25, 41.41(a), 41.411, 41.412, 41.413, 41.42, and 41.43 so that members are fully aware of each of the grounds on which a property appraisal can be appealed.

SECTION 4. Chapter 5, Tax Code, is amended by adding Section 5.043 to read as follows:

Sec. 5.043. TRAINING OF ARBITRATORS. (a) This section applies only to persons who have agreed to serve as arbitrators under Chapter 41A.

(b) The comptroller shall:

(1) approve curricula and provide an arbitration manual and other materials for use in training and educating arbitrators;

(2) make all materials for use in training and educating arbitrators freely available online; and

(3) establish and supervise a training program on property tax law for the training and education of arbitrators.

(c) The training program must:

(1) emphasize the requirements regarding the equal and uniform appraisal of property; and

(2) be at least four hours in length.

(d) The training program may be provided online. The comptroller by rule shall prescribe the manner by which the comptroller may verify that a person taking the training program online has taken and completed the program.

(e) The comptroller may contract with service providers to assist with the duties imposed under Subsection (b), but the training program may not be provided by an appraisal district, the chief appraiser or another employee of an appraisal district, a member of the board of directors of an appraisal district, a member of an appraisal review board, or a taxing unit. The comptroller may assess a fee to recover a portion of the costs incurred for the training program, but the fee may not exceed \$50 for each person trained.

(f) The comptroller shall prepare an arbitration manual for use in the training program. The manual shall be updated regularly and may be revised on request, in writing, to the comptroller. The revised language must be approved by the unanimous agreement of a committee selected by the comptroller and representing, equally, taxpayers and chief appraisers. The person requesting the revision must pay the costs of mediation if the comptroller determines that mediation is required.

SECTION 5. Chapter 5, Tax Code, is amended by adding Section 5.104 to read as follows:

Sec. 5.104. APPRAISAL REVIEW BOARD SURVEY; REPORT. (a) The comptroller shall prepare:

(1) an appraisal review board survey form that allows an individual described by Subsection (b) to submit comments and suggestions to the comptroller regarding an appraisal review board; and

(2) instructions for completing and submitting the form.

(b) The following individuals may complete and submit a survey form under this section:

(1) a property owner who files a motion under Section 25.25 to correct the appraisal roll or a protest under Chapter 41;

(2) the designated agent of the property owner; or

(3) a designated representative of the appraisal district in which the motion or protest is filed who attends the hearing on the motion or protest.

(c) The survey form must allow an individual to submit comments and suggestions regarding:

(1) the matters listed in Section 5.103(b); and

(2) any other matter related to the fairness and efficiency of the appraisal review board.

(d) An appraisal district must provide the survey form and the instructions for completing and submitting the form to each property owner or designated agent of the owner:

(1) at or before each hearing conducted under Section 25.25 or Chapter 41 by the appraisal review board established for the appraisal district or by a panel of the board; and

(2) with each order under Section 25.25 or 41.47 determining a motion or protest, as applicable, delivered by the board or by a panel of the board.

(e) An individual who elects to submit the survey form must submit the form to the comptroller as provided by this section. An appraisal district may not accept a survey form submitted under this section. An individual may submit only one survey form for each motion or protest.

(f) The comptroller shall allow an individual to submit a survey form to the comptroller in the following manner:

(1) in person;

(2) by mail;

(3) by electronic mail; or

(4) through a web page on the comptroller's Internet website that allows the individual to complete and submit the form.

(g) An appraisal district may not require a property owner or the designated agent of the owner to complete a survey form at the appraisal office in order to be permitted to submit the form to the comptroller.

(h) A property owner or the designated agent of the owner who elects to submit a survey form provided to the owner or agent under Subsection (d)(1) or (2) must submit the form not later than the 45th day after the date the form is sent to the owner or agent under Subsection (d)(2).

(i) A designated representative of an appraisal district who elects to submit a survey form following a hearing conducted under Section 25.25 or Chapter 41 must submit the form not later than the 45th day after the date the form is sent to the property owner or designated agent of the owner under Subsection (d)(2) following that hearing.

(j) The comptroller shall issue an annual report that summarizes the information included in the survey forms submitted during the preceding year. The report may not disclose the identity of an individual who submitted a survey form.

(k) The comptroller shall adopt rules necessary to implement this section.

SECTION 6. Sections 6.412(a) and (d), Tax Code, are amended to read as follows:

(a) An individual is ineligible to serve on an appraisal review board if the individual:

(1) is related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to an individual who is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district for which the appraisal review board is established;

(2) owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless:

(A) the delinquent taxes and any penalties and interest are being paid under an installment payment agreement under Section 33.02; or

(B) a suit to collect the delinquent taxes is deferred or abated under Section 33.06 or 33.065; or

(3) is related within the third degree by consanguinity or within the second degree by affinity, as determined under Chapter 573, Government Code, to a member of:

(A) the appraisal district's board of directors; or

(B) the appraisal review board.

(d) A person is ineligible to serve on the appraisal review board of an appraisal district established for a county described by Section 6.41(d-1) ~~having a population of more than 100,000~~ if the person:

(1) is a former member of the board of directors, former officer, or former employee of the appraisal district;

(2) served as a member of the governing body or officer of a taxing unit for which the appraisal district appraises property, until the fourth anniversary of the date the person ceased to be a member or officer; ~~or~~

(3) appeared before the appraisal review board for compensation during the two-year period preceding the date the person is appointed; or

(4) served for all or part of three previous terms as a board member or auxiliary board member on the appraisal review board.

SECTION 7. Section 6.42, Tax Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) A majority of the appraisal review board constitutes a quorum. The local administrative district judge under Subchapter D, Chapter 74, Government Code, in the county in which ~~board of directors of~~ the appraisal district is established ~~by resolution~~ shall select a chairman and a secretary from among the members of the appraisal review board. The judge ~~board of directors of the appraisal district~~ is encouraged to select as chairman ~~of the appraisal review board~~ a member of the appraisal review board, if any, who has a background in law and property appraisal.

(d) The concurrence of a majority of the members of the appraisal review board or a panel of the board present at a meeting of the board or panel is sufficient for a recommendation, determination, decision, or other action by the board or panel, and the concurrence of more than a majority of the members of the board or panel may not be required.

SECTION 8. Section 41.46(a), Tax Code, is amended to read as follows:

(a) The appraisal review board before which a protest hearing is scheduled shall deliver written notice to the property owner initiating a protest of the date, time, ~~and~~ place, and subject matter of ~~fixed for~~ the hearing on the protest and of the property owner's entitlement to a postponement of the hearing as provided by Section 41.45 unless the property owner waives in writing notice of the hearing. The board shall deliver the notice not later than the 15th day before the date of the hearing.

SECTION 9. Section 41.461, Tax Code, is amended to read as follows:

Sec. 41.461. NOTICE OF CERTAIN MATTERS BEFORE HEARING; DELIVERY OF REQUESTED INFORMATION. (a) At least 14 days before the first scheduled [a] hearing on a protest, the chief appraiser shall:

(1) deliver a copy of the pamphlet prepared by the comptroller under Section 5.06 [5.06(a)] to the property owner initiating the protest if the owner is representing himself, or to an agent representing the owner if requested by the agent;

(2) inform the property owner that the owner or the agent of the owner is entitled on request to [may inspect and may obtain] a copy of the data, schedules, formulas, and all other information the chief appraiser will [plans to] introduce at the hearing to establish any matter at issue; and

(3) deliver a copy of the hearing procedures established by the appraisal review board under Section 41.66 to the property owner.

(b) The chief appraiser may not charge a property owner or the designated agent of the owner for copies provided to the [an] owner or designated agent under this section, regardless of the manner in which the copies are prepared or delivered [may not exceed the charge for copies of public information as provided under Subchapter F, Chapter 552, Government Code, except:

[(1) the total charge for copies provided in connection with a protest of the appraisal of residential property may not exceed \$15 for each residence; and

[(2) the total charge for copies provided in connection with a protest of the appraisal of a single unit of property subject to appraisal, other than residential property, may not exceed \$25].

(c) A chief appraiser must deliver information requested by a property owner or the agent of the owner under Subsection (a)(2):

(1) by regular first-class mail;

(2) in an electronic format as provided by an agreement under Section 1.085; or

(3) subject to Subsection (d), by referring the property owner or the agent of the owner to the exact Internet location or uniform resource locator (URL) address on an Internet website maintained by the appraisal district on which the requested information is identifiable and readily available.

(d) If a chief appraiser provides a property owner or the agent of the owner the Internet location or address of information under Subsection (c)(3), the notice must contain a statement in a conspicuous font that clearly indicates that the property owner or the agent of the owner may on request receive the information by regular first-class mail. On request by a property owner or the agent of the owner, the chief appraiser must provide the information by regular first-class mail.

SECTION 10. Section 41.47, Tax Code, is amended by adding Subsections (c-2) and (f) and amending Subsections (d) and (e) to read as follows:

(c-2) The board may not determine the appraised value of the property that is the subject of a protest to be an amount greater than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser under Section 25.22 or 25.23.

(d) The board shall deliver by certified mail:

(1) a notice of issuance of the order and a copy of the order to the property owner and the chief appraiser; and

(2) a copy of the appraisal review board survey form prepared under Section 5.104 and instructions for completing and submitting the form to the property owner.

(e) The notice of the issuance of the order must contain a prominently printed statement in upper-case bold lettering informing the property owner in clear and concise language of the property owner's right to appeal the order of the board [~~board's decision~~] to district court. The statement must describe the deadline prescribed by Section 42.06(a) [~~of this code~~] for filing a written notice of appeal[?] and the deadline prescribed by Section 42.21(a) [~~of this code~~] for filing the petition for review with the district court.

(f) The appraisal review board shall take the actions required by Subsections (a) and (d) not later than the 15th day after the date the hearing on the protest is concluded.

SECTION 11. Section 41.66, Tax Code, is amended by amending Subsections (h), (i), and (j) and adding Subsections (j-1) and (p) to read as follows:

(h) The appraisal review board shall postpone a hearing on a protest if the property owner or the designated agent of the owner requests additional time to prepare for the hearing and establishes to the board that the chief appraiser failed to comply with Section 41.461. The board is not required to postpone a hearing more than one time under this subsection.

(i) A hearing on a protest filed by a property owner or the designated agent of the owner [~~who is not represented by an agent designated under Section 1.111~~] shall be set for a time and date certain. If the hearing is not commenced within two hours of the time set for the hearing, the appraisal review board shall postpone the hearing on the request of the property owner or the designated agent of the owner.

(j) On the request of a property owner or the [a] designated agent of the owner, an appraisal review board shall schedule hearings on protests concerning up to 20 designated properties to be held consecutively on the same day. The designated properties must be identified in the same notice of protest, and the notice must contain in boldfaced type the statement "request for same-day protest hearings." A property owner or the designated agent of the owner may [~~not~~] file more than one request under this subsection with the appraisal review board in the same tax year. The appraisal review board may schedule hearings on protests concerning more than 20 properties filed by the same property owner or the designated agent of the owner and may use different panels to conduct the hearings based on the board's customary scheduling. The appraisal review board may follow the practices customarily used by the board in the scheduling of hearings under this subsection.

(j-1) An appraisal review board may schedule the hearings on all protests filed by a property owner or the designated agent of the owner to be held consecutively. The notice of the hearings must state the date and time that the first hearing will begin, state the date the last hearing will end, and list the order in which the hearings will be held. The order of the hearings listed in the notice may not be changed without the agreement of the property owner or the designated agent of the owner, the chief appraiser, and the appraisal review board. The board may not reschedule a hearing for which notice is given under this subsection to a date earlier than the seventh day after the date the last hearing was scheduled to end unless agreed to by the property owner or the designated agent of the owner, the chief appraiser, and the appraisal review

board. Unless agreed to by the parties, the board must provide written notice of the date and time of the rescheduled hearing to the property owner or the designated agent of the owner not later than the seventh day before the date of the hearing.

(p) At the end of a hearing on a protest, the appraisal review board shall provide the property owner or the designated agent of the owner one or more documents indicating that the members of the board hearing the protest signed the affidavit required by Subsection (g).

SECTION 12. Section 41.67(d), Tax Code, is amended to read as follows:

(d) Information that was previously requested under Section 41.461 by the protesting party that was not delivered [made available] to the protesting party at least 14 days before the first scheduled [or postponed] hearing may not be used or offered in any form as evidence in the hearing, including as a document or through argument or testimony.

SECTION 13. Section 41.71, Tax Code, is amended to read as follows:

Sec. 41.71. EVENING AND WEEKEND HEARINGS. (a) An appraisal review board by rule shall provide for hearings on protests [in the evening or] on a Saturday or after 5 p.m. on a weekday [Sunday].

(b) The board may not schedule:

(1) the first hearing on a protest held on a weekday evening to begin after 7 p.m.; or

(2) a hearing on a protest on a Sunday.

SECTION 14. Section 41A.01, Tax Code, is amended to read as follows:

Sec. 41A.01. RIGHT OF APPEAL BY PROPERTY OWNER. As an alternative to filing an appeal under Section 42.01, a property owner is entitled to appeal through binding arbitration under this chapter an appraisal review board order determining a protest filed under Section 41.41(a)(1) or (2) concerning the appraised or market value of property if:

(1) the property qualifies as the owner's residence homestead under Section 11.13; or

(2) the appraised or market value, as applicable, of the property as determined by the order is \$5 [~~\$3~~] million or less.

SECTION 15. Section 41A.03(a), Tax Code, is amended to read as follows:

(a) To appeal an appraisal review board order under this chapter, a property owner must file with the appraisal district not later than the 45th day after the date the property owner receives notice of the order:

(1) a completed request for binding arbitration under this chapter in the form prescribed by Section 41A.04; and

(2) an arbitration deposit made payable to the comptroller in the amount of:

(A) \$450, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$500,000 or less, as determined by the order;

(B) \$500, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$500,000, as determined by the order;

(C) \$500, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$1 million or less, as determined by the order;

(D) \$800, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$1 million but not more than \$2 million, as determined by the order; ~~or~~

(E) \$1,050, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$2 million but not more than \$3 million, as determined by the order; or

(F) \$1,250, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$3 million but not more than \$5 million, as determined by the order.

SECTION 16. Section 41A.06(b), Tax Code, is amended to read as follows:

(b) To initially qualify to serve as an arbitrator under this chapter, a person must:

(1) meet the following requirements, as applicable:

(A) be licensed as an attorney in this state; or

(B) have:

(i) completed at least 30 hours of training in arbitration and alternative dispute resolution procedures from a university, college, or legal or real estate trade association; and

(ii) been licensed or certified continuously during the five years preceding the date the person agrees to serve as an arbitrator as:

(a) a real estate broker or sales agent ~~[salesperson]~~ under Chapter 1101, Occupations Code;

(b) a real estate appraiser under Chapter 1103, Occupations Code; or

(c) a certified public accountant under Chapter 901, Occupations Code; ~~and~~

(2) complete the course for training and education of appraisal review board members established under Section 5.041 and be issued a certificate indicating course completion;

(3) complete the training program on property tax law for the training and education of arbitrators established under Section 5.043; and

(4) agree to conduct an arbitration for a fee that is not more than:

(A) \$400, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$500,000 or less, as determined by the order;

(B) \$450, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$500,000, as determined by the order;

(C) \$450, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$1 million or less, as determined by the order;

(D) \$750, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$1 million but not more than \$2 million, as determined by the order; ~~or~~

(E) \$1,000, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$2 million but not more than \$3 million, as determined by the order; or

(F) \$1,200, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$3 million but not more than \$5 million, as determined by the order.

SECTION 17. Section 41A.061(b), Tax Code, is amended to read as follows:

(b) To renew the person's agreement to serve as an arbitrator, the person must:

(1) file a renewal application with the comptroller at the time and in the manner prescribed by the comptroller;

(2) continue to meet the requirements provided by Sections 41A.06(b)(1) and (4) [Section 41A.06(b)]; and

(3) during the preceding two years have completed at least eight hours of continuing education in arbitration and alternative dispute resolution procedures offered by a university, college, real estate trade association, or legal association.

SECTION 18. Section 41A.09(b), Tax Code, is amended to read as follows:

(b) An award under this section:

(1) must include a determination of the appraised or market value, as applicable, of the property that is the subject of the appeal;

(2) may include any remedy or relief a court may order under Chapter 42 in an appeal relating to the appraised or market value of property;

(3) shall specify the arbitrator's fee, which may not exceed the amount provided by Section 41A.06(b)(4) [41A.06(b)(2)];

(4) is final and may not be appealed except as permitted under Section 171.088, Civil Practice and Remedies Code, for an award subject to that section; and

(5) may be enforced in the manner provided by Subchapter D, Chapter 171, Civil Practice and Remedies Code.

SECTION 19. Sections 5.103(e) and (f), 6.412(e), and 41A.06(c), Tax Code, are repealed.

SECTION 20. Section 5.041, Tax Code, as amended by this Act, applies only to an appraisal review board member appointed to serve a term of office that begins on or after the effective date of this Act.

SECTION 21. The comptroller shall implement Section 5.043, Tax Code, as added by this Act, and adopt rules required by that section as soon as practicable after the effective date of this Act.

SECTION 22. The comptroller shall adopt rules necessary to implement Section 5.104, Tax Code, as added by this Act, and shall prepare and make available the survey form and instructions for completing and submitting the form required by that section as soon as practicable after the effective date of this Act. An appraisal district

is not required to provide the survey form or instructions under a requirement of that section until the form and instructions are prepared and made available by the comptroller.

SECTION 23. Section 6.412, Tax Code, as amended by this Act, does not affect the eligibility of a person serving on an appraisal review board immediately before the effective date of this Act to continue to serve on the board for the term to which the member was appointed.

SECTION 24. Section 6.42(d), Tax Code, as added by this Act, applies only to a recommendation, determination, decision, or other action by an appraisal review board or a panel of such a board on or after the effective date of this Act. A recommendation, determination, decision, or other action by an appraisal review board or a panel of such a board before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION 25. The changes in law made by this Act to Chapter 41, Tax Code, apply only to a protest for which the notice of protest was filed by a property owner or the designated agent of the owner with the appraisal review board established for an appraisal district on or after the effective date of this Act.

SECTION 26. Sections 41A.01, 41A.03, and 41A.09, Tax Code, as amended by this Act, and Section 41A.06(b)(4), Tax Code, as added by this Act, apply only to a request for binding arbitration under Chapter 41A, Tax Code, that is filed on or after the effective date of this Act. A request for binding arbitration under Chapter 41A, Tax Code, that is filed before the effective date of this Act is governed by the law in effect on the date the request is filed, and the former law is continued in effect for that purpose.

SECTION 27. The changes in law made by this Act in the qualifications of persons serving as arbitrators in binding arbitrations of appeals of appraisal review board orders do not affect the entitlement of a person serving as an arbitrator immediately before the effective date of this Act to continue to serve as an arbitrator and to conduct hearings on arbitrations until the person is required to renew the person's agreement with the comptroller to serve as an arbitrator. The changes in law apply only to a person who initially qualifies to serve as an arbitrator or who renews the person's agreement with the comptroller to serve as an arbitrator on or after the effective date of this Act. This Act does not prohibit a person who is serving as an arbitrator on the effective date of this Act from renewing the person's agreement with the comptroller to serve as an arbitrator if the person has the qualifications required for an arbitrator under the Tax Code as amended by this Act.

SECTION 28. This Act takes effect January 1, 2018.

Floor Amendment No. 1

Amend **CSSB 669** (house committee report) on page 2, line 6, following the underlined period, by adding the following:

The comptroller shall post the recommendations of the advisory board on the comptroller's Internet website.

Floor Amendment No. 2

Amend **CSSB 669** (house committee report) as follows:

(1) On page 2, line 22, strike "Sections 5.041(b) and (e-1)" and substitute "Sections 5.041(b), (c), and (e-1)".

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

(c) The comptroller may contract with service providers to assist with the duties imposed under Subsection (a), but the course required may not be provided by an appraisal district, the chief appraiser or another employee of an appraisal district, a member of the board of directors of an appraisal district, a member of an appraisal review board, or a taxing unit. The comptroller may assess a fee to recover a portion of the costs incurred for the training course, but the fee may not exceed \$50 per person trained. If the training is provided to an individual other than a member of an appraisal review board, the comptroller may assess a fee not to exceed \$50 per person trained.

(3) On page 4, line 24, strike "shall" and substitute "may".

(4) On page 7, lines 13 through 15, strike "submit the form not later than the 45th day after the date the form is sent to the owner or agent under Subsection (d)(2)" and substitute the following:

submit the form not later than the earlier of the 45th day after the date:

(1) the form is sent to the owner or agent under Subsection (d)(2); or

(2) the matter that is the subject of the protest is finally resolved if the protest is settled or otherwise resolved in a manner that does not require the issuance of an order described by Subsection (d)(2)

(5) On page 7, line 26, strike "shall" and substitute "may".

(6) On page 20, strike lines 22 and 23 and substitute the following:

SECTION 19. The following provisions are repealed:

(1) Sections 403.302(m-1) and (n), Government Code;

(2) Sections 5.103(e) and (f), Tax Code;

(3) Section 6.412(e), Tax Code; and

(4) Section 41A.06(c), Tax Code.

(7) On page 21, lines 2 and 3, strike "and adopt rules required by that section".

(8) On page 21, lines 4 and 5, strike "adopt rules necessary to implement Section 5.104, Tax Code, as added by this Act, and shall".

(9) On page 21, line 7, strike "that section" and substitute "Section 5.104, Tax Code, as added by this Act".

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

SECTION ____ . Section 403.302(o), Government Code, is amended to read as follows:

(o) The comptroller shall adopt rules governing the conduct of the study after consultation with the comptroller's property tax administration advisory board [~~Comptroller's Property Value Study Advisory Committee~~].

SECTION ____ . Section 5.102(a), Tax Code, is amended to read as follows:

(a) At least once every two years, the comptroller shall review the governance of each appraisal district, taxpayer assistance provided, and the operating and appraisal standards, procedures, and methodology used by each appraisal district, to determine compliance with generally accepted standards, procedures, and methodology. After

consultation with the property tax administration advisory board [~~committee created under Section 403.302, Government Code~~], the comptroller by rule may establish procedures and standards for conducting and scoring the review.

Floor Amendment No. 3

Amend **CSSB 669** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 25.25(c), Tax Code, is amended to read as follows:

(c) The appraisal review board, on motion of the chief appraiser or of a property owner, may direct by written order changes in the appraisal roll for any of the five preceding years to correct:

(1) clerical errors that affect a property owner's liability for a tax imposed in that tax year;

(2) multiple appraisals of a property in that tax year;

(3) the inclusion of property that does not exist in the form or at the location described in the appraisal roll; ~~or~~

(4) an error in which property is shown as owned by a person who did not own the property on January 1 of that tax year; or

(5) an error in the square footage of a property described in the appraisal roll.

SECTION _____. Section 25.25(c), Tax Code, as amended by this Act, applies only to a motion to correct an appraisal roll filed on or after the effective date of this Act. A motion to correct an appraisal roll filed before the effective date of this Act is governed by the law in effect on the date the motion was filed, and the former law is continued in effect for that purpose.

Floor Amendment No. 4

Amend **CSSB 669** (house committee report) as follows:

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

SECTION _____. This Act may be cited as the Property Tax Payer Empowerment Act of 2017.

SECTION _____. Section 5.07, Tax Code, is amended by adding Subsections (f), (g), (h), and (i) to read as follows:

(f) In conjunction with prescribing a uniform record system to be used by all appraisal districts as required by Subsection (c), the comptroller shall prescribe tax rate calculation forms to be used by the designated officer or employee of each:

(1) taxing unit other than a school district to calculate and submit the no-new-revenue tax rate and the rollback tax rate for the unit as required by Chapter 26; and

(2) school district to calculate and submit the no-new-revenue tax rate, the rollback tax rate, and the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year as required by Chapter 26.

(g) The forms described by Subsection (f) must be in an electronic format and:

(1) have blanks that can be filled in electronically;

(2) be capable of being certified by the designated officer or employee after completion as accurately calculating the applicable tax rates and using values that are the same as the values shown in the taxing unit's certified appraisal roll; and

(3) be capable of being submitted electronically to the chief appraiser of each appraisal district in which the taxing unit is located.

(h) For purposes of Subsections (f) and (g), the comptroller shall use the forms published on the comptroller's Internet website as of January 1, 2017, as modified as necessary to comply with the requirements of those subsections. The forms may be updated at the discretion of the comptroller to reflect any statutory change in the values used to calculate a tax rate or to reflect formatting or other nonsubstantive changes.

(i) The comptroller may revise the forms to reflect statutory changes other than those described by Subsection (h) or on receipt of a request in writing. A revision under this subsection must be approved by the agreement of a majority of the members of a committee selected by the comptroller who are present at a committee meeting at which a quorum is present. The members of the committee must represent, equally, taxpayers and either taxing units or persons designated by taxing units. In the case of a revision for which the comptroller receives a request in writing, the person requesting the revision shall pay the costs of mediation if the comptroller determines that mediation is required.

SECTION _____. Section 5.091, Tax Code, is amended to read as follows:

Sec. 5.091. STATEWIDE LIST OF TAX RATES. (a) Each year the comptroller shall prepare a list that includes the total tax rate imposed by each taxing unit in this state, as [other than a school district, if the tax rate is] reported to the comptroller by each appraisal district, for the year [preceding the year] in which the list is prepared. The comptroller shall:

(1) prescribe the manner in which and deadline by which appraisal districts are required to submit the tax rates to the comptroller; and

(2) list the tax rates alphabetically according to:

(A) the county or counties in which each taxing unit is located; and

(B) the name of each taxing unit ~~[in descending order]~~.

(b) Not later than January 1 ~~[December 31]~~ of the following ~~[each]~~ year, the comptroller shall publish on the comptroller's Internet website the list required by Subsection (a).

SECTION _____. Section 6.41, Tax Code, is amended by amending Subsections (b) and (d-9) and adding Subsections (b-1), (b-2), and (d-10) to read as follows:

(b) Except as provided by Subsection (b-1) or (b-2), an appraisal review ~~[The]~~ board consists of three members.

(b-1) An appraisal ~~[However, the]~~ district board of directors by resolution of a majority of the board's ~~[its]~~ members may increase the size of the district's appraisal review board to the number of members the board of directors considers appropriate.

(b-2) An appraisal district board of directors for a district established in a county with a population of one million or more by resolution of a majority of the board's members shall increase the size of the district's appraisal review board to the number

of members the board of directors considers appropriate to manage the duties of the appraisal review board, including the duties of each special panel established under Section 6.425.

(d-9) In selecting individuals who are to serve as members of the appraisal review board, the local administrative district judge shall select an adequate number of qualified individuals to permit the chairman of the appraisal review board to fill the positions on each special panel established under Section 6.425.

(d-10) Upon selection of the individuals who are to serve as members of the appraisal review board, the local administrative district judge shall enter an appropriate order designating such members and setting each member's respective term of office, as provided elsewhere in this section.

SECTION _____. Section 6.414(d), Tax Code, is amended to read as follows:

(d) An auxiliary board member may hear taxpayer protests before the appraisal review board. An auxiliary board member may not hear taxpayer protests before a special panel established under Section 6.425 unless the member is eligible to be appointed to the special panel. If one or more auxiliary board members sit on a panel established under Section 6.425 or 41.45 to conduct a protest hearing, the number of regular appraisal review board members required by that section to constitute the panel is reduced by the number of auxiliary board members sitting. An auxiliary board member sitting on a panel is considered a regular board member for all purposes related to the conduct of the hearing.

SECTION _____. Subchapter C, Chapter 6, Tax Code, is amended by adding Section 6.425 to read as follows:

Sec. 6.425. SPECIAL APPRAISAL REVIEW BOARD PANELS IN CERTAIN DISTRICTS. (a) This section applies only to the appraisal review board for an appraisal district described by Section 6.41(b-2).

(b) The appraisal review board shall establish special panels to conduct protest hearings under Chapter 41 relating to property that:

(1) has an appraised value of \$50 million or more as determined by the appraisal district; and

(2) is included in one of the following classifications:

(A) commercial real and personal property;

(B) real and personal property of utilities;

(C) industrial and manufacturing real and personal property; and

(D) multifamily residential real property.

(c) Each special panel described by this section consists of three members of the appraisal review board appointed by the chairman of the board.

(d) To be eligible to be appointed to a special panel described by this section, a member of the appraisal review board must:

(1) hold a juris doctor or equivalent degree;

(2) hold a master of business administration degree;

(3) be licensed as a certified public accountant under Chapter 901, Occupations Code;

(4) be accredited by the American Society of Appraisers as an accredited senior appraiser;

(5) possess an MAI professional designation from the Appraisal Institute;

(6) possess a Certified Assessment Evaluator (CAE) professional designation from the International Association of Assessing Officers;

(7) have at least 20 years of experience in property tax appraisal or consulting; or

(8) be licensed as a real estate broker or sales agent under Chapter 1101, Occupations Code.

(e) Notwithstanding Subsection (d), the chairman of the appraisal review board may appoint to a special panel described by this section a member of the appraisal review board who does not meet the qualifications prescribed by that subsection if:

(1) the number of persons appointed to the board by the local administrative district judge who meet those qualifications is not sufficient to fill the positions on each special panel; and

(2) the board member being appointed to the panel holds a bachelor's degree in any field.

(f) In addition to conducting protest hearings relating to property described by Subsection (b) of this section, a special panel may conduct protest hearings under Chapter 41 relating to property not described by Subsection (b) of this section as assigned by the chairman of the appraisal review board.

SECTION _____. Effective January 1, 2019, Section 25.19, Tax Code, is amended by adding Subsections (b-3) and (b-4) to read as follows:

(b-3) This subsection applies only to an appraisal district described by Section 6.41(b-2). In addition to the information required by Subsection (b), the chief appraiser shall state in a notice of appraised value of property described by Section 6.425(b) that the property owner has the right to have a protest relating to the property heard by a special panel of the appraisal review board.

(b-4) Subsection (b)(5) applies only to a notice of appraised value required to be delivered by the chief appraiser of an appraisal district established in a county with a population of less than 120,000. This subsection expires January 1, 2020.

SECTION _____. Effective January 1, 2020, Sections 25.19(b) and (i), Tax Code, are amended to read as follows:

(b) The chief appraiser shall separate real from personal property and include in the notice for each:

(1) a list of the taxing units in which the property is taxable;

(2) the appraised value of the property in the preceding year;

(3) the taxable value of the property in the preceding year for each taxing unit taxing the property;

(4) the appraised value of the property for the current year, the kind and amount of each exemption and partial exemption, if any, approved for the property for the current year and for the preceding year, and, if an exemption or partial exemption that was approved for the preceding year was canceled or reduced for the current year, the amount of the exemption or partial exemption canceled or reduced;

(5) ~~if the appraised value is greater than it was in the preceding year, the amount of tax that would be imposed on the property on the basis of the tax rate for the preceding year;~~

~~(6)~~ in italic typeface, the following statement: "The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials, and all inquiries concerning your taxes should be directed to those officials";

~~(6)~~ ~~(7)~~ a detailed explanation of the time and procedure for protesting the value;

~~(7)~~ ~~(8)~~ the date and place the appraisal review board will begin hearing protests; and

~~(8)~~ ~~(9)~~ a brief explanation that the governing body of each taxing unit decides whether or not taxes on the property will increase and the appraisal district only determines the value of the property.

(i) Delivery with a notice required by Subsection (a) or (g) of a copy of the pamphlet published by the comptroller under Section 5.06 or a copy of the notice published by the chief appraiser under Section 41.70 is sufficient to comply with the requirement that the notice include the information specified by Subsection ~~(b)~~~~(6)~~ ~~(b)~~~~(7)~~ or (g)(3), as applicable.

SECTION _____. Section 26.012(9), Tax Code, is redesignated as Section 26.012(18), Tax Code, and amended to read as follows:

~~(18)~~ "No-new-revenue ~~(9)~~ ~~Effective~~ maintenance and operations rate" means a rate expressed in dollars per \$100 of taxable value and calculated according to the following formula:

$$\text{NO-NEW-REVENUE } [\text{EFFECTIVE}] \text{ MAINTENANCE AND OPERATIONS RATE} = (\text{LAST YEAR'S LEVY} - \text{LAST YEAR'S DEBT LEVY} - \text{LAST YEAR'S JUNIOR COLLEGE LEVY}) / (\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE})$$

SECTION _____. The heading to Section 26.04, Tax Code, is amended to read as follows:

Sec. 26.04. SUBMISSION OF ROLL TO GOVERNING BODY; NO-NEW-REVENUE ~~[EFFECTIVE]~~ AND ROLLBACK TAX RATES.

SECTION _____. Section 26.04, Tax Code, is amended by amending Subsections (b), (c), (d), (e), (e-1), (f), (g), (i), and (j) and adding Subsections (d-1), (d-2), (e-2), (e-3), and (e-4) to read as follows:

(b) The assessor shall submit the appraisal roll for the unit showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property to the governing body of the unit by August 1 or as soon thereafter as practicable. By August 1 or as soon thereafter as practicable, the taxing unit's collector shall certify ~~[an estimate of]~~ the anticipated collection rate, as defined by Subsection (h), for the current year to the governing body. If the collector certified an anticipated collection rate in the preceding year and the actual collection rate in that year exceeded the anticipated rate, the collector shall also certify the amount of debt taxes collected in excess of the anticipated amount in the preceding year.

(c) After the assessor for the unit submits the appraisal roll for the unit to the governing body of the unit as required by Subsection (b), an [An] officer or employee designated by the governing body shall calculate the no-new-revenue ~~[effective]~~ tax rate and the rollback tax rate for the unit, where:

(1) "No-new-revenue [~~Effective~~] tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

$$\text{NO-NEW-REVENUE } [\text{EFFECTIVE}] \text{ TAX RATE} = (\text{LAST YEAR'S LEVY} - \text{LOST PROPERTY LEVY}) / (\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE})$$

; and

(2) "Rollback tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

$$\text{ROLLBACK TAX RATE} = (\text{NO-NEW-REVENUE } [\text{EFFECTIVE}] \text{ MAINTENANCE AND OPERATIONS RATE} \times 1.08) + \text{CURRENT DEBT RATE}$$

(d) The no-new-revenue [~~effective~~] tax rate for a county is the sum of the no-new-revenue [~~effective~~] tax rates calculated for each type of tax the county levies and the rollback tax rate for a county is the sum of the rollback tax rates calculated for each type of tax the county levies.

(d-1) The designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller under Section 5.07 in calculating the no-new-revenue tax rate and the rollback tax rate.

(d-2) The designated officer or employee may not submit the no-new-revenue tax rate and the rollback tax rate to the governing body of the taxing unit and the unit may not adopt a tax rate until the designated officer or employee certifies on the tax rate calculation forms that the designated officer or employee has accurately calculated the tax rates and has used values that are the same as the values shown in the unit's certified appraisal roll in performing the calculations.

(e) By August 7 or as soon thereafter as practicable, the designated officer or employee shall submit the rates to the governing body. The designated officer or employee [He] shall deliver by mail to each property owner in the unit, [or] publish in a newspaper, or post prominently on the home page of the unit's Internet website, if applicable, in the form prescribed by the comptroller:

(1) the no-new-revenue [~~effective~~] tax rate, the rollback tax rate, and an explanation of how they were calculated;

(2) the estimated amount of interest and sinking fund balances and the estimated amount of maintenance and operation or general fund balances remaining at the end of the current fiscal year that are not encumbered with or by corresponding existing debt obligation;

(3) a schedule of the unit's debt obligations showing:

(A) the amount of principal and interest that will be paid to service the unit's debts in the next year from property tax revenue, including payments of lawfully incurred contractual obligations providing security for the payment of the principal of and interest on bonds and other evidences of indebtedness issued on behalf of the unit by another political subdivision and, if the unit is created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, payments on debts that the unit anticipates to incur in the next calendar year;

(B) the amount by which taxes imposed for debt are to be increased because of the unit's anticipated collection rate; and

(C) the total of the amounts listed in Paragraphs (A)-(B), less any amount collected in excess of the previous year's anticipated collections certified as provided in Subsection (b);

(4) the amount of additional sales and use tax revenue anticipated in calculations under Section 26.041;

(5) a statement that the adoption of a tax rate equal to the no-new-revenue ~~effective~~ tax rate would result in an increase or decrease, as applicable, in the amount of taxes imposed by the unit as compared to last year's levy, and the amount of the increase or decrease;

(6) in the year that a taxing unit calculates an adjustment under Subsection (i) or (j), a schedule that includes the following elements:

(A) the name of the unit discontinuing the department, function, or activity;

(B) the amount of property tax revenue spent by the unit listed under Paragraph (A) to operate the discontinued department, function, or activity in the 12 months preceding the month in which the calculations required by this chapter are made; and

(C) the name of the unit that operates a distinct department, function, or activity in all or a majority of the territory of a taxing unit that has discontinued operating the distinct department, function, or activity; and

(7) in the year following the year in which a taxing unit raised its rollback tax rate as required by Subsection (j), a schedule that includes the following elements:

(A) the amount of property tax revenue spent by the unit to operate the department, function, or activity for which the taxing unit raised the rollback tax rate as required by Subsection (j) for the 12 months preceding the month in which the calculations required by this chapter are made; and

(B) the amount published by the unit in the preceding tax year under Subdivision (6)(B).

(e-1) The tax rate certification requirements imposed by Subsection (d-2) and the notice requirements imposed by Subsections (e)(1)-(6) do not apply to a school district.

(e-2) By August 7 or as soon thereafter as practicable, the chief appraiser of each appraisal district shall deliver by regular mail or e-mail to each owner of property located in the appraisal district a notice that the estimated amount of taxes to be imposed on the owner's property by each taxing unit in which the property is located may be found in the property tax database maintained by the appraisal district under Section 26.17. The notice must include:

(1) the following statement:

"PROPOSED (tax year) PROPERTY TAX BILL INFORMATION

"Information concerning the property taxes that may be imposed on your property by local taxing units, the dates and locations of any public hearings on the tax rates of the taxing units, and the dates and locations of meetings of the governing bodies of the taxing units to vote on the tax rates, together with other important property tax information, may be found at the website listed below:

"(address of the Internet website at which the information may be found).";

(2) a statement that the property owner may request from the county assessor-collector contact information for the assessor for each taxing unit in which the property is located, who must provide the information described by this subsection to the owner on request; and

(3) the address and telephone number of the county assessor-collector.

(e-3) The heading of the statement described by Subsection (e-2)(1) must be in bold, capital letters in typeset larger than that used in the other provisions of the notice.

(e-4) The comptroller may adopt rules regarding the format and delivery of the notice required by Subsection (e-2).

(f) If as a result of consolidation of taxing units a taxing unit includes territory that was in two or more taxing units in the preceding year, the amount of taxes imposed in each in the preceding year is combined for purposes of calculating the no-new-revenue ~~effective~~ and rollback tax rates under this section.

(g) A person who owns taxable property is entitled to an injunction prohibiting the taxing unit in which the property is taxable from adopting a tax rate if the assessor or designated officer or employee of the unit, the chief appraiser of the applicable appraisal district, or the taxing unit, as applicable, has not complied with the computation, ~~or~~ publication, or posting requirements of this section or Section 26.17 or 26.18 ~~and the failure to comply was not in good faith~~.

(i) This subsection applies to a taxing unit that has agreed by written contract to transfer a distinct department, function, or activity to another taxing unit and discontinues operating that distinct department, function, or activity if the operation of that department, function, or activity in all or a majority of the territory of the taxing unit is continued by another existing taxing unit or by a new taxing unit. The rollback tax rate of a taxing unit to which this subsection applies in the first tax year in which a budget is adopted that does not allocate revenue to the discontinued department, function, or activity is calculated as otherwise provided by this section, except that last year's levy used to calculate the no-new-revenue ~~effective~~ maintenance and operations rate of the unit is reduced by the amount of maintenance and operations tax revenue spent by the taxing unit to operate the department, function, or activity for the 12 months preceding the month in which the calculations required by this chapter are made and in which the unit operated the discontinued department, function, or activity. If the unit did not operate that department, function, or activity for the full 12 months preceding the month in which the calculations required by this chapter are made, the unit shall reduce last year's levy used for calculating the no-new-revenue ~~effective~~ maintenance and operations rate of the unit by the amount of the revenue spent in the last full fiscal year in which the unit operated the discontinued department, function, or activity.

(j) This subsection applies to a taxing unit that had agreed by written contract to accept the transfer of a distinct department, function, or activity from another taxing unit and operates a distinct department, function, or activity if the operation of a substantially similar department, function, or activity in all or a majority of the territory of the taxing unit has been discontinued by another taxing unit, including a dissolved taxing unit. The rollback tax rate of a taxing unit to which this subsection applies in the first tax year after the other taxing unit discontinued the substantially

similar department, function, or activity in which a budget is adopted that allocates revenue to the department, function, or activity is calculated as otherwise provided by this section, except that last year's levy used to calculate the no-new-revenue ~~[effective]~~ maintenance and operations rate of the unit is increased by the amount of maintenance and operations tax revenue spent by the taxing unit that discontinued operating the substantially similar department, function, or activity to operate that department, function, or activity for the 12 months preceding the month in which the calculations required by this chapter are made and in which the unit operated the discontinued department, function, or activity. If the unit did not operate the discontinued department, function, or activity for the full 12 months preceding the month in which the calculations required by this chapter are made, the unit may increase last year's levy used to calculate the no-new-revenue ~~[effective]~~ maintenance and operations rate by an amount not to exceed the amount of property tax revenue spent by the discontinuing unit to operate the discontinued department, function, or activity in the last full fiscal year in which the discontinuing unit operated the department, function, or activity.

SECTION _____. Sections 26.041(a), (b), (c), (e), (g), and (h), Tax Code, are amended to read as follows:

(a) In the first year in which an additional sales and use tax is required to be collected, the no-new-revenue ~~[effective]~~ tax rate and rollback tax rate for the unit are calculated according to the following formulas:

$$\text{NO-NEW-REVENUE } \underline{\text{[EFFECTIVE]}} \text{ TAX RATE} = \frac{[(\text{LAST YEAR'S LEVY} - \text{LOST PROPERTY LEVY}) / (\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE})] - \text{SALES TAX GAIN RATE}}$$

and

$$\text{ROLLBACK TAX RATE} = (\text{NO-NEW-REVENUE } \underline{\text{[EFFECTIVE]}} \text{ MAINTENANCE AND OPERATIONS RATE} \times 1.08) + \text{CURRENT DEBT RATE} - \text{SALES TAX GAIN RATE}$$

where "sales tax gain rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the revenue that will be generated by the additional sales and use tax in the following year as calculated under Subsection (d) ~~[of this section]~~ by the current total value.

(b) Except as provided by Subsections (a) and (c) ~~[of this section]~~, in a year in which a taxing unit imposes an additional sales and use tax, the rollback tax rate for the unit is calculated according to the following formula, regardless of whether the unit levied a property tax in the preceding year:

$$\text{ROLLBACK TAX RATE} = \frac{[(\text{LAST YEAR'S MAINTENANCE AND OPERATIONS EXPENSE} \times 1.08) / ((\text{TOTAL}) \text{ CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE})] + (\text{CURRENT DEBT RATE} - \text{SALES TAX REVENUE RATE})}$$

where "last year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year, and "sales tax revenue rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the revenue that will be generated by the additional sales and use tax in the current year as calculated under Subsection (d) ~~[of this section]~~ by the current total value.

(c) In a year in which a taxing unit that has been imposing an additional sales and use tax ceases to impose an additional sales and use tax, the no-new-revenue [~~effective~~] tax rate and rollback tax rate for the unit are calculated according to the following formulas:

$$\frac{\text{NO-NEW-REVENUE } [\text{EFFECTIVE}] \text{ TAX RATE} = [(\text{LAST YEAR'S LEVY} - \text{LOST PROPERTY LEVY}) / (\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE})] + \text{SALES TAX LOSS RATE}}{\text{and}}$$

and

$$\text{ROLLBACK TAX RATE} = [(\text{LAST YEAR'S MAINTENANCE AND OPERATIONS EXPENSE} \times 1.08) / ([\text{TOTAL}] \text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE})] + \text{CURRENT DEBT RATE}$$

where "sales tax loss rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the amount of sales and use tax revenue generated in the last four quarters for which the information is available by the current total value and "last year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year.

(e) If a city that imposes an additional sales and use tax receives payments under the terms of a contract executed before January 1, 1986, in which the city agrees not to annex certain property or a certain area and the owners or lessees of the property or of property in the area agree to pay at least annually to the city an amount determined by reference to all or a percentage of the property tax rate of the city and all or a part of the value of the property subject to the agreement or included in the area subject to the agreement, the governing body, by order adopted by a majority vote of the governing body, may direct the designated officer or employee to add to the no-new-revenue [~~effective~~] and rollback tax rates the amount that, when applied to the total taxable value submitted to the governing body, would produce an amount of taxes equal to the difference between the total amount of payments for the tax year under contracts described by this subsection under the rollback tax rate calculated under this section and the total amount of payments for the tax year that would have been obligated to the city if the city had not adopted an additional sales and use tax.

(g) If the rate of the additional sales and use tax is increased, the designated officer or employee shall make two projections, in the manner provided by Subsection (d) [~~of this section~~], of the revenue generated by the additional sales and use tax in the following year. The first projection must take into account the increase and the second projection must not take into account the increase. The designated officer or employee shall then subtract the amount of the result of the second projection from the amount of the result of the first projection to determine the revenue generated as a result of the increase in the additional sales and use tax. In the first year in which an additional sales and use tax is increased, the no-new-revenue [~~effective~~] tax rate for the unit is the no-new-revenue [~~effective~~] tax rate before the increase minus a number the numerator of which is the revenue generated as a result of the increase in the additional sales and use tax, as determined under this subsection, and the denominator of which is the current total value minus the new property value.

(h) If the rate of the additional sales and use tax is decreased, the designated officer or employee shall make two projections, in the manner provided by Subsection (d) [~~of this section~~], of the revenue generated by the additional sales and use tax in the following year. The first projection must take into account the decrease and the second projection must not take into account the decrease. The designated officer or employee shall then subtract the amount of the result of the first projection from the amount of the result of the second projection to determine the revenue lost as a result of the decrease in the additional sales and use tax. In the first year in which an additional sales and use tax is decreased, the no-new-revenue [~~effective~~] tax rate for the unit is the no-new-revenue [~~effective~~] tax rate before the decrease plus a number the numerator of which is the revenue lost as a result of the decrease in the additional sales and use tax, as determined under this subsection, and the denominator of which is the current total value minus the new property value.

SECTION _____. The heading to Section 26.043, Tax Code, is amended to read as follows:

Sec. 26.043. ROLLBACK AND NO-NEW-REVENUE [~~EFFECTIVE~~] TAX RATES [~~RATE~~] IN CITY IMPOSING MASS TRANSIT SALES AND USE TAX.

SECTION _____. Sections 26.043(a) and (b), Tax Code, are amended to read as follows:

(a) In the tax year in which a city has set an election on the question of whether to impose a local sales and use tax under Subchapter H, Chapter 453, Transportation Code, the officer or employee designated to make the calculations provided by Section 26.04 may not make those calculations until the outcome of the election is determined. If the election is determined in favor of the imposition of the tax, the representative shall subtract from the city's rollback and no-new-revenue [~~effective~~] tax rates the amount that, if applied to the city's current total value, would impose an amount equal to the amount of property taxes budgeted in the current tax year to pay for expenses related to mass transit services.

(b) In a tax year to which this section applies, a reference in this chapter to the city's no-new-revenue [~~effective~~] or rollback tax rate refers to that rate as adjusted under this section.

SECTION _____. The heading to Section 26.044, Tax Code, is amended to read as follows:

Sec. 26.044. NO-NEW-REVENUE [~~EFFECTIVE~~] TAX RATE TO PAY FOR STATE CRIMINAL JUSTICE MANDATE.

SECTION _____. Sections 26.044(a), (b), and (c), Tax Code, are amended to read as follows:

(a) The first time that a county adopts a tax rate after September 1, 1991, in which the state criminal justice mandate applies to the county, the no-new-revenue [~~effective~~] maintenance and operation rate for the county is increased by the rate calculated according to the following formula:

$$\text{(State Criminal Justice Mandate)} / (\text{Current Total Value} - \text{New Property Value})$$

(b) In the second and subsequent years that a county adopts a tax rate, if the amount spent by the county for the state criminal justice mandate increased over the previous year, the no-new-revenue ~~[effective]~~ maintenance and operation rate for the county is increased by the rate calculated according to the following formula:

(This Year's State Criminal Justice Mandate - Previous Year's State Criminal Justice Mandate) / (Current Total Value - New Property Value)

(c) The county shall include a notice of the increase in the no-new-revenue ~~[effective]~~ maintenance and operation rate provided by this section, including a description and amount of the state criminal justice mandate, in the information published under Section 26.04(e) and Section 26.06(b) ~~[of this code]~~.

SECTION _____. Sections 26.0441(a), (b), and (c), Tax Code, are amended to read as follows:

(a) In the first tax year in which a taxing unit adopts a tax rate after January 1, 2000, and in which the enhanced minimum eligibility standards for indigent health care established under Section 61.006, Health and Safety Code, apply to the taxing unit, the no-new-revenue ~~[effective]~~ maintenance and operations rate for the taxing unit is increased by the rate computed according to the following formula:

Amount of Increase = Enhanced Indigent Health Care Expenditures / (Current Total Value - New Property Value)

(b) In each subsequent tax year, if the taxing unit's enhanced indigent health care expenses exceed the amount of those expenses for the preceding year, the no-new-revenue ~~[effective]~~ maintenance and operations rate for the taxing unit is increased by the rate computed according to the following formula:

Amount of Increase = (Current Tax Year's Enhanced Indigent Health Care Expenditures - Preceding Tax Year's Indigent Health Care Expenditures) / (Current Total Value - New Property Value)

(c) The taxing unit shall include a notice of the increase in its no-new-revenue ~~[effective]~~ maintenance and operations rate provided by this section, including a brief description and the amount of the enhanced indigent health care expenditures, in the information published under Section 26.04(e) and, if applicable, Section 26.06(b).

SECTION _____. Section 26.05, Tax Code, is amended by amending Subsections (b), (c), (d), (e), and (g) and adding Subsections (d-1) and (d-2) to read as follows:

(b) A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. For a taxing unit other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue ~~[effective]~~ tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. For a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the no-new-revenue ~~[effective]~~ maintenance and operations tax rate of the district as determined under Section 26.08(i) and the district's current debt rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance,

resolution, or order. A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue ~~[effective]~~ tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue ~~[effective]~~ tax rate) percent increase in the tax rate." If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must:

(1) include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

(A) the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."; and

(B) if the tax rate exceeds the no-new-revenue ~~[effective]~~ maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE ~~[EFFECTIVE]~~ MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."; and

(2) include on the home page of any Internet website operated by the unit:

(A) the following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and

(B) if the tax rate exceeds the no-new-revenue ~~[effective]~~ maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE ~~[EFFECTIVE]~~ MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."

(c) If the governing body of a taxing unit does not adopt a tax rate before the date required by Subsection (a), the tax rate for the taxing unit for that tax year is the lower of the no-new-revenue ~~[effective]~~ tax rate calculated for that tax year or the tax rate adopted by the taxing unit for the preceding tax year. A tax rate established by this subsection is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this subsection, the governing body of the taxing unit must ratify the applicable tax rate in the manner required by Subsection (b).

(d) The governing body of a taxing unit other than a school district may not adopt a tax rate that exceeds the lower of the rollback tax rate or the no-new-revenue ~~[effective]~~ tax rate calculated as provided by this chapter until the governing body has held two public hearings on the proposed tax rate and has otherwise complied with Section 26.06 and Section 26.065. The governing body of a taxing unit shall reduce a

tax rate set by law or by vote of the electorate to the lower of the rollback tax rate or the no-new-revenue [effective] tax rate and may not adopt a higher rate unless it first complies with Section 26.06.

(d-1) The governing body of a taxing unit may not hold a public hearing on a proposed tax rate or a public meeting to adopt a tax rate until the 14th day after the date the officer or employee designated by the governing body of the unit to calculate the no-new-revenue tax rate and the rollback tax rate for the unit complies with Section 26.17.

(d-2) Notwithstanding Subsection (a), the governing body of a taxing unit other than a school district may not adopt a tax rate until:

(1) the chief appraiser of each appraisal district in which the taxing unit participates has:

(A) delivered the notice required by Section 26.04(e-2); and

(B) incorporated the tax rate calculation forms submitted to the appraisal district under Section 26.17(d)(2) by the designated officer or employee of the taxing unit into the property tax database maintained by the chief appraiser and made them available to the public;

(2) the designated officer or employee of the taxing unit has entered in the property tax database maintained by the chief appraiser the information described by Section 26.17(b) for the current tax year; and

(3) the taxing unit has posted the information described by Section 26.18 on the Internet website used by the taxing unit for that purpose.

(e) A person who owns taxable property is entitled to an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with the requirements of this section or Section 26.04 [~~and the failure to comply was not in good faith~~]. An action to enjoin the collection of taxes must be filed not later than the 15th day after the date the taxing unit adopts a tax rate. A property owner is not required to pay the taxes imposed by a taxing unit on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the taxing unit on the owner's property is pending. If the property owner pays the taxes and subsequently prevails in the action, the property owner is entitled to a refund of the taxes paid, together with reasonable attorney's fees and court costs. The property owner is not required to apply to the collector for the taxing unit to receive the refund [~~prior to the date a taxing unit delivers substantially all of its tax bills~~].

(g) Notwithstanding Subsection (a), the governing body of a school district that elects to adopt a tax rate before the adoption of a budget for the fiscal year that begins in the current tax year may adopt a tax rate for the current tax year before receipt of the certified appraisal roll for the school district if the chief appraiser of the appraisal district in which the school district participates has certified to the assessor for the school district an estimate of the taxable value of property in the school district as provided by Section 26.01(e). If a school district adopts a tax rate under this subsection, the no-new-revenue [effective] tax rate and the rollback tax rate of the district shall be calculated based on the certified estimate of taxable value.

SECTION _____. Sections 26.052(c) and (e), Tax Code, are amended to read as follows:

(c) A taxing unit to which this section applies may provide public notice of its proposed tax rate in one [~~either~~] of the following methods not later than the seventh day before the date on which the tax rate is adopted:

(1) mailing a notice of the proposed tax rate to each owner of taxable property in the taxing unit; [~~or~~]

(2) publishing notice of the proposed tax rate in the legal notices section of a newspaper having general circulation in the taxing unit; or

(3) posting notice of the proposed tax rate prominently on the home page of the Internet website maintained by the taxing unit, if applicable.

(e) Public notice provided under Subsection (c) must specify:

(1) the tax rate that the governing body proposes to adopt;

(2) the date, time, and location of the meeting of the governing body of the taxing unit at which the governing body will consider adopting the proposed tax rate; and

(3) if the proposed tax rate for the taxing unit exceeds the unit's no-new-revenue [~~effective~~] tax rate calculated as provided by Section 26.04, a statement substantially identical to the following: "The proposed tax rate would increase total taxes in (name of taxing unit) by (percentage by which the proposed tax rate exceeds the no-new-revenue [~~effective~~] tax rate)."

SECTION _____. Sections 26.06(b), (c), (d), and (e), Tax Code, are amended to read as follows:

(b) The notice of a public hearing may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 24-point or larger type. The notice must contain a statement in the following form:

"NOTICE OF PUBLIC HEARING ON TAX INCREASE

"The (name of the taxing unit) will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or no-new-revenue [~~effective~~] tax rate calculated under this chapter) percent. Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the tax rate that is adopted and on the change in the taxable value of your property in relation to the change in taxable value of all other property [~~and the tax rate that is adopted~~]. The change in the taxable value of your property in relation to the change in the taxable value of all other property determines the distribution of the tax burden among all property owners.

"The first public hearing will be held on (date and time) at (meeting place).

"The second public hearing will be held on (date and time) at (meeting place).

"(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)

"The average taxable value of a residence homestead in (name of taxing unit) last year was \$ ____ (average taxable value of a residence homestead in the taxing unit for the preceding tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older). Based on last year's tax rate of \$ ____ (preceding year's adopted tax rate) per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$ ____ (tax on average taxable value

of a residence homestead in the taxing unit for the preceding tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).

"The average taxable value of a residence homestead in (name of taxing unit) this year is \$ ____ (average taxable value of a residence homestead in the taxing unit for the current tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older). If the governing body adopts the no-new-revenue [effective] tax rate for this year of \$ ____ (no-new-revenue [effective] tax rate) per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$ ____ (tax on average taxable value of a residence homestead in the taxing unit for the current tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).

"If the governing body adopts the proposed tax rate of \$ ____ (proposed tax rate) per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$ ____ (tax on the average taxable value of a residence in the taxing unit for the current year disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).

"Members of the public are encouraged to attend the hearings and express their views."

(c) The notice of a public hearing under this section may be delivered by mail to each property owner in the unit, ~~[or may be]~~ published in a newspaper, or posted prominently on the home page of the Internet website operated by the unit, if applicable. If the notice is published in a newspaper, it may not be in the part of the paper in which legal notices and classified advertisements appear. If the taxing unit posts the notice on [operates] an Internet website operated by the unit, the notice must be posted on the website from the date the notice is first posted [published] until the second public hearing is concluded.

(d) At the public hearings the governing body shall announce the date, time, and place of the meeting at which it will vote on the proposed tax rate. After each hearing the governing body shall give notice of the meeting at which it will vote on the proposed tax rate and the notice shall be in the same form as prescribed by Subsections (b) and (c), except that it must state the following:

"NOTICE OF TAX REVENUE INCREASE

"The (name of the taxing unit) conducted public hearings on (date of first hearing) and (date of second hearing) on a proposal to increase the total tax revenues of the (name of the taxing unit) from properties on the tax roll in the preceding year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or no-new-revenue [effective] tax rate calculated under this chapter) percent.

"The total tax revenue proposed to be raised last year at last year's tax rate of (insert tax rate for the preceding year) for each \$100 of taxable value was (insert total amount of taxes imposed in the preceding year).

"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by the difference between current total value and new property value).

"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by current total value).

"The (governing body of the taxing unit) is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on (date of meeting) at (location of meeting, including mailing address) at (time of meeting).

"The (governing body of the taxing unit) proposes to use the increase in total tax revenue for the purpose of (description of purpose of increase)."

(e) The meeting to vote on the tax increase may not be earlier than the third day or later than the 14th day after the date of the second public hearing. The meeting must be held inside the boundaries of the taxing unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. If the governing body does not adopt a tax rate that exceeds the lower of the rollback tax rate or the no-new-revenue ~~[effective]~~ tax rate by the 14th day, it must give a new notice under Subsection (d) before it may adopt a rate that exceeds the lower of the rollback tax rate or the no-new-revenue ~~[effective]~~ tax rate.

SECTION _____. Section 26.065(b), Tax Code, is amended to read as follows:

(b) If the taxing unit owns, operates, or controls an Internet website, the unit shall post notice of the public hearing prominently on the home page of the website continuously for at least seven days immediately before the public hearing on the proposed tax rate increase and at least seven days immediately before the date of the vote proposing the increase in the tax rate.

SECTION _____. Sections 26.08(g), (n), and (p), Tax Code, are amended to read as follows:

(g) In a school district that received distributions from an equalization tax imposed under former Chapter 18, Education Code, the no-new-revenue ~~[effective]~~ rate of that tax as of the date of the county unit system's abolition is added to the district's rollback tax rate.

(n) For purposes of this section, the rollback tax rate of a school district whose maintenance and operations tax rate for the 2005 tax year was \$1.50 or less per \$100 of taxable value is:

(1) for the 2006 tax year, the sum of the rate that is equal to 88.67 percent of the maintenance and operations tax rate adopted by the district for the 2005 tax year, the rate of \$0.04 per \$100 of taxable value, and the district's current debt rate; and

(2) for the 2007 and subsequent tax years, the lesser of the following:

(A) the sum of the following:

(i) the rate per \$100 of taxable value that is equal to the product of the state compression percentage, as determined under Section 42.2516, Education Code, for the current year and \$1.50;

(ii) the rate of \$0.04 per \$100 of taxable value;

(iii) the rate that is equal to the sum of the differences for the 2006 and each subsequent tax year between the adopted tax rate of the district for that year if the rate was approved at an election under this section and the rollback tax rate of the district for that year; and

(iv) the district's current debt rate; or

(B) the sum of the following:

(i) the no-new-revenue ~~[effective]~~ maintenance and operations tax rate of the district as computed under Subsection (i) ~~[or (k), as applicable]~~;

(ii) the rate per \$100 of taxable value that is equal to the product of the state compression percentage, as determined under Section 42.2516, Education Code, for the current year and \$0.06; and

(iii) the district's current debt rate.

(p) Notwithstanding Subsections (i), (n), and (o), if for the preceding tax year a school district adopted a maintenance and operations tax rate that was less than the district's no-new-revenue ~~[effective]~~ maintenance and operations tax rate for that preceding tax year, the rollback tax rate of the district for the current tax year is calculated as if the district adopted a maintenance and operations tax rate for the preceding tax year that was equal to the district's no-new-revenue ~~[effective]~~ maintenance and operations tax rate for that preceding tax year.

SECTION _____. Section 26.08(i), Tax Code, as effective September 1, 2017, is amended to read as follows:

(i) For purposes of this section, the no-new-revenue ~~[effective]~~ maintenance and operations tax rate of a school district is ~~the tax rate that~~, applied to the current total value for the district, would impose taxes in an amount that, when added to state funds that would be distributed to the district under Chapter 42, Education Code, for the school year beginning in the current tax year using that tax rate, would provide the same amount of state funds distributed under Chapter 42, Education Code, and maintenance and operations taxes of the district per student in weighted average daily attendance for that school year that would have been available to the district in the preceding year if the funding elements for Chapters 41 and 42, Education Code, for the current year had been in effect for the preceding year.

SECTION _____. Section 26.16, Tax Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) The county assessor-collector for each county that maintains an Internet website shall post on the website of the county the following information for the most recent five tax years beginning with the 2012 tax year for each taxing unit all or part of the territory of which is located in the county:

- (1) the adopted tax rate;
- (2) the maintenance and operations rate;
- (3) the debt rate;
- (4) the no-new-revenue ~~[effective]~~ tax rate;
- (5) the no-new-revenue ~~[effective]~~ maintenance and operations rate; and
- (6) the rollback tax rate.

(a-1) For purposes of Subsection (a), a reference to the no-new-revenue tax rate or the no-new-revenue maintenance and operations rate includes the equivalent effective tax rate or effective maintenance and operations rate for a preceding year. This subsection expires January 1, 2024.

(d) The county assessor-collector shall post immediately below the table prescribed by Subsection (c) the following statement:

"The county is providing this table of property tax rate information as a service to the residents of the county. Each individual taxing unit is responsible for calculating the property tax rates listed in this table pertaining to that taxing unit and providing that information to the county.

"The adopted tax rate is the tax rate adopted by the governing body of a taxing unit.

"The maintenance and operations rate is the component of the adopted tax rate of a taxing unit that will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the following year.

"The debt rate is the component of the adopted tax rate of a taxing unit that will impose the amount of taxes needed to fund the unit's debt service for the following year.

"The no-new-revenue ~~[effective]~~ tax rate is the tax rate that would generate the same amount of revenue in the current tax year as was generated by a taxing unit's adopted tax rate in the preceding tax year from property that is taxable in both the current tax year and the preceding tax year.

"The no-new-revenue ~~[effective]~~ maintenance and operations rate is the tax rate that would generate the same amount of revenue for maintenance and operations in the current tax year as was generated by a taxing unit's maintenance and operations rate in the preceding tax year from property that is taxable in both the current tax year and the preceding tax year.

"The rollback tax rate is the highest tax rate a taxing unit may adopt before requiring voter approval at an election. In the case of a taxing unit other than a school district, the voters by petition may require that a rollback election be held if the unit adopts a tax rate in excess of the unit's rollback tax rate. In the case of a school district, an election will automatically be held if the district wishes to adopt a tax rate in excess of the district's rollback tax rate."

SECTION _____. Chapter 26, Tax Code, is amended by adding Sections 26.17 and 26.18 to read as follows:

Sec. 26.17. DATABASE OF PROPERTY-TAX-RELATED INFORMATION.

(a) The chief appraiser of each appraisal district shall create and maintain a property tax database that:

(1) is identified by the name of the county in which the appraisal district is established instead of the name of the appraisal district;

(2) contains information that is provided by designated officers or employees of the taxing units that are located in the appraisal district in the manner required by rules adopted by the comptroller;

(3) is continuously updated as preliminary and revised data become available to and are provided by the designated officers or employees of taxing units;

(4) is accessible to the public; and

(5) is searchable by property address and owner.

(b) The database must include, with respect to each property listed on the appraisal roll for the appraisal district:

(1) the property's identification number;

(2) the property's market value;

(3) the property's taxable value;

- (4) the name of each taxing unit in which the property is located;
- (5) for each taxing unit other than a school district in which the property is located:
- (A) the no-new-revenue tax rate; and
- (B) the rollback tax rate;
- (6) for each school district in which the property is located:
- (A) the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
- (B) the rollback tax rate;
- (7) the tax rate proposed by the governing body of each taxing unit in which the property is located;
- (8) for each taxing unit other than a school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
- (A) the no-new-revenue tax rate; and
- (B) the proposed tax rate;
- (9) for each school district in which the property is located, the taxes that would be imposed on the property if the district adopted a tax rate equal to:
- (A) the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
- (B) the proposed tax rate;
- (10) for each taxing unit other than a school district in which the property is located, the difference between the amount calculated under Subdivision (8)(A) and the amount calculated under Subdivision (8)(B);
- (11) for each school district in which the property is located, the difference between the amount calculated under Subdivision (9)(A) and the amount calculated under Subdivision (9)(B);
- (12) the date and location of each public hearing, if applicable, on the proposed tax rate to be held by the governing body of each taxing unit in which the property is located; and
- (13) the date and location of the public meeting at which the tax rate will be adopted to be held by the governing body of each taxing unit in which the property is located.
- (c) The database must provide a link to the Internet website used by each taxing unit in which the property is located to post the information described by Section 26.18.
- (d) The officer or employee designated by the governing body of each taxing unit to calculate the no-new-revenue tax rate and the rollback tax rate for the unit must electronically:
- (1) enter in the database the information described by Subsection (b) as the information becomes available; and
- (2) submit to the appraisal district the tax rate calculation forms prepared under Section 26.04(d-1) at the same time the designated officer or employee submits the tax rates to the governing body of the unit under Section 26.04(e).

(e) The chief appraiser shall deliver by e-mail to the designated officer or employee confirmation of receipt of the tax rate calculation forms submitted under Subsection (d)(2). The chief appraiser shall incorporate the forms into the database and make them available to the public not later than the third day after the date the chief appraiser receives them.

Sec. 26.18. POSTING OF TAX RATE AND BUDGET INFORMATION BY TAXING UNIT ON WEBSITE. Each taxing unit shall maintain an Internet website or have access to a generally accessible Internet website that may be used for the purposes of this section. Each taxing unit shall post or cause to be posted on the Internet website the following information in a format prescribed by the comptroller:

(1) the name of each member of the governing body of the taxing unit;
(2) the mailing address, e-mail address, and telephone number of the taxing unit;

(3) the official contact information for each member of the governing body of the taxing unit, if that information is different from the information described by Subdivision (2);

(4) the taxing unit's budget for the preceding two years;
(5) the taxing unit's proposed or adopted budget for the current year;
(6) the change in the amount of the taxing unit's budget from the preceding year to the current year, by dollar amount and percentage;

(7) in the case of a taxing unit other than a school district, the amount of property tax revenue budgeted for maintenance and operations for:

(A) the preceding two years; and
(B) the current year;

(8) in the case of a taxing unit other than a school district, the amount of property tax revenue budgeted for debt service for:

(A) the preceding two years; and
(B) the current year;

(9) the tax rate for maintenance and operations adopted by the taxing unit for the preceding two years;

(10) in the case of a taxing unit other than a school district, the tax rate for debt service adopted by the unit for the preceding two years;

(11) in the case of a school district, the interest and sinking fund tax rate adopted by the district for the preceding two years;

(12) the tax rate for maintenance and operations proposed by the taxing unit for the current year;

(13) in the case of a taxing unit other than a school district, the tax rate for debt service proposed by the unit for the current year;

(14) in the case of a school district, the interest and sinking fund tax rate proposed by the district for the current year; and

(15) the most recent financial audit of the taxing unit.

SECTION ____ . Section 41.03(a), Tax Code, is amended to read as follows:

(a) A taxing unit is entitled to challenge before the appraisal review board:

(1) ~~[the level of appraisals of any category of property in the district or in any territory in the district, but not the appraised value of a single taxpayer's property;~~
~~[(2)] an exclusion of property from the appraisal records;~~

(2) ~~(3)~~ a grant in whole or in part of a partial exemption;

(3) ~~(4)~~ a determination that land qualifies for appraisal as provided by Subchapter C, D, E, or H, Chapter 23; or

(4) ~~(5)~~ failure to identify the taxing unit as one in which a particular property is taxable.

SECTION _____. Section 41.44(d), Tax Code, is amended to read as follows:

(d) A notice of protest is sufficient if it identifies the protesting property owner, including a person claiming an ownership interest in the property even if that person is not listed on the appraisal records as an owner of the property, identifies the property that is the subject of the protest, and indicates apparent dissatisfaction with some determination of the appraisal office. The notice need not be on an official form, but the comptroller shall prescribe a form that provides for more detail about the nature of the protest. The form must permit a property owner to include each property in the appraisal district that is the subject of a protest. The form must permit a property owner to request that the protest be heard by a special panel established under Section 6.425 if the protest will be determined by an appraisal review board to which that section applies and the property is described by Section 6.425(b). The comptroller, each appraisal office, and each appraisal review board shall make the forms readily available and deliver one to a property owner on request.

SECTION _____. Section 41.45, Tax Code, is amended by amending Subsection (d) and adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d) This subsection does not apply to a special panel established under Section 6.425. An appraisal review board consisting of more than three members may sit in panels of not fewer than three members to conduct protest hearings. ~~[However, the determination of a protest heard by a panel must be made by the board.]~~ If the recommendation of a panel is not accepted by the board, the board may refer the matter for rehearing to a panel composed of members who did not hear the original protest ~~[hearing]~~ or, if there are not at least three members who did not hear the original protest, the board may determine the protest. ~~[Before determining a protest or conducting a rehearing before a new panel or the board, the board shall deliver notice of the hearing or meeting to determine the protest in accordance with the provisions of this subchapter.]~~

(d-1) An appraisal review board to which Section 6.425 applies shall sit in special panels established under that section to conduct protest hearings. A special panel may conduct a protest hearing relating to property only if the property is described by Section 6.425(b) and the property owner has requested that a special panel conduct the hearing or if the protest is assigned to the special panel under Section 6.425(f). If the recommendation of a special panel is not accepted by the board, the board may refer the matter for rehearing to another special panel composed of members who did not hear the original protest or, if there are not at least three other special panel members who did not hear the original protest, the board may determine the protest.

(d-2) The determination of a protest heard by a panel under Subsection (d) or (d-1) must be made by the board.

(d-3) The board must deliver notice of a hearing or meeting to determine a protest heard by a panel, or to rehear a protest, under Subsection (d) or (d-1) in accordance with the provisions of this subchapter.

(2) On page 13, line 10, strike "and (j) and adding Subsections (j-1)" and substitute "(j), and (k) and adding Subsections (j-1), (k-1),".

(3) On page 15, between lines 2 and 3, insert the following:

(k) This subsection does not apply to a special panel established under Section 6.425. If an appraisal review board sits in panels to conduct protest hearings, protests shall be randomly assigned to panels, except that the board may consider the type of property subject to the protest or the ground of the protest for the purpose of using the expertise of a particular panel in hearing protests regarding particular types of property or based on particular grounds. If a protest is scheduled to be heard by a particular panel, the protest may not be reassigned to another panel without the consent of the property owner or designated agent. If the appraisal review board has cause to reassign a protest to another panel, a property owner or designated agent may agree to reassignment of the protest or may request that the hearing on the protest be postponed. The board shall postpone the hearing on that request. A change of members of a panel because of a conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute reassignment of a protest to another panel.

(k-1) On the request of a property owner, an appraisal review board to which Section 6.425 applies shall assign a protest relating to property described by Section 6.425(b) to a special panel. In addition, the chairman of the appraisal review board may assign a protest relating to property not described by Section 6.425(b) to a special panel as authorized by Section 6.425(f). Protests assigned to special panels shall be randomly assigned to those panels. If a protest is scheduled to be heard by a particular special panel, the protest may not be reassigned to another special panel without the consent of the property owner or designated agent. If the board has cause to reassign a protest to another special panel, a property owner or designated agent may agree to reassignment of the protest or may request that the hearing on the protest be postponed. The board shall postpone the hearing on that request. A change of members of a special panel because of a conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute reassignment of a protest to another special panel.

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

SECTION _____. Section 45.105(e), Education Code, is amended to read as follows:

(e) The governing body of an independent school district that governs a junior college district under Subchapter B, Chapter 130, in a county with a population of more than two million may dedicate a specific percentage of the local tax levy to the use of the junior college district for facilities and equipment or for the maintenance and operating expenses of the junior college district. To be effective, the dedication must be made by the governing body on or before the date on which the governing body adopts its tax rate for a year. The amount of local tax funds derived from the percentage of the local tax levy dedicated to a junior college district from a tax levy may not exceed the amount that would be levied by five percent of the

no-new-revenue [effective] tax rate for the tax year calculated as provided by Section 26.04, Tax Code, on all property taxable by the school district. All real property purchased with these funds is the property of the school district, but is subject to the exclusive control of the governing body of the junior college district for as long as the junior college district uses the property for educational purposes.

SECTION _____. Section 102.007(d), Local Government Code, is amended to read as follows:

(d) An adopted budget must contain a cover page that includes:

(1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:

(A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll)."; or

(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(2) the record vote of each member of the governing body by name voting on the adoption of the budget;

(3) the municipal property tax rates for the preceding fiscal year, and each municipal property tax rate that has been adopted or calculated for the current fiscal year, including:

(A) the property tax rate;

(B) the no-new-revenue [effective] tax rate;

(C) the no-new-revenue [effective] maintenance and operations tax rate;

(D) the rollback tax rate; and

(E) the debt rate; and

(4) the total amount of municipal debt obligations.

SECTION _____. Section 111.008(d), Local Government Code, is amended to read as follows:

(d) An adopted budget must contain a cover page that includes:

(1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:

(A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax

revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll)."; or

(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;

(3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including:

(A) the property tax rate;

(B) the ~~no-new-revenue~~ [effective] tax rate;

(C) the ~~no-new-revenue~~ [effective] maintenance and operations tax rate;

(D) the rollback tax rate; and

(E) the debt rate; and

(4) the total amount of county debt obligations.

SECTION _____. Section 111.039(d), Local Government Code, is amended to read as follows:

(d) An adopted budget must contain a cover page that includes:

(1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:

(A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll)."; or

(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;

(3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including:

- (A) the property tax rate;
- (B) the no-new-revenue [effective] tax rate;
- (C) the no-new-revenue [effective] maintenance and operations tax rate;
- (D) the rollback tax rate; and
- (E) the debt rate; and

(4) the total amount of county debt obligations.

SECTION _____. Section 111.068(c), Local Government Code, is amended to read as follows:

(c) An adopted budget must contain a cover page that includes:

(1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:

(A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll)."; or

(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;

(3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including:

- (A) the property tax rate;
- (B) the no-new-revenue [effective] tax rate;
- (C) the no-new-revenue [effective] maintenance and operations tax rate;
- (D) the rollback tax rate; and
- (E) the debt rate; and

(4) the total amount of county debt obligations.

SECTION _____. Sections 140.010(a), (d), (e), and (f), Local Government Code, are amended to read as follows:

(a) In this section, "no-new-revenue ~~[effective]~~ tax rate" and "rollback tax rate" mean the no-new-revenue ~~[effective]~~ tax rate and rollback tax rate of a county or municipality, as applicable, as calculated under Chapter 26, Tax Code.

(d) A county or municipality that proposes a property tax rate that does not exceed the lower of the no-new-revenue ~~[effective]~~ tax rate or the rollback tax rate shall provide the following notice:

"NOTICE OF (INSERT CURRENT TAX YEAR) TAX YEAR PROPOSED
PROPERTY TAX RATE FOR (INSERT NAME OF COUNTY OR
MUNICIPALITY)

"A tax rate of \$ _____ per \$100 valuation has been proposed by the governing body of (insert name of county or municipality).

PROPOSED TAX RATE \$ _____ per \$100
PRECEDING YEAR'S TAX RATE \$ _____ per \$100
NO-NEW-REVENUE ~~[EFFECTIVE]~~ TAX RATE \$ _____ per \$100

"The no-new-revenue ~~[effective]~~ tax rate is the total tax rate needed to raise the same amount of property tax revenue for (insert name of county or municipality) from the same properties in both the (insert preceding tax year) tax year and the (insert current tax year) tax year.

"YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE
CALCULATED AS FOLLOWS:

property tax amount = (rate) x (taxable value of your property) / 100

"For assistance or detailed information about tax calculations, please contact:

- (insert name of county or municipal tax assessor-collector)
- (insert name of county or municipality) tax assessor-collector
- (insert address)
- (insert telephone number)
- (insert e-mail address)
- (insert Internet website address, if applicable)"

(e) A county or municipality that proposes a property tax rate that exceeds the lower of the no-new-revenue ~~[effective]~~ tax rate or the rollback tax rate shall provide the following notice:

"NOTICE OF (INSERT CURRENT TAX YEAR) TAX YEAR PROPOSED
PROPERTY TAX RATE FOR (INSERT NAME OF COUNTY OR
MUNICIPALITY)

"A tax rate of \$ _____ per \$100 valuation has been proposed for adoption by the governing body of (insert name of county or municipality). This rate exceeds the lower of the no-new-revenue ~~[effective]~~ or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate. The governing body of (insert name of county or municipality) proposes to use revenue attributable to the tax rate increase for the purpose of (description of purpose of increase).

PROPOSED TAX RATE \$ _____ per \$100
PRECEDING YEAR'S TAX RATE \$ _____ per \$100
NO-NEW-REVENUE ~~[EFFECTIVE]~~ TAX RATE \$ _____ per \$100
ROLLBACK TAX RATE \$ _____ per \$100

"The ~~no-new-revenue~~ ~~[effective]~~ tax rate is the total tax rate needed to raise the same amount of property tax revenue for (insert name of county or municipality) from the same properties in both the (insert preceding tax year) tax year and the (insert current tax year) tax year.

"The rollback tax rate is the highest tax rate that (insert name of county or municipality) may adopt before the voters are entitled to petition for an election to limit the rate that may be approved to the rollback tax rate.

"YOUR TAXES OWED UNDER ANY OF ~~THE~~ ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

property tax amount = (rate) x (taxable value of your property) / 100

"For assistance or detailed information about tax calculations, please contact:

(insert name of county or municipal tax assessor-collector)

(insert name of county or municipality) tax assessor-collector

(insert address)

(insert telephone number)

(insert e-mail address)

(insert Internet website address, if applicable)

"You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: (insert date and time) at (insert location of meeting).

Second Hearing: (insert date and time) at (insert location of meeting)."

(f) A county or municipality shall[~~z~~

~~[(+)]~~ provide the notice required by Subsection (d) or (e), as applicable, not later than the later of September 1 or the 30th day after the first date that the taxing unit has received each applicable certified appraisal roll by:

(1) ~~[(A)]~~ publishing the notice in a newspaper having general circulation in:

(A) ~~[(+)]~~ the county, in the case of notice published by a county; or

(B) ~~[(+)]~~ the county in which the municipality is located or primarily located, in the case of notice published by a municipality; ~~[(+)]~~

(2) ~~[(B)]~~ mailing the notice to each property owner in:

(A) ~~[(+)]~~ the county, in the case of notice provided by a county; or

(B) ~~[(+)]~~ the municipality, in the case of notice provided by a municipality; or ~~and~~

(3) ~~posting~~ ~~[(2) post]~~ the notice prominently on the home page of the Internet website of the county or municipality, if applicable, beginning not later than the later of September 1 or the 30th day after the first date that the taxing unit has received each applicable certified appraisal roll and continuing until the county or municipality adopts a tax rate.

SECTION _____. Section 8876.152(b), Special District Local Laws Code, is amended to read as follows:

(b) Sections 49.236(a)(1) and (2) and (b) ~~[Section 49.236]~~, Water Code, apply ~~[as added by Chapter 248 (H.B. 1541), Acts of the 78th Legislature, Regular Session, 2003, applies]~~ to the district.

SECTION _____. Section 49.236(a), Water Code, as added by Chapter 335 (S.B. 392), Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(a) Before the board adopts an ad valorem tax rate for the district for debt service, operation and maintenance purposes, or contract purposes, the board shall give notice of each meeting of the board at which the adoption of a tax rate will be considered. The notice must:

(1) contain a statement in substantially the following form:

"NOTICE OF PUBLIC HEARING ON TAX RATE

"The (name of the district) will hold a public hearing on a proposed tax rate for the tax year (year of tax levy) on (date and time) at (meeting place). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the tax rate that is adopted and on the change in the taxable value of your property in relation to the change in taxable value of all other property [~~and the tax rate that is adopted~~]. The change in the taxable value of your property in relation to the change in the taxable value of all other property determines the distribution of the tax burden among all property owners.

"(Names of all board members and, if a vote was taken, an indication of how each voted on the proposed tax rate and an indication of any absences.);"

(2) contain the following information:

(A) the district's total adopted tax rate for the preceding year and the proposed tax rate, expressed as an amount per \$100;

(B) the difference, expressed as an amount per \$100 and as a percent increase or decrease, as applicable, in the proposed tax rate compared to the adopted tax rate for the preceding year;

(C) the average appraised value of a residence homestead in the district in the preceding year and in the current year; the district's total homestead exemption, other than an exemption available only to disabled persons or persons 65 years of age or older, applicable to that appraised value in each of those years; and the average taxable value of a residence homestead in the district in each of those years, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;

(D) the amount of tax that would have been imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;

(E) the amount of tax that would be imposed by the district in the current year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, if the proposed tax rate is adopted; [~~and~~]

(F) the difference between the amounts of tax calculated under Paragraphs (D) and (E), expressed in dollars and cents and described as the annual percentage increase or decrease, as applicable, in the tax to be imposed by the district on the average residence homestead in the district in the current year if the proposed tax rate is adopted; and

(G) if the proposed combined debt service, operation and maintenance, and contract tax rate would authorize the qualified voters of the district by petition to require a rollback election to be held in the district, a description of the purpose of the proposed tax increase; and

(3) contain a statement in substantially the following form:

"NOTICE OF TAXPAYERS' RIGHT TO ROLLBACK ELECTION

"If taxes on the average residence homestead increase by more than eight percent, the qualified voters of the district by petition may require that an election be held to determine whether to reduce the operation and maintenance tax rate to the rollback tax rate under Section 49.236(d), Water Code."

(5) On page 20, strike lines 22 and 23 and substitute the following appropriately numbered SECTION:

SECTION _____. The following provisions are repealed:

(1) Sections 5.103(e) and (f), Tax Code;

(2) Section 6.412(e), Tax Code;

(3) Section 41A.06(c), Tax Code;

(4) Section 49.236, Water Code, as added by Chapter 248 (H.B. 1541), Acts of the 78th Legislature, Regular Session, 2003; and

(5) Section 49.2361, Water Code.

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

SECTION _____. The changes in law made by this Act relating to the ad valorem tax rate of a taxing unit apply beginning with the 2018 tax year.

(7) On page 20, lines 26 and 27, strike "the effective date of this Act" and substitute "January 1, 2018".

(8) On page 21, line 3, strike "the effective date of this Act" and substitute "January 1, 2018".

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

SECTION _____. (a) The comptroller shall comply with Sections 5.07(f), (g), (h), and (i), Tax Code, as added by this Act, as soon as practicable after January 1, 2018.

(b) The comptroller shall comply with Section 5.091, Tax Code, as amended by this Act, not later than January 1, 2021.

(10) On page 21, line 8, strike "the effective date of this Act" and substitute "January 1, 2018".

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

SECTION _____. Section 6.41(d-9), Tax Code, as amended by this Act, and Section 6.41(d-10), Tax Code, as added by this Act, apply only to the appointment of appraisal review board members to terms beginning on or after January 1, 2019.

(12) On page 21, line 14, strike "the effective date of this Act" and substitute "January 1, 2018,".

(13) On page 21, line 20, strike "the effective date of this Act" and substitute "January 1, 2018,".

(14) On page 21, lines 22 and 23, strike "the effective date of this Act" and substitute "January 1, 2018,".

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

SECTION _____. (a) An appraisal district established in a county with a population of 120,000 or more and each taxing unit located wholly or partly in such an appraisal district shall comply with Sections 26.04(e-2), 26.17, and 26.18, Tax Code, as added by this Act, beginning with the 2019 tax year.

(b) An appraisal district established in a county with a population of less than 120,000 and each taxing unit located wholly in such an appraisal district shall comply with Sections 26.04(e-2), 26.17, and 26.18, Tax Code, as added by this Act, beginning with the 2020 tax year.

(16) On page 21, line 25, strike "The" and substitute "(a) Except as provided by Subsections (b) and (c) of this section, the".

(17) On page 22, line 2, strike "the effective date of this Act" and substitute "January 1, 2018".

(18) On page 22, between lines 2 and 3, insert the following:

(b) Section 41.03(a), Tax Code, as amended by this Act, applies only to a challenge under Chapter 41, Tax Code, for which a challenge petition is filed on or after January 1, 2018. A challenge under Chapter 41, Tax Code, for which a challenge petition was filed before January 1, 2018, is governed by the law in effect on the date the challenge petition was filed, and the former law is continued in effect for that purpose.

(c) Sections 41.45 and 41.66, Tax Code, as amended by this Act, apply only to a protest filed under Chapter 41, Tax Code, on or after January 1, 2019. A protest filed under that chapter before January 1, 2019, is governed by the law in effect on the date the protest was filed, and the former law is continued in effect for that purpose.

(19) On page 22, lines 6 and 7, strike "the effective date of this Act" and substitute "January 1, 2018".

(20) On page 22, line 8, strike "the effective date of this Act" and substitute "January 1, 2018,".

(21) On page 22, line 15, strike "the effective date of this Act" and substitute "January 1, 2018,".

(22) On page 22, line 21, strike "the effective date of this Act" and substitute "January 1, 2018,".

(23) On page 22, line 23, strike "the effective date of this Act" and substitute "January 1, 2018,".

(24) On page 22, strike line 27 and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as otherwise provided by this Act, this Act takes effect January 1, 2018.

(b) The following provisions take effect September 1, 2018:

(1) Sections 6.41(b) and (d-9), Tax Code, as amended by this Act;

(2) Sections 6.41(b-1), (b-2), and (d-10), Tax Code, as added by this Act;

(3) Section 6.414(d), Tax Code, as amended by this Act;

(4) Section 6.425, Tax Code, as added by this Act;

(5) Section 41.44(d), Tax Code, as amended by this Act;

(6) Section 41.45(d), Tax Code, as amended by this Act;

(7) Sections 41.45(d-1), (d-2), and (d-3), Tax Code, as added by this Act;

(8) Section 41.66(k), Tax Code, as amended by this Act; and

(9) Section 41.66(k-1), Tax Code, as added by this Act.

(c) The following provisions take effect January 1, 2019:

(1) Sections 26.04(d-1), (d-2), (e-2), (e-3), and (e-4), Tax Code, as added by this Act;

(2) Sections 26.04(e-1) and (g), Tax Code, as amended by this Act;

(3) Sections 26.05(d-1) and (d-2), Tax Code, as added by this Act; and

(4) Section 26.05(e), Tax Code, as amended by this Act.

(25) Renumber the SECTIONS of the bill accordingly.

The amendments were read.

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

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 669** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Bettencourt, Birdwell, Creighton, and Hinojosa.

SENATE BILL 2078 WITH HOUSE AMENDMENT

Senator Taylor of Galveston called **SB 2078** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 2

Amend **SB 2078** (house committee report) as follows:

(1) On page 7, line 21, strike "Section 37.112" and substitute "Sections 37.112 and 37.113".

(2) On page 8, between lines 2 and 3, insert the following:

Sec. 37.113. RESTROOM, LOCKER ROOM, AND CHANGING FACILITY PRIVACY AND SAFETY. (a) The board of trustees of a school district or the governing body of an open-enrollment charter school shall ensure that each school or school facility accommodates the right of each student to access restrooms, locker rooms, and changing facilities with privacy, dignity, and safety by requiring the provision of single-occupancy facilities for use by a student who does not wish to use the facilities designated for use or commonly used by persons of the student's biological sex. In this subsection, "single-occupancy facility" includes a multi-occupancy facility only if the use occurs when no other persons are present.

(b) This section may be enforced only through an action instituted by the attorney general for mandamus or injunctive relief. At the request of a school district or open-enrollment charter school, the attorney general shall defend the district or school in an action challenging this section under the constitution or laws of the United States or under the constitution of this state.

(c) This section may not be construed as requiring or authorizing a school district or an open-enrollment charter school to disclose intimate details about a student.

The amendment was read.

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

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 2078** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Taylor of Galveston, Chair; Lucio, Kolkhorst, Perry, and Bettencourt.

SENATE BILL 1462 WITH HOUSE AMENDMENTS

Senator Hinojosa called **SB 1462** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1462** (house committee report) as follows:

(1) Add as SECTION 1 of the bill:

"Section 288.151(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~10th~~] day before the date of the hearing, the commission shall publish at least once notice of the hearing in a newspaper of general circulation in the county in which the district is located."

(2) Add as SECTION 4 of the bill:

"Section 291.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~10th~~] day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county."

(3) Add as Section 7 of the bill:

"Section 292.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~10th~~] day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of the general circulation in the county."

(4) Add as Section 11 of the bill:

"Section 293.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~10th~~] day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county."

(5) Add as Section 15 of the bill:

"Section 294.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth ~~[10th]~~ day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county."

(6) Add as Section 18 of the bill:

"Section 295.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth ~~[10th]~~ day before the date of the hearing required under Subsection (a), the governing body of the municipality shall publish notice of the hearing in a newspaper of general circulation in the municipality."

(7) Add as Section 21 of the bill:

"Section 296.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth ~~[10th]~~ day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county."

(8) Add as Section 25 of the bill:

"Section 297.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth ~~[10th]~~ day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county."

(9) Renumber SECTIONS of the bill accordingly.

Floor Amendment No. 2

Amend **SB 1462** (house committee report) as follows:

(1) In SECTION 2 of the bill, in amended Section 288.202, Health and Safety Code (page 2, line 11), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(2) In SECTION 4 of the bill, in amended Section 291.152, Health and Safety Code (page 4, line 5), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(3) In SECTION 6 of the bill, in amended Section 292.152, Health and Safety Code (page 5, line 27), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(4) In SECTION 9 of the bill, in amended Section 293.152, Health and Safety Code (page 7, line 27), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(5) In SECTION 12 of the bill, in amended Section 294.152, Health and Safety Code (page 9, line 27), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(6) In SECTION 14 of the bill, in amended Section 295.152, Health and Safety Code (page 11, line 22), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(7) In SECTION 16 of the bill, in amended Section 296.152, Health and Safety Code (page 13, line 17), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(8) In SECTION 19 of the bill, in amended Section 297.152, Health and Safety Code (page 15, line 17), strike "or contract" and substitute "or, using a competitive bidding process, contract".

The amendments were read.

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

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1462** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Bettencourt, Birdwell, Campbell, and Taylor of Collin.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 25, 2017 - 6

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 3136 (145 Yeas, 2 Nays, 1 Present, not voting)

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 21 (113 Yeas, 31 Nays, 1 Present, not voting)

SB 527 (145 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 284 (130 Yeas, 12 Nays, 2 Present, not voting)

HB 2995 (139 Yeas, 7 Nays, 1 Present, not voting)

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 1278

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 85th Legislature, the house hereby returns house bill 1278 to the senate for further consideration due to non germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 179**

Senator Menéndez submitted the following Conference Committee Report:

Austin, Texas
May 24, 2017

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 179** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MENÉNDEZ
ZAFFIRINI
NELSON
HUFFMAN
CREIGHTON

On the part of the Senate

MINJAREZ
HUBERTY
BERNAL
MOODY
FAIRCLOTH

On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to harassment, bullying, and cyberbullying of a public school student or minor and certain mental health programs for public school students; increasing a criminal penalty.

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

SECTION 1. This Act shall be known as David's Law.

SECTION 2. Section 37.0832, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1) and (f) to read as follows:

(a) In this section:

(1) "Bullying":

(A) ~~["bullying"]~~ means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves ~~subject to Subsection (b),~~ engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements provided by Subsection (a-1), [that occurs on school property, at a school sponsored or school related activity, or in a vehicle operated by the district] and that:

(i) [(+)] has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; [~~or~~]

(ii) [(2)] is sufficiently severe, persistent, or [~~and~~] pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;

(iii) materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or

(iv) infringes on the rights of the victim at school; and

(B) includes cyberbullying.

(2) "Cyberbullying" means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

(a-1) This section applies to:

(1) bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;

(2) bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and

(3) cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:

(A) interferes with a student's educational opportunities; or

(B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

(c) The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that:

(1) prohibits the bullying of a student;

(2) prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;

(3) establishes a procedure for providing notice of an incident of bullying to:

(A) a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and

(B) a parent or guardian of the alleged bully within a reasonable amount of time after the incident;

(4) establishes the actions a student should take to obtain assistance and intervention in response to bullying;

(5) sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;

(6) establishes procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;

(7) prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and

(8) requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(f) Each school district may establish a district-wide policy to assist in the prevention and mediation of bullying incidents between students that:

(1) interfere with a student's educational opportunities; or

(2) substantially disrupt the orderly operation of a classroom, school, or school-sponsored or school-related activity.

SECTION 3. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0052 to read as follows:

Sec. 37.0052. PLACEMENT OR EXPULSION OF STUDENTS WHO HAVE ENGAGED IN CERTAIN BULLYING BEHAVIOR. (a) In this section:

(1) "Bullying" has the meaning assigned by Section 37.0832.

(2) "Intimate visual material" has the meaning assigned by Section 98B.001,

Civil Practice and Remedies Code.

(b) A student may be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 or expelled if the student:

(1) engages in bullying that encourages a student to commit or attempt to commit suicide;

(2) incites violence against a student through group bullying; or

(3) releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

(c) Nothing in this section exempts a school from reporting a finding of intimate visual material of a minor.

SECTION 4. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0151 to read as follows:

Sec. 37.0151. REPORT TO LOCAL LAW ENFORCEMENT REGARDING CERTAIN CONDUCT CONSTITUTING ASSAULT OR HARASSMENT; LIABILITY. (a) The principal of a public primary or secondary school, or a person designated by the principal under Subsection (c), may make a report to any school district police department, if applicable, or the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if, after an investigation is completed, the principal has reasonable grounds to believe that a student engaged in conduct that constitutes an offense under Section 22.01 or 42.07(a)(7), Penal Code.

(b) A person who makes a report under this section may include the name and address of each student the person believes may have participated in the conduct.

(c) The principal of a public primary or secondary school may designate a school employee, other than a school counselor, who is under the supervision of the principal to make the report under this section.

(d) A person who is not a school employee but is employed by an entity that contracts with a district or school to use school property is not required to make a report under this section and may not be designated by the principal of a public primary or secondary school to make a report. A person who voluntarily makes a report under this section is immune from civil or criminal liability.

(e) A person who takes any action under this section is immune from civil or criminal liability or disciplinary action resulting from that action.

(f) Notwithstanding any other law, this section does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action for an act under this section.

(g) A school district and school personnel and school volunteers are immune from suit resulting from an act under this section, including an act under related policies and procedures.

(h) An act by school personnel or a school volunteer under this section, including an act under related policies and procedures, is the exercise of judgment or discretion on the part of the school personnel or school volunteer and is not considered to be a ministerial act for purposes of liability of the school district or the district's employees.

SECTION 5. Sections 37.218(a)(1) and (2), Education Code, are amended to read as follows:

(1) "Bullying" has the meaning assigned by Section 37.0832 [~~25.0342~~].

(2) "Cyberbullying" has the meaning assigned by Section 37.0832 [~~means the use of any electronic communication device to engage in bullying or intimidation~~].

SECTION 6. Section 5.001, Education Code, is amended by adding Subdivision (5-a) to read as follows:

(5-a) "Mental health condition" means an illness, disease, or disorder, other than epilepsy, dementia, substance abuse, or intellectual disability, that:

(A) substantially impairs a person's thought, perception of reality, emotional process, or judgment; or

(B) grossly impairs behavior as demonstrated by recent disturbed behavior.

SECTION 7. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

- (H) prekindergarten programs under Subchapter E or E-1, Chapter 29;
- (I) extracurricular activities under Section 33.081;
- (J) discipline management practices or behavior management techniques under Section 37.0021;
- (K) health and safety under Chapter 38;
- (L) public school accountability under Subchapters B, C, D, E, F, G, and J, Chapter 39;
- (M) the requirement under Section 21.006 to report an educator's misconduct;
- (N) intensive programs of instruction under Section 28.0213; ~~and~~
- (O) the right of a school employee to report a crime, as provided by Section 37.148;
- (P) bullying prevention policies and procedures under Section 37.0832;
- (Q) the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student; and
- (R) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment.

SECTION 8. Section 21.054, Education Code, is amended by adding Subsections (d-2) and (e-2) to read as follows:

(d-2) Continuing education requirements for a classroom teacher may include instruction regarding how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

(e-2) Continuing education requirements for a principal may include instruction regarding how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

SECTION 9. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.462 to read as follows:

Sec. 21.462. RESOURCES REGARDING STUDENTS WITH MENTAL HEALTH NEEDS. The agency, in coordination with the Health and Human Services Commission, shall establish and maintain an Internet website to provide resources for school district or open-enrollment charter school employees regarding working with students with mental health conditions. The agency must include on the Internet website information about:

- (1) grief-informed and trauma-informed practices;
- (2) building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
- (3) positive behavior interventions and supports; and
- (4) a safe and supportive school climate.

SECTION 10. Section 33.006, Education Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) In addition to a school counselor's responsibility under Subsection (a), the school counselor shall:

(1) participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students:

(A) who are at risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;

(B) who are in need of modified instructional strategies; or

(C) who are gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;

(2) consult with a student's parent or guardian and make referrals as appropriate in consultation with the student's parent or guardian;

(3) consult with school staff, parents, and other community members to help them increase the effectiveness of student education and promote student success;

(4) coordinate people and resources in the school, home, and community;

(5) with the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans; ~~and~~

(6) deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and

(7) serve as an impartial, nonreporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Section 37.0832.

(c) Nothing in Subsection (b)(7) exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

SECTION 11. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 129A to read as follows:

CHAPTER 129A. RELIEF FOR CYBERBULLYING OF CHILD

Sec. 129A.001. DEFINITION. In this chapter, "cyberbullying" has the meaning assigned by Section 37.0832(a), Education Code.

Sec. 129A.002. INJUNCTIVE RELIEF. (a) A recipient of cyberbullying behavior who is younger than 18 years of age at the time the cyberbullying occurs or a parent of or person standing in parental relation to the recipient may seek injunctive relief under this chapter against the individual who was cyberbullying the recipient or, if the individual is younger than 18 years of age, against a parent of or person standing in parental relation to the individual.

(b) A court may issue a temporary restraining order, temporary injunction, or permanent injunction appropriate under the circumstances to prevent any further cyberbullying, including an order or injunction:

(1) enjoining a defendant from engaging in cyberbullying; or

(2) compelling a defendant who is a parent of or person standing in parental relation to an individual who is younger than 18 years of age to take reasonable actions to cause the individual to cease engaging in cyberbullying.

(c) A plaintiff in an action for injunctive relief brought under this section is entitled to a temporary restraining order on showing that the plaintiff is likely to succeed in establishing that the individual was cyberbullying the recipient. The plaintiff is not required to plead or prove that, before notice can be served and a hearing can be held, immediate and irreparable injury, loss, or damage is likely to result from past or future cyberbullying by the individual against the recipient.

(d) A plaintiff is entitled to a temporary or permanent injunction under this section on showing that the individual was cyberbullying the recipient.

(e) A court granting a temporary restraining order or temporary injunction under this section may, on motion of either party or sua sponte, order the preservation of any relevant electronic communication. The temporary restraining order or temporary injunction is not required to:

(1) define the injury or state why it is irreparable;

(2) state why the order was granted without notice; or

(3) include an order setting the cause for trial on the merits with respect to the ultimate relief requested.

Sec. 129A.003. PROMULGATION OF FORMS. (a) The supreme court shall, as the court finds appropriate, promulgate forms for use as an application for initial injunctive relief by individuals representing themselves in suits involving cyberbullying and instructions for the proper use of each form or set of forms.

(b) The forms and instructions:

(1) must be written in language that is easily understood by the general public;

(2) shall be made readily available to the general public in the manner prescribed by the supreme court; and

(3) must be translated into the Spanish language.

(c) The Spanish language translation of a form must:

(1) state:

(A) that the Spanish language translated form is to be used solely for the purpose of assisting in understanding the form and may not be submitted to the court; and

(B) that the English language version of the form must be submitted to the court; or

(2) be incorporated into the English language version of the form in a manner that is understandable to both the court and members of the general public.

(d) Each form and its instructions must clearly and conspicuously state that the form is not a substitute for the advice of an attorney.

(e) The attorney general and the clerk of a court shall inform members of the general public of the availability of a form promulgated by the supreme court under this section as appropriate and make the form available free of charge.

(f) A court shall accept a form promulgated by the supreme court under this section unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

Sec. 129A.004. INAPPLICABILITY. (a) An action filed under this chapter may not be joined with an action filed under Title 1, 4, or 5, Family Code.

(b) Chapter 27 does not apply to an action under this chapter.

Sec. 129A.005. CERTAIN CONDUCT EXCEPTED. This chapter does not apply to a claim brought against an interactive computer service, as defined by 47 U.S.C. Section 230, for cyberbullying.

SECTION 12. Sections 161.325(a-1), (d), (e), (f), and (i), Health and Safety Code, are amended to read as follows:

(a-1) The list must include programs in the following areas:

- (1) early mental health intervention;
- (2) mental health promotion [~~and positive youth development~~];
- (3) substance abuse prevention;
- (4) substance abuse intervention; [~~and~~]
- (5) suicide prevention;
- (6) grief-informed and trauma-informed practices;
- (7) building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
- (8) positive behavior interventions and supports and positive youth development; and
- (9) safe and supportive school climate.

(d) A [~~The board of trustees of each~~] school district may develop practices and procedures [~~may adopt a policy~~] concerning each area listed in Subsection (a-1), including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

(1) include [~~establishes~~] a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(2) include [~~establishes~~] a procedure for providing notice of a student identified as at risk of committing suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(3) establish [~~establishes~~] that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention; and

(4) set [~~sets~~] out available counseling alternatives for a parent or guardian to consider when their child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention.

(e) The practices and procedures developed under Subsection (d) [~~policy~~] must prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

(f) The practices [~~policy~~] and [~~any necessary~~] procedures developed [~~adopted~~] under Subsection (d) must be included in:

(1) the annual student handbook; and

(2) the district improvement plan under Section 11.252, Education Code.

(i) Nothing in this section is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices [~~Policy~~] and procedures developed [~~adopted~~] in accordance with this section are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. Nothing in this

section shall be construed as giving school districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

SECTION 13. Section 42.07(b)(1), Penal Code, is amended to read as follows:

(1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:

(A) a communication initiated through the use of [by] electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and

(B) a communication made to a pager.

SECTION 14. Section 42.07(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:

(1) the actor has previously been convicted under this section; or

(2) the offense was committed under Subsection (a)(7) and:

(A) the offense was committed against a child under 18 years of age with the intent that the child:

(i) commit suicide; or

(ii) engage in conduct causing serious bodily injury to the child; or

(B) the actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practice and Remedies Code.

SECTION 15. Section 37.0832(b), Education Code, is repealed.

SECTION 16. The change in law made by this Act applies only to an offense committed or conduct violating a penal law of this state that occurs on or after the effective date of this Act. An offense committed or conduct that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed or conduct violating a penal law of this state occurred before the effective date of this Act if any element of the offense or conduct occurred before that date.

SECTION 17. It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act to each person or entity, are severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid for any reason, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected.

SECTION 18. This Act takes effect September 1, 2017.

The Conference Committee Report on **SB 179** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1289**

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas
May 25, 2017

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1289** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CREIGHTON
LUCIO
NICHOLS
PERRY

PADDIE
ASHBY
DARBY
LUCIO III
PHELAN

On the part of the Senate

On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to the purchase of iron and steel products made in the United States for certain governmental entity projects.

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

SECTION 1. Chapter 2252, Government Code, is amended by adding Subchapter F to read as follows:

**SUBCHAPTER F. CERTAIN CONSTRUCTION AND INSTALLATION
PROJECTS**

Sec. 2252.201. DEFINITIONS. In this subchapter:

(1) "Governmental entity" means this state or a board, commission, department, office, or other agency in the executive branch of state government. The term does not include a political subdivision.

(2) "Manufacturing process" means the application of a process to alter the form or function of materials or elements of a product in a manner that adds value and transforms the materials or elements into a new finished product that is functionally different from a finished product produced merely from assembling the materials or elements into a product.

(3) "Political subdivision" includes a county, municipality, municipal utility district, water control and improvement district, special utility district, and other types of water district.

(4) "Produced in the United States" means, with respect to iron and steel products, a product for which all manufacturing processes, from initial melting through application of coatings, occur in the United States, other than metallurgical processes to refine steel additives.

(5) "Project" means a contract between a governmental entity and another person, including a political subdivision, to:

(A) construct, remodel, or alter a building, a structure, or infrastructure;

(B) supply a material for a project described by Paragraph (A); or

(C) finance, refinance, or provide money from funds administered by a governmental entity for a project described by Paragraph (A).

Sec. 2252.202. UNIFORM PURCHASING CONDITION; RULES. (a) Except as provided by Section 2252.203, the uniform general conditions for a project in which iron or steel products will be used must require that the bid documents provided to all bidders and the contract include a requirement that any iron or steel product produced through a manufacturing process and used in the project be produced in the United States.

(b) A governmental entity subject to the requirements for a project described by Subsection (a) shall adopt rules to promote compliance with this section.

Sec. 2252.2025. REPORT. (a) Not later than December 1, 2018, the Texas Water Development Board shall electronically submit to the state auditor a report on all contracts for construction of a project that received financial assistance under Chapter 15, 16, or 17, Water Code, during the state fiscal year ending August 31, 2017. The report must include:

(1) the impacts on a political subdivision that has obtained or applied for financial assistance from the board under Chapter 15, 16, or 17, Water Code; and

(2) for each project that has obtained financial assistance as described by this subsection:

(A) the country of origin of the iron and steel products used in the project, in accordance with 19 U.S.C. Section 1304;

(B) the cost and quantity of all iron and steel products received from each country of origin for the project; and

(C) any related bond information, including the credit rating of general obligation bonds or revenue bonds issued by the board to finance or refinance projects included in the state water plan and the potential impact to that credit rating as a result of the bond issuance by the board.

(b) The state auditor shall prepare a summary on the report submitted under Subsection (a) and electronically submit the summary to the legislature not later than January 1, 2019.

(c) This section expires September 1, 2019.

Sec. 2252.203. EXEMPTIONS. (a) Section 2252.202 does not apply to a project for which the governing body of the governmental entity responsible for the project determines that:

(1) iron or steel products produced in the United States are not:

(A) produced in sufficient quantities;

(B) reasonably available; or

(C) of a satisfactory quality;

(2) use of iron or steel products produced in the United States will increase the total cost of the project by more than 20 percent; or

(3) complying with that section is inconsistent with the public interest.

(b) Electrical components, equipment, systems, and appurtenances, including supports, covers, shielding, and other appurtenances related to an electrical system, necessary for operation or concealment are not considered to be iron or steel products and are exempt from the requirements of Section 2252.202. An electrical system includes all equipment, facilities, and assets owned by an electric utility, as that term is defined in Section 31.002, Utilities Code.

(c) Section 2252.202 does not apply to a contract subject to Section 223.045, Transportation Code, or 23 C.F.R. Section 635.410.

Sec. 2252.204. INTERNATIONAL AGREEMENTS. This subchapter shall be applied in a manner consistent with this state's obligations under any international agreement.

Sec. 2252.205. CONFLICT OF LAW. To the extent of any conflict or inconsistency, this subchapter prevails over any other state law relating to the use of iron and steel products in projects directly funded by a governmental entity or financed by funds administered by a governmental entity.

SECTION 2. Section 223.045, Transportation Code, is amended to read as follows:

Sec. 223.045. IRON AND STEEL PREFERENCE PROVISIONS IN IMPROVEMENT CONTRACTS. A contract awarded by the department for the improvement of the state highway system without federal aid must contain the same preference provisions for iron and steel and iron and steel products that are required under federal law for an improvement made with federal aid.

SECTION 3. Section 17.183(a), Water Code, is amended to read as follows:

(a) The governing body of each political subdivision receiving financial assistance from the board shall require in all contracts for the construction of a project:

(1) that each bidder furnish a bid guarantee equivalent to five percent of the bid price;

(2) that each contractor awarded a construction contract furnish performance and payment bonds:

(A) the performance bond shall include without limitation guarantees that work done under the contract will be completed and performed according to approved plans and specifications and in accordance with sound construction principles and practices; and

(B) the performance and payment bonds shall be in a penal sum of not less than 100 percent of the contract price and remain in effect for one year beyond the date of approval by the engineer of the political subdivision;

(3) that payment be made in partial payments as the work progresses;

(4) that each partial payment shall not exceed 95 percent of the amount due at the time of the payment as shown by the engineer of the project, but, if the project is substantially complete, a partial release of the five percent retainage may be made by the political subdivision with approval of the executive administrator;

(5) that payment of the retainage remaining due upon completion of the contract shall be made only after:

(A) approval by the engineer for the political subdivision as required under the bond proceedings;

(B) approval by the governing body of the political subdivision by a resolution or other formal action; and

(C) certification by the executive administrator in accordance with the rules of the board that the work to be done under the contract has been completed and performed in a satisfactory manner and in accordance with approved plans and specifications;

(6) that no valid approval may be granted unless the work done under the contract has been completed and performed in a satisfactory manner according to approved plans and specifications;

(7) that, if a political subdivision receiving financial assistance under Subchapter K of this chapter, labor from inside the political subdivision be used to the extent possible; and

(8) that the contract include a requirement that iron and steel products [~~and manufactured goods~~] used in the project be produced in the United States, unless:

(A) such products [~~or goods~~] are not:

(i) available in sufficient quantities;

(ii) readily available; or

(iii) of a satisfactory quality; or

(B) the use of such products [~~or goods~~] will increase the total cost of the project by more than 20 percent.

SECTION 4. Section 17.183(c)(4), Water Code, is amended to read as follows:

(4) "Produced in the United States" means, ~~[~~

~~[(A)]~~ in the case of iron and steel products, products for which all manufacturing processes, from initial melting through application of coatings, take place in the United States, except metallurgical processes that involve the refinement of steel additives ~~]; and~~

~~[(B) in the case of a manufactured good, a good for which:~~

~~[(i) all of the manufacturing process that produced the manufactured good takes place in the United States; and~~

~~[(ii) more than 60 percent of the components of the manufactured good, by cost, originate in the United States].~~

SECTION 5. Sections 17.183(c)(1) and (2) and (d), Water Code, are repealed.

SECTION 6. (a) Subchapter F, Chapter 2252, Government Code, as added by this Act, applies only to bid documents submitted or contracts entered into on or after the effective date of this Act.

(b) Subchapter F, Chapter 2252, Government Code, as added by this Act, does not apply to a project as described by Section 15.432 or 15.472, Water Code, that the Texas Water Development Board has formally approved for financial assistance. In this subsection, the term "formally approved" means any project that is the subject of a resolution approving an application for financial assistance adopted by the Texas Water Development Board before May 1, 2019, for any portion of the financing of the project.

SECTION 7. This Act takes effect September 1, 2017.

The Conference Committee Report on **SB 1289** was filed with the Secretary of the Senate.

ORDERED NOT PRINTED

The Conference Committee Report on **SB 1** was ordered not printed in the *Senate Journal*.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1**

Senator Nelson submitted the following Conference Committee Report:

Austin, Texas
May 25, 2017

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NELSON
HINOJOSA
HUFFMAN

SCHWERTNER
KOLKHORST

On the part of the Senate

ZERWAS
LONGORIA
S. DAVIS
GONZALES
ASHBY

On the part of the House

The Conference Committee Report on **SB 1** was filed with the Secretary of the Senate.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 884 by Taylor of Collin, In memory of Barbara Diane Madden.

SR 886 by Hughes, In memory of Julian E. Kastrop.

SR 889 by Zaffirini, In memory of Lilia Peña.

SR 890 by West, In memory of Leary Barrett.

Congratulatory Resolutions

SR 877 by West, Recognizing the members of the Williams-Livingston family on the occasion of their family reunion.

SR 878 by Buckingham, Recognizing Adyson Aus for winning the 2017 Most Unique Lemonade Award.

SR 879 by Buckingham, Recognizing Pauline Moore on the occasion of her 105th birthday.

SR 880 by Buckingham, Recognizing Marshall Crouch for his service to the Texas 4-H Conference Center.

SR 881 by Kolkhorst and Campbell, Recognizing Cameron Tanner and Vanessa Cortez on the occasion of their marriage.

SR 882 by Taylor of Collin, Recognizing William Dickerson for his service to the Texas Senate.

SR 883 by Taylor of Collin, Recognizing Robert J. Posner Jr. for his service to the Texas Senate.

SR 888 by Birdwell, Recognizing Weller Hensell Harris Jr. for his achievements.

SR 891 by Buckingham, Recognizing Neice Bell and Ceslie Armstrong for launching a magazine.

SR 892 by Garcia, Recognizing John G. Pohlman on the occasion of his retirement.

SR 894 by Miles, Recognizing the John P. McGovern Museum of Health and Medical Science.

SR 895 by Burton, Recognizing Betty Bob Stewart Massey on the occasion of her 90th birthday.

RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 6:55 p.m. recessed until 1:30 p.m. tomorrow.

APPENDIX

BILL ENGROSSED

May 24, 2017

SB 2294

BILLS AND RESOLUTIONS ENROLLED

May 24, 2017

SB 15, SB 132, SB 261, SB 314, SB 584, SB 625, SB 670, SB 679, SB 919, SB 1016, SB 1138, SB 1557, SB 1664, SB 1665, SB 1680, SB 1780, SB 1805, SB 1963, SB 2190, SCR 26, SR 864, SR 865, SR 866, SR 867, SR 868, SR 869, SR 870, SR 871, SR 872, SR 873, SR 874, SR 875, SR 876

SENT TO SECRETARY OF STATE

May 25, 2017

SJR 1, SJR 6, SJR 34