

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-FIFTH DAY

(Continued)

(Friday, May 26, 2017)

AFTER RECESS

The Senate met at 1:45 p.m. and was called to order by Senator Hancock.

Pastor Dan Martin, Chase Oaks Church, Fairview, offered the invocation as follows:

Heavenly Father, I am thankful for the men and women in this room. I am thankful for the skills and abilities that You have entrusted to them and for the dedication to this great state that they have already demonstrated. I pray that You would grant to this legislative body uncommon wisdom as they lead and make decisions that affect so many. I ask for Your protection and Your blessing upon these leaders as well as their families and the communities they serve. Grant to each person in this room the grace, the humility, and the courage they need to lead well today. It's in Jesus' name that I pray. Amen.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 26, 2017 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 130 Hefner

Commemorating the 100th anniversary of the first aircraft landing at Mineola-Wisener Field Airport in Wood County.

HCR 132 Sanford
Congratulating artist Colin Kimball of McKinney on his receipt of a Distinguished Citizen Medal from the Daughters of the American Revolution.

HCR 138 Dean
Commemorating the 40th annual Great Texas Balloon Race in Gregg County.

HCR 139 Frullo
Honoring Captain Carl H. Isett on the event of his retirement from the United States Navy Reserve.

HCR 145 Klick
Congratulating Gregory D. Watson on having the overall course grade for his 1982 University of Texas American government class elevated from a C to an A after a wait of 35 years.

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

- HB 34** (140 Yeas, 3 Nays, 2 Present, not voting)
- HB 156** (140 Yeas, 5 Nays, 2 Present, not voting)
- HB 208** (141 Yeas, 3 Nays, 2 Present, not voting)
- HB 240** (141 Yeas, 2 Nays, 2 Present, not voting)
- HB 245** (137 Yeas, 8 Nays, 2 Present, not voting)
- HB 249** (140 Yeas, 0 Nays, 3 Present, not voting)
- HB 435** (136 Yeas, 9 Nays, 2 Present, not voting)
- HB 1081** (101 Yeas, 41 Nays, 2 Present, not voting)
- HB 1162** (144 Yeas, 0 Nays, 2 Present, not voting)
- HB 1569** (144 Yeas, 0 Nays, 2 Present, not voting)
- HB 1629** (140 Yeas, 4 Nays, 2 Present, not voting)
- HB 1816** (141 Yeas, 1 Nays, 2 Present, not voting)
- HB 2703** (136 Yeas, 9 Nays, 2 Present, not voting)
- HB 2875** (143 Yeas, 3 Nays, 2 Present, not voting)
- HB 2938** (137 Yeas, 7 Nays, 2 Present, not voting)
- HB 3052** (144 Yeas, 0 Nays, 2 Present, not voting)
- HB 3069** (144 Yeas, 0 Nays, 2 Present, not voting)
- HB 3165** (145 Yeas, 0 Nays, 2 Present, not voting)
- HB 3215** (145 Yeas, 0 Nays, 2 Present, not voting)
- HB 3254** (124 Yeas, 20 Nays, 2 Present, not voting)
- HB 3281** (123 Yeas, 20 Nays, 2 Present, not voting)
- HB 3295** (140 Yeas, 0 Nays, 2 Present, not voting)

HB 3342 (144 Yeas, 0 Nays, 2 Present, not voting)

HB 3576 (144 Yeas, 0 Nays, 2 Present, not voting)

HB 3593 (112 Yeas, 27 Nays, 2 Present, not voting)

HB 3675 (142 Yeas, 0 Nays, 2 Present, not voting)

HB 4102 (140 Yeas, 4 Nays, 2 Present, not voting)

HB 4303 (129 Yeas, 15 Nays, 2 Present, not voting)

HB 4334 (120 Yeas, 24 Nays, 2 Present, not voting)

HB 4347 (131 Yeas, 12 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 557 (non-record vote)

House Conferees: Collier - Chair/González, Mary/Minjarez/Thompson, Senfronia/White

HB 810 (non-record vote)

House Conferees: Parker - Chair/Coleman/Geren/Springer/Zerwas

HB 931 (non-record vote)

House Conferees: Miller - Chair/Cook/King, Ken/Paddie/Rodriguez, Eddie

HB 1823 (non-record vote)

House Conferees: Canales - Chair/Collier/Longoria/Lozano/Raymond

HB 2101 (non-record vote)

House Conferees: Frullo - Chair/Herrero/Kuempel/Paddie/Thompson, Senfronia

HB 2304 (non-record vote)

House Conferees: Guillen - Chair/Clardy/Goldman/Kuempel/Muñoz, Jr.

HB 2442 (non-record vote)

House Conferees: King, Ken - Chair/Bernal/Dutton/Huberty/VanDeaver

HB 2445 (non-record vote)

House Conferees with Instructions:

Stucky - Chair/Bonnen, Dennis/Darby/Raymond/Springer

HB 2994 (non-record vote)

House Conferees: Ashby - Chair/Howard/Lozano/Phelan/Rodriguez, Justin

HB 3083 (non-record vote)

House Conferees: Price - Chair/Darby/Larson/Raymond/Thompson, Senfronia

HB 3292 (non-record vote)

House Conferees: Klick - Chair/Anderson, Charles "Doc"/Collier/Frank/Guillen

HB 3526 (non-record vote)

House Conferees: Howard - Chair/Ashby/Bernal/Bohac/Huberty

HB 4345 (non-record vote)

House Conferees: Rodriguez, Eddie - Chair/Howard/Israel/Uresti, Tomas/Workman

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 2962

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 85th Legislature, the house hereby returns house bill 2962 to the senate for further consideration due to non germane amendments.

HB 4064

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 85th Legislature, the house hereby returns house bill 4064 to the senate for further consideration due to non germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Perry was recognized and introduced to the Senate Texas Tech University legislative interns.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Birdwell was recognized and presented Dr. Lesca Hadley of Cleburne as the Physician of the Day.

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

REPORT OF COMMITTEE ON NOMINATIONS

Senator Birdwell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Board of Directors, Brazos River Authority: Russel Darrell Boles, Williamson County; Cynthia A. Flores, Williamson County; Charles Richard Huber, Hood County; James P. Lattimore, Palo Pinto County; Wesley David Lloyd, McLennan County; John Henry Luton, Hood County; William John Rankin, Washington County; Jarrod David Smith, Brazoria County; Jeffrey Scott Tallas, Fort Bend County; William Winford Taylor, McLennan County.

Members, Board of Directors, Guadalupe-Blanco River Authority: Ronald James Hermes, Guadalupe County; Thomas Owen Mathews, Kendall County; Dennis Lynn Patillo, Victoria County.

Commissioners, Jefferson and Orange County Board of Pilot Commissioners: Charles Edward Holder, Orange County; William Gates Jenkins, Jefferson County; James Michael Scott, Jefferson County; Shawn Michael Sparrow, Jefferson County; Milton Bradley Taylor, Orange County.

Members, Board of Directors, Lavaca-Navidad River Authority: Sandra Y. Johs, Jackson County; Ronald Edwin Kubecka, Jackson County; Scott H. Sachtleben, Jackson County.

Member, Board of Directors, Lower Colorado River Authority: Stephen Frank Cooper, Wharton County.

Members, Board of Directors, Lower Neches Valley Authority: Lonnie Bee Grissom, Tyler County; Kal Anthony Kincaid, Jefferson County; Steven Robert Lucas, Jefferson County; Virginia Mays Pate, Jefferson County; Juanita Jean Thomas Turk, Hardin County.

Members, Board of Directors, Red River Authority of Texas: Todd Wayne Boykin, Randall County; Jerry Bob Daniel, Knox County; George Wilson Scaling, Clay County.

Members, Board of Directors, Sabine River Authority of Texas: Cary McClure Abney, Harrison County; Jeanette Lynne Sterner, Wood County; Laurie Etzel Woloszyn, Gregg County.

Member, Board of Directors, San Antonio River Authority: Lynn Fagan Murphy, Bexar County.

Members, Board of Directors, San Jacinto River Authority: Ronald Wyatt Anderson, Chambers County; Fredrick Donald Koetting, Montgomery County; Gary Thomas Renola, Harris County.

Member, Board of Directors, Sulphur River Basin Authority: Catherine A. Stedman, Titus County.

Members, Texas Board of Respiratory Care: Timothy Rae Chappell, Collin County; Joe Ann Clack, Ford Bend County; Latana Tamichi Jackson-Woods, Dallas County; Sam Gregory Marshall, Guadalupe County; Debra Elaine Patrick, Harris County; Shad Joseph Pellizzari, Williamson County; Kandace D'Ann Pool, Tom Green County; Sonia Kay Sanderson, Jefferson County; James Martin Stocks, Smith County.

Members, Texas Commission on Law Enforcement: Kimberley Ann Lemaux, Tarrant County; Sharon Breckenridge Thomas, Bexar County; Timothy H. Whitaker, Fort Bend County.

Members, Board of Trustees, Texas County and District Retirement System: Charles Christopher Davis, Cherokee County; Deborah M. Hunt, Williamson County; William Michael Metzger, Dallas County.

Members, State Board of Trustees, Texas Emergency Services Retirement System: Courtney Gibson Bechtol, Aransas County; Virginia K. Moore, Brazoria County; Pilar Rodriquez, Hidalgo County.

Texas Judicial Council: Sonia Velasco Clayton, Harris County; Kenneth Scott Saks, Bexar County; Evan Andrew Young, Travis County.

Members, Texas State Board of Examiners of Marriage and Family Therapists: Kenneth V. Bateman, Dallas County; Evelyn Husband Thompson, Harris County.

Members, Texas State Board of Examiners of Professional Counselors: Loretta Jean Bradley, Lubbock County; Brenda Sanchez Compagnone, Bexar County; Christopher Scott Taylor, Dallas County.

Members, Texas State Board of Examiners of Psychologists: John Kolbe Bielamowicz, Ellis County; Susan Fletcher, Collin County; Ronald Steven Palomares, Dallas County.

Members, Texas State Board of Public Accountancy: Ross Thomas Johnson, Harris County; Timothy Lee LaFrey, Travis County; Alice Roselyn Everts Morris, Hays County; Benjamin Pena, Hidalgo County; Kimberly Ehresman Wilkerson, Lubbock County.

Members, Texas State Board of Social Worker Examiners: Brian Cody Brumley, Lamar County; Beverly Jackson Loss, Fannin County; Benny W. Morris, Johnson County; Martha Rightmer Mosier, Brazos County.

Members, Texas State Library and Archives Commission: Larry Gene Holt, Brazos County; Martha Wong, Harris County.

Member, Texas Veterans Commission: Kevin Barber, Harris County.

Member, Board of Regents, Texas Woman's University: Ann Scanlon McGinity, Brazoria County.

Members, Texas Workforce Commission: Julian Alvarez, Cameron County; Ruth Ruggero Hughs, Travis County.

Members, Board of Directors, Trinity River Authority of Texas: Whitney Deason Beckworth, Tarrant County; John Walter Jenkins, Chambers County; Victoria Kristen Lucas, Kaufman County; Ronald Maxwell, Houston County; Robert Finley McFarlane, Anderson County; Emanuel Joseph Rachal, Polk County; William Overton Rodgers, Tarrant County; Frank H. Steed, Navarro County; Edward Williams, Dallas County.

Members, Board of Directors, Upper Guadalupe River Authority: Aaron Clark Bulkley, Kerr County; Diane Lund McMahan, Kerr County; James Musgrove, Kerr County; William Raymond Rector, Kerr County; Blake W. Smith, Kerr County.

Members, Board of Directors, Upper Neches River Municipal Water Authority: Jay Steven Herrington, Anderson County; Milton Phillip Jenkins, Anderson County.

Member, Veterans' Land Board: Grant Austin Moody, Bexar County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Birdwell gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

GUEST PRESENTED

Senator Miles was recognized and introduced to the Senate his intern, Yumna Khan.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Bettencourt, joined by Senator Watson, was recognized and introduced to the Senate Jared and Genevieve Padalecki.

The Senate welcomed its guests.

SENATE RESOLUTION 914

Senator Zaffirini offered the following resolution:

SR 914, Recognizing Jon Weizenbaum on the occasion of his retirement.

ZAFFIRINI
WATSON

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Jon Weizenbaum.

The Senate welcomed its guest.

SENATE BILL 8 WITH HOUSE AMENDMENTS

Senator Schwertner called **SB 8** 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 8** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to certain prohibited abortions and the treatment and disposition of a human fetus, human fetal tissue, and embryonic and fetal tissue remains; creating a civil cause of action; imposing a civil penalty; creating criminal offenses.

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

SECTION 1. Chapter 171, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PARTIAL-BIRTH ABORTIONS

Sec. 171.101. DEFINITIONS. In this subchapter:

(1) "Partial-birth abortion" means an abortion in which the person performing the abortion:

(A) for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus, deliberately and intentionally vaginally delivers a living fetus until:

(i) for a head-first presentation, the entire fetal head is outside the body of the mother; or

(ii) for a breech presentation, any part of the fetal trunk past the navel is outside the body of the mother; and

(B) performs the overt act described in Paragraph (A), other than completion of delivery, that kills the partially delivered living fetus.

(2) "Physician" means an individual who is licensed to practice medicine in this state, including a medical doctor and a doctor of osteopathic medicine.

Sec. 171.102. PARTIAL-BIRTH ABORTIONS PROHIBITED. (a) A physician or other person may not knowingly perform a partial-birth abortion.

(b) Subsection (a) does not apply to a physician who performs a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy.

Sec. 171.103. CRIMINAL PENALTY. A person who violates Section 171.102 commits an offense. An offense under this section is a state jail felony.

Sec. 171.104. CIVIL LIABILITY. (a) Except as provided by Subsection (b), the father of the fetus or a parent of the mother of the fetus, if the mother is younger than 18 years of age at the time of the partial-birth abortion, may bring a civil action to obtain appropriate relief, including:

(1) money damages for physical injury, mental anguish, and emotional distress; and

(2) exemplary damages equal to three times the cost of the partial-birth abortion.

(b) A person may not bring or maintain an action under this section if:

(1) the person consented to the partial-birth abortion; or

(2) the person's criminally injurious conduct resulted in the pregnancy.

Sec. 171.105. HEARING. (a) A physician who is the subject of a criminal or civil action for a violation of Section 171.102 may request a hearing before the Texas Medical Board on whether the physician's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy.

(b) The board's findings under Subsection (a) are admissible in any court proceeding against the physician arising from that conduct. On the physician's motion, the court shall delay the beginning of a criminal or civil trial for not more than 60 days for the hearing to be held under Subsection (a).

Sec. 171.106. APPLICABILITY. A woman on whom a partial-birth abortion is performed or attempted in violation of this subchapter may not be prosecuted under this subchapter or for conspiracy to commit a violation of this subchapter.

SECTION 2. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 173 to read as follows:

CHAPTER 173. DONATION OF HUMAN FETAL TISSUE

Sec. 173.001. DEFINITIONS. In this chapter:

(1) "Authorized facility" means:

(A) a hospital licensed under Chapter 241;

(B) a hospital maintained or operated by this state or an agency of this state;

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

(D) a birthing center licensed under Chapter 244.

(2) "Human fetal tissue" means any gestational human organ, cell, or tissue from an unborn child. The term does not include supporting cells or tissue derived from a pregnancy, associated maternal tissue that is not part of the unborn child, the umbilical cord, or the placenta.

Sec. 173.002. APPLICABILITY. This chapter does not apply to:

(1) human fetal tissue obtained for diagnostic or pathological testing;

(2) human fetal tissue obtained for a criminal investigation;

(3) human fetal tissue or human tissue obtained during pregnancy or at delivery of a child, provided the tissue is obtained by an accredited public or private institution of higher education for use in research approved by an institutional review board or another appropriate board, committee, or body charged with oversight applicable to the research; or

(4) cell lines derived from human fetal tissue or human tissue existing on September 1, 2017, that are used by an accredited public or private institution of higher education in research approved by an institutional review board or another appropriate board, committee, or body charged with oversight applicable to the research.

Sec. 173.003. ENFORCEMENT. (a) The department shall enforce this chapter.

(b) The attorney general, on request of the department or a local law enforcement agency, may assist in the investigation of a violation of this chapter.

Sec. 173.004. PROHIBITED DONATION. A person may not donate human fetal tissue except as authorized by this chapter.

Sec. 173.005. DONATION BY AUTHORIZED FACILITY. (a) Only an authorized facility may donate human fetal tissue. An authorized facility may donate human fetal tissue only to an accredited public or private institution of higher education for use in research approved by an institutional review board or another appropriate board, committee, or body charged with oversight applicable to the research.

(b) An authorized facility may not donate human fetal tissue obtained from an elective abortion.

Sec. 173.006. INFORMED CONSENT REQUIRED. An authorized facility may not donate human fetal tissue under this chapter unless the facility has obtained the written, voluntary, and informed consent of the woman from whose pregnancy the fetal tissue is obtained. The consent must be provided on a standard form prescribed by the department.

Sec. 173.007. CRIMINAL PENALTY. (a) A person commits an offense if the person:

(1) offers a woman monetary or other consideration to:

(A) have an abortion for the purpose of donating human fetal tissue; or

(B) consent to the donation of human fetal tissue; or

(2) knowingly or intentionally solicits or accepts tissue from a fetus gestated solely for research purposes.

(b) An offense under this section is a Class A misdemeanor punishable by a fine of not more than \$10,000.

(c) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section.

Sec. 173.008. RECORD RETENTION. Unless another law requires a longer period of record retention, an authorized facility may not dispose of any medical record relating to a woman who consents to the donation of human fetal tissue before:

(1) the seventh anniversary of the date consent was obtained under Section 173.006; or

(2) if the woman was younger than 18 years of age on the date consent was obtained under Section 173.006, the later of:

(A) the woman's 23rd birthday; or

(B) the seventh anniversary of the date consent was obtained.

Sec. 173.009. ANNUAL REPORT. An authorized facility that donates human fetal tissue under this chapter shall submit an annual report to the department that includes for each donation:

(1) the specific type of fetal tissue donated; and

(2) the accredited public or private institution of higher education that received the donation.

SECTION 3. Subtitle B, Title 8, Health and Safety Code, is amended by adding Chapter 697 to read as follows:

CHAPTER 697. DISPOSITION OF EMBRYONIC AND FETAL TISSUE
REMAINS

Sec. 697.001. PURPOSE. The purpose of this chapter is to express the state's profound respect for the life of the unborn by providing for a dignified disposition of embryonic and fetal tissue remains.

Sec. 697.002. DEFINITIONS. In this chapter:

(1) "Cremation" means the irreversible process of reducing remains to bone fragments through direct flame, extreme heat, and evaporation.

(2) "Department" means the Department of State Health Services.

(3) "Embryonic and fetal tissue remains" means an embryo, a fetus, body parts, or organs from a pregnancy that terminates in the death of the embryo or fetus and for which the issuance of a fetal death certificate is not required by state law. The term does not include the umbilical cord, placenta, gestational sac, blood, or body fluids.

(4) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(5) "Incineration" means the process of burning remains in an incinerator.

(6) "Interment" means the disposition of remains by entombment, burial, or placement in a niche.

(7) "Steam disinfection" means the act of subjecting remains to steam under pressure to disinfect the remains.

Sec. 697.003. APPLICABILITY OF OTHER LAW. Embryonic and fetal tissue remains are not pathological waste under state law. Unless otherwise provided by this chapter, Chapters 711 and 716 of this code and Chapter 651, Occupations Code, do not apply to the disposition of embryonic and fetal tissue remains.

Sec. 697.004. DISPOSITION OF EMBRYONIC AND FETAL TISSUE REMAINS. (a) Subject to Section 241.010, a health care facility in this state that provides health or medical care to a pregnant woman shall dispose of embryonic and fetal tissue remains that are passed or delivered at the facility by:

- (1) interment;
- (2) cremation;
- (3) incineration followed by interment; or
- (4) steam disinfection followed by interment.

(b) The ashes resulting from the cremation or incineration of embryonic and fetal tissue remains:

(1) may be interred or scattered in any manner as authorized by law for human remains; and

(2) may not be placed in a landfill.

(c) A health care facility responsible for disposing of embryonic and fetal tissue remains may coordinate with an entity in the registry established under Section 697.005 in an effort to offset the cost associated with burial or cremation of the embryonic and fetal tissue remains of an unborn child.

(d) Notwithstanding any other law, the umbilical cord, placenta, gestational sac, blood, or body fluids from a pregnancy terminating in the death of the embryo or fetus for which the issuance of a fetal death certificate is not required by state law may be disposed of in the same manner as and with the embryonic and fetal tissue remains from that same pregnancy as authorized by this chapter.

Sec. 697.005. BURIAL OR CREMATION ASSISTANCE REGISTRY. The department shall:

(1) establish and maintain a registry of:

(A) participating funeral homes and cemeteries willing to provide free common burial or low-cost private burial; and

(B) private nonprofit organizations that register with the department to provide financial assistance for the costs associated with burial or cremation of the embryonic and fetal tissue remains of an unborn child; and

(2) make the registry information available on request to a physician, health care facility, or agent of a physician or health care facility.

Sec. 697.006. ETHICAL FETAL REMAINS GRANT PROGRAM. The department shall develop a grant program that uses private donations to provide financial assistance for the costs associated with disposing of embryonic and fetal tissue remains.

Sec. 697.007. SUSPENSION OR REVOCATION OF LICENSE. The department may suspend or revoke the license of a health care facility that violates this chapter or a rule adopted under this chapter.

Sec. 697.008. CIVIL PENALTY. (a) A person that violates this chapter or a rule adopted under this chapter is liable for a civil penalty in an amount of \$1,000 for each violation.

(b) The attorney general, at the request of the department, may sue to collect the civil penalty. The attorney general may recover reasonable expenses incurred in collecting the civil penalty, including court costs, reasonable attorney's fees, investigation costs, witness fees, and disposition expenses.

Sec. 697.009. RULES. The executive commissioner shall adopt rules to implement this chapter.

SECTION 4. Section 164.052(a), Occupations Code, is amended to read as follows:

(a) A physician or an applicant for a license to practice medicine commits a prohibited practice if that person:

(1) submits to the board a false or misleading statement, document, or certificate in an application for a license;

(2) presents to the board a license, certificate, or diploma that was illegally or fraudulently obtained;

(3) commits fraud or deception in taking or passing an examination;

(4) uses alcohol or drugs in an intemperate manner that, in the board's opinion, could endanger a patient's life;

(5) commits unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public;

(6) uses an advertising statement that is false, misleading, or deceptive;

(7) advertises professional superiority or the performance of professional service in a superior manner if that advertising is not readily subject to verification;

(8) purchases, sells, barter, or uses, or offers to purchase, sell, barter, or use, a medical degree, license, certificate, or diploma, or a transcript of a license, certificate, or diploma in or incident to an application to the board for a license to practice medicine;

(9) alters, with fraudulent intent, a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma;

(10) uses a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma that has been:

(A) fraudulently purchased or issued;

(B) counterfeited; or

(C) materially altered;

(11) impersonates or acts as proxy for another person in an examination required by this subtitle for a medical license;

(12) engages in conduct that subverts or attempts to subvert an examination process required by this subtitle for a medical license;

(13) impersonates a physician or permits another to use the person's license or certificate to practice medicine in this state;

(14) directly or indirectly employs a person whose license to practice medicine has been suspended, canceled, or revoked;

(15) associates in the practice of medicine with a person:

(A) whose license to practice medicine has been suspended, canceled, or revoked; or

(B) who has been convicted of the unlawful practice of medicine in this state or elsewhere;

(16) performs or procures a criminal abortion, aids or abets in the procuring of a criminal abortion, attempts to perform or procure a criminal abortion, or attempts to aid or abet the performance or procurement of a criminal abortion;

(17) directly or indirectly aids or abets the practice of medicine by a person, partnership, association, or corporation that is not licensed to practice medicine by the board;

(18) performs an abortion on a woman who is pregnant with a viable unborn child during the third trimester of the pregnancy unless:

(A) the abortion is necessary to prevent the death of the woman;

(B) the viable unborn child has a severe, irreversible brain impairment;

or

(C) the woman is diagnosed with a significant likelihood of suffering imminent severe, irreversible brain damage or imminent severe, irreversible paralysis;

(19) performs an abortion on an unemancipated minor without the written consent of the child's parent, managing conservator, or legal guardian or without a court order, as provided by Section 33.003 or 33.004, Family Code, unless the abortion is necessary due to a medical emergency, as defined by Section 171.002, Health and Safety Code;

(20) otherwise performs an abortion on an unemancipated minor in violation of Chapter 33, Family Code; or

(21) performs or induces or attempts to perform or induce an abortion in violation of Subchapter C or F, Chapter 171, Health and Safety Code.

SECTION 5. Section 164.055(b), Occupations Code, is amended to read as follows:

(b) The sanctions provided by Subsection (a) are in addition to any other grounds for refusal to admit persons to examination under this subtitle or to issue a license or renew a license to practice medicine under this subtitle. The criminal penalties provided by Section 165.152 do not apply to a violation of Section 170.002, Health and Safety Code, or Subchapter C or F, Chapter 171, Health and Safety Code.

SECTION 6. Section 48.02(a), Penal Code, is amended to read as follows:

(a) In this section, "human [~~Human~~] organ" means the human kidney, liver, heart, lung, pancreas, eye, bone, skin, [~~fetal tissue,~~] or any other human organ or tissue, but does not include hair or blood, blood components (including plasma), blood derivatives, or blood reagents. The term does not include human fetal tissue as defined by Section 48.03.

SECTION 7. Chapter 48, Penal Code, is amended by adding Section 48.03 to read as follows:

Sec. 48.03. PROHIBITION ON PURCHASE AND SALE OF HUMAN FETAL TISSUE. (a) In this section, "human fetal tissue" has the meaning assigned by Section 173.001, Health and Safety Code.

(b) A person commits an offense if the person knowingly offers to buy, offers to sell, acquires, receives, sells, or otherwise transfers any human fetal tissue for economic benefit.

(c) An offense under this section is a state jail felony.

(d) It is a defense to prosecution under this section that the actor:

(1) is an employee of or under contract with an accredited public or private institution of higher education; and

(2) acquires, receives, or transfers human fetal tissue solely for the purpose of fulfilling a donation authorized by Section 173.005, Health and Safety Code.

(e) This section does not apply to:

(1) human fetal tissue acquired, received, or transferred solely for diagnostic or pathological testing;

(2) human fetal tissue acquired, received, or transferred solely for the purposes of a criminal investigation;

(3) human fetal tissue acquired, received, or transferred solely for the purpose of disposing of the tissue in accordance with state law or rules applicable to the disposition of human fetal tissue remains;

(4) human fetal tissue or human tissue acquired during pregnancy or at delivery of a child, provided the tissue is acquired by an accredited public or private institution of higher education for use in research approved by an institutional review board or another appropriate board, committee, or body charged with oversight applicable to the research; or

(5) cell lines derived from human fetal tissue or human tissue existing on September 1, 2017, that are used by an accredited public or private institution of higher education in research approved by an institutional review board or another appropriate board, committee, or body charged with oversight applicable to the research.

(f) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section.

SECTION 8. (a) Not later than December 1, 2017, the executive commissioner of the Health and Human Services Commission shall adopt any rules necessary to implement Chapters 173 and 697, Health and Safety Code, as added by this Act.

(b) The Department of State Health Services shall:

(1) not later than October 1, 2017, establish the grant program required by Section 697.006, Health and Safety Code, as added by this Act;

(2) not later than December 1, 2017, prescribe the standard consent form required by Section 173.006, Health and Safety Code, as added by this Act; and

(3) not later than February 1, 2018, begin to award grants under the grant program described by Subdivision (1) of this subsection.

SECTION 9. (a) Subchapter F, Chapter 171, Health and Safety Code, as added by this Act, applies only to an abortion performed on or after the effective date of this Act. An abortion performed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Sections 173.003, 173.004, 173.005, and 173.006, Health and Safety Code, as added by this Act, apply to a donation of human fetal tissue that occurs on or after the effective date of this Act, regardless of whether the human fetal tissue was acquired before, on, or after that date.

(c) An authorized facility is not required to make an initial annual report under Section 173.009, Health and Safety Code, as added by this Act, before January 1, 2019.

(d) Chapter 697, Health and Safety Code, as added by this Act, applies only to the disposition of embryonic and fetal tissue remains that occurs on or after February 1, 2018. The disposition of embryonic and fetal tissue remains that occurs before February 1, 2018, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(e) Chapter 48, Penal Code, as amended 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 subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 10. This Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 8** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. 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.

Floor Amendment No. 2

Amend **CSSB 8** (house committee printing) as follows:

(1) On page 1, line 8, strike "Subchapter F" and substitute "Subchapters F and G".

(2) On page 3, between lines 18 and 19, insert the following:

SUBCHAPTER G. DISMEMBERMENT ABORTIONS

Sec. 171.151. DEFINITION. In this subchapter, "dismemberment abortion" means an abortion in which a person, with the purpose of causing the death of an unborn child, dismembers the living unborn child and extracts the unborn child one piece at a time from the uterus through the use of clamps, grasping forceps, tongs, scissors, or a similar instrument that, through the convergence of two rigid levers, slices, crushes, or grasps, or performs any combination of those actions on, a piece of the unborn child's body to cut or rip the piece from the body. The term does not include an abortion that uses suction to dismember the body of an unborn child by sucking pieces of the unborn child into a collection container. The term includes a dismemberment abortion that is used to cause the death of an unborn child and in which suction is subsequently used to extract pieces of the unborn child after the unborn child's death.

Sec. 171.152. DISMEMBERMENT ABORTIONS PROHIBITED. (a) A person may not intentionally perform a dismemberment abortion unless the dismemberment abortion is necessary in a medical emergency.

(b) A woman on whom a dismemberment abortion is performed, an employee or agent acting under the direction of a physician who performs a dismemberment abortion, or a person who fills a prescription or provides equipment used in a dismemberment abortion does not violate Subsection (a).

Sec. 171.153. CRIMINAL PENALTY. (a) A person who violates Section 171.152 commits an offense.

(b) An offense under this section is a state jail felony.

Sec. 171.154. CONSTRUCTION OF SUBCHAPTER. (a) This subchapter shall be construed, as a matter of state law, to be enforceable to the maximum possible extent consistent with but not further than federal constitutional requirements, even if that construction is not readily apparent, as such constructions are authorized only to the extent necessary to save the subchapter from judicial invalidation. Judicial reformation of statutory language is explicitly authorized only to the extent necessary to save the statutory provision from invalidity.

(b) If any court determines that a provision of this subchapter is unconstitutionally vague, the court shall interpret the provision, as a matter of state law, to avoid the vagueness problem and shall enforce the provision to the maximum possible extent. If a federal court finds any provision of this subchapter or its application to any person, group of persons, or circumstances to be unconstitutionally vague and declines to impose the saving construction described by this subsection, the Supreme Court of Texas shall provide an authoritative construction of the objectionable statutory provisions that avoids the constitutional problems while enforcing the statute's restrictions to the maximum possible extent and shall agree to answer any question certified from a federal appellate court regarding the statute.

(c) A state executive or administrative official may not decline to enforce this subchapter, or adopt a construction of this subchapter in a way that narrows its applicability, based on the official's own beliefs concerning the requirements of the state or federal constitution, unless the official is enjoined by a state or federal court from enforcing this subchapter.

(d) This subchapter may not be construed to:

(1) authorize the prosecution of or a cause of action to be brought against a woman on whom an abortion is performed or induced in violation of this subchapter;
or

(2) create or recognize a right to abortion or a right to a particular method of abortion.

(3) On page 13, on both lines 4 and 13, strike "or F" and substitute ", F, or G".

(4) On page 15, line 24, strike "Subchapter F" and substitute "Subchapters F and G".

(5) On page 15, line 25, strike "applies" and substitute "apply".

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

SECTION _____. (a) If some or all of the provisions of this Act are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of Texas law regulating or restricting abortion shall be enforced as though the restrained or enjoined provisions had not been adopted; provided, however, that whenever the temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, the provisions shall have full force and effect.

(b) Mindful of Leavitt v. Jane L., 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion the United States Supreme Court held that an explicit statement of legislative intent is controlling, it is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act, are severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this Act to impose an undue burden in a large or substantial fraction of relevant cases, the applications that do not present an undue burden shall be severed from the remaining provisions and shall remain in force, and shall be treated as if the legislature had enacted a statute limited to the persons, group of persons, or circumstances for which the statute's application does not present an undue burden. The legislature further declares that it would have passed this Act, and each provision, section, subsection, sentence, clause, phrase, or word, and all constitutional applications of this Act, irrespective of the fact that any provision, section, subsection, sentence, clause, phrase, or word, or applications of this Act, were to be declared unconstitutional or to represent an undue burden.

(c) If any provision of this Act is found by any court to be unconstitutionally vague, then the applications of that provision that do not present constitutional vagueness problems shall be severed and remain in force.

Floor Amendment No. 15

Amend **CSSB 8** (house committee report) on page 4, by striking lines 3-7 and substituting the following:

(2) "Human fetal tissue" means any gestational human organ, cell, or tissue from an unborn child. The term does not include:

(A) supporting cells or tissue derived from a pregnancy or associated maternal tissue that is not part of the unborn child; or

(B) the umbilical cord or placenta, provided that the umbilical cord or placenta is not derived from an elective abortion.

Floor Amendment No. 19

Amend **CSSB 8** (house committee report) as follows:

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

SECTION _____. Section 245.005(e), Health and Safety Code, is amended to read as follows:

(e) As a condition for renewal of a license, the licensee must submit to the department the annual license renewal fee and an annual report~~[, including the report required under Section 245.011].~~

SECTION _____. The heading to Section 245.011, Health and Safety Code, is amended to read as follows:

Sec. 245.011. PHYSICIAN REPORTING REQUIREMENTS; CRIMINAL PENALTY.

SECTION _____. Section 245.011, Health and Safety Code, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsections (f) and (g) to read as follows:

(a) A physician who performs an abortion at an ~~[Each]~~ abortion facility must complete and submit a monthly ~~[an annual]~~ report to the department on each abortion ~~[that is]~~ performed by the physician at the abortion facility. The report must be submitted on a form provided by the department.

(b) The report may not identify by any means ~~[the physician performing the abortion or]~~ the patient.

(d) Except as provided by Section 245.023, all information and records held by the department under this chapter are confidential and are not open records for the purposes of Chapter 552, Government Code. That information may not be released or made public on subpoena or otherwise, except that release may be made:

(1) for statistical purposes, but only if a person, patient, physician performing an abortion, or abortion facility is not identified;

(2) with the consent of each person, patient, physician, and abortion facility identified in the information released;

(3) to medical personnel, appropriate state agencies, or county and district courts to enforce this chapter; or

(4) to appropriate state licensing boards to enforce state licensing laws.

(e) A person commits an offense if the person violates Subsection (b), (c), or (d) ~~[this section]~~. An offense under this subsection is a Class A misdemeanor.

(f) Not later than the 15th day of each month, a physician shall submit to the department the report required by this section for each abortion performed by the physician at an abortion facility in the preceding calendar month.

(g) The department shall establish and maintain a secure electronic reporting system for the submission of the reports required by this section. The department shall adopt procedures to enforce this section and to ensure that only physicians who perform one or more abortions during the preceding calendar month are required to file the reports under this section for that month.

SECTION _____. Chapter 245, Health and Safety Code, is amended by adding Sections 245.0115 and 245.0116 to read as follows:

Sec. 245.0115. NOTIFICATION. Not later than the seventh day after the date the report required by Section 245.011 is due, the commissioner of state health services shall notify the Texas Medical Board of a violation of that section.

Sec. 245.0116. DEPARTMENT REPORT. (a) The department shall publish on its Internet website a monthly report containing aggregate data of the information in the reports submitted under Section 245.011.

(b) The department's monthly report may not identify by any means an abortion facility, a physician performing the abortion, or a patient.

(2) On page 15, line 12, between "implement" and "Chapters", insert "Section 245.011, Health and Safety Code, as amended by this Act, and".

(3) On page 15, between lines 14 and 15, insert the following appropriately numbered subdivision and renumber subsequent subdivisions and cross-references to those subdivisions accordingly:

() as soon as practicable after the effective date of this Act, develop the electronic reporting system required by Section 245.011, Health and Safety Code, as amended by this Act;

Floor Amendment No. 24

Amend **CSSB 8** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 33.001(1), Family Code, is amended to read as follows:

(1) "Abortion" has the meaning assigned by Section 245.002, Health and Safety Code [~~means the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus~~]. This definition, as applied in this chapter, [~~applies only to an unemancipated minor known by the attending physician to be pregnant and~~] may not be construed to limit a minor's access to contraceptives.

SECTION _____. Section 161.006(b), Family Code, is amended to read as follows:

(b) In this code, "abortion" has the meaning assigned by Section 245.002, Health and Safety Code [~~means an intentional expulsion of a human fetus from the body of a woman induced by any means for the purpose of causing the death of the fetus~~].

SECTION _____. Section 170.001(1), Health and Safety Code, is amended to read as follows:

(1) "Abortion" has the meaning assigned by Section 245.002 [~~means an act involving the use of an instrument, medicine, drug, or other substance or device developed to terminate the pregnancy of a woman if the act is done with an intention other than to:~~

~~[(A) increase the probability of a live birth of the unborn child of the woman;~~

~~[(B) preserve the life or health of the child; or~~

~~[(C) remove a dead fetus].~~

SECTION _____. Section 171.002(1), Health and Safety Code, is amended to read as follows:

(1) "Abortion" has the meaning assigned by Section 245.002 [~~means the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant with the intention that the termination of the pregnancy by those means will, with reasonable likelihood, cause the death of the fetus~~].

SECTION _____. Section 171.061(1), Health and Safety Code, is amended to read as follows:

(1) "Abortion" has the meaning assigned by Section 245.002. This definition, as applied in this subchapter, may not be construed to apply to an act done with the intent to [~~means the act of using, administering, prescribing, or otherwise providing an instrument, a drug, a medicine, or any other substance, device, or means with the intent to terminate a clinically diagnosable pregnancy of a woman and with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the woman's unborn child. An act is not an abortion if the act is done with the intent to:~~

~~(A) save the life or preserve the health of an unborn child;~~

~~(B) remove a dead, unborn child whose death was caused by spontaneous abortion;~~

~~(C) remove an ectopic pregnancy; or~~

~~(D) treat a maternal disease or illness for which a prescribed drug, medicine, or other substance is indicated.~~

SECTION _____. Section 245.002, Health and Safety Code, is amended by amending Subdivisions (1) and (4-a) and adding Subdivision (4-b) to read as follows:

(1) "Abortion" means the act of using or prescribing an instrument, a drug, a medicine, or any other substance, device, or means with the intent to cause the death of an unborn child of a woman known to be pregnant [~~an act or procedure performed after pregnancy has been medically verified and with the intent to cause the termination of a pregnancy other than for the purpose of either the birth of a live fetus or removing a dead fetus~~]. The term does not include birth control devices or oral contraceptives. An act is not an abortion if the act is done with the intent to:

(A) save the life or preserve the health of an unborn child;

(B) remove a dead, unborn child whose death was caused by spontaneous abortion; or

(C) remove an ectopic pregnancy.

(4-a) "Ectopic pregnancy" means the implantation of a fertilized egg or embryo outside of the uterus.

(4-b) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

The amendments were read.

Senator Schwertner moved to concur in the House amendments to **SB 8**.

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

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

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

STATEMENT REGARDING SENATE BILL 8

Senator Watson submitted the following statement regarding **SB 8**:

Senate Bill 8 once again places the State in the position of deciding how a woman should exercise her constitutional right to an abortion. Instead of recognizing a woman's freedom to make personal choices about her body and family, this legislation forces the belief systems of some onto all Texas women. The word "liberty" is often evoked by many supporting this bill as the ultimate right that must be protected, but that right is all but forgotten when it comes to a woman's liberty about her body and family.

This bill does nothing to protect the health or safety of the woman - a point the author does not dispute - and instead hurts the safety of these women and families. The prohibitions in this bill on the donation of fetal tissue harms critical research, all in supposed response to discredited videos. As if this was not bad enough, the bill now treats placenta and an umbilical cord, which has always been recognized as the woman's tissue, as fetal tissue that cannot be donated, but of course, only when it is associated with an elective abortion. This bill is so focused on outlawing abortions that it would discard the lives that can be saved through the donation of this blood and tissue.

To compound this misplaced priority, SB 8 effectively outlaws the dilation and evacuation procedure, which is the safest and most widely used abortion procedure for second trimester abortions. And once again the author has admitted that this is not being done to improve the health and safety of the woman, but instead it is about protecting the dignity of an unviable fetus.

For years those pushing this type of legislation have hidden behind the pretext of protecting women's health in their attempt to regulate abortion out of existence. Now that this has been exposed by the Supreme Court, they seek new excuses and measures that do nothing but limit the constitutional rights of Texas women. It is incredibly troubling that anybody would be willing to subvert the rights of a woman and make her face greater harm, all because she is exercising a constitutionally guaranteed right in a manner that they do not agree with. It is time we stop pretending we know what is best for Texas woman and actually embrace the true meaning of "liberty" for all.

WATSON

SENATE BILL 73 WITH HOUSE AMENDMENTS

Senator Nelson called **SB 73** 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 73** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to leave policy and procedures for state employees.

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

SECTION 1. Chapter 661, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. STATE AGENCY LEAVE POLICY

Sec. 661.251. DEFINITION. In this subchapter, "state agency" has the meaning assigned by Section 661.001.

Sec. 661.252. AGENCY POLICY. (a) A state agency shall adopt a policy governing leave for employees under this chapter.

(b) The policy must provide clear and objective guidelines to establish under what circumstances an employee of the agency may be entitled to or granted each type of leave provided by this chapter.

(c) The state agency shall post the policy adopted under this section on the agency's Internet website in a location easily accessible by the agency's employees and the public.

SECTION 2. Section 661.902, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The administrative head of an agency may determine that a reason other than a reason ~~that~~ described by Subsection (a) is sufficient for granting emergency leave. Subject to the provisions of this subsection, the administrative head ~~and~~ shall grant an emergency leave to an employee who the administrative head determines has shown good cause for taking emergency leave. The administrative head may not grant an emergency leave to an employee under this subsection unless the administrative head believes in good faith that the employee being granted the emergency leave intends to return to the employee's position with the agency on expiration of the period of emergency leave.

(c) Not later than October 1 of each year, the administrative head of an agency shall report to the comptroller the name and position of each employee of the agency who was granted more than 32 hours of emergency leave during the previous state fiscal year, the reason for which the employee was granted the emergency leave, and the total number of hours of emergency leave granted to the employee in that state fiscal year.

SECTION 3. Subchapter C, Chapter 2101, Government Code, is amended by adding Section 2101.042 to read as follows:

Sec. 2101.042. LEAVE REPORTING. (a) As part of the centralized accounting and payroll system or any successor system used to implement the enterprise resource planning component of the uniform statewide accounting project developed under Sections 2101.031, 2101.035, and 2101.036, the comptroller shall adopt a uniform system for use by each state agency to which Section 2101.036 applies under Subsection (d) of that section for the reporting of leave taken by the agency's employees. The system adopted by the comptroller must include standardized accounting codes for each type of leave authorized under Chapter 661.

(b) A state agency to which Subsection (a) applies shall use the uniform system adopted by the comptroller under this section.

SECTION 4. Section 661.902(b), Government Code, as amended by this Act, applies only to a grant of emergency leave made on or after the effective date of this Act. A grant of emergency leave made before the effective date of this Act is governed by the law in effect on the date the emergency leave was granted, and the former law is continued in effect for that purpose.

SECTION 5. The first report required under Section 661.902(c), Government Code, as added by this Act, is due October 1, 2017, and must cover the period from September 1, 2016, to August 31, 2017.

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

Floor Amendment No. 1

Amend **CSSB 73** (house committee report) as follows:

(1) On page 1, line 24, between "subsection" and the underlined comma, insert "and except as provided by Subsection (c)".

(2) On page 2, line 1, strike "who" and substitute "if the employee requests the leave and [who]".

(3) On page 2, line 2, between "determines" and "has", insert "that the employee".

(4) On page 2, between lines 7 and 8, insert the following:

(c) An employee is not required to request an emergency leave if the administrative head of the employing agency grants the emergency leave under Subsection (b) because the agency is closed due to weather conditions or in observance of a holiday.

(5) On page 2, line 8, strike "(c)" and substitute "(d)".

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

SECTION _____. Subchapter Z, Chapter 661, Government Code, is amended by adding Section 661.923 to read as follows:

Sec. 661.923. LEAVE DURING AGENCY INVESTIGATION. (a) The administrative head of an agency may grant leave without a deduction in salary to a state employee who is:

(1) the subject of an investigation being conducted by the agency; or

(2) a victim of, or witness to, an act or event that is the subject of an investigation being conducted by the agency.

(b) A state employee who is the subject of an investigation being conducted by the employing agency is ineligible to receive leave for that reason under any other provision of this subchapter.

(c) Not later than the last day of each quarter of a state fiscal year, an agency shall submit a report to the state auditor's office and the Legislative Budget Board that includes the name of each agency employee described by Subsection (a)(1) who has been granted 168 hours or more of leave under this section during that fiscal quarter. The report must include, for each employee, a brief statement as to the reason the employee remains on leave.

(7) On page 3, line 3, strike "applies" and substitute "and Section 661.923, Government Code, as added by this Act, apply".

(8) On page 3, lines 3, 4, and 6, strike "emergency" each time it appears.

Floor Amendment No. 2

Amend **CSSB 73** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 661, Government Code, is amended by adding Section 661.923 to read as follows:

Sec. 661.923. MEDICAL AND MENTAL HEALTH CARE LEAVE FOR CERTAIN VETERANS. (a) This section applies to a state employee who is:

(1) a veteran, as defined by Section 434.023(a); and

(2) eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs.

(b) A state employee described by Subsection (a) may be granted leave without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time to obtain medical or mental health care administered by the Veterans Health Administration of the United States Department of Veterans Affairs, including physical rehabilitation.

(c) Except as provided by Subsection (d), leave granted under Subsection (b) may not exceed 15 days each fiscal year.

(d) The administrative head of a state agency may annually grant additional days of leave described by Subsection (b) as the administrative head determines appropriate for the employee.

The amendments were read.

Senator Nelson moved to concur in the House amendments to **SB 73**.

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

SENATE BILL 532 WITH HOUSE AMENDMENTS

Senator Nelson called **SB 532** 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 532** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to information collected about and purchases of information technology by governmental entities.

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

SECTION 1. Section 552.139, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), the [The] following information is confidential:

(1) a computer network vulnerability report;

(2) any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of a governmental body or of a contractor of a governmental body is vulnerable to

unauthorized access or harm, including an assessment of the extent to which the governmental body's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use; ~~and~~

(3) a photocopy or other copy of an identification badge issued to an official or employee of a governmental body; and

(4) information directly arising from a governmental body's routine efforts to prevent, detect, or investigate a computer security incident, including information contained in or derived from an information security log.

(b-1) Subsection (b) does not apply to information related to a breach of system security as defined by Section 521.053, Business & Commerce Code.

SECTION 2. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.068 to read as follows:

Sec. 2054.068. INFORMATION TECHNOLOGY INFRASTRUCTURE REPORT. (a) In this section, "information technology" includes information resources and information resources technologies.

(b) The department shall collect from each state agency information on the status and condition of the agency's information technology infrastructure, including information regarding:

(1) the agency's information security program;

(2) an inventory of the agency's servers, mainframes, cloud services, and other information technology equipment;

(3) identification of vendors that operate and manage the agency's information technology infrastructure; and

(4) any additional related information requested by the department.

(c) A state agency shall provide the information required by Subsection (b) to the department according to a schedule determined by the department.

(d) Not later than November 15 of each even-numbered year, the department shall submit to the governor, chair of the house appropriations committee, chair of the senate finance committee, speaker of the house of representatives, lieutenant governor, and staff of the Legislative Budget Board a consolidated report of the information submitted by state agencies under Subsection (b).

(e) The consolidated report required by Subsection (d) must:

(1) include an analysis and assessment of each state agency's security and operational risks; and

(2) for a state agency found to be at higher security and operational risks, include a detailed analysis of, and an estimate of the costs to implement, the:

(A) requirements for the agency to address the risks and related vulnerabilities; and

(B) agency's efforts to address the risks through the:

(i) modernization of information technology systems;

(ii) use of cloud services; and

(iii) use of a statewide technology center established by the

department.

(f) With the exception of information that is confidential under Chapter 552, including Section 552.139, or other state or federal law, the consolidated report submitted under Subsection (d) is public information and must be released or made available to the public on request. A governmental body as defined by Section 552.003 may withhold information confidential under Chapter 552, including Section 552.139, or other state or federal law that is contained in a consolidated report released under this subsection without the necessity of requesting a decision from the attorney general under Subchapter G, Chapter 552.

(g) This section does not apply to an institution of higher education or university system, as defined by Section 61.003, Education Code.

SECTION 3. Section 2054.0965(a), Government Code, is amended to read as follows:

(a) Not later than March 31 [~~December 1~~] of each even-numbered [~~odd-numbered~~] year, a state agency shall complete a review of the operational aspects of the agency's information resources deployment following instructions developed by the department.

SECTION 4. Section 2157.007, Government Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A state agency shall ~~may~~ consider cloud computing service options, including any security benefits and cost savings associated with purchasing those service options from a cloud computing service provider and from a statewide technology center established by the department, when making purchases for a major information resources project under Section 2054.118.

(e) Not later than November 15 of each even-numbered year, the department, using existing resources, shall submit a report to the governor, lieutenant governor, and speaker of the house of representatives on the use of cloud computing service options by state agencies. The report must include use cases that provided cost savings and other benefits, including security enhancements. A state agency shall cooperate with the department in the creation of the report by providing timely and accurate information and any assistance required by the department.

SECTION 5. Section 552.139(b), Government Code, as amended by this Act, applies only to a request for public information received on or after the effective date of this Act. A request received before the effective date of this Act is governed by the law in effect when the request was received, and the former law is continued in effect for that purpose.

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

Floor Amendment No. 1

Amend **CSSB 532** (house committee report) as follows:

(1) On page 1, line 8, strike "Except as provided by Subsection (b-1), the [The]" and substitute "The".

(2) On page 1, line 23, strike "or investigate" and substitute "investigate, or mitigate".

(3) On page 2, line 2, strike "Subsection (b) does not apply to information" and substitute "Subsection (b)(4) does not affect the notification requirements".

(4) On page 5, lines 2 and 3, strike "Section 552.139(b), Government Code, as amended by this Act, applies" and substitute "Sections 552.139(b)(4) and (b-1), Government Code, as added by this Act, apply".

The amendments were read.

Senator Nelson moved to concur in the House amendments to **SB 532**.

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

SENATE BILL 255 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 255** 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 255** (house committee printing) as follows:

(1) On page 10, line 6, between "to" and "an", insert the following:

⋮

(1)

(2) On page 10, line 7, between "Code" and the underscored period, insert the following:

; or

(2) a contract manager whose contract management duties relate primarily to contracts described by Section 2262.002(b)

(3) On page 10, between lines 22 and 23, add the following appropriately lettered subsection:

() This section does not apply to the Texas Transportation Commission.

Floor Amendment No. 2

Amend **SB 255** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Sections 2252.908(c) and (e), Government Code, are amended to read as follows:

(c) Notwithstanding Subsection (b), this section does not apply to:

(1) a sponsored research contract of an institution of higher education;

(2) an interagency contract of a state agency or an institution of higher education; ~~[or]~~

(3) a contract related to health and human services if:

(A) the value of the contract cannot be determined at the time the contract is executed; and

(B) any qualified vendor is eligible for the contract;

(4) a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity;

(5) a contract with an electric utility, as that term is defined by Section 31.002, Utilities Code; or

(6) a contract with a gas utility, as that term is defined by Section 121.001, Utilities Code.

(e) The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission that includes:

(1) a list of each interested party for the contract of which the contracting business entity is aware; and

(2) a written, unsworn declaration subscribed by ~~[the signature of]~~ the authorized agent of the contracting business entity as true~~[-, acknowledging that the disclosure is made under oath and]~~ under penalty of perjury that is in substantially the following form:

"My name is _____, my
date of birth is _____, and my address is
_____, _____,
(Street) (City) (State) (Zip Code)

_____. I declare under penalty of

(Country)

perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on
the _____ day of _____,
(Month) (Year)

Declarant".

SECTION _____. Section 2252.908, Government Code, as amended by this Act, applies only to a contract entered into or amended on or after January 1, 2018.

Floor Amendment No. 1 on Third Reading

Amend **SB 255** by adding an appropriately numbered section to read as follows:

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

SECTION 1. Section 2267.003, Government Code, is amended to read as follows:

Sec. 2267.003. APPLICABILITY. This chapter does not apply to:

(1) the financing, design, construction, maintenance, or operation of a highway in the state highway system;

(2) a transportation authority operating ~~created~~ under Chapter 451, 452, 453, or 460, Transportation Code, other than a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, in which the principal municipality has a population of 1.9 million or more;

(3) any telecommunications, cable television, video service, or broadband infrastructure other than technology installed as part of a qualifying project that is essential to the project; or

(4) except as provided by Section 2165.259, a qualifying project located in the Capitol Complex, as defined by Section 443.0071.

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 255**.

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

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

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

SENATE BILL 1571 WITH HOUSE AMENDMENT

Senator Huffman called **SB 1571** 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 1571** (house committee printing) as follows:

- (1) On page 2, strike line 6.
- (2) On page 2, line 7, strike "(ii)" and substitute "(i)".
- (3) On page 2, line 9, strike "(iii)" and substitute "(ii)".

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 1571**.

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

SENATE BILL 1129 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 1129** 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 1129** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to franchises granted by navigation districts.

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

SECTION 1. Sections 61.164(b) and (d), Water Code, are amended to read as follows:

(b) No franchise shall be granted for longer than 50 [~~30~~] years nor shall a franchise be granted except on the affirmative vote of a majority of the commissioners at three separate meetings of the commission which meetings may not be closer together than one week. The third meeting at which the commission votes to grant a franchise may not take place before the date the notice required by Subsection (c) is published for the third time.

(d) The franchise shall require the grantee to file a [~~his or their~~] written acceptance within 30 days after the franchise is finally approved by the commission. Unless the district and the grantee agree on a later date, the effective date of the franchise is the date the grantee files the written acceptance with the commission.

SECTION 2. Section 63.178, Water Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (c-1) to read as follows:

(b) A franchise may be granted for a period of not more than 50 [~~30~~] years.

(c) Before the franchise is granted, the commission must approve the franchise by a majority vote at three separate meetings held at least one week apart and must publish notice. The third meeting at which the commission votes to grant a franchise may not take place before the date the notice required by this subsection is published for the third time.

(c-1) For the purposes of Subsection (c) [~~this subsection~~], notice must be published at the expense of the applicant, once a week for three consecutive weeks in a newspaper published in the district. The notice must consist of:

(1) the text of the franchise in full; or

(2) a descriptive caption stating the purpose of the franchise and the location at which a complete copy of the franchise may be obtained.

(d) The franchise shall require the grantee to file a a [his] written acceptance within 30 days from the day the franchise is finally approved by the commission. Unless the district and the grantee agree on a later date, the effective date of the franchise is the date the grantee files the written acceptance with the commission.

SECTION 3. This Act takes effect September 1, 2017.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 1129**.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 26, 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 CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 9 (142 Yeas, 0 Nays, 2 Present, not voting)

HB 337 (118 Yeas, 22 Nays, 2 Present, not voting)

HB 377 (142 Yeas, 0 Nays, 2 Present, not voting)

HB 457 (141 Yeas, 3 Nays, 2 Present, not voting)

HB 553 (142 Yeas, 0 Nays, 2 Present, not voting)

HB 776 (144 Yeas, 1 Nays, 2 Present, not voting)

- HB 846** (146 Yeas, 0 Nays, 2 Present, not voting)
HB 897 (144 Yeas, 0 Nays, 2 Present, not voting)
HB 1204 (143 Yeas, 0 Nays, 2 Present, not voting)
HB 1234 (139 Yeas, 5 Nays, 2 Present, not voting)
HB 1317 (144 Yeas, 0 Nays, 2 Present, not voting)
HB 1342 (130 Yeas, 10 Nays, 3 Present, not voting)
HB 1500 (143 Yeas, 0 Nays, 2 Present, not voting)
HB 1508 (134 Yeas, 7 Nays, 1 Present, not voting)
HB 1600 (128 Yeas, 14 Nays, 2 Present, not voting)
HB 1808 (142 Yeas, 0 Nays, 1 Present, not voting)
HB 1920 (146 Yeas, 0 Nays, 1 Present, not voting)
HB 1959 (137 Yeas, 7 Nays, 2 Present, not voting)
HB 1974 (135 Yeas, 11 Nays, 1 Present, not voting)
HB 2112 (144 Yeas, 0 Nays, 2 Present, not voting)
HB 2358 (138 Yeas, 5 Nays, 2 Present, not voting)
HB 2771 (131 Yeas, 13 Nays, 2 Present, not voting)
HB 2817 (129 Yeas, 16 Nays, 2 Present, not voting)
HB 2891 (144 Yeas, 0 Nays, 3 Present, not voting)
HB 3029 (137 Yeas, 8 Nays, 2 Present, not voting)
HB 3131 (140 Yeas, 4 Nays, 2 Present, not voting)
HB 3173 (137 Yeas, 8 Nays, 2 Present, not voting)
HB 3349 (145 Yeas, 0 Nays, 2 Present, not voting)
HB 3453 (139 Yeas, 6 Nays, 2 Present, not voting)
HB 3574 (97 Yeas, 48 Nays, 2 Present, not voting)
HB 3735 (143 Yeas, 2 Nays, 2 Present, not voting)
HB 3810 (140 Yeas, 5 Nays, 1 Present, not voting)
HB 3849 (142 Yeas, 0 Nays, 2 Present, not voting)
HB 4035 (145 Yeas, 0 Nays, 2 Present, not voting)
HB 4187 (125 Yeas, 20 Nays, 1 Present, not voting)
HB 4268 (125 Yeas, 19 Nays, 1 Present, not voting)
HB 4290 (121 Yeas, 23 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 515 (non-record vote)

House Conferees: VanDeaver - Chair/Deshotel/Hinojosa, Gina/Huberty/King, Ken

HB 1521 (non-record vote)

House Conferees: White - Chair/Hinojosa, Gina/Keough/Romero, Jr./Wilson

HB 1643 (non-record vote)

House Conferees: Springer - Chair/Canales/Kacal/Nevárez/Simmons

HB 2377 (non-record vote)

House Conferees: Larson - Chair/King, Tracy O./Lucio III/Price/Workman

HB 2639 (non-record vote)

House Conferees: Pickett - Chair/Dale/Gutierrez/King, Phil/Wilson

HB 3270 (non-record vote)

House Conferees: Bohac - Chair/Deshotel/Huberty/Meyer/Murphy

HB 3767 (non-record vote)

House Conferees: Allen - Chair/Giddings/Howard/Thierry/VanDeaver

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 1304 WITH HOUSE AMENDMENT

Senator Perry called **SB 1304** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Hancock in Chair, laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1304** (house committee printing) as follows:

- (1) Strike page 18, line 20, through page 19, line 17.
- (2) On page 31, line 12, strike "18, 19, or 25," and substitute "18 or 19".

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 1304**.

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

SENATE BILL 1538 WITH HOUSE AMENDMENT

Senator Watson called **SB 1538** 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 1538** (committee report) as follows:

- (1) On page 1, line 14, strike "or".
- (2) On page 1, line 16, strike the period following "programs" and substitute "; or".
- (3) On page 1, after line 16, add a new Subsection (D) to read as follows:

(D) evaluating the response to and mitigation of flood incidents affecting residential property, including multi-family units, located in floodplains.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1538**.

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

SENATE BILL 195 WITH HOUSE AMENDMENT

Senator Garcia called **SB 195** 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. 3

Amend **SB 195** (house committee report) on page 2, line 14, after "county.", by inserting the following:

The commissioner shall adopt rules governing the transportation allotment as necessary to permit a district or county to receive funds under Subsection (d) that may be used to support innovative school safety projects, including community walking transportation programs as provided by this subsection and any other appropriate safety project, including rules defining an approved walking route mile that may be used as necessary in implementing this subsection.

The amendment was read.

Senator Garcia moved to concur in the House amendment to **SB 195**.

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

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

Nays: Bettencourt, Birdwell, Burton, Creighton, Hancock, Kolkhorst, Nelson, Schwertner, Taylor of Collin.

SENATE BILL 1233 WITH HOUSE AMENDMENT

Senator Rodríguez called **SB 1233** 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 1233** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to a writ of mandamus by a court of appeals against certain judges.

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

SECTION 1. Section 22.221(b), Government Code, is amended to read as follows:

(b) Each court of appeals for a court of appeals district may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against [a]:

(1) a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district; [a]

(2) a judge of a district court who is acting as a magistrate at a court of inquiry under Chapter 52, Code of Criminal Procedure, in the court of appeals district; or

(3) an associate judge of a district or county court appointed by a judge under Chapter 201, Family Code, in the court of appeals district for the judge who appointed the associate judge.

SECTION 2. (a) Section 22.221(b)(1), Government Code, as amended by this Act, applies only to a proceeding seeking a writ of mandamus filed in a court of appeals under Section 22.221, Government Code, on or after the effective date of this Act. A proceeding seeking a writ of mandamus 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.

(b) Section 22.221(b)(3), Government Code, as amended by this Act, applies only to a suit filed under Chapter 45, Title 1, Title 4, or Title 5, Family Code, on or after the effective date of this Act. A suit filed under Chapter 45, Title 1, Title 4, or Title 5, Family Code, 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 3. This Act takes effect September 1, 2017.

The amendment was read.

Senator Rodríguez moved to concur in the House amendment to **SB 1233**.

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

SENATE BILL 1842 WITH HOUSE AMENDMENT

Senator Lucio called **SB 1842** 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 1842** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to an application for the amendment of a certificate of public convenience and necessity in an area within the boundaries of a political subdivision.

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

SECTION 1. Section 13.002, Water Code, is amended by adding Subdivision (13-a) to read as follows:

(13-a) "Municipal utility district" means a political subdivision of this state operating under Chapter 54.

SECTION 2. Section 13.244(a), Water Code, is amended to read as follows:

(a) Except as provided by Section 13.258, to [Te] obtain a certificate of public convenience and necessity or an amendment to a certificate, a public utility or water supply or sewer service corporation shall submit to the utility commission an application for a certificate or for an amendment as provided by this section.

SECTION 3. Section 13.246, Water Code, is amended by adding Subsection (j) to read as follows:

(j) This section does not apply to an application under Section 13.258.

SECTION 4. Subchapter G, Chapter 13, Water Code, is amended by adding Section 13.258 to read as follows:

Sec. 13.258. UTILITY'S APPLICATION FOR AMENDMENT AND USE OF MUNICIPAL UTILITY DISTRICT'S CERTIFICATE UNDER CONTRACT. (a) Notwithstanding any other provision of this chapter, a Class A utility may apply to the commission for an amendment of a certificate of convenience and necessity held by a municipal utility district to allow the utility to have the same rights and powers under the certificate as the municipal utility district.

(b) This section does not apply to a certificate of convenience and necessity held by a municipal utility district located wholly or partly inside of the corporate limits or extraterritorial jurisdiction of a municipality with a population of two million or more.

(c) An application under this section must be accompanied by:

(1) information identifying the applicant;

(2) the identifying number of the certificate of convenience and necessity to be amended;

(3) the written consent of the municipal utility district that holds the certificate of convenience and necessity;

(4) a written statement by the municipal utility district that the application is supported by a contract between the municipal utility district and the utility for the utility to provide services inside the certificated area and inside the boundaries of the municipal utility district; and

(5) a description of the proposed service area by:

(A) a metes and bounds survey certified by a licensed state land surveyor or a registered professional land surveyor;

(B) the Texas State Plane Coordinate System;

(C) verifiable landmarks, including roads, creeks, or railroad lines; or

(D) if a recorded plat of the area exists, lot and block number.

(d) For an application under this section, the utility commission may not require any information other than the information required by this section.

(e) Not later than the 60th day after the date an applicant files an application for an amendment under this section, the utility commission shall review whether the application is complete. If the utility commission finds that the application is complete, the utility commission shall:

(1) find that the amendment of the certificate is necessary for the service, accommodation, convenience, or safety of the public; and

(2) grant the application and amend the certificate.

(f) The utility commission's decision under this section becomes final after reconsideration, if any, authorized by utility commission rule, and may not be appealed.

(g) The consent of a municipality is not required for the utility commission to amend a certificate as provided by Subsection (a) for an area that is in the municipality's extraterritorial jurisdiction.

(h) Sections 13.241(d) and 13.245 do not apply to an application under this section.

(i) Chapter 2001, Government Code, does not apply to an application for an amendment of a certificate of convenience and necessity under this section.

SECTION 5. Section 341.035(d), Health and Safety Code, is amended to read as follows:

(d) A person is not required to file a business plan under Subsection (a)(1) or (b) if the person:

(1) is a county;

(2) is a retail public utility as defined by Section 13.002, Water Code, unless that person is a utility as defined by that section;

(3) has executed an agreement with a political subdivision to transfer the ownership and operation of the water supply system to the political subdivision; ~~[or]~~

(4) is a Class A utility, as defined by Section 13.002, Water Code, that has applied for or been granted an amendment of a certificate of convenience and necessity under Section 13.258, Water Code, for the area in which the construction of the public drinking water supply system will operate; or

(5) is a noncommunity nontransient water system and the person has demonstrated financial assurance under Chapter 361 or 382 of this code or Chapter 26, Water Code.

SECTION 6. The change in law made by this Act applies only to an application for an amendment of a certificate of public convenience and necessity 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 is 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 Lucio moved to concur in the House amendment to **SB 1842**.

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

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

Nays: Bettencourt, Burton.

SENATE BILL 674 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 674** 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 674** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 155.056, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), an [Am] applicant must pass each part of an examination within three attempts.

(a-1) The limit on the number of examination attempts under Subsection (a) does not apply to the Texas medical jurisprudence examination.

SECTION _____. Subchapter A, Chapter 156, Occupations Code, is amended by adding Section 156.010 to read as follows:

Sec. 156.010. REFUSAL FOR VIOLATION OF BOARD ORDER. The board may refuse to renew a registration permit issued under this chapter if the license holder is in violation of a board order.

SECTION _____. The heading to Section 205.251, Occupations Code, is amended to read as follows:

Sec. 205.251. ~~[ANNUAL]~~ RENEWAL REQUIRED.

SECTION _____. Section 205.251(a), Occupations Code, is amended to read as follows:

(a) The medical board by rule shall provide for the annual or biennial renewal of a license to practice acupuncture.

SECTION _____. Subchapter F, Chapter 205, Occupations Code, is amended by adding Section 205.256 to read as follows:

Sec. 205.256. REFUSAL FOR VIOLATION OF BOARD ORDER. The acupuncture board may refuse to renew a license issued under this chapter if the license holder is in violation of an acupuncture board order.

SECTION _____. Subchapter E, Chapter 206, Occupations Code, is amended by adding Section 206.215 to read as follows:

Sec. 206.215. REFUSAL FOR VIOLATION OF BOARD ORDER. The medical board may refuse to renew a license issued under this chapter if the license holder is in violation of a medical board order.

SECTION _____. Subchapter C, Chapter 601, Occupations Code, is amended by adding Section 601.113 to read as follows:

Sec. 601.113. REFUSAL FOR VIOLATION OF BOARD ORDER. The advisory board may refuse to renew a certificate issued under this chapter if the certificate holder is in violation of an advisory board order.

SECTION _____. Section 601.155, Occupations Code, is amended to read as follows:

Sec. 601.155. STUDENTS. A person is not required to hold a certificate issued under this chapter ~~[or to comply with the registration requirements adopted under Section 601.252]~~ if the person:

(1) is a student enrolled in a training program that meets the minimum standards adopted under Section 601.201; and

(2) is performing a radiologic procedure in an academic or clinical setting as part of the training program.

SECTION _____. Section 601.156, Occupations Code, is amended to read as follows:

Sec. 601.156. PROCEDURE PERFORMED AS PART OF CONTINUING EDUCATION PROGRAM. A person is not required to hold a certificate issued under this chapter ~~[or to comply with the registration requirements adopted under Section 601.252]~~ if the person is:

- (1) licensed or otherwise registered as a medical radiologic technologist by another state, the American Registry of Radiologic Technologists, the American Registry of Clinical Radiography Technologists, or a professional organization or association recognized by the advisory board;
- (2) enrolled in a continuing education program that meets the requirements adopted under Section 601.108; and
- (3) performing a radiologic procedure as part of the continuing education program for not more than 10 days.

SECTION _____. Section 601.203(b), Occupations Code, is amended to read as follows:

(b) The following conditions are considered to be a hardship for the purposes of Subsection (a):

- (1) that the applicant:
 - (A) reports an inability to attract and retain medical radiologic technologists; and
 - (B) is located in a county with a population of less than 50,000;
- (2) that the applicant is located at a great distance from a school of medical radiologic technology;
- (3) that there is a list of qualified persons who have applied to a school of medical radiologic technology whose admissions are pending because of a lack of faculty or space;
- (4) that the school of medical radiologic technology produces an insufficient number of graduates in medical radiologic technology to meet the needs of the applicant; or
- (5) any other criteria determined by advisory board rule.

SECTION _____. Sections 601.252(c) and (d), Occupations Code, are amended to read as follows:

(c) Rules adopted under this section by the State Board of Dental Examiners must:

- (1) require an authorized person who performs radiologic procedures under the delegation of a dentist, other than a registered nurse, to register with the dental board ~~[agency that licenses the practitioner under whom the person performs radiologic procedures]~~;
- (2) establish reasonable and necessary fees to cover the administrative costs incurred by the dental board ~~[agency]~~ in administering a registration program created under this subsection;
- (3) establish grounds for the suspension, revocation, or nonrenewal of a registration issued under this subsection; and
- (4) establish standards, in addition to those required by this chapter, for training and supervising the operators of the equipment.

(d) In adopting rules under Subsection (c), the State Board of Dental Examiners ~~[an agency]~~ may take into account whether the radiologic procedure will be performed by a registered nurse.

SECTION _____. Subchapter E, Chapter 602, Occupations Code, is amended by adding Section 602.214 to read as follows:

Sec. 602.214. REFUSAL FOR VIOLATION OF BOARD ORDER. The medical board may refuse to renew a license issued under this chapter if the license holder is in violation of a medical board order.

SECTION _____. Section 603.252(a), Occupations Code, is amended to read as follows:

(a) An applicant for a perfusionist license must submit an ~~[a sworn]~~ application accompanied by the application fee.

SECTION _____. Subchapter G, Chapter 603, Occupations Code, is amended by adding Section 603.306 to read as follows:

Sec. 603.306. REFUSAL FOR VIOLATION OF BOARD ORDER. The medical board may refuse to renew a license issued under this chapter if the license holder is in violation of a medical board order.

SECTION _____. Subchapter D, Chapter 604, Occupations Code, is amended by adding Section 604.158 to read as follows:

Sec. 604.158. REFUSAL FOR VIOLATION OF BOARD ORDER. The advisory board may refuse to renew a certificate or temporary permit issued under this chapter if the certificate or permit holder is in violation of an advisory board order.

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 674**.

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

SENATE BILL 1649 WITH HOUSE AMENDMENT

Senator Watson called **SB 1649** 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 1649** (house committee report) as follows:

(1) On page 1, line 10, strike "Subsection (d-1)" and substitute "Subsections (d-1) and (d-2)".

(2) On page 2, between lines 21 and 22, insert the following:

(d-2) At the punishment stage of a trial in which the attorney representing the state seeks the increase in punishment provided by Subsection (d)(3)(B), the defendant may raise the issue as to whether, at the time of the instant offense or the previous offense, the defendant was engaging in speech or expressive conduct protected by the First Amendment to the United States Constitution or Section 8, Article I, Texas Constitution. If the defendant proves the issue in the affirmative by a preponderance of the evidence, the increase in punishment provided by Subsection (d)(3)(B) does not apply.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1649**.

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

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

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

REMARKS ORDERED PRINTED

On motion of Senator Watson and by unanimous consent, his remarks regarding **SB 1649** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Members, this bill improves campus safety by enhancing the penalty for those who have been previously convicted of trespassing on a university property from a Class B misdemeanor to a Class A misdemeanor.

The only change made by the House was to allow a defendant to raise the issue as to whether the defendant was engaging in conduct protected by the First Amendment to the United States Constitution or Section 8, Article I of the Texas Constitution at the time of the instant offense or the previous offense. This is to ensure that universities do not unfairly punish individuals who engage in the types of free speech that universities are supposed to foster. The amendment and bill do not seek to change campus rules on who has a right to be on campus. Criminal trespass laws and practices still apply as do institutions of higher education policies.

(Note: Prepared text)

SENATE BILL 315 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 315** 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 315** on third reading by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle B, Title 3, Occupations Code, is amended by adding Chapter 170 to read as follows:

CHAPTER 170. PRESCRIPTION OF OPIOID ANTAGONISTS

Sec. 170.001. DEFINITIONS. In this chapter, "opioid antagonist" and "opioid-related drug overdose" have the meanings assigned by Section 483.101, Health and Safety Code.

Sec. 170.002. GUIDELINES. (a) The board shall adopt guidelines for the prescription of opioid antagonists.

(b) The guidelines must address:

(1) prescribing an opioid antagonist to a patient to whom an opioid medication is also prescribed; and

(2) identifying patients at risk of an opioid-related drug overdose and prescribing an opioid antagonist to that patient or to a person in a position to administer the opioid antagonist to that patient.

(c) In adopting guidelines under this section, the board:

(1) shall consult materials published by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services; and

(2) may consult other appropriate materials, including medical journals subject to peer review and publications by medical professional associations.

Sec. 170.003. LIABILITY FOR ACT OR OMISSION WITH RESPECT TO PRESCRIBING AN OPIOID ANTAGONIST. A physician who acts in good faith and with reasonable care, regardless of whether the physician follows the guidelines adopted under this chapter, is not subject to criminal or civil liability or any professional disciplinary action for:

(1) prescribing or failing to prescribe an opioid antagonist; or

(2) any outcome resulting from the eventual administration of an opioid antagonist prescribed by the physician.

SECTION _____. The change in law made by this Act relating to Chapter 170, Occupations Code, as added by this Act, and to conduct that is grounds for imposition of a disciplinary sanction applies only to conduct that occurs on or after September 1, 2017. Conduct that occurs before September 1, 2017, is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION _____. The change in law made by this Act relating to Chapter 170, Occupations Code, as added by this Act, and to conduct that is the basis for civil liability applies only to conduct that occurs on or after September 1, 2017. Conduct that occurs before September 1, 2017, is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION _____. The change in law made by this Act relating to Chapter 170, Occupations Code, as added by this Act, and to conduct that constitutes a criminal offense applies only to an offense committed on or after September 1, 2017. For purposes of this section, an offense is committed before September 1, 2017, if any element of the offense occurs before that date. An offense committed before September 1, 2017, 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.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 315**.

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

SENATE BILL 1383 WITH HOUSE AMENDMENT

Senator Perry called **SB 1383** 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 1383** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the operation of vehicles transporting fluid milk; authorizing a fee.

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

SECTION 1. Section 621.508, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), it [H] is an affirmative defense to prosecution of, or an action under Subchapter F for, the offense of operating a vehicle with a single axle weight or tandem axle weight heavier than the axle weight authorized by law that at the time of the offense the vehicle:

(1) had a single axle weight or tandem axle weight that was not heavier than the axle weight authorized by law plus 12 percent;

(2) was loaded with timber, pulp wood, wood chips, or cotton, livestock, or other agricultural products that are:

(A) in their natural state; and

(B) being transported from the place of production to the place of first marketing or first processing; and

(3) was not being operated on a portion of the national system of interstate and defense highways.

(a-1) The affirmative defense provided by Subsection (a) does not apply to the excess weights authorized under Section 623.401(b).

SECTION 2. Chapter 623, Transportation Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. VEHICLES TRANSPORTING FLUID MILK

Sec. 623.401. PERMIT FOR VEHICLES TRANSPORTING FLUID MILK. (a) The department may issue a permit authorizing the movement of fluid milk by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems:

(1) at a gross weight that is not heavier than 90,000 pounds; and

(2) with axle weights that comply with the requirements of Section 621.101(a), except as authorized by Subsection (b).

(b) A vehicle combination operating under a permit issued under Subsection (a) may exceed the axle weights listed in Section 621.101(a) for the following axle groups if the overall distance between the first axle of the truck-tractor and the first axle of the first consecutive set of tandem axles is 15 feet or more, the overall distance between the first and last axles of two consecutive sets of tandem axles is 36 feet or more, the distance between each individual axle in each axle group, measured from the center of the axle, is between 48 inches and 54 inches, and:

(1) a two-axle group does not exceed 36,500 pounds; and

(2) a three-axle group does not exceed 42,500 pounds.

(c) To qualify for a permit under this subchapter, a permit fee of \$1,200 must be paid.

(d) A permit issued under this subchapter:

(1) is valid for one year; and

(2) must be carried in the truck-tractor for which it is issued.

Sec. 623.402. PERMIT STICKER. (a) When the department issues a permit under this subchapter, the department shall issue a sticker to be placed on the front windshield of the truck-tractor. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(b) The sticker must:

(1) indicate the expiration date of the permit; and

(2) be removed from the truck-tractor when:

(A) the permit for operation of the vehicle combination expires;

(B) a lease of the truck-tractor expires; or

(C) the truck-tractor is sold.

Sec. 623.403. COUNTY DESIGNATION; DISTRIBUTION OF FEE. (a) An applicant for a permit under this subchapter must designate in the permit application the counties in which the applicant intends to operate. A permit issued under this subchapter is not valid in a county that is not designated in the permit application.

(b) Of the fee collected under this subchapter for a permit:

(1) 75 percent of the amount collected shall be deposited to the credit of the state highway fund;

(2) 15 percent of the amount collected shall be divided equally among and distributed to the counties designated in the permit application; and

(3) 10 percent of the amount collected shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

(c) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (b) to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.

Sec. 623.404. PERMIT CONDITIONS. (a) Except as provided by Subsections (b) and (c), a vehicle combination operating under a permit under this subchapter may operate on a federal interstate highway or a state, county, or municipal road, including a frontage road adjacent to a federal interstate highway, if the truck-tractor displays a sticker required by Section 623.402 and the vehicle combination does not exceed the maximum axle or gross weight applicable to the combination under the terms of the permit.

(b) A permit issued under this subchapter authorizes the operation of a truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation.

(c) A permit issued under this subchapter does not authorize the operation of a truck-tractor and semitrailer combination on a county road or bridge for which a maximum weight and load limit has been established and posted under Section 621.301.

Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS PROHIBITED. Unless otherwise provided by state or federal law, a county or municipality may not require a permit, fee, or license for the operation of a vehicle combination described by Section 623.401(a) or (b) in addition to a permit, fee, or license required by state law.

Sec. 623.406. EXCLUSIVE PERMIT. A permit issued under this subchapter is the only permit issued by the department under this chapter that may be used to transport fluid milk.

Sec. 623.407. RULES. (a) The department shall adopt rules necessary to implement this subchapter, including rules governing the application for a permit under this subchapter.

(b) The Department of Public Safety shall adopt rules requiring additional safety and driver training for permits issued under this subchapter.

SECTION 3. Section 623.003(b), Transportation Code, is amended to read as follows:

(b) The Texas Department of Transportation shall provide the department with all routing information necessary to complete a permit issued under Section 623.071, 623.121, 623.142, ~~or~~ 623.192, or 623.401.

SECTION 4. This Act takes effect January 1, 2018.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 1383**.

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

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

Nays: Huffines, Hughes, Uresti.

SENATE BILL 1893 WITH HOUSE AMENDMENT

Senator Birdwell called **SB 1893** 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 1893** on third reading as follows:

(1) In SECTION 2 of the bill, in amended Section 74.042(b), Government Code, strike "~~Fannin, Franklin,~~" and substitute "Fannin, ~~Franklin,~~".

(2) In SECTION 2 of the bill, in added Section 74.042(k), Government Code, strike "Fannin,".

The amendment was read.

Senator Birdwell moved to concur in the House amendment to **SB 1893**.

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

Nays: Creighton.

SENATE BILL 1066 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 1066** 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 1066** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to meeting the graduate medical education needs of new medical degree programs offered by public institutions of higher education and to the employment status of certain residents participating in certain graduate medical education programs.

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

SECTION 1. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.05122 to read as follows:

Sec. 61.05122. GRADUATE MEDICAL EDUCATION REQUIREMENT FOR NEW MEDICAL DEGREE PROGRAMS. (a) In this section, "graduate medical education program" has the meaning assigned by Section 58A.001.

(b) As soon as practicable after an institution of higher education completes preliminary planning for a new doctor of medicine (M.D.) or doctor of osteopathic medicine (D.O.) degree program, the institution promptly shall provide to the board a specific plan regarding the addition of first-year residency positions for the graduate medical education program to be offered in connection with the new degree program. The plan must propose an increase in the number of those first-year residency positions that, when combined with the total number of existing first-year residency positions in this state, will be sufficient to reasonably accommodate the number of anticipated graduates from all doctor of medicine (M.D.) or doctor of osteopathic medicine (D.O.) degree programs that are offered in this state, including the degree program proposed by the institution, and to provide adequate opportunity for those graduates to remain in this state for the clinical portion of their education.

(c) Submission of a plan described by this section is a prerequisite for the board's approval of the proposed degree program.

(d) An institution's projected increase in first-year residency positions is presumed to be sufficient in its plan if the increase will achieve the purposes of this section with respect to all graduates from degree programs described by this section that are offered or will be offered by the institution.

(e) The institution may consult with the board as necessary to develop the plan required by this section.

SECTION 2. Section 312.003, Health and Safety Code, is amended to read as follows:

Sec. 312.003. AGREEMENT REQUIRED. This chapter applies only if the [a] medical and dental unit or [~~and a~~] supported medical or dental school agrees [~~agree~~], either directly or through a coordinating entity, to provide or cause to be provided medical, dental, or other patient care or services or to perform or cause to be performed medical, dental, or clinical education, training, or research activities in a coordinated or cooperative manner in a public or nonprofit hospital.

SECTION 3. Section 312.007, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) A resident engaged in graduate medical education in a public or nonprofit hospital in association with a medical and dental unit is an employee of a state agency regardless of whether the resident receives a stipend or other payment from the medical and dental unit for services performed as a resident.

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 Schwertner moved to concur in the House amendment to **SB 1066**.

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

SENATE BILL 262 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 262** 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 262** (house committee report) on page 1, line 23, between "system" and "shall", by inserting "under a contract listed on a schedule developed under this subchapter".

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 262**.

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

SENATE BILL 2242 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 2242** 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 2242** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the resolution of disputes or errors involving the ad valorem taxation of the same property by multiple taxing units of the same type as a result of disputed, overlapping, or erroneously applied boundaries.

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

SECTION 1. Chapter 72, Local Government Code, is amended by adding Section 72.010 to read as follows:

Sec. 72.010. SUIT TO ESTABLISH BOUNDARIES OF AND TAXES OWED TO CERTAIN COUNTIES OR TAXING UNITS LOCATED IN THOSE COUNTIES. (a) In this section:

(1) "Like taxing units" means counties or other taxing units that are of the same type as one another and that by law may not include the same geographic territory.

(2) "Taxing unit" has the meaning assigned by Section 1.04, Tax Code.

(b) This section applies only to:

(1) a county that has a population of less than 400,000 and contains a municipality with a population of at least 300,000;

(2) a county that has a population of at least 50,000 and is adjacent to a county described by Subdivision (1); and

(3) a taxing unit other than a county that has territory in a county described by Subdivision (1) or (2).

(c) If, as a result of disputed, overlapping, or erroneously applied geographic boundaries between like taxing units, multiple like taxing units have imposed ad valorem taxes on the same property, the property owner may file suit in the supreme court to:

(1) establish the correct geographic boundary between the taxing units; and

(2) determine the amount of taxes owed on the property and the taxing unit or units to which the taxes are owed.

(d) The supreme court has original jurisdiction to hear and determine a suit filed under Subsection (c) and may issue injunctive or declaratory relief in connection with the suit.

(e) The supreme court shall enter a final order determining a suit filed under Subsection (c) not later than the 90th day after the date the suit is filed.

SECTION 2. Section 25.25, Tax Code, is amended by adding Subsection (p) to read as follows:

(p) Not later than the 45th day after the date a dispute or error described by Section 72.010(c), Local Government Code, is resolved by an agreement between the taxing units under Section 31.112(c) of this code or by a final order of the supreme court entered under Section 72.010, Local Government Code, the chief appraiser of each applicable appraisal district shall correct the appraisal roll and other appropriate records as necessary to reflect the agreement or order.

SECTION 3. Chapter 31, Tax Code, is amended by adding Section 31.112 to read as follows:

Sec. 31.112. REFUNDS OF PAYMENTS MADE TO MULTIPLE LIKE TAXING UNITS. (a) In this section, "like taxing units" has the meaning assigned by Section 72.010(a), Local Government Code.

(b) This section applies only to taxing units described by Section 72.010(b), Local Government Code.

(c) Like taxing units to which a property owner has made tax payments under protest as a result of a dispute or error described by Section 72.010(c), Local Government Code, may enter into an agreement to resolve the dispute or error. An agreement under this subsection:

(1) must establish the correct geographic boundary between the taxing units;

(2) may include an allocation between the taxing units of all or part of the taxes that were paid under protest before the dispute or error was resolved, less any amount that is required to be refunded to the property owner;

(3) must require the taxing units to refund to the property owner any amount by which the amount paid by the owner to the taxing units exceeds the amount due; and

(4) must be in writing.

(d) If a dispute or error described by Section 72.010(c), Local Government Code, is resolved by the agreement of the taxing units, a refund required by Subsection (c)(3) of this section must be made not later than the 90th day after the date on which the agreement is made.

(e) If a dispute or error described by Section 72.010(c), Local Government Code, is not resolved by the agreement of the taxing units and the supreme court enters a final order in a suit under Section 72.010, Local Government Code, determining the amount of taxes owed on the property and the taxing unit or units to which the taxes are owed, a refund required as a result of the order must be made not later than the 180th day after the date the order is entered.

(f) A refund under this section shall be accompanied by:

(1) a description sufficient to identify the property on which the taxes were imposed; and

(2) the tax account number, if applicable.

(g) A collector making a refund under this section shall notify the auditor of each appropriate taxing unit not later than the 30th day after the date the refund is made.

SECTION 4. Sections 31.12(a) and (b), Tax Code, are amended to read as follows:

(a) If a refund of a tax provided by Section 11.431(b), 26.07(g), 26.15(f), 31.11, ~~or~~ 31.111, or 31.112 is paid on or before the 60th day after the date the liability for the refund arises, no interest is due on the amount refunded. If not paid on or before that 60th day, the amount of the tax to be refunded accrues interest at a rate of one percent for each month or part of a month that the refund is unpaid, beginning with the date on which the liability for the refund arises.

(b) For purposes of this section, liability for a refund arises:

(1) if the refund is required by Section 11.431(b), on the date the chief appraiser notifies the collector for the unit of the approval of the late homestead exemption;

(2) if the refund is required by Section 26.07(g), on the date the results of the election to reduce the tax rate are certified;

(3) if the refund is required by Section 26.15(f):

(A) for a correction to the tax roll made under Section 26.15(b), on the date the change in the tax roll is certified to the assessor for the taxing unit under Section 25.25; or

(B) for a correction to the tax roll made under Section 26.15(c), on the date the change in the tax roll is ordered by the governing body of the taxing unit;

(4) if the refund is required by Section 31.11, on the date the auditor for the taxing unit determines that the payment was erroneous or excessive or, if the amount of the refund exceeds the applicable amount specified by Section 31.11(a), on the date the governing body of the unit approves the refund; ~~or~~

(5) if the refund is required by Section 31.111, on the date the collector for the taxing unit determines that the payment was erroneous; or

(6) if the refund is required by Section 31.112, on the date required by Section 31.112(d) or (e), as applicable.

SECTION 5. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2532 to read as follows:

Sec. 42.2532. ADJUSTMENT FOR RESOLUTION OF DISPUTE OR ERROR RESULTING IN TAXATION OF SAME PROPERTY BY MULTIPLE SCHOOL DISTRICTS. The commissioner shall adjust the amounts due to a school district under this chapter and Chapter 46 as necessary to account for the resolution of a dispute or error involving the district and another district by an agreement between the districts entered into under Section 31.112(c), Tax Code, or by a final order of the supreme court entered under Section 72.010, Local Government Code.

SECTION 6. The changes in law made by this Act apply to ad valorem taxes imposed for a tax year beginning before, on, or after the effective date of 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.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 2242**.

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

SENATE BILL 1813 WITH HOUSE AMENDMENT

Senator Buckingham called **SB 1813** 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 1813** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the adoption of common admission application forms for institutions of higher education.

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

SECTION 1. Section 51.761, Education Code, is amended to read as follows:

Sec. 51.761. DEFINITIONS. In this subchapter, "board," "general academic teaching institution," "governing board," "institution of higher education," "public state college," "public technical institute," "private or independent institution of higher education," and "university system" have the meanings assigned by Section 61.003.

SECTION 2. Section 51.762(a), Education Code, is amended to read as follows:

(a) The board, with the assistance of high school counselors and an advisory committee composed of representatives of general academic teaching institutions, junior college districts, public state colleges, ~~and~~ public technical institutes, and private or independent institutions of higher education, and with the consultation of all institutions of higher education that admit freshman-level students:

(1) shall adopt by rule:

(A) a common admission application form for use by a person seeking admission as a freshman student to a general academic teaching institution;

(B) an electronic common admission application form for use by a person seeking admission as a freshman student to an institution of higher education that admits freshman-level students, other than a general academic teaching institution; and

(C) if the board determines that adoption of the form would be cost-effective for nursing schools, an electronic common admission application form for use by a person seeking admission as a student to an undergraduate nursing education program at an institution of higher education; and

(2) may adopt by rule a printed format common admission application form for use by a person seeking admission as a freshman student to an institution of higher education that admits freshman-level students, other than a general academic teaching institution.

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 Buckingham moved to concur in the House amendment to **SB 1813**.

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

SENATE BILL 1503 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1503** 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 1503** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to abolishing shampoo apprentice permits and shampoo specialty certificates.

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

SECTION 1. 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~~

~~(J)~~ 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 2. 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 3. 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);

(3) ~~(4)~~ treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;

(4) ~~(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;

(5) ~~(6)~~ beautifying a person's face, neck, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;

(6) ~~(7)~~ administering facial treatments;

(7) ~~(8)~~ removing superfluous hair from a person's body using depilatories, preparations, or tweezing techniques;

(8) ~~(9)~~ treating a person's nails by:

(A) cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring; or

(B) attaching false nails;

(9) ~~(10)~~ massaging, cleansing, treating, or beautifying a person's hands or feet;

(10) ~~(11)~~ applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes; or

(11) ~~(12)~~ weaving a person's hair.

SECTION 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. 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~~

~~(±) a person to shampoo or condition a person's hair unless the person holds a shampoo apprentice permit or student permit].~~

SECTION 14. 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 15. 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 16. 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 17. (a) The changes in law made by this Act 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 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.

SECTION 18. This Act takes effect September 1, 2017.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1503**.

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

SENATE BILL 1076 WITH HOUSE AMENDMENTS

Senator Schwertner called **SB 1076** 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 1076** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan.

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

SECTION 1. Section 1369.001, Insurance Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Enrollee" means an individual who is covered under a health benefit plan, including a covered dependent.

SECTION 2. Subchapter A, Chapter 1369, Insurance Code, is amended by adding Section 1369.0041 to read as follows:

Sec. 1369.0041. LIMIT ON PAYMENT REQUIRED UNDER PLAN. A health benefit plan issuer that covers prescription drugs may not require an enrollee to make a payment for a prescription drug at the point of sale in an amount greater than the lesser of:

(1) the applicable copayment;
(2) the allowable claim amount for the prescription drug; or
(3) the amount an individual would pay for the drug if the individual purchased the drug without using a health benefit plan or any other source of drug benefits or discounts.

SECTION 3. Section 1369.0041, Insurance Code, as added by this Act, applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2018. A plan delivered, issued for delivery, or renewed before January 1, 2018, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

Floor Amendment No. 1 on Third Reading

Amend **SB 1076** on third reading as follows:

(1) In SECTION 2 of the bill, in added Section 1369.0041, Insurance Code, strike "LIMIT ON PAYMENT REQUIRED UNDER PLAN." and substitute "CERTAIN PAYMENTS AND REFILLS. (a)".

(2) In SECTION 2 of the bill, following added Section 1369.0041(a), Insurance Code, insert the following:

(b) A health benefit plan that covers prescription eye drops to treat a chronic eye disease or condition must allow the refill of prescription eye drops if the enrollee timely pays at the point of sale the maximum amount allowed by Subsection (a) and:

(1) the original prescription states that additional quantities of the eye drops are needed;

(2) the refill does not exceed the total quantity of dosage units authorized by the prescribing provider on the original prescription, including refills; and

(3) the refill is dispensed on or before the last day of the prescribed dosage period and:

(A) not earlier than the 21st day after the date a prescription for a 30-day supply of eye drops is dispensed;

(B) not earlier than the 42nd day after the date a prescription for a 60-day supply of eye drops is dispensed; or

(C) not earlier than the 63rd day after the date a prescription for a 90-day supply of eye drops is dispensed.

The amendments were read.

Senator Schwertner moved to concur in the House amendments to **SB 1076**.

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

Nays: Huffines.

SENATE BILL 1910 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 1910** 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 1910** (house committee report) as follows:

- (1) On page 1, line 10, strike "shall" and substitute "may".
- (2) On page 1, line 11, strike "audited" and substitute "assessed".
- (3) On page 1, strike lines 15-20, and substitute the following:

Sec. 2054.136. DESIGNATED INFORMATION SECURITY OFFICER. Each state agency shall designate an information security officer who:

- (1) reports to the agency's executive level management;
- (2) has authority over information security for the entire agency;
- (3) possesses the training and experience required to perform the duties required by department rules; and
- (4) to the extent feasible, has information security duties as the officer's primary duties.

(4) On page 1, line 22, strike "Section 2054.516" and substitute "Sections 2054.516 and 2054.517".

(5) On page 1, line 24, between "agency" and "implementing", insert ", other than an institution of higher education subject to Section 2054.517,".

(6) On page 2, strike lines 1-22, and substitute the following:
website or mobile application that processes any sensitive personally identifiable or confidential information must:

(1) submit a biennial data security plan to the department not later than October 15 of each even-numbered year, to establish planned beta testing for websites or applications; and

(2) subject the website or application to a vulnerability and penetration test and address any vulnerability identified in the test.

(7) On page 2, line 23, strike "(c)" and substitute "(b)".

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

Sec. 2054.517. DATA SECURITY PROCEDURES FOR ONLINE AND MOBILE APPLICATIONS OF INSTITUTIONS OF HIGHER EDUCATION. (a) Each institution of higher education, as defined by Section 61.003, Education Code, shall adopt and implement a policy for Internet website and mobile application security procedures that complies with this section.

(b) Before deploying an Internet website or mobile application that processes confidential information for an institution of higher education, the developer of the website or application for the institution must submit to the institution's information security officer the information required under policies adopted by the institution to

protect the privacy of individuals by preserving the confidentiality of information processed by the website or application. At a minimum, the institution's policies must require the developer to submit information describing:

(1) the architecture of the website or application;

(2) the authentication mechanism for the website or application; and

(3) the administrator level access to data included in the website or application.

(c) Before deploying an Internet website or mobile application described by Subsection (b), an institution of higher education must subject the website or application to a vulnerability and penetration test conducted internally or by an independent third party.

(d) Each institution of higher education shall submit to the department the policies adopted as required by Subsection (b). The department shall review the policies and make recommendations for appropriate changes.

Floor Amendment No. 2

Amend **SB 1910** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 2054, Government Code, is amended by adding Sections 2054.0591 and 2054.0592 to read as follows:

Sec. 2054.0591. CYBERSECURITY REPORT. (a) Not later than November 15 of each even-numbered year, the departments shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over state government operations a report identifying preventive and recovery efforts the state can undertake to improve cybersecurity in this state. The report must include:

(1) an assessment of the resources available to address the operational and financial impacts of a cybersecurity event;

(2) a review of existing statutes regarding cybersecurity and information resources technologies;

(3) recommendations for legislative action to increase the state's cybersecurity and protect against adverse impacts from a cybersecurity event;

(4) an evaluation of the costs and benefits of cybersecurity insurance; and

(5) an evaluation of tertiary disaster recovery options.

(b) The department or a receipt of a report under this section may redact or withhold information confidential under Chapter 552, including Section 552.139, or other state or federal law that is contained in the report in response to a request under Chapter 552 without the necessity of requesting a decision from the attorney general under Subchapter G, Chapter 552.

Sec. 2054.0592. CYBERSECURITY EMERGENCY FUNDING. If a cybersecurity event creates a need for emergency funding, the department may request that the governor or Legislative Budget Board make a proposal under Chapter 317 to provide funding to manage the operational and financial impacts from the cybersecurity event.

Floor Amendment No. 3

Amend **SB 1910** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.1184 to read as follows:

Sec. 2054.1184. ASSESSMENT OF MAJOR INFORMATION RESOURCES PROJECT. (a) A state agency proposing to spend appropriated funds for a major information resources project must first conduct an execution capability assessment to:

- (1) determine the agency's capability for implementing the project;
- (2) reduce the agency's financial risk in implementing the project; and
- (3) increase the probability of the agency's successful implementation of the

project.

(b) A state agency shall submit to the department, the quality assurance team established under Section 2054.158, and the Legislative Budget Board a detailed report that identifies the agency's organizational strengths and any weaknesses that will be addressed before the agency initially spends appropriated funds for a major information resources project.

(c) A state agency may contract with an independent third party to conduct the assessment under Subsection (a) and prepare the report described by Subsection (b).

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 1910**.

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

SENATE BILL 1911 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1911** 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 1911** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 323.021, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The commissioners court of a county by order may establish and maintain a county law library at the county seat or another location determined by the commissioners court.

(c) The commissioners court of a county may establish, maintain, and operate in cooperation with other counties a joint free county law library for the benefit of the cooperating counties in the same manner that a joint county library may be established and operated under Section 323.010.

SECTION _____. Section 323.023(b), Local Government Code, is amended to read as follows:

(b) The clerks of the respective courts shall collect the costs and pay them to the county treasurer, or to any other official who discharges the duties commonly delegated to the county treasurer, for deposit in a fund to be known as the county law library fund. The fund may be used only for:

- (1) establishing the law library after the entry of the order creating it;
- (2) purchasing or leasing library materials, maintaining the library, or acquiring furniture, shelving, or equipment for the library; ~~or~~
- (3) purchasing or leasing library materials or acquiring library equipment, including computers, software, and subscriptions to obtain access to electronic research networks for use by judges in the county; or
- (4) establishing and maintaining a self-help center to provide resources to county residents representing themselves in legal matters.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1911**.

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

(President in Chair)

SENATE BILL 2212 WITH HOUSE AMENDMENTS

Senator Hancock called **SB 2212** 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 2212** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to certain real estate sales, brokerage, and advertising activities, certain functions of the Texas Real Estate Commission, and the authorization of a ground lease with the Texas Facilities Commission to construct or maintain a building.

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

SECTION 1. Subchapter A, Chapter 1101, Occupations Code, is amended by adding Section 1101.0045 to read as follows:

Sec. 1101.0045. **EQUITABLE INTERESTS IN REAL PROPERTY.** (a) A person may acquire an option or an interest in a contract to purchase real property and then sell or offer to sell the option or assign or offer to assign the contract without holding a license issued under this chapter if the person:

(1) does not use the option or contract to purchase to engage in real estate brokerage; and

(2) discloses the nature of the equitable interest to any potential buyer.

(b) A person selling or offering to sell an option or assigning or offering to assign an interest in a contract to purchase real property without disclosing the nature of that interest to a potential buyer is engaging in real estate brokerage.

SECTION 2. Section 1101.156(b), Occupations Code, is amended to read as follows:

(b) The commission may not include in rules to prohibit false, misleading, or deceptive practices by a person regulated by the commission a rule that:

- (1) restricts the use of any advertising medium;
- (2) restricts the person's personal appearance or use of the person's voice in an advertisement;
- (3) relates to the size or duration of an advertisement used by the person;
- [~~or~~] (4) restricts the person's advertisement under an assumed or [a] trade name that is authorized by a law of this state and registered with the commission; or
- (5) requires the term "broker," "agent," or a similar designation or term, a reference to the commission, or the person's license number to be included in the person's advertisement.

SECTION 3. Section 1101.652(b), Occupations Code, is amended to read as follows:

(b) The commission may suspend or revoke a license issued under this chapter or take other disciplinary action authorized by this chapter if the license holder, while engaged in real estate brokerage:

- (1) acts negligently or incompetently;
- (2) engages in conduct that is dishonest or in bad faith or that demonstrates untrustworthiness;
- (3) makes a material misrepresentation to a potential buyer concerning a significant defect, including a latent structural defect, known to the license holder that would be a significant factor to a reasonable and prudent buyer in making a decision to purchase real property;
- (4) fails to disclose to a potential buyer a defect described by Subdivision (3) that is known to the license holder;
- (5) makes a false promise that is likely to influence a person to enter into an agreement when the license holder is unable or does not intend to keep the promise;
- (6) pursues a continued and flagrant course of misrepresentation or makes false promises through an agent or sales agent, through advertising, or otherwise;
- (7) fails to make clear to all parties to a real estate transaction the party for whom the license holder is acting;
- (8) receives compensation from more than one party to a real estate transaction without the full knowledge and consent of all parties to the transaction;
- (9) fails within a reasonable time to properly account for or remit money that is received by the license holder and that belongs to another person;
- (10) commingles money that belongs to another person with the license holder's own money;
- (11) pays a commission or a fee to or divides a commission or a fee with a person other than a license holder or a real estate broker or sales agent licensed in another state for compensation for services as a real estate agent;
- (12) fails to specify a definite termination date that is not subject to prior notice in a contract, other than a contract to perform property management services, in which the license holder agrees to perform services for which a license is required under this chapter;

(13) accepts, receives, or charges an undisclosed commission, rebate, or direct profit on an expenditure made for a principal;

(14) solicits, sells, or offers for sale real property by means of a lottery;

(15) solicits, sells, or offers for sale real property by means of a deceptive practice;

(16) acts in a dual capacity as broker and undisclosed principal in a real estate transaction;

(17) guarantees or authorizes or permits a person to guarantee that future profits will result from a resale of real property;

(18) places a sign on real property offering the real property for sale or lease without obtaining the written consent of the owner of the real property or the owner's authorized agent;

(19) offers to sell or lease real property without the knowledge and consent of the owner of the real property or the owner's authorized agent;

(20) offers to sell or lease real property on terms other than those authorized by the owner of the real property or the owner's authorized agent;

(21) induces or attempts to induce a party to a contract of sale or lease to break the contract for the purpose of substituting a new contract;

(22) negotiates or attempts to negotiate the sale, exchange, or lease of real property with an owner, landlord, buyer, or tenant with knowledge that that person is a party to an outstanding written contract that grants exclusive agency to another broker in connection with the transaction;

(23) publishes or causes to be published an advertisement [~~including an advertisement by newspaper, radio, television, the Internet, or display,~~] that:

(A) misleads or is likely to deceive the public;

(B) [~~is~~] tends to create a misleading impression;

(C) implies that a sales agent is responsible for the operation of the broker's real estate brokerage business; [~~is~~] or

(D) fails to include [~~identify~~] the name of the broker for whom the license holder acts, which name may be the licensed name, assumed name, or trade name of the broker as authorized by a law of this state and registered with the commission [~~person causing the advertisement to be published as a licensed broker or agent~~];

(24) withholds from or inserts into a statement of account or invoice a statement that the license holder knows makes the statement of account or invoice inaccurate in a material way;

(25) publishes or circulates an unjustified or unwarranted threat of a legal proceeding or other action;

(26) establishes an association by employment or otherwise with a person other than a license holder if the person is expected or required to act as a license holder;

(27) aids, abets, or conspires with another person to circumvent this chapter;

(28) fails or refuses to provide, on request, a copy of a document relating to a real estate transaction to a person who signed the document;

(29) fails to advise a buyer in writing before the closing of a real estate transaction that the buyer should:

(A) have the abstract covering the real estate that is the subject of the contract examined by an attorney chosen by the buyer; or

(B) be provided with or obtain a title insurance policy;

(30) fails to deposit, within a reasonable time, money the license holder receives as escrow or trust funds in a real estate transaction:

(A) in trust with a title company authorized to do business in this state;

or

(B) in a custodial, trust, or escrow account maintained for that purpose in a banking institution authorized to do business in this state;

(31) disburses money deposited in a custodial, trust, or escrow account, as provided in Subdivision (30), before the completion or termination of the real estate transaction;

(32) discriminates against an owner, potential buyer, landlord, or potential tenant on the basis of race, color, religion, sex, disability, familial status, national origin, or ancestry, including directing a prospective buyer or tenant interested in equivalent properties to a different area based on the race, color, religion, sex, disability, familial status, national origin, or ancestry of the potential owner or tenant; or

(33) disregards or violates this chapter.

SECTION 4. Section 1105.003(f), Occupations Code, is amended to read as follows:

(f) Not later than August 31 of each fiscal year, the agency shall remit [~~\$750,000~~] to the general revenue fund the sum of \$750,000 minus amounts expended each fiscal year until September 1, 2029, to construct or maintain a building in the Capitol Complex, including amounts expended for repayment of a construction loan, to be developed, constructed, maintained, and operated in conjunction with the Texas Facilities Commission and subject to Chapters 443, 2165, and 2166, Government Code, at 203 West Martin Luther King, Jr., Boulevard designated as Parking Lot 19.

SECTION 5. Subchapter D, Chapter 5, Property Code, is amended by adding Section 5.086 to read as follows:

Sec. 5.086. EQUITABLE INTEREST DISCLOSURE. Before entering into a contract, a person selling an option or assigning an interest in a contract to purchase real property must disclose to any potential buyer that the person is selling only an option or assigning an interest in a contract and that the person does not have legal title to the real property.

SECTION 6. Notwithstanding Section 2165.259, Government Code, for purposes of constructing a building in the Capitol Complex pursuant to Section 1105.003(f), Occupations Code, as amended by this Act, the Texas Facilities Commission has the authority to enter into a ground lease with the Texas Real Estate Commission pursuant to Subchapter D, Chapter 2165, Government Code, for the location of a building at the following described real property, also known as 203 West Martin Luther King, Jr., Boulevard and designated as Parking Lot 19:

The Northeast 1/4, the North 1/2 of the Southeast 1/4, and the East 5 feet of the Northwest 1/4 and East 5 feet of the North 1/2 of the Southwest 1/4, all in Out-lot No. 42, Division "E", in the City of Austin, Travis County Texas.

SECTION 7. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2017.

(b) Section 1105.003(f), Occupations Code, as amended by this Act, takes effect September 1, 2019.

Floor Amendment No. 1

Amend **CSSB 2212** (house committee printing) as follows:

(1) Strike page 7, lines 2-12.
 (2) Strike page 7, line 21, through page 8, line 10, and substitute the following appropriately numbered SECTION:

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

(3) Renumber the SECTIONS of the bill accordingly.

The amendments were read.

Senator Hancock moved to concur in the House amendments to **SB 2212**.

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

Present-not voting: Creighton.

BILLS AND RESOLUTION SIGNED

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

HB 10, HB 45, HB 238, HB 280, HB 490, HB 505, HB 785, HB 1075, HB 1099, HB 1151, HB 1217, HB 1260, HB 1298, HB 1455, HB 1469, HB 1472, HB 1492, HB 1494, HB 1644, HB 1724, HB 1787, HB 1866, HB 1877, HB 1904, HB 1917, HB 1944, HB 1983, HB 2015, HB 2070, HB 2087, HB 2119, HB 2157, HB 2220, HB 2252, HB 2334, HB 2369, HB 2559, HB 2578, HB 2610, HB 2908, HB 3019, HB 3024, HB 3046, HB 3055, HB 3056, HB 3125, HB 3218, HB 3391, HB 3423, HB 3442, HB 3765 (Signed subject to Sec. 49-a, Art. III, Texas Constitution), **HB 3803, HB 3859, HB 3907, HB 3921, HB 3952, HB 4038, HB 4147, HJR 100.**

SENATE BILL 801 WITH HOUSE AMENDMENT

Senator Seliger called **SB 801** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 801** (house committee report) as follows:

(1) On page 1, line 5, strike "Section 31.023(b), Education Code, is amended" and substitute "Section 31.023, Education Code, is amended by amending Subsection (b) and adding Subsection (c)".

(2) On page 1, line 8, between "errors" and the underlined semicolon, insert "and aligned with contemporary scholarship".

(3) On page 1, line 10, between "submitted" and the underlined semicolon, insert ", as determined by an instructional material review team appointed by the commissioner".

(4) On page 1, between lines 12 and 13, insert the following:

(c) For purposes of Subsection (b), an academic expert may not be an author of the instructional material under consideration or an employee of the publisher of the instructional material under consideration. An academic expert must have at least five years of higher education teaching experience in:

(1) the subject under review and a terminal degree in that subject; or

(2) the field of education and a doctoral degree in education.

(5) On page 1, line 13, strike "Section 31.035(a), Education Code, is amended" and substitute "Section 31.035, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1)".

(6) On page 2, line 4, between "errors" and the underlined semicolon, insert "and aligned with contemporary scholarship".

(7) On page 2, line 5, between "level" and the underlined semicolon, insert ", as determined by an instructional material review team appointed by the commissioner".

(8) On page 2, between lines 7 and 8, insert the following:

(a-1) For purposes of Subsection (a), an academic expert may not be an author of the instructional material under consideration or an employee of the publisher of the instructional material under consideration. An academic expert must have at least five years of higher education teaching experience in:

(1) the subject under review and a terminal degree in that subject; or

(2) the field of education and a doctoral degree in education.

The amendment was read.

Senator Seliger 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 801** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Seliger, Chair; Campbell, Hughes, Uresti, and Bettencourt.

SENATE RESOLUTION 893

Senator Miles offered the following resolution:

WHEREAS, The University of Houston has provided the Texas Legislature with an impressive group of Fellows from its Hobby School of Public Affairs during the 85th Session; and

WHEREAS, The Hobby Fellowship program was launched in 2012 to give undergraduate students the opportunity to work as full-time interns in the Texas Capitol; each Fellow is assigned to the office of a state legislator and helps support its operations by attending meetings and hearings, interacting with constituents and other stakeholders, and carrying out a range of other functions; in addition to gaining valuable experience in the field of public service, they learn more about the legislative process and the issues facing citizens of the Lone Star State; and

WHEREAS, The dedicated students who have served as Hobby Fellows during the 85th Legislature are Troy Allen, Jennifer Edwards, J Ehlinger, Jon Garcia, Maycie George, Mariah Grayson, Emily Joslin, Jason LaBarbera, Rish Oberoi, and Giovanni Perez; and

WHEREAS, Through their hard work and commitment to excellence, the 2017 Hobby Fellows have rendered invaluable service to their respective legislative offices, and they are indeed deserving of special recognition for their efforts; now, therefore, be it

RESOLVED, That the Senate of the 85th Texas Legislature hereby commend the Fellows from the University of Houston Hobby School of Public Affairs for their outstanding contributions to the Texas Legislature and extend to them sincere best wishes for continued success in all their endeavors; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the 2017 Hobby Fellows as an expression of high regard by the Texas Senate.

SR 893 was read and was adopted without objection.

GUESTS PRESENTED

Senator Miles, joined by the President, was recognized and introduced to the Senate 2017 Hobby Fellows: Mariah Grayson, Jason LaBarbera, Jon Garcia, J Ehlinger, Emily Joslin, Maycie George, Troy Allen, Giovanni Perez, Jennifer Edwards, and Rish Oberoi.

The Senate welcomed its guests.

RECESS

On motion of Senator Whitmire, the Senate at 3:43 p.m. recessed until 5:30 p.m. today.

AFTER RECESS

The Senate met at 5:47 p.m. and was called to order by Senator Watson.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 26, 2017 - 3

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

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

HB 7 (140 Yeas, 0 Nays, 2 Present, not voting)

HB 351 (132 Yeas, 11 Nays, 2 Present, not voting)

HB 1111 (144 Yeas, 2 Nays, 2 Present, not voting)

HB 1372 (135 Yeas, 9 Nays, 1 Present, not voting)

HB 2025 (139 Yeas, 5 Nays, 2 Present, not voting)

HB 2263 (132 Yeas, 12 Nays, 1 Present, not voting)

HB 2561 (131 Yeas, 15 Nays, 1 Present, not voting)

HB 2590 (144 Yeas, 1 Nays, 1 Present, not voting)

HB 3050 (99 Yeas, 43 Nays, 1 Present, not voting)

HB 4034 (141 Yeas, 1 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 8 (non-record vote)

House Conferees: Capriglione - Chair/Blanco/Burrows/Dale/Parker

HB 22 (non-record vote)

House Conferees: Huberty - Chair/Bernal/Dutton/King, Ken/VanDeaver

HB 929 (non-record vote)

House Conferees: Miller - Chair/Larson/Laubenberg/Reynolds/Schofield

HB 1886 (non-record vote)

House Conferees: Miller - Chair/Bernal/Bonnen, Dennis/Cosper/Huberty

HB 2912 (non-record vote)

House Conferees: King, Phil - Chair/Dean/Guillen/Lambert/Morrison, Geanie W.

HB 2937 (non-record vote)

House Conferees: Canales - Chair/Ashby/González, Mary/Longoria/Nevárez

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

SB 5 (non-record vote)

House Conferees with Instructions:

King, Phil - Chair/Fallon/Goldman/Laubenberg/Lucio III

SB 11 (non-record vote)

House Conferees: Frank - Chair/Burkett/Dale/Klick/Raymond

SB 30 (non-record vote)

House Conferees: Thompson, Senfronia - Chair/Coleman/King, Phil/Nevárez/White

SB 277 (non-record vote)

House Conferees with Instructions: Frank - Chair/Blanco/Hunter/Murr/Price

SB 302 (non-record vote)

House Conferees with Instructions: Thompson, Senfronia - Chair/Gonzales, Larry/Minjarez/Raymond/Smithee

SB 303 (non-record vote)

House Conferees:

Thompson, Senfronia - Chair/Gonzales/Larry/Minjarez/Raymond/Smithee

SB 319 (non-record vote)

House Conferees: Raymond - Chair/Anderson, Charles "Doc"/Burkett/Gonzales, Larry/Thompson, Senfronia

SB 416 (non-record vote)

House Conferees: Smithee - Chair/Farrar/Laubenberg/Murr/Thompson, Senfronia

SB 715 (non-record vote)

House Conferees with Instructions: Huberty - Chair/Cortez/Geren/Larson/Rodriguez, Justin

SB 813 (non-record vote)

House Conferees: Meyer - Chair/Clardy/Hefner/Minjarez/Phelan

SB 894 (non-record vote)

House Conferees: Muñoz, Jr. - Chair/Davis, Sarah/Price/Raymond/Zerwas

SB 968 (non-record vote)

House Conferees: Alvarado - Chair/Clardy/Hinojosa, Gina/Leach/Lozano

SB 999 (non-record vote)

House Conferees: Giddings - Chair/Frank/Klick/Raymond/Wu

SB 1148 (non-record vote)

House Conferees: Bonnen, Greg - Chair/Coleman/Oliverson/Price/Zerwas

SB 1172 (non-record vote)

House Conferees: Geren - Chair/Elkins/Goldman/Hefner/King, Tracy O.

SB 1248 (non-record vote)

House Conferees: Lucio III - Chair/Guillen/Kacal/Kuempel/Roberts

SB 1329 (non-record vote)

House Conferees: Smithee - Chair/Gutierrez/Hernandez/Parker/Schofield

SB 1511 (non-record vote)

House Conferees: Price - Chair/Darby/Larson/Moody/Workman

SB 1625 (non-record vote)

House Conferees: Cortez - Chair/Oliverson/Rodriguez, Justin/Sheffield/Zerwas

SB 1633 (non-record vote)

House Conferees: Oliverson - Chair/Burkett/Darby/King, Ken/Nevárez

SB 1831 (non-record vote)

House Conferees: Capriglione - Chair/Collier/Cosper/Goldman/Roberts

SB 1913 (non-record vote)

House Conferees:

Thompson, Senfronia - Chair/Capriglione/Davis, Yvonne/Thierry/White

SB 2131 (non-record vote)

House Conferees: Howard - Chair/Clardy/Moody/Morrison, Geanie W./Rodriguez, Justin

SB 2227 (non-record vote)

House Conferees: Martinez, "Mando" - Chair/Minjarez/Morrison, Geanie W./Phillips/Wray

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 1595

Pursuant to a sustained point of order due to non-germane amendments, the house returns HB 1595 to the senate for further consideration.

HB 2305

Pursuant to a sustained point of order due to non-germane amendments, the house returns HB 2305 to the senate for further consideration.

HB 3124

Pursuant to Rule 13, section 5A of the Rules of the Texas House, 85th Legislature, the house hereby returns house bill 3124 to the senate for further consideration due to non-germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 762 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Menéndez called **SB 762** 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 762** (house committee printing) by striking lines 14 through 16, and substituting "state jail felony".

Floor Amendment No. 3

Amend **SB 762** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____ . 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:

(1) complete an online responsible pet owner course approved and certified by the Texas Department of Licensing and Regulation; or

(2) attend a responsible pet owner course sponsored by a municipal animal shelter, as defined by Section 823.001, Health and Safety Code, that:

(A) [~~(1)~~] receives federal, state, county, or municipal funds; and

(B) [~~(2)~~] serves the county in which the court is located.

(b) For purposes of the online responsible pet owner course described by Subsection (a)(1), the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation, as appropriate:

(1) is responsible for the approval, certification, and administration of the course and course providers;

(2) may charge fees for:

(A) initial and renewal course certifications;

(B) initial and renewal course provider certifications;

(C) course participant completion certificates; and

(D) other fees necessary for the administration of the course and course

providers;

(3) shall adopt rules regarding the administration of the course and course providers, including rules regarding:

(A) the criteria for course approval and certification;

(B) the criteria for course provider approval and certification;

(C) curriculum development;

(D) course length and content;

(E) criteria for a participant to complete the course; and

(F) a course completion certificate that is acceptable to a court;

(4) is authorized to monitor and audit the provision of the course by the course providers; and

(5) may take enforcement actions as appropriate to enforce this subsection.

SECTION _____. Not later than March 1, 2018, the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation, as appropriate, shall adopt rules to implement Article 42A.511, Code of Criminal Procedure, as amended by this Act.

The amendments were read.

Senator Menéndez submitted a Motion In Writing 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 In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 762** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Menéndez, Chair; Huffman, Lucio, Birdwell, and Seliger.

CONFERENCE COMMITTEE ON HOUSE BILL 5
(Motion In Writing)

Senator Schwertner called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 5** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 5** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; Nelson, Perry, Huffman, and Uresti.

SENATE BILL 463 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Seliger called **SB 463** 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 463** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the use of individual graduation committees to satisfy certain public high school graduation requirements and other alternative methods to satisfy certain public high school graduation requirements.

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

SECTION 1. Section 12.104, Education Code, is amended by amending Subsection (b-2) and adding Subsection (b-3) to read as follows:

(b-2) An open-enrollment charter school is subject to the requirement to establish an individual graduation committee under Section 28.0258. This subsection expires September 1, 2019 [2017].

(b-3) An open-enrollment charter school is subject to the graduation qualification procedure established by the commissioner under Section 28.02541. This subsection expires September 1, 2019.

SECTION 2. Section 28.025(c-6), Education Code, is amended to read as follows:

(c-6) Notwithstanding Subsection (c), a person may receive a diploma if the person is eligible for a diploma under Section 28.0258. This subsection expires September 1, 2019 [2017].

SECTION 3. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.02541 to read as follows:

Sec. 28.02541. DIPLOMA FOR CERTAIN STUDENTS WHO ENTERED NINTH GRADE BEFORE 2011-2012 SCHOOL YEAR. (a) This section applies only to a student who:

- (1) entered the ninth grade before the 2011-2012 school year;
- (2) successfully completed the curriculum requirements for high school graduation applicable to the student when the student entered the ninth grade;
- (3) has not performed satisfactorily on an assessment instrument or a part of an assessment instrument required for high school graduation, including an alternate assessment instrument offered under Section 39.025(c-1); and
- (4) has been administered the assessment instrument or the part of the assessment instrument for which the student has not performed satisfactorily at least three times.

(b) Notwithstanding the requirements under this subchapter, the commissioner by rule shall establish a procedure to determine whether a student subject to this section may qualify to graduate and receive a high school diploma as provided by this section.

(c) In adopting rules under this section, the commissioner:

(1) shall designate the school district in which a student is enrolled or was last enrolled to make the decision regarding whether the student qualifies to graduate and receive a high school diploma; and

(2) shall establish criteria for school districts to develop recommendations for alternative requirements by which a student subject to this section may qualify to graduate and receive a high school diploma.

(d) In adopting rules under Subsection (c)(2), the commissioner may authorize as an alternative requirement:

(1) an alternative assessment instrument and performance standard for that assessment instrument;

(2) work experience; or

(3) military or other relevant life experience.

(e) A school district's decision regarding whether the student qualifies to graduate and receive a high school diploma is final and may not be appealed.

(f) The commissioner shall adopt rules to administer this section.

(g) This section expires September 1, 2019.

SECTION 4. Effective September 1, 2018, Section 28.0258(e), Education Code, is amended to read as follows:

(e) To be eligible to graduate and receive a high school diploma under this section, a student must successfully complete the curriculum requirements required for high school graduation[-

~~(1)] identified by the State Board of Education under Section 28.025(a)[-or~~

~~(2) as otherwise provided by the transition plan adopted by the commissioner under Section 28.025(h)].~~

SECTION 5. Section 28.0258(l), Education Code, is amended to read as follows:

(l) This section expires September 1, 2019 ~~[2017]~~.

SECTION 6. The heading to Section 28.0259, Education Code, is amended to read as follows:

Sec. 28.0259. SCHOOL DISTRICT REPORTING REQUIREMENTS FOR STUDENTS GRADUATING BASED ON INDIVIDUAL GRADUATION COMMITTEE REVIEW PROCESS.

SECTION 7. Section 28.0259(e), Education Code, is amended to read as follows:

(e) This section expires September 1, 2019 [~~2018~~].

SECTION 8. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.02591 to read as follows:

Sec. 28.02591. TEXAS HIGHER EDUCATION COORDINATING BOARD REPORTING REQUIREMENTS FOR STUDENTS GRADUATING BASED ON INDIVIDUAL GRADUATION COMMITTEE REVIEW PROCESS. (a) The Texas Higher Education Coordinating Board, in coordination with the agency, shall collect longitudinal data relating to the post-graduation pursuits of each student who is awarded a diploma based on the determination of an individual graduation committee under Section 28.0258, as that section existed before September 1, 2019, including whether the student:

(1) enters the workforce;

(2) enrolls in an associate degree or certificate program at a public or private institution of higher education;

(3) enrolls in a bachelor's degree program at a public or private institution of higher education; or

(4) enlists in the armed forces of the United States or the Texas National Guard.

(b) Not later than December 1 of each even-numbered year, the Texas Higher Education Coordinating Board shall provide a report to the legislature that includes a summary compilation of the data collected under Subsection (a) that is presented in a manner that does not identify an individual student.

(c) The Texas Higher Education Coordinating Board and the agency shall adopt rules as necessary to implement this section.

SECTION 9. Section 39.025(a-2), Education Code, as added by Chapter 5 (S.B. 149), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a-2) Notwithstanding Subsection (a), a student who has failed to perform satisfactorily on end-of-course assessment instruments in the manner provided under this section may receive a high school diploma if the student has qualified for graduation under Section 28.0258. This subsection expires September 1, 2019 [~~2017~~].

SECTION 10. Section 39.025(a-3), Education Code, is amended to read as follows:

(a-3) A student who, after retaking an end-of-course assessment instrument for Algebra I or English II, has failed to perform satisfactorily as required by Subsection (a), but who receives a score of proficient on the Texas Success Initiative (TSI) diagnostic assessment for the corresponding subject for which the student failed to perform satisfactorily on the end-of-course assessment instrument satisfies the requirement concerning the Algebra I or English II end-of-course assessment, as applicable. This subsection expires September 1, 2019 [~~2017~~].

SECTION 11. Effective September 1, 2019, Section 39.025, Education Code, is amended by amending Subsection (c-1) and adding Subsection (c-2) to read as follows:

(c-1) A school district may not administer an assessment instrument required for graduation administered under this section as this section existed:

(1) before September 1, 1999; or

(2) before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.

(c-2) A school district may administer to a student who failed to perform satisfactorily on an assessment instrument described by Subsection (c-1) ~~[this subsection]~~ an alternate assessment instrument designated by the commissioner. The commissioner shall determine the level of performance considered to be satisfactory on an alternate assessment instrument. The district may not administer to the student an assessment instrument or a part of an assessment instrument that assesses a subject that was not assessed in an assessment instrument applicable to the student described by Subsection (c-1) ~~[required for graduation administered under this section as this section existed before September 1, 1999]~~. The commissioner shall make available to districts information necessary to administer the alternate assessment instrument authorized by this subsection. The commissioner's determination regarding designation of an appropriate alternate assessment instrument under this subsection and the performance required on the assessment instrument is final and may not be appealed.

SECTION 12. 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 463** (house committee printing) on page 1, line 15 of the bill by striking "2019" and substituting "2021".

Floor Amendment No. 1 on Third Reading

Amend **SB 463** on third reading as follows:

(1) In SECTION 1 of the bill, in amended Section 12.104(b-2), Education Code, strike "2019" and substitute "2021".

(2) In SECTION 2 of the bill, in amended Section 28.025(c-6), Education Code, strike "2019" and substitute "2021".

(3) In SECTION 3 of the bill, in added Section 28.02541(g), Education Code, strike "2019" and substitute "2021".

(4) In SECTION 5 of the bill, in amended Section 28.0258(l), Education Code, strike "2019" and substitute "2021".

(5) In SECTION 7 of the bill, in amended Section 28.0259(e), Education Code, strike "2019" and substitute "2021".

(6) In SECTION 8 of the bill, in added Section 28.02591(a), Education Code, strike "2019" and substitute "2021".

(7) In SECTION 9 of the bill, in amended Section 39.025(a-2), Education Code, as added by Chapter 5 (S.B. 149), Acts of the 84th Legislature, Regular Session, 2015, strike "2019" and substitute "2021".

(8) In SECTION 10 of the bill, in amended Section 39.025(a-3), Education Code, strike "2019" and substitute "2021".

The amendments were read.

Senator Seliger submitted a Motion In Writing 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 In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 463** 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; Taylor of Galveston, West, Taylor of Collin, and Bettencourt.

SENATE BILL 1450 WITH HOUSE AMENDMENTS (Motion In Writing)

Senator Taylor of Galveston called **SB 1450** 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 on Third Reading

Amend **SB 1450** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 36.004, Insurance Code, is amended to read as follows:

Sec. 36.004. COMPLIANCE WITH NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS REQUIREMENTS; INTERIM RULES; REPORT. (a) Except as provided by Subsection (b) or (c) or Section 36.005, the department may not require an insurer to comply with a rule, regulation, directive, or standard adopted by the National Association of Insurance Commissioners, including a rule, regulation, directive, or standard relating to policy reserves, unless:

(1) application of the rule, regulation, directive, or standard is expressly authorized by statute; or

(2) a statute authorizes the commissioner to adopt rules consistent with the rule, regulation, directive, or standard [and approved by the commissioner].

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

(1) any statute that is based on or substantially similar to a National Association of Insurance Commissioners model law or regulation;

(2) financing reporting, including mortality tables, reserve tables, and other actuarial standards for reporting reserves, under Section 843.155 and Chapters 401, 421, 425, 426, 443, 802, 1105, and 2551;

(3) securities valuations by the Securities Valuation Office of the National Association of Insurance Commissioners under this code;

(4) risk-based capital reporting under Sections 822.210, 841.205, 843.404, 884.206, and 912.308;

(5) fraud reporting under Chapters 701 and 1111A;

(6) the Own Risk and Solvency Assessment Guidance Manual and confidentiality agreements under Chapter 830; or

(7) the Interstate Insurance Product Regulation Compact under Chapter 5001.

(c) The commissioner may adopt an interim rule to require compliance with a rule, regulation, directive, or standard adopted by the National Association of Insurance Commissioners if:

(1) the commissioner finds the rule is technical or nonsubstantive in nature or necessary to preserve the department's accreditation; and

(2) before the adoption of the rule, the commissioner provides the standing committees of the senate and house of representatives with primary jurisdiction over the department with written notice of the commissioner's intent to adopt the rule.

(d) A substantive rule adopted under Subsection (c) shall remain in effect only until 30 days following the end of the next session of the legislature unless a law is enacted that authorizes the subject matter of the rule. If a law is enacted that authorizes the subject matter of the rule, the rule will continue in effect.

(e) Not later than December 31 of each even-numbered year, the department shall submit to the standing committees of the senate and house of representatives with primary jurisdiction over the department a written report that includes:

(1) the specific statutes in this code and rules adopted by the commissioner that are based on National Association of Insurance Commissioners model laws or regulations;

(2) statutory changes that may be necessary to maintain the department's accreditation; and

(3) the most recent standards the National Association of Insurance Commissioners has adopted or published that are necessary to maintain the department's accreditation.

SECTION _____. Section 36.004, Insurance Code, as amended by this Act, applies only to a rule adopted or amended on or after the effective date of this Act. A rule in effect before the effective date of this Act continues in effect until amended or superseded, subject to Section 36.005, Insurance Code.

Floor Amendment No. 2 on Third Reading

Amend **SB 1450** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill appropriately:

SECTION _____. Subchapter C, Chapter 551, Insurance Code, is amended by adding Section 551.1041 to read as follows:

Sec. 551.1041. RULEMAKING AUTHORITY RELATING TO NOTICE OF CANCELLATION OF CERTAIN PERSONAL AUTOMOBILE INSURANCE COVERAGES. The commissioner shall exercise the commissioner's rulemaking authority to adopt rules under which an insurer that cancels a personal automobile insurance policy that provides comprehensive or collision physical damage coverage for an automobile that is subject to a purchase money lien is required to notify the lienholder, if known, that the coverage will be cancelled.

Floor Amendment No. 3 on Third Reading

Amend **SB 1450** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 4101.060, Insurance Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Section 4004.051, the department shall waive any continuing education requirement imposed under this chapter or Chapter 4004 for an adjuster who, during the license period for which the continuing education is required, receives a certificate of completion of a continuing education program issued by an interstate, national, or international agreement if:

(1) the number of hours required to complete the continuing education program is not less than the number of hours of continuing education that an adjuster is required to complete during the license period under Sections 4004.053 and 4004.054; and

(2) the content of the continuing education program includes the content required under Section 4004.105.

SECTION _____. (a) Not later than December 1, 2017, the commissioner of insurance shall adopt the rules necessary to implement Section 4101.060(d), Insurance Code, as added by this Act.

(b) The change in law made by Section 4101.060(d), as added by this Act, applies to continuing education requirements for an insurance adjuster's license period beginning on or after January 1, 2018.

The amendments were read.

Senator Taylor of Galveston submitted a Motion In Writing 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 In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1450** 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; Campbell, Estes, Hancock, and Zaffirini.

SENATE BILL 1731 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Birdwell called **SB 1731** 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 1731** by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill as appropriate:

SECTION _____. PALLIATIVE CARE INTERDISCIPLINARY ADVISORY COUNCIL. Section 118.003, Health and Safety Code, is repealed.

Floor Amendment No. 2

Amend **SB 1731** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. ADVISORY OVERSIGHT COMMUNITY OUTREACH COMMITTEE. (a) The Advisory Oversight Community Outreach Committee is abolished.

(b) Section 411.0197, Government Code, is repealed.

SECTION _____. RAIN HARVESTING AND WATER RECYCLING TASK FORCE. (a) The task force under Section 2113.301(h), Government Code, as repealed by this section, is abolished.

(b) Section 2113.301(h), Government Code, is repealed.

SECTION _____. STATE COGENERATION COUNCIL. (a) The State Cogeneration Council is abolished. All rules adopted by the State Cogeneration Council are abolished.

(b) Section 2302.024, Government Code, is amended to read as follows:

Sec. 2302.024. AUTHORITY TO SELL POWER. ~~A [(a) After the council has approved the application to construct or operate a cogeneration facility, a]~~ cogenerating state agency may contract in the same manner as a qualifying facility for the sale to an electric utility of firm or nonfirm power produced by the state agency cogeneration facility that exceeds the agency's power requirements.

~~[(b) A cogenerating state agency may consult with the council about the price or other terms of a contract entered under this section.]~~

(c) The following provisions of the Government Code are repealed:

(1) Section 2302.001(3);

(2) Sections 2302.002, 2302.003, 2302.004, 2302.005, 2302.006, and 2302.007;

(3) Section 2302.021(a); and

(4) Section 2302.022.

SECTION _____. PREMARITAL EDUCATION HANDBOOK ADVISORY COMMITTEE. (a) The advisory committee under Section 2.014(d), Family Code, as repealed by this section, is abolished.

(b) Section 2.014(d), Family Code, is repealed.

SECTION _____. INDEPENDENT REVIEW ORGANIZATION ADVISORY GROUP. (a) The advisory group under Section 4202.011, Insurance Code, as repealed by this section, is abolished.

(b) Section 4202.011, Insurance Code, is repealed.

SECTION _____. VEHICLE PROTECTION PRODUCT WARRANTOR ADVISORY BOARD. (a) The Vehicle Protection Product Warrantor Advisory Board is abolished.

(b) Subchapter C, Chapter 2306, Occupations Code, is repealed.

Floor Amendment No. 1 on Third Reading

Amend **SB 1731** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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

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

Floor Amendment No. 2 on Third Reading

Amend **SB 1731** (house committee report printing) on third reading as follows:

(1) On page 2, strike lines 23 and 24 and substitute the following:

(a) The Texas Emissions Reduction Plan Advisory Board is abolished on the date that the programs described by Section 386.252(a), Health and Safety Code, and the funding for those programs are continued in effect.

(2) On page 2, line 25; page 3, line 17; page 4, lines 3 and 26; page 5, line 12; and page 6, line 1, insert the following language immediately preceding the first word of Subsections (b), (c), (d), (e), (f), and (g):

"Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a),"

(3) On page 6, between lines 5 and 6, insert the following new subsections:

(h) In effectuating the abolition of the Texas Emissions Reduction Plan Advisory board, the Texas Commission on Environmental Quality shall complete any unfinished work of the abolished advisory board, including conducting the annual review of programs required under Section 386.057(a), Health and Safety Code; In conducting that review of unfinished work, the Texas Commission on Environmental Quality shall consider the feasibility and benefits of implementing a governmental alternative fuel fleet grant program. If the commission determines that implementation of such a program is feasible and would contribute to emissions reductions, the commission may adopt rules governing the program and the eligibility for entities to receive grants from the fund created under Section 386.251, Health and Safety Code.

(i) Notwithstanding any other provision of law, the programs described by Section 386.252(a), Health and Safety Code, and the funding for those programs are continued until the last day of the state fiscal biennium during which the United States Environmental Protection Agency publishes in the Federal Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the agency has, for each designated area under that section, designated the area as attainment or unclassifiable or approved a redesignation substitute making a finding of attainment for the area.

The amendments were read.

Senator Birdwell submitted a Motion In Writing 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 In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1731** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Birdwell, Chair; Taylor of Galveston, Estes, Nichols, and Zaffirini.

SENATE BILL 2014 WITH HOUSE AMENDMENT
(Motion In Writing)

Senator Creighton called **SB 2014** 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 2014** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the administration of certain water districts.

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

SECTION 1. Section 49.181, Water Code, is amended by amending Subsection (f) and adding Subsections (i), (j), (k), and (l) to read as follows:

(f) The commission shall determine whether the project to be financed by the bonds is feasible and issue an order either approving or disapproving, as appropriate, the issuance of the bonds. If the commission determines that an application for the approval of bonds complies with the requirements for financial feasibility and the district submitting the application is not required to comply with rules regarding project completion, the commission may not disapprove the issuance of bonds for all or a portion of a project or require that the funding for all or a portion of a project be escrowed solely on the basis that the construction of the project is not complete at the time of the commission's determination. The commission shall retain a copy of the order and send a copy of the order to the district.

(i) An application for the approval of bonds under this section may include financing for payment of creation and organization expenses. Expenses are creation and organization expenses if the expenses were incurred through the date of the canvassing of the confirmation election. A commission rule regarding continuous construction periods or the length of time for the payment of expenses during construction periods does not apply to expenses described by this section.

(j) The commission shall approve an application to issue bonds to finance the costs of spreading and compacting fill to remove property from the 100-year floodplain made by a levee improvement district if the application otherwise meets all applicable requirements for bond applications.

(k) The commission shall approve an application to issue bonds to finance the costs of spreading and compacting fill to provide drainage that is made by a municipal utility district or a district with the powers of a municipal utility district if the costs are less than the cost of constructing or improving drainage facilities.

(l) If a district is approved for the issuance of bonds by the commission to use a certain return flow of wastewater, the approval applies to subsequent bond authorizations unless the district seeks approval to use a different return flow of wastewater.

SECTION 2. Section 49.273(i), Water Code, is amended to read as follows:

(i) If changes in plans, ~~or~~ specifications, or scope of work are necessary or beneficial to the district, as determined by the board, after the performance of the contract is begun, or if it is necessary or beneficial to the district, as determined by the board, to decrease or increase the quantity of the work to be performed or of the materials, equipment, or supplies to be furnished, the board may approve change orders making the changes. The board may grant authority to an official or employee responsible for purchasing or for administering a contract to approve a change order that involves an increase or decrease of \$50,000 or less. The aggregate of the change orders that ~~may not~~ increase the original contract price by more than 25 percent~~[-Additional change orders]~~ may be issued only as a result of unanticipated conditions encountered during construction, repair, or renovation or changes in regulatory criteria or to facilitate project coordination with other political entities. A change order is not subject to the requirements of Subsection (d) or (e).

SECTION 3. Sections 54.016(a), (b), and (f), Water Code, are amended to read as follows:

(a) No land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included in a district unless the city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district in accordance with Section 42.042, Local Government Code, and this section. The request to a city for its written consent to the creation of a district, shall be signed by a majority in value of the holders of title of the land within the proposed district as indicated by the county tax rolls or, if there are more than 50 persons holding title to the land in the proposed district as indicated by the county tax rolls, the request to the city will be sufficient if it is signed by 50 holders of title to the land in the district. A petition for the written consent of a city to the inclusion of land within a district shall describe the boundaries of the land to be included in the district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area, and state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition. If, at the time a petition is filed with a city for creation of a district, the district proposes to connect to a city's water or sewer system or proposes to contract with a regional water and wastewater provider which has been designated as such by the commission as of the date such petition is filed, to which the city has made a capital contribution for the

water and wastewater facilities serving the area, the proposed district shall be designated as a "city service district." If such proposed district does not meet the criteria for a city service district at the time the petition seeking creation is filed, such district shall be designated as a "noncity service district." The city's consent shall not place any restrictions or conditions on the creation of a noncity service district as defined by this chapter [~~Chapter 54 of the Texas Water Code~~] other than those expressly provided in Subsection (e) of this section and shall specifically not limit the amounts of the district's bonds. A city may not require annexation as a consent to creation of any district. A city shall not refuse to approve a district bond issue for any reason except that the district is not in compliance with valid consent requirements applicable to the district. If a city grants its written consent without the concurrence of the applicant to the creation of a noncity service district containing conditions or restrictions that the petitioning land owner or owners reasonably believe exceed the city's powers, such land owner or owners may petition the commission to create the district and to modify the conditions and restrictions of the city's consent. The commission may declare any provision of the consent to be null and void. The commission may approve the creation of a district that includes any portion of the land covered by the city's consent to creation of the district. The legislature may create and may validate the creation of a district that includes any portion of the land covered by the city's consent to the creation of the district.

(b) If the governing body of a city fails or refuses to grant permission for the inclusion of land within its extraterritorial jurisdiction in a district, including a district created by a special act of the legislature, within 90 days after receipt of a written request, a majority of the electors in the area proposed to be included in the district or the owner or owners of 50 percent or more of the land to be included may petition the governing body of the city and request the city to make available to the land the water or sanitary sewer service contemplated to be provided by the district.

(f) A city may provide in its written consent for the inclusion of land in a district that is initially located wholly or partly outside the corporate limits of the city that a contract ("allocation agreement") between the district and the city be entered into prior to the first issue of bonds, notes, warrants, or other obligations of the district. The allocation agreement shall contain the following provisions:

(1) a method by which the district shall continue to exist following the annexation of all territory within the district by the city, if the district is ~~initially~~ located outside the corporate limits of the city at the time the creation of the district is approved by the district's voters;

(2) an allocation of the taxes or revenues of the district or the city which will assure that, following the date of the inclusion of all the district's territory within the corporate limits of the city, the total annual ad valorem taxes collected by the city and the district from taxable property within the district does not exceed an amount greater than the city's ad valorem tax upon such property;

(3) an allocation of governmental services to be provided by the city or the district following the date of the inclusion of all of the district's territory within the corporate limits of the city; and

(4) such other terms and conditions as may be deemed appropriate by the city.

SECTION 4. The change in law made to Section 54.016(f), Water Code, as amended by this Act, applies only to an 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.

SECTION 5. This Act takes effect September 1, 2017.

The amendment was read.

Senator Creighton submitted a Motion In Writing 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 In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2014** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Creighton, Chair; Lucio, Nichols, Menéndez, and Kolkhorst.

CONFERENCE COMMITTEE ON HOUSE BILL 29 (Motion In Writing)

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 29** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 29** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Schwertner, Garcia, Kolkhorst, and Perry.

CONFERENCE COMMITTEE ON HOUSE BILL 150 (Motion In Writing)

Senator Creighton called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 150** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 150** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Creighton, Chair; Huffines, Hall, Lucio, and Buckingham.

CONFERENCE COMMITTEE ON HOUSE BILL 557
(Motion In Writing)

Senator Burton called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 557** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 557** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Burton, Chair; Hughes, Whitmire, Creighton, and Perry.

CONFERENCE COMMITTEE ON HOUSE BILL 1290
(Motion In Writing)

Senator Kolkhorst called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1290** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1290** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Kolkhorst, Chair; Birdwell, Hancock, Burton, and Bettencourt.

CONFERENCE COMMITTEE ON HOUSE BILL 555
(Motion In Writing)

Senator Hughes called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 555** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 555** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Huffman, Creighton, Taylor of Galveston, and West.

CONFERENCE COMMITTEE ON HOUSE BILL 810
(Motion In Writing)

Senator Bettencourt called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 810** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 810** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Bettencourt, Chair; Schwertner, Perry, Taylor of Collin, and Menéndez.

CONFERENCE COMMITTEE ON HOUSE BILL 1003
(Motion In Writing)

Senator West called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1003** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1003** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators West, Chair; Hancock, Estes, Nichols, and Taylor of Collin.

CONFERENCE COMMITTEE ON HOUSE BILL 1036
(Motion In Writing)

Senator Whitmire called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1036** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1036** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Whitmire, Chair; Garcia, Campbell, Nelson, and Burton.

CONFERENCE COMMITTEE ON HOUSE BILL 1549
(Motion In Writing)

Senator Kolkhorst called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1549** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1549** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Kolkhorst, Chair; Schwertner, Perry, Uresti, and Bettencourt.

CONFERENCE COMMITTEE ON HOUSE BILL 1553
(Motion In Writing)

Senator Hinojosa called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1553** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1553** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Campbell, Lucio, Nelson, and Taylor of Galveston.

CONFERENCE COMMITTEE ON HOUSE BILL 2950
(Motion In Writing)

Senator Hinojosa called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2950** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2950** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Schwertner, Taylor of Collin, Watson, and Nichols.

SENATE BILL 1001 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Taylor of Galveston called **SB 1001** 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 1001** (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 502, Transportation Code, is amended by adding Section 502.012 to read as follows:

Sec. 502.012. NOTICE REGARDING WHETHER CERTAIN TRAILERS ARE SUBJECT TO INSPECTION. The department shall include in each registration renewal notice for a vehicle that is a trailer, semitrailer, or pole trailer a statement regarding whether the vehicle is subject to inspection under Chapter 548.

Floor Amendment No. 2

Amend **SB 1001** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 548.3075(b), Transportation Code, is amended to read as follows:

(b) A department rule that allows an a-qualified inspection station to perform a limited emissions inspection of a motor vehicle may not restrict the number of limited emissions ~~[station to fewer than 150]~~ inspections conducted by the station ~~[per month]~~.

Floor Amendment No. 3

Amend **SB 1001** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION. _____. Section 548.101, Transportation Code, is amended to read as follows:

Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD. Except as provided by Sections ~~[Section]~~ 548.102 and 548.1025, the department shall require an annual inspection. The department shall set the periods of inspection and may make rules with respect to those periods. The rules must provide that:

(1) a vehicle owner may obtain an inspection not earlier than 90 days before the date of expiration of the vehicle's registration; and

(2) a used motor vehicle sold by a dealer, as defined by Section 503.001, must be inspected in the 180 days preceding the date the dealer sells the vehicle.

SECTION. _____. Subchapter C, Chapter 548, Transportation Code, is amended by adding Section 548.1025 to read as follows:

Sec. 548.1025. FIVE-YEAR INSPECTION PERIOD FOR TOWABLE RECREATIONAL VEHICLE. The inspection period for a towable recreational vehicle is five years.

Floor Amendment No. 1 on Third Reading

Amend **SB 1001** on third reading as follows:

(1) Strike the SECTION of the bill amending Section 548.101, Transportation Code.

(2) Strike the SECTION of the bill adding Section 548.1025, Transportation Code.

The amendments were read.

Senator Taylor of Galveston submitted a Motion In Writing 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 In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1001** 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; Hinojosa, Nichols, Hancock, and Perry.

CONFERENCE COMMITTEE ON HOUSE BILL 1823 (Motion In Writing)

Senator Zaffirini called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1823** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1823** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Huffman, Hughes, Schwertner, and Lucio.

CONFERENCE COMMITTEE ON HOUSE BILL 2552
(Motion In Writing)

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2552** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2552** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Nelson, Hughes, Zaffirini, and Buckingham.

CONFERENCE COMMITTEE ON HOUSE BILL 3879
(Motion In Writing)

Senator Hancock called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3879** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3879** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hancock, Chair; Creighton, Whitmire, Estes, and Nichols.

SENATE BILL 196 WITH HOUSE AMENDMENT

Senator Garcia called **SB 196** 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 196** (house committee printing) as follows:

(1) On page 1, line 17, strike "A" and substitute "Except as otherwise provided by Subsection (i), a".

(2) On page 3, between lines 5 and 6, insert the following:

(i) This section does not apply to a school district or open-enrollment charter school with a student enrollment of less than 10,000 students.

The amendment was read.

Senator Garcia moved to concur in the House amendment to **SB 196**.

The motion prevailed by the following vote: Yeas 19, Nays 12.

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

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

CONFERENCE COMMITTEE ON HOUSE BILL 1886
(Motion In Writing)

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1886** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1886** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Taylor of Galveston, Campbell, Rodríguez, and Zaffirini.

CONFERENCE COMMITTEE ON HOUSE BILL 2101
(Motion In Writing)

Senator Creighton called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2101** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed.

Senator Huffman asked to be recorded as "Present-not voting" on the motion to grant the request of the House for a conference committee.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2101** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Creighton, Chair; Taylor of Galveston, Estes, Miles, and Whitmire.

CONFERENCE COMMITTEE ON HOUSE BILL 2304
(Motion In Writing)

Senator Schwertner called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2304** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2304** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; Campbell, Huffman, Birdwell, and Whitmire.

SENATE BILL 2076 WITH HOUSE AMENDMENTS

Senator Rodríguez called **SB 2076** 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 2076** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 152.062, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) A seller of a motor vehicle is not required to complete a joint statement described by this section if:

(1) the seller does not hold a general distinguishing number issued under Chapter 503, Transportation Code; and

(2) the seller has complied with Section 501.028 or 501.072, Transportation Code, as applicable.

SECTION _____. Section 501.028, Transportation Code, is amended to read as follows:

Sec. 501.028. SIGNATURES [~~OWNER'S SIGNATURE~~]. (a) On receipt of a certificate of title, the owner of a motor vehicle shall write the owner's name in ink in the space provided on the certificate.

(b) Upon transfer of ownership, the seller shall complete assignment of title by signing and printing the seller's name, printing the date of transfer, and printing the purchaser's name and address on the title.

Floor Amendment No. 4

Amend **SB 2076** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Not later than December 31, 2018, the Department of Public Safety and the Texas Department of Motor Vehicles shall:

(1) conduct a study on the efficiency and necessity of the titling, including actions related to titling such as registration and inspection of vehicles in this state; and

- (2) submit to the legislature a report on the results of the study that includes:
- (A) identification of any elements of the vehicle titling, including actions related to titling such as registration and inspection programs that can be eliminated; and
 - (B) recommendations for legislation to eliminate those elements.

The amendments were read.

Senator Rodríguez moved to concur in the House amendments to **SB 2076**.

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

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

Nays: Campbell, Huffines, Perry, Taylor of Collin.

SENATE BILL 1153 WITH HOUSE AMENDMENT

Senator Menéndez called **SB 1153** 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 1153** (house committee report) on page 4, between lines 10 and 11, by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly:

() be provided when the child begins to receive the assistance for that school year;

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 1153**.

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

CONFERENCE COMMITTEE ON SENATE BILL 1070 DISCHARGED

On motion of Senator Hancock and by unanimous consent, the Senate conferees on **SB 1070** were discharged.

Question: Shall the Senate concur in the House amendment to **SB 1070**?

Senator Hancock moved to concur in the House amendment to **SB 1070**.

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

Nays: Taylor of Galveston.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 26, 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 2 (115 Yeas, 21 Nays, 1 Present, not voting)

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

SB 27 (non-record vote)

House Conferees: Blanco - Chair/Cortez/Muñoz, Jr./Price/Sheffield

SB 634 (non-record vote)

House Conferees: Button - Chair/Anderson, Charles "Doc"/Gooden/Hinojosa, Gina/Roberts

SB 801 (non-record vote)

House Conferees: King, Ken - Chair/Allen/Ashby/Kacal/VanDeaver

SB 1462 (non-record vote)

House Conferees: Lucio III - Chair/Burns/Coleman/Geren/Koop

SB 1539 (non-record vote)

House Conferees: Bohac - Chair/Bonnen, Dennis/Murphy/Shine/Springer

SB 1839 (non-record vote)

House Conferees: Koop - Chair/Bernal/Bohac/Meyer/VanDeaver

SB 1987 (non-record vote)

House Conferees: Murphy - Chair/Bell/Cortez/Cosper/Schubert

SB 2065 (non-record vote)

House Conferees with instructions:

Kuempel - Chair/Bailes/Goldman/Guillen/Hernandez

SB 2118 (non-record vote)

House Conferees: Davis, Sarah - Chair/Bonnen/Dennis/Giddings/Goldman/Muñoz, Jr.

SB 2244 (non-record vote)

House Conferees: Giddings - Chair/Cosper/Holland/Murphy/Perez

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 1882 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Menéndez called **SB 1882** 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 1882** (house committee printing) on page 2, line 7, after the underlined period, by adding the following:

All rights and protections afforded by current employment contracts or agreements may not be affected by the contract entered into between a school district and an open-enrollment charter school under this section.

Floor Amendment No. 2

Amend **SB 1882** (house committee printing) as follows:

(1) Strike page 1, line 7, through page 2, line 3, and substitute the following:

Sec. 11.174. CONTRACT REGARDING OPERATION OF DISTRICT CAMPUS. (a) A school district campus qualifies for an exemption from intervention as provided by Subsection (f) and qualifies for funding as provided by Section 42.2511 if the board of trustees of the district contracts to partner to operate the district campus as provided by this section with:

(1) the governing body of an open-enrollment charter school; or

(2) on approval by the commissioner, an entity granted a charter by the district under Subchapter C, Chapter 12, that is eligible to be awarded a charter under Section 12.101(a).

(b) The board of trustees of a school district may enter into a contract as provided by Subsection (a) only if:

(1) the charter of the open-enrollment charter school has not been previously revoked;

(2) for the three school years preceding the school year of the proposed operation of the district campus as described by Subsection (a), the open-enrollment charter school has received:

(A) an overall performance rating of acceptable or higher under Subchapter C, Chapter 39; and

(B) a financial accountability rating under Subchapter D, Chapter 39, indicating financial performance of satisfactory or higher; or

(3) the entity considered for a district authorized charter has not previously operated an open-enrollment charter school in which the charter expired or was revoked or surrendered.

(2) On page 2, lines 21 and 22, strike "the open-enrollment charter school operates the district campus" and substitute "of operation of a district campus under Subsection (a)".

(3) Strike page 2, line 27, through page 3, line 6, and substitute the following:

(g) A campus that receives an exemption from a sanction or other action under Subsection (f) may receive another exemption while operating under a subsequent contract only if the campus receives approval for the exemption from the commissioner.

(4) Strike page 3, lines 22-25, and substitute the following appropriately lettered subsections:

() An employee of an entity granted a district authorized charter that enters into a contract under this section to operate a district campus is eligible for membership in and benefits from the Teacher Retirement System of Texas if the employee would be eligible for membership and benefits if holding the same position at the district.

() A district proposing to enter into a contract under Subsection (a)(2) shall notify the commissioner of the district's intent to enter into the contract. The commissioner by rule shall establish the procedures for a district to notify the commissioner under this subsection, including the period within which the notification is required before the school year in which the proposed contract would take effect, and for a district and, if necessary, an entity to submit information as required by the commissioner. The commissioner shall notify the district whether the proposed contract is approved not later than the 60th day after the date the commissioner receives notice of the proposed contract and all information required by the commissioner to be submitted. If the commissioner fails to notify the district that the proposed contract has been approved or denied within the period prescribed by this subsection, the proposed contract is considered approved.

() Except as expressly provided by this section, the commissioner may not impose additional requirements on an open-enrollment charter school to be eligible for a contract under Subsection (a).

() The commissioner shall adopt rules as necessary to administer this section, including requirements for an entity and the contract with the entity, including the standards required for an entity to receive approval under Subsection (a)(2).

(5) Reletter subsequent subsections of Section 11.174, Education Code, accordingly.

(6) Strike page 4, lines 4-7, and substitute the following:

Sec. 42.2511. SCHOOL DISTRICT ENTITLEMENT FOR CERTAIN STUDENTS. (a) This section applies only to:

(1) a school district and an open-enrollment charter school that enter into a contract to operate a district campus as provided by Section 11.174; and

(2) a charter granted by a school district for a program operated by an entity that has entered into a contract under Section 11.174, provided that the district does not appoint a majority of the governing body of the charter holder.

The amendments were read.

Senator Menéndez submitted a Motion In Writing to concur in the House amendments to **SB 1882**.

The Motion In Writing was read and prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1401 WITH HOUSE AMENDMENT

Senator Campbell called **SB 1401** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Watson in Chair, laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1401** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the regulation of banks and trust companies.

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

SECTION 1. Section 31.002(a), Finance Code, is amended by adding Subdivision (55-a) to read as follows:

(55-a) "Third-party service provider" means a person who performs activities relating to the business of banking on behalf of a depository institution for the depository institution's customers or on behalf of another person directly engaged in providing financial services for the person's customers. The term:

(A) includes a person who:

(i) provides data processing services;

(ii) performs activities in support of the provision of financial services, including lending, transferring funds, fiduciary activities, trading activities, and deposit taking activities; or

(iii) provides Internet-related services, including web services, processing electronic bill payments, developing and maintaining mobile applications, system and software development and maintenance, and security monitoring; and

(B) does not include a provider of an interactive computer service or a general audience Internet or communications platform, except to the extent that the service or platform is specially designed or adapted for the business of banking and activities relating to the business of banking.

SECTION 2. Section 31.107, Finance Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) The banking commissioner may regulate and examine, to the same extent as if the services or activities were performed by a state bank on its own premises:

(1) the activities of a state bank affiliate; and

(2) the ~~[performance of data processing, electronic fund transfers, or other bank]~~ services or activities of a third-party service provider that a state bank or state bank affiliate has contracted for or otherwise arranged to be performed on behalf of the [a] state bank or state bank affiliate [by a third party contractor, other than a national bank].

(b) The banking commissioner may collect a fee from an examined third-party service provider ~~[contractor]~~ or affiliate in connection with each examination to cover the cost of the examination or may collect that fee from the state banks that use the examined third-party service provider ~~[contractor]~~.

(d) To promote regulatory efficiency, if, in the preceding 24 months, a third-party service provider or affiliate has been examined by a federal or state financial services regulatory agency or by a member agency of the Federal Financial Institutions Examination Council, or its successor agency, the banking commissioner may accept the results of that examination instead of conducting the banking commissioner's own examination of the third-party service provider or affiliate. Nothing in this subsection shall be construed as limiting or restricting the banking commissioner from participating in an examination of a third-party service provider or affiliate conducted by a federal or state financial services regulatory agency or by a member agency of the Federal Financial Institutions Examination Council, or its successor agency.

SECTION 3. Section 31.301(a), Finance Code, is amended to read as follows:

(a) Except as expressly provided otherwise by this subtitle, Chapter 11 or 12, or a rule adopted under this subtitle, the following are confidential and may not be disclosed by the banking commissioner or an employee of the department:

(1) information directly or indirectly obtained by the department in any manner, including an application or examination, concerning the financial condition or business affairs of a financial institution, ~~or~~ a present, former, or prospective shareholder, officer, director, or affiliate of a financial institution, or a third-party service provider of a financial institution or its affiliate, other than information in a published statement or in the public portion of a call report or profit and loss statement; and

(2) all related files and records of the department.

SECTION 4. Subchapter D, Chapter 31, Finance Code, is amended by adding Section 31.3015 to read as follows:

Sec. 31.3015. DISCLOSURE TO STATE BANKS. The banking commissioner may disclose to a state bank information about an affiliate or third-party service provider of the state bank.

SECTION 5. Section 33.106, Finance Code, is amended to read as follows:

Sec. 33.106. OFFICERS. (a) The board shall annually appoint the officers of the bank, who serve at the will of the board. Unless the banking commissioner consents otherwise in writing, a person may not serve as an officer of the state bank if:

(1) the person is the subject of an order described by Section 35.007(a); or

(2) the person has been convicted of a felony.

(b) The bank must have a principal executive officer primarily responsible for the execution of board policies and operation of the bank and an officer responsible for the maintenance and storage of all corporate books and records of the bank and for required attestation of signatures. Those positions may not be held by the same person. The board may appoint other officers of the bank as the board considers necessary.

SECTION 6. Section 35.007(a), Finance Code, is amended to read as follows:

(a) Except as otherwise provided by law, without the prior written approval of the banking commissioner, a person subject to a final and enforceable removal or prohibition order issued by the banking commissioner, or by another state, federal, or foreign financial institution regulatory agency, may not:

(1) serve as a director, officer, or employee of a state bank, state ~~[or]~~ trust company, or holding company of a state bank, or as a director, officer, or employee with financial responsibility of any other entity chartered, registered, permitted, or licensed by the banking commissioner under the laws of this state;

(2) directly or indirectly participate in any manner in the management of such an entity;

(3) directly or indirectly vote for a director of such an entity; or

(4) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote a proxy, consent, or authorization with respect to voting rights in such an entity.

SECTION 7. Section 35.101, Finance Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Subject to Subsection (d), a ~~[A]~~ supervisor serves until the earlier of:

(1) the expiration of the period stated in the order of supervision; or

(2) the date the banking commissioner determines that the requirements for abatement of the order have been satisfied.

(d) The banking commissioner may terminate an order of supervision at any time.

SECTION 8. Section 35.206(a), Finance Code, is amended to read as follows:

(a) On certification by the banking commissioner, a book, record, paper, or document produced or testimony taken as provided by Section 35.203 ~~[35.204]~~ and held by the department is admissible as evidence in any case without prior proof of its correctness and without other proof. The certified book, record, document, or paper, or a certified copy, is prima facie evidence of the facts it contains.

SECTION 9. Section 181.002(a), Finance Code, is amended by adding Subdivision (47-b) and amending Subdivision (49) to read as follows:

(47-b) "Third-party service provider" means a person who performs activities relating to the trust business on behalf of a trust institution for the trust institution's customers or on behalf of another person directly engaged in providing financial services for the person's customers. The term:

(A) includes a person who:

(i) provides data processing services;

(ii) performs activities in support of the provision of financial services, including lending, transferring funds, fiduciary activities, trading activities, and deposit taking activities; or

(iii) provides Internet-related services, including web services, processing electronic bill payments, developing and maintaining mobile applications, system and software development and maintenance, and security monitoring; and

(B) does not include a provider of an interactive computer service or a general audience Internet or communications platform, except to the extent that the service or platform is specially designed or adapted for the trust business and activities relating to the trust business.

(49) "Trust business" means the business of a company holding itself out to the public as a fiduciary for hire or compensation to hold or administer accounts. The term includes:

(A) the business of a trustee or custodian of an individual retirement account described by Section 408(a), Internal Revenue Code of 1986; and

(B) the business of an administrator or servicer of individual retirement accounts described by Section 408(a), Internal Revenue Code of 1986, who possesses or controls any assets, including cash, of those accounts and who makes the administrator's or servicer's services available to the public for hire or compensation.

SECTION 10. Section 181.106, Finance Code, is amended to read as follows:

Sec. 181.106. REGULATION AND EXAMINATION OF RELATED ENTITIES. (a) The banking commissioner may regulate and examine, to the same extent as if the services or activities were performed by a state trust company on its own premises:

(1) the activities of a state trust company affiliate; and

(2) the ~~[performance of data processing, electronic fund transfers, or other]~~ services or activities of a third-party service provider that a state trust company or state trust company affiliate has contracted for or otherwise arranged to be performed on behalf of the ~~[a]~~ state trust company or state trust company affiliate ~~[by a third party contractor]~~.

(b) The banking commissioner may collect a fee from an examined third-party service provider or affiliate in connection with each examination ~~[the state trust company]~~ to cover the cost of the examination or may collect that fee from the state trust companies that use the examined third-party service provider.

(c) To promote regulatory efficiency, if, in the preceding 24 months, a third-party service provider or affiliate has been examined by a federal or state financial services regulatory agency or by a member agency of the Federal Financial Institutions Examination Council, or its successor agency, the banking commissioner may accept the results of that examination instead of conducting the banking commissioner's own examination of the third-party service provider or affiliate. Nothing in this subsection shall be construed as limiting or restricting the banking commissioner from participating in an examination of a third-party service provider or affiliate conducted by a federal or state financial services regulatory agency or by a member agency of the Federal Financial Institutions Examination Council, or its successor agency.

SECTION 11. Section 181.301(a), Finance Code, is amended to read as follows:

(a) Except as expressly provided otherwise by this subtitle or a rule adopted under this subtitle ~~[Section 181.003(a)(1)]~~, the following are confidential and may not be disclosed by the banking commissioner or an employee of the department:

(1) information directly or indirectly obtained by the department in any manner, including through an application or examination, concerning the financial condition or business affairs of a state trust company, ~~[or]~~ a present, former, or prospective shareholder, participant, officer, director, manager, or affiliate of the state trust company, or a third-party service provider of the state trust company or its affiliate, other than the public portions of a report of condition or income statement; and

(2) each related file or record of the department.

SECTION 12. Subchapter D, Chapter 181, Finance Code, is amended by adding Section 181.3015 to read as follows:

Sec. 181.3015. DISCLOSURE TO STATE TRUST COMPANIES. The banking commissioner may disclose to a state trust company information about an affiliate or third-party service provider of the state trust company.

SECTION 13. Section 182.021, Finance Code, is amended to read as follows:

Sec. 182.021. ACTIVITIES NOT REQUIRING CHARTER. Subject to Subchapter C, Chapter 187, a company does not engage in the trust business in a manner requiring a state charter by:

(1) acting in a manner authorized by law and in the scope of authority as an agent of a trust institution;

(2) rendering a service customarily performed as an attorney in a manner approved and authorized by the Supreme Court of Texas or State Bar of Texas;

(3) acting as trustee under a deed of trust made only as security for the payment of money or for the performance of another act;

(4) conducting business as a trust institution if the exercise of fiduciary powers in this state by the trust institution is not otherwise prohibited by law;

(5) engaging in a business regulated by the Office of Consumer Credit Commissioner, except as limited by rules adopted by the finance commission;

(6) receiving and distributing rents and proceeds of sale as a licensed real estate broker on behalf of a principal in a manner authorized by the Texas Real Estate Commission;

(7) engaging in a securities transaction or providing an investment advisory service as a licensed and registered dealer, salesman, or advisor to the extent that the activity is regulated by the State Securities Board or the Securities and Exchange Commission;

(8) engaging in the sale and administration of an insurance product by an insurance company or agent authorized or licensed by the Texas Department of Insurance to the extent that the activity is regulated by the Texas Department of Insurance;

(9) engaging in the lawful sale of prepaid funeral benefits under a permit issued by the banking commissioner under Chapter 154;

(10) engaging in the lawful business of a perpetual care cemetery corporation under Chapter 712, Health and Safety Code;

(11) engaging as a principal in the money services business under a license issued by the banking commissioner under Chapter 151;

(12) acting as trustee under a voting trust as provided by Section 6.251, Business Organizations Code;

(13) acting as trustee by a public, private, or independent institution of higher education or a university system, as defined by Section 61.003, Education Code, including an affiliated foundation or corporation of such an institution or system acting as trustee as provided by the Education Code;

(14) engaging in another activity expressly excluded from the application of this subtitle by rule of the finance commission;

(15) rendering services customarily performed by a certified accountant in a manner authorized by the Texas State Board of Public Accountancy;

(16) serving as trustee of a charitable trust as provided by Section 2.106, Business Organizations Code;

(17) performing escrow or settlement services if licensed or authorized under Title 11, Insurance Code;

(18) acting as a qualified intermediary in a tax deferred exchange under Section 1031, Internal Revenue Code of 1986, and applicable regulations; ~~or~~

(19) providing permitted services at a trust representative office established in this state pursuant to Subchapter C, Chapter 187; or

(20) acting as a trustee or custodian approved by the Internal Revenue Service under 26 C.F.R. Section 1.408-2(e) of an individual retirement account described by Section 408(a), Internal Revenue Code of 1986.

SECTION 14. Section 183.106(a), Finance Code, is amended to read as follows:

(a) The board shall annually appoint the officers of the state trust company, who serve at the will of the board. Unless the banking commissioner consents otherwise in writing, a person may not serve as an officer of a state trust company if:

(1) the person is the subject of an order described by Section 185.007(a);

(2) the person has been convicted of a felony; or

(3) the person has violated, with respect to a trust under which the state trust company has fiduciary responsibility, Section 113.052 or 113.053(a), Property Code, relating to loan of trust funds and purchase or sale of trust property by the trustee, and the violation has not been corrected.

SECTION 15. Section 185.007(a), Finance Code, is amended to read as follows:

(a) Except as provided by other law, without the prior written approval of the banking commissioner, a person subject to a final and enforceable removal or prohibition order issued by the banking commissioner, or by another state, federal, or foreign financial institution regulatory agency, may not:

(1) serve as a director, officer, or employee of a state trust company, ~~or~~ state bank, or holding company of a state bank, or as a director, officer, or employee with financial responsibility of any other entity chartered, registered, permitted, or licensed by the banking commissioner under the laws of this state while the order is in effect;

(2) directly or indirectly participate in any manner in the management of such an entity;

(3) directly or indirectly vote for a director of such an entity; or

(4) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote a proxy, consent, or authorization with respect to voting rights in such an entity.

SECTION 16. Section 185.101, Finance Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Subject to Subsection (d), the ~~The~~ supervisor serves until the earlier of:

(1) the expiration of the period stated in the order of supervision; or

(2) the date the banking commissioner determines that the requirements for abatement of the order have been satisfied.

(d) The banking commissioner may terminate an order of supervision at any time.

SECTION 17. This Act takes effect September 1, 2017.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 1401**.

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

CONFERENCE COMMITTEE ON HOUSE BILL 2445
(Motion In Writing)

Senator Estes called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2445** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2445** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Estes, Chair; Buckingham, Zaffirini, Nelson, and Taylor of Galveston.

CONFERENCE COMMITTEE ON HOUSE BILL 2639
(Motion In Writing)

Senator Buckingham called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2639** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2639** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Buckingham, Chair; Uresti, Creighton, Hughes, and Burton.

CONFERENCE COMMITTEE ON HOUSE BILL 2994
(Motion In Writing)

Senator Hinojosa called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2994** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2994** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; West, Seliger, Kolkhorst, and Taylor of Galveston.

CONFERENCE COMMITTEE ON HOUSE BILL 3083
(Motion In Writing)

Senator Hinojosa called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3083** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3083** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Watson, Buckingham, Nelson, and Huffman.

CONFERENCE COMMITTEE ON HOUSE BILL 3292
(Motion In Writing)

Senator Hinojosa called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3292** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3292** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Buckingham, Campbell, Uresti, and Kolkhorst.

CONFERENCE COMMITTEE ON HOUSE BILL 3767
(Motion In Writing)

Senator Uresti called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3767** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3767** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Uresti, Chair; Taylor of Galveston, Buckingham, West, and Campbell.

SENATE BILL 1381 WITH HOUSE AMENDMENT

Senator Hughes called **SB 1381** 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 1381** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to photo identification for certain debit or credit card transactions.

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

SECTION 1. Subtitle A, Title 11, Business & Commerce Code, is amended by adding Chapter 508 to read as follows:

CHAPTER 508. REQUIRING VERIFICATION OF IDENTITY FOR CERTAIN
CARD TRANSACTIONS

Sec. 508.001. DEFINITIONS. In this chapter:

(1) "Cardholder" means the person named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued.

(2) "Credit card" means a card or device issued under an agreement by which the issuer gives to a cardholder the right to obtain credit from the issuer or another person.

(3) "Debit card" means a card, device, or other means of access to an individual's account at a financial institution that the individual may use to initiate electronic fund transfers.

(4) "Merchant" means a person in the business of selling goods or services.

(5) "Mobile wallet" means a device that uses an encrypted digital token to authenticate a cardholder's identity and account information.

(6) "Photo identification" means a card or other document that:

(A) is issued by a governmental entity to identify an individual; and

(B) displays a photograph of the individual identified on the card or other document.

Sec. 508.002. REQUIRING PHOTO IDENTIFICATION FOR CREDIT OR DEBIT CARD TRANSACTION. (a) A merchant, in a point of sale transaction, may require the individual using the credit card or debit card to provide photo identification verifying the individual's identity as the cardholder.

(b) A merchant may choose to not accept the card for payment if the individual fails to provide photo identification verifying the individual's identity as the cardholder.

(c) This section does not apply to transactions conducted with a mobile wallet.

Sec. 508.003. EXPIRATION. This chapter expires September 1, 2023.

SECTION 2. This Act takes effect January 1, 2018.

The amendment was read.

Senator Hughes moved to concur in the House amendment to **SB 1381**.

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

Nays: Hall.

SENATE BILL 1784 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Taylor of Galveston called **SB 1784** 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 1784** (house committee report) as follows:

- (1) On page 1, line 10, strike "permits the" and substitute "allows for".
- (2) On page 1, line 11, strike "of the resource".
- (3) Strike page 1, line 21, through page 2, line 18.
- (4) On page 3, lines 2-3, strike "(a) A state-developed open-source instructional material" and substitute "Instructional material purchased under this subchapter".
- (5) Strike page 3, lines 10-16, and substitute the following:
 - (3) is licensed to the state under a license that:
 - (A) grants the state unlimited authority to modify, delete, combine, or add content;
 - (B) permits the free use and repurposing of the material by any person or entity; and
 - (C) is for a term of use acceptable to the commissioner to ensure a useful life of the material.
 - (6) On page 3, lines 18-19, strike "(d), (e), and (f)" and substitute "(d), (e), (f), (g), (h), and (i)".
 - (7) On page 3, lines 20-21, strike "state-developed open-source instructional materials" and substitute "instructional material purchased by the state under this subchapter".
 - (8) On page 3, line 23, strike "a state-developed open-source" and substitute "the".
 - (9) On page 3, line 25, between "person" and "~~[to]~~", insert "or entity".
 - (10) On page 4, line 3, strike "A" and substitute "The terms of a".
 - (11) On page 4, line 5, strike "unless exempted by the commissioner,".
 - (12) On page 4, line 6, strike "a state-developed open-source" and substitute "the".
 - (13) Strike page 4, lines 18-19, and substitute the following:
 - (E) to the extent reasonably practicable, must provide in any product or derivative material a uniform resource identifier or hyperlink through which a person may obtain the material free of charge;
 - (14) On page 4, line 27, between "license" and "~~The~~", insert the following:
 - (3) may include any additional terms determined by the commissioner
 - (15) On page 5, between lines 6 and 7, insert the following:
 - (d) The commissioner may exempt a license under this section from including one or more of the requirements under Subsection (c)(1).

(16) On page 5, line 7, strike "(d)" and substitute "(e)".

(17) On page 5, line 8, strike "Subsection" and substitute "Subsections (c)(1)(E) and".

(18) On page 5, line 9, strike "(e)" and substitute "(f)".

(19) On page 5, line 14, strike "(f)" and substitute "(g)".

(20) On page 5, between lines 15 and 16, insert the following:

(h) The agency may recover costs of development and any other damages from a person or entity that uses instructional material purchased by the state under this subchapter for commercial purposes in a manner that violates a requirement of a license under this section.

(i) The attorney general shall represent the agency in an action brought under Subsection (h) and may recover reasonable expenses incurred in obtaining relief, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(21) On page 5, between lines 22 and 23, add the following appropriately numbered SECTION to the bill:

SECTION _____. The commissioner of education may apply the changes in law made by this Act to instructional material purchased by the state under Subchapter B-1, Chapter 31, Education Code, regardless of whether the instructional material was purchased before, on, or after the effective date of this Act.

(22) Renumber SECTIONS of the bill accordingly.

Floor Amendment No. 2

Amend **SB 1784** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 26.006, Education Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) A student's parent is entitled to request that the school district or open-enrollment charter school the student attends allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, the district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher. A school district or open-enrollment charter school must provide the instructional materials to the student in printed book format if the student does not have reliable access to technology at the student's home. In this subsection, "instructional material" has the meaning assigned by Section 31.002.

(d) A school district or open-enrollment charter school must document each parental request made under Subsection (c) to allow a student to take home instructional material used by the student that the district or school denies. The documentation must include the reasons for denying the request. Not later than the 30th day after the date the district or school receives the request, the district or school must report to the agency that the request has been denied.

(e) Not later than September 1 of each year, the agency shall submit an annual report to the legislature that includes the number of parental requests made under Subsection (c) to allow a student to take home instructional material used by the student that each school district and open-enrollment charter school denied and the reasons for the denial.

SECTION _____. Section 26.006, Education Code, as amended by this Act, applies beginning with the 2017-2018 school year.

Floor Amendment No. 1 on Third Reading

Amend **SB 1784** on third reading in the SECTION of the bill amending Section 31.075, Education Code, as follows:

- (1) In the recital of that section, strike "(h), and (i)" and substitute "and (h)".
- (2) Strike Subsection (h) of that section and renumber subsequent subsections accordingly.
- (3) In added Subsection (i) of that section, strike "Subsection (h)" and substitute "this section".

The amendments were read.

Senator Taylor of Galveston submitted a Motion In Writing 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 In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1784** 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, Taylor of Collin, Uresti, and Campbell.

CONFERENCE COMMITTEE ON HOUSE BILL 1521 (Motion In Writing)

Senator Whitmire called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1521** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1521** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Whitmire, Chair; Hughes, Burton, Birdwell, and Garcia.

CONFERENCE COMMITTEE ON HOUSE BILL 1643
(Motion In Writing)

Senator Seliger called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1643** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1643** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Seliger, Chair; Hughes, Rodríguez, Hancock, and Perry.

CONFERENCE COMMITTEE ON HOUSE BILL 22
(Motion In Writing)

Senator Taylor of Galveston called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 22** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 22** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Taylor of Galveston, Chair; Bettencourt, West, Hancock, and Hughes.

CONFERENCE COMMITTEE ON HOUSE BILL 3526
(Motion In Writing)

Senator Taylor of Galveston called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3526** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3526** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Taylor of Galveston, Chair; Campbell, Lucio, Hall, and Taylor of Collin.

CONFERENCE COMMITTEE ON HOUSE BILL 4345
(Motion In Writing)

Senator Watson called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 4345** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 4345** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; Buckingham, Campbell, Menéndez, and Seliger.

CONFERENCE COMMITTEE ON HOUSE BILL 2937
(Motion In Writing)

Senator Lucio called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2937** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2937** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Lucio, Chair; Nichols, Seliger, Hinojosa, and Rodríguez.

SENATE BILL 1553 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Menéndez called **SB 1553** 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 1553** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the refusal of entry to or ejection from school district property.

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

SECTION 1. Section 37.001(a), Education Code, as amended by Chapters 487 (S.B. 1541) and 1409 (S.B. 1114), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, disciplinary alternative education program, or vehicle owned or operated by the district;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) self-defense;

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

(C) a student's disciplinary history; or

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

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007;

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; ~~and~~

(8) provide, as appropriate for students at each grade level, methods, including options, for:

(A) managing students in the classroom, on school grounds, and on a vehicle owned or operated by the district;

(B) disciplining students; and

(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists; and

(9) include an explanation of the provisions regarding refusal of entry to or ejection from district property under Section 37.105, including the appeal process established under Section 37.105(h).

SECTION 2. Section 37.105, Education Code, is amended to read as follows:

Sec. 37.105. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION. (a) A school administrator, school resource officer, or school district peace officer ~~The board of trustees~~ of a school district ~~or its~~

~~authorized representative~~] may refuse to allow a person ~~[without legitimate business]~~ to enter on or ~~[property under the board's control and]~~ may eject a ~~[any undesirable]~~ person from ~~[the]~~ property under the district's control if the person refuses ~~[on the person's refusal]~~ to leave peaceably on request and:

(1) the person poses a substantial risk of harm to any person; or

(2) the person behaves in a manner that is inappropriate for a school setting

and:

(A) the administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and

(B) the person persists in that behavior.

(b) Identification may be required of any person on the property.

(c) Each school district shall maintain a record of each verbal warning issued under Subsection (a)(2)(A), including the name of the person to whom the warning was issued and the date of issuance.

(d) At the time a person is refused entry to or ejected from a school district's property under this section, the district shall provide to the person written information explaining the appeal process established under Subsection (h).

(e) If a parent or guardian of a child enrolled in a school district is refused entry to the district's property under this section, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's admission, review, and dismissal committee or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

(f) The term of a person's refusal of entry to or ejection from a school district's property under this section may not exceed two years.

(g) A school district shall post on the district's Internet website and each district campus shall post on any Internet website of the campus a notice regarding the provisions of this section, including the appeal process established under Subsection (h).

(h) The commissioner shall adopt rules to implement this section, including rules establishing a process for a person to appeal to the board of trustees of the school district the decision under Subsection (a) to refuse the person's entry to or eject the person from the district's property.

SECTION 3. This Act applies beginning with the 2017-2018 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 1553** (house committee report) as follows:

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

SECTION _____. (a) Article 62.053(a), Code of Criminal Procedure, is amended to read as follows:

(a) Before a person who will be subject to registration under this chapter is due to be released from a penal institution, the Texas Department of Criminal Justice or the Texas Juvenile Justice Department shall determine the person's level of risk to the community using the sex offender screening tool developed or selected under Article 62.007 and assign to the person a numeric risk level of one, two, or three. Before releasing the person, an official of the penal institution shall:

(1) inform the person that:

(A) not later than the later of the seventh day after the date on which the person is released or after the date on which the person moves from a previous residence to a new residence in this state or not later than the first date the applicable local law enforcement authority by policy allows the person to register or verify registration, the person must register or verify registration with the local law enforcement authority in the municipality or county in which the person intends to reside;

(B) not later than the seventh day after the date on which the person is released or the date on which the person moves from a previous residence to a new residence in this state, the person must, if the person has not moved to an intended residence, report to the applicable entity or entities as required by Article 62.051(h) or (j) or 62.055(e);

(C) not later than the seventh day before the date on which the person moves to a new residence in this state or another state, the person must report in person to the local law enforcement authority designated as the person's primary registration authority by the department and to the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person;

(D) not later than the 10th day after the date on which the person arrives in another state in which the person intends to reside, the person must register with the law enforcement agency that is identified by the department as the agency designated by that state to receive registration information, if the other state has a registration requirement for sex offenders;

(E) not later than the 30th day after the date on which the person is released, the person must apply to the department in person for the issuance of an original or renewal driver's license or personal identification certificate and a failure to apply to the department as required by this paragraph results in the automatic revocation of any driver's license or personal identification certificate issued by the department to the person;

(F) the person must notify appropriate entities of any change in status as described by Article 62.057; ~~and~~

(G) certain types of employment are prohibited under Article 62.063 for a person with a reportable conviction or adjudication for a sexually violent offense involving a victim younger than 14 years of age occurring on or after September 1, 2013; and

(H) if the person enters or goes within 25 feet of the premises of a school as described by Article 62.064 and is subject to the requirements of that article, the person must immediately notify the administrative office of the school of the person's presence and the person's registration status under this chapter;

(2) require the person to sign a written statement that the person was informed of the person's duties as described by Subdivision (1) or Subsection (g) or, if the person refuses to sign the statement, certify that the person was so informed;

(3) obtain the address or, if applicable, a detailed description of each geographical location where the person expects to reside on the person's release and other registration information, including a photograph and complete set of fingerprints; and

(4) complete the registration form for the person.

(b) Article 62.058, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) A local law enforcement authority who provides a person with a registration form for verification as required by this chapter shall include with the form a statement and, if applicable, a description of the person's duty to provide notice under Article 62.064.

(c) Subchapter B, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.064 to read as follows:

Art. 62.064. ENTRY ONTO OR PRESENCE NEAR SCHOOL PREMISES; NOTICE REQUIRED. (a) In this article:

(1) "Premises" means a building or portion of a building and the grounds on which the building is located, including any public or private driveway, street, sidewalk or walkway, parking lot, or parking garage on the grounds.

(2) "School" has the meaning assigned by Section 481.134, Health and Safety Code.

(b) A person subject to registration under this chapter who enters the premises of any school in this state or goes within 25 feet of the premises of a school in this state during the standard operating hours of the school shall immediately notify the administrative office of the school of the person's presence on the premises of the school and the person's registration status under this chapter. The office may provide a chaperon to accompany the person while the person is on the premises of the school.

(c) The requirements of this article:

(1) are in addition to any requirement associated with the imposition of a child safety zone on the person under Section 508.187, Government Code, or Article 42A.453 of this code; and

(2) do not apply to:

(A) a student enrolled at the school; or

(B) a student from another school participating at an event at the school.

(d) The change in law made by this section applies to a person subject to registration under Chapter 62, Code of Criminal Procedure, for an offense committed or conduct that occurs before, on, or after the effective date of this section.

(e) This section takes effect September 1, 2017.

(2) On page 5, line 9, strike "This" and substitute "Except as otherwise provided by this Act, this".

The amendments were read.

Senator Menéndez submitted a Motion In Writing 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 In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1553** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Menéndez, Chair; Taylor of Galveston, Hughes, West, and Uresti.

CONFERENCE COMMITTEE ON HOUSE BILL 515
(Motion In Writing)

Senator Taylor of Galveston called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 515** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 515** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Taylor of Galveston, Chair; Taylor of Collin, Uresti, Bettencourt, and Nelson.

CONFERENCE COMMITTEE ON HOUSE BILL 2442
(Motion In Writing)

Senator Taylor of Galveston called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2442** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2442** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Taylor of Galveston, Chair; Huffines, Bettencourt, West, and Campbell.

CONFERENCE COMMITTEE ON HOUSE BILL 3270
(Motion In Writing)

Senator Taylor of Galveston called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3270** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3270** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Taylor of Galveston, Chair; Hughes, West, Taylor of Collin, and Hall.

CONFERENCE COMMITTEE ON HOUSE BILL 2377
(Motion In Writing)

Senator Perry called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2377** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2377** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Estes, Kolkhorst, Hall, and Hinojosa.

CONFERENCE COMMITTEE ON HOUSE BILL 2691
(Motion In Writing)

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2691** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2691** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Nelson, Hughes, Schwertner, and Zaffirini.

CONFERENCE COMMITTEE ON HOUSE BILL 501
(Motion In Writing)

Senator Taylor of Collin called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 501** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 501** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Taylor of Collin, Chair; Birdwell, Hughes, Bettencourt, and Lucio.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 533**

Senator Nelson submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 533** 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.

NELSON
HINOJOSA
HUFFMAN
NICHOLS
SCHWERTNER
On the part of the Senate

GEREN
HOWARD
LONGORIA
PRICE
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to state agency contracting and procurement.

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

SECTION 1. Section 572.069, Government Code, is amended to read as follows:

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

SECTION 2. Section 2054.1181(a), Government Code, is amended to read as follows:

(a) At the direction of the governor, lieutenant governor, or speaker of the house of representatives [~~The quality assurance team, in coordination with the governor, may recommend major information resources projects to the department for oversight. As part of this oversight,~~], the department shall provide additional oversight services for major information resources projects, including risk management, quality assurance services, independent project monitoring, and project management. A state agency with a project selected for oversight shall pay for oversight by the department and quality assurance team based on a funding model developed by the department. The department may contract with a vendor to provide the necessary oversight at the department's direction.

SECTION 3. Section 2054.158, Government Code, is amended to read as follows:

Sec. 2054.158. QUALITY ASSURANCE TEAM; DUTIES. (a) The comptroller, state auditor, Legislative Budget Board, and department shall:

(1) create a quality assurance team to perform the duties specified in this chapter and other law; [~~and~~]

(2) specify in writing the responsibilities of the comptroller, state auditor, Legislative Budget Board, and department in performing the duties; and

(3) create an automated project review system.

(b) The quality assurance team shall:

(1) develop and recommend policies and procedures to improve state agency information resources technology projects; [~~and~~]

(2) develop and recommend procedures to improve the implementation of state agency information resources technology projects by including considerations for best value and return on investment; and

(3) provide annual training for state agency procurement and contract management staff on best practices and methodologies for information technology contracts.

(c) The state auditor serves on the quality assurance team as an advisor.

SECTION 4. Section 2054.303(a), Government Code, is amended to read as follows:

(a) For each proposed major information resources project or major contract, a state agency must prepare:

(1) a business case providing the initial justification for the project or contract, including the anticipated return on investment in terms of cost savings and efficiency for the project or contract; [~~and~~]

(2) a statewide impact analysis of the project's or contract's effect on the state's common information resources infrastructure, including the possibility of reusing code or other resources; and

(3) in consultation with the department, a technical architectural assessment of the project or contract.

SECTION 5. Section 2054.304, Government Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) In each project plan for a major information resources project, the state agency shall consider incorporating into the project the applicable best practices recommended in the quality assurance team's annual report.

(e) A state agency contract for a major information resources project must comply with the requirements in the comptroller's contract management guide developed under Section 2262.051.

SECTION 6. Subchapter B, Chapter 2155, Government Code, is amended by adding Sections 2155.090 and 2155.091 to read as follows:

Sec. 2155.090. VENDOR AND EMPLOYEE INTERACTION AND COMMUNICATION POLICY. (a) The comptroller shall update a contract management guide to include policies on the interactions and communication between employees of the state agency and a vendor that contracts with the state agency or seeks to conduct business with the state agency.

(b) This subtitle does not prohibit the exchange of information between a state agency and a vendor related to future solicitations or as necessary to monitor an existing contract.

Sec. 2155.091. CHIEF PROCUREMENT OFFICER: POWERS AND DUTIES. (a) The comptroller shall employ a chief procurement officer to serve as the chief procurement officer for this state.

(b) The chief procurement officer has authority over state agency procurement, including the authority to:

(1) analyze state purchasing data to leverage state purchasing power;

(2) provide functional support to state agencies;

(3) provide training on state purchasing and contract management;

(4) review major contract solicitations for information technology projects

monitored by the quality assurance team under Section 2054.158;

(5) review solicitations for major contracts reviewed by the Contract Advisory Team under Section 2262.101;

(6) delegate to a state agency authority to contract for the purchase of a good or service valued in an amount specified by comptroller rule; and

(7) provide leadership on procurement issues.

(c) A state agency shall comply with any request for information from the chief procurement officer necessary to conduct the analysis authorized by Subsection (b)(1).

(d) The chief procurement officer shall coordinate with the Department of Information Resources and the quality assurance team to conduct a contract solicitation review required by Subsection (a)(4) and make appropriate recommendations to the comptroller and legislature based on the review. This section grants the chief procurement officer authority only to review a contract solicitation. The Department of Information Resources or the appropriate state agency retains the authority to award a statewide information resources contract as authorized by law.

(e) The chief procurement officer shall coordinate with the Contract Advisory Team to conduct the review required by Section 2262.101. A state agency shall comply with any request for information by the chief procurement officer that is necessary to conduct the review.

SECTION 7. Subchapter D, Chapter 2155, Government Code, is amended by adding Section 2155.205 to read as follows:

Sec. 2155.205. INTERSTATE PURCHASING. (a) Subject to Section 2156.181 or other law, the comptroller may enter into agreements to authorize state agencies and political subdivisions of other states to purchase goods or services through comptroller contracts.

(b) The comptroller may charge a reasonable administrative fee to state agencies and political subdivisions of other states that purchase a good or service under this section.

SECTION 8. Sections 2157.068(e-1) and (e-2), Government Code, are amended to read as follows:

(e-1) A state agency contracting to purchase a commodity item shall use the list maintained as required by Subsection (e) as follows:

(1) for a contract with a value of \$50,000 or less, the agency may directly award the contract to a vendor included on the list without submission of a request for pricing to other vendors on the list;

(2) for a contract with a value of more than \$50,000 but not more than \$1 million [~~\$150,000~~], the agency must submit a request for pricing to at least three vendors included on the list in the category to which the contract relates; and

(3) for a contract with a value of more than \$1 million [~~\$150,000~~] but not more than \$5 [~~\$1~~] million, the agency must submit a request for pricing to at least six vendors included on the list in the category to which the contract relates or all vendors on the schedule if the category has fewer than six vendors.

(e-2) A state agency may not enter into a contract to purchase a commodity item if the value of the contract exceeds \$5 [~~\$1~~] million.

SECTION 9. Section 2261.252, Government Code, is amended by adding Subsections (a-1), (e), and (f) to read as follows:

(a-1) A state agency employee or official is required to disclose under Subsection (a) any potential conflict of interest specified by state law or agency policy that is known by the employee or official at any time during:

(1) the procurement process, from the initial request for bids for the purchase of goods or services from a private vendor until the completed final delivery of the goods or services; or

(2) the term of a contract with a private vendor.

(e) This section applies only to a contract for the purchase of goods or services solicited through a purchase order if the amount of the purchase order exceeds \$25,000.

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

SECTION 10. Section 2261.253, Government Code, is amended by adding Subsections (e), (f), (g), and (h) to read as follows:

(e) A state agency that posts a contract on its Internet website as required under this section shall redact from the posted contract:

(1) information that is confidential under law;

(2) information the attorney general determines is excepted from public disclosure under Chapter 552; and

(3) the social security number of any individual.

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

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

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

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

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

SECTION 11. Section 2262.101(a), Government Code, is amended to read as follows:

(a) The Contract Advisory Team is created to assist state agencies in improving contract management practices by:

(1) reviewing and making recommendations on the solicitation documents and contract documents for contracts of state agencies that have a value of at least \$5 [~~\$10~~] million;

(2) reviewing any findings or recommendations made by the state auditor, including those made under Section 2262.052(b), regarding a state agency's compliance with the contract management guide;

(3) providing recommendations to the comptroller regarding:

(A) the development of the contract management guide; and

(B) the training under Section 2262.053;

(4) providing recommendations and assistance to state agency personnel throughout the contract management process;

(5) coordinating and consulting with the quality assurance team established under Section 2054.158 on all contracts relating to a major information resources project;

(6) developing and recommending policies and procedures to improve state agency contract management practices;

(7) developing and recommending procedures to improve state agency contracting practices by including consideration for best value; and

(8) creating and periodically performing a risk assessment to determine the appropriate level of management and oversight of contracts by state agencies.

SECTION 12. Section 2262.102, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The chief procurement officer described by Section 2155.091 may add members to the team by designating members from state agencies that agree to participate on the team. A state agency may decline a request to participate on the team under this subsection by submitting a written statement declining the request to the chief procurement officer.

SECTION 13. Section 2269.056(b), Government Code, is amended to read as follows:

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

- (1) the criteria that will be used to evaluate the offerors;
- (2) ~~[- and]~~ the applicable weighted value for each criterion; and
- (3) for state agencies, a detailed methodology for scoring each criterion.

SECTION 14. Section 2269.361(a), Government Code, is amended to read as follows:

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

- (1) a design criteria package;
- (2) if the project site is identified, a geotechnical baseline report or other information that provides the design-build firm minimum geotechnical design parameters to submit a proposal;
- (3) detailed instructions for preparing the technical proposal and the items to be included, including a description of the form and level of completeness of drawings expected; and
- (4) the relative weighting of the technical and price proposals and the formula by which the proposals will be evaluated and ranked.

SECTION 15. Subchapter A, Chapter 8, Education Code, is amended by adding Section 8.012 to read as follows:

Sec. 8.012. CONTRACT MANAGEMENT GUIDE. The agency shall comply with the comptroller's contract management guide developed under Section 2262.051, Government Code, in each contract between the agency and a regional education service center established under this chapter.

SECTION 16. Section 51.923(e), Education Code, is amended to read as follows:

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

- (1) the member owns one ~~[40]~~ percent or more of the voting stock or shares of the business entity or owns either one ~~[40]~~ percent or more or \$15,000 or more of the fair market value of the business entity;
- (2) funds received by the member from the business entity exceed one ~~[40]~~ percent of the member's gross income for the previous year;
- (3) the member is an officer of the business entity or a member of the governing board of the business entity; or
- (4) an individual related to the member in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has an interest in the business entity as described by Subdivision (1), (2), or (3).

SECTION 17. (a) Not later than January 1, 2018, the comptroller shall:

- (1) employ a chief procurement officer as required by Section 2155.091, Government Code, as added by this Act; and

(2) adopt any rules necessary to implement the changes in law made by this Act.

(b) Not later than January 1, 2018, each state agency shall adopt a vendor and employee interaction and communication policy as required by Section 2155.090, Government Code, as added by this Act.

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

(d) Notwithstanding the other provisions of this Act, Section 2269.361(a), Government Code, as amended by this Act, applies to a contract entered into on or after the effective date of this Act and for which a bid or other solicitation response was submitted after June 21, 2017.

(e) Notwithstanding the other provisions of this Act, Section 51.923, Education Code, as amended by this Act, applies only to a contract or other transaction entered into on or after the effective date of this Act. A contract or other transaction entered into before the effective date of this Act is governed by the law in effect on the date on which the contract or other transaction was entered into, and the former law is continued in effect for that purpose.

SECTION 18. This Act takes effect September 1, 2017.

The Conference Committee Report on **SB 533** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 813

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 813** 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.

HUGHES
WATSON
LUCIO
BETTENCOURT
PERRY

On the part of the Senate

MEYER
CLARDY
PHELAN
HEFNER

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to recovery of damages, attorney's fees, and costs related to frivolous regulatory actions by state agencies.

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

SECTION 1. The heading to Chapter 105, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 105. FRIVOLOUS CLAIM OR REGULATORY ACTION BY STATE
AGENCY

SECTION 2. The heading to Section 105.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 105.002. RECOVERY OF FEES, EXPENSES, AND ATTORNEY'S FEES FOR FRIVOLOUS CLAIM.

SECTION 3. Chapter 105, Civil Practice and Remedies Code, is amended by adding Sections 105.005 and 105.006 to read as follows:

Sec. 105.005. CAUSE OF ACTION FOR FRIVOLOUS REGULATORY ACTION. (a) A claimant may bring an action against a state agency if the state agency takes a regulatory action against the claimant that is frivolous, unreasonable, or without foundation.

(b) 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.

(c) In an action brought under this section, a claimant may recover, in addition to all other costs allowed by law or rule, the damages caused by the state agency's frivolous regulatory action, reasonable attorney's fees, and court costs.

Sec. 105.006. RECOVERY OF ATTORNEY'S FEES AND COSTS IN FRIVOLOUS REGULATORY ACTION. A person may recover, in addition to all other costs allowed by law or rule, reasonable attorney's fees and costs incurred in defending against a frivolous regulatory action during an administrative proceeding and judicial review of that proceeding if:

(1) the person prevails in the judicial review of an administrative proceeding; and

(2) the state agency is unable to demonstrate that the agency has good cause for the regulatory action.

SECTION 4. The change in law made by this Act applies only to a regulatory action taken on or after the effective date of this Act. A regulatory action taken before the effective date of this Act is governed by the law applicable to the regulatory action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

The Conference Committee Report on **SB 813** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1172**

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 1172** 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.

PERRY
KOLKHORST
CREIGHTON
ESTES
HINOJOSA
On the part of the Senate

GEREN
T. KING
HEFNER
ELKINS
GOLDMAN
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the regulation of certain items and activities 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 Sections 61.019 and 61.020 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:
 - (A) water conservation plan;
 - (B) drought contingency plan; or

(C) 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.

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 measure 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.

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.

The Conference Committee Report on **SB 1172** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 30

Senator West submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 30** 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.

WEST
BIRDWELL

S. THOMPSON
NEVÁREZ

HUGHES
PERRY
WHITMIRE
On the part of the Senate

P. KING
COLEMAN
WHITE
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to inclusion of instruction regarding interaction with peace officers in the required curriculum for certain public school students and in driver education courses and to civilian interaction training for peace officers.

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

SECTION 1. This Act may be cited as the Community Safety Education Act.

SECTION 2. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.012 to read as follows:

Sec. 28.012. INSTRUCTION ON INTERACTION WITH LAW ENFORCEMENT. (a) In this section:

(1) "Board" means the State Board of Education.

(2) "Commission" means the Texas Commission on Law Enforcement.

(3) "Driver training school" has the meaning assigned by Section 1001.001.

(b) The board and the commission shall enter into a memorandum of understanding that establishes each agency's respective responsibilities in developing instruction, including curriculum and instructional modules, on proper interaction with peace officers during traffic stops and other in-person encounters. The instruction must include information regarding:

(1) the role of law enforcement and the duties and responsibilities of peace officers;

(2) a person's rights concerning interactions with peace officers;

(3) proper behavior for civilians and peace officers during interactions;

(4) laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws; and

(5) how and where to file a complaint against or a compliment on behalf of a peace officer.

(c) In developing the instruction under this section, the board and the commission may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations regarding the instruction.

(d) Before finalizing any instruction under this section, the board and the commission shall provide a reasonable period for public comment.

(e) Subject to rules adopted by the board, a school district or open-enrollment charter school may tailor the instruction developed under this section as appropriate for the district's or school's community. In tailoring the instruction, the district or school shall solicit input from local law enforcement agencies, driver training schools, and the community.

SECTION 3. Section 28.025, Education Code, is amended by adding Subsection (b-20) to read as follows:

(b-20) The State Board of Education shall adopt rules to include the instruction developed under Section 28.012 in one or more courses in the required curriculum for students in grade levels 9 through 12.

SECTION 4. Subchapter C, Chapter 1001, Education Code, is amended by adding Section 1001.109 to read as follows:

Sec. 1001.109. INFORMATION RELATING TO TRAFFIC STOPS. (a) The commission by rule shall require that information relating to law enforcement procedures for traffic stops be included in the curriculum of each driver education course and driving safety course. The curriculum must include:

(1) a demonstration of the proper actions to be taken during a traffic stop;
and

(2) information regarding:

(A) the role of law enforcement and the duties and responsibilities of peace officers;

(B) a person's rights concerning interactions with peace officers;

(C) proper behavior for civilians and peace officers during interactions;

(D) laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws; and

(E) how and where to file a complaint against or a compliment on behalf of a peace officer.

(b) In developing the curriculum under this section, the commission may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations regarding the curriculum.

SECTION 5. Section 1701.253, Occupations Code, is amended by adding Subsection (n) to read as follows:

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete the civilian interaction training program developed under Section 1701.268. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.

SECTION 6. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.268 to read as follows:

Sec. 1701.268. CIVILIAN INTERACTION TRAINING PROGRAM. (a) In this section, "board" means the State Board of Education.

(b) The commission and the board shall enter into a memorandum of understanding that establishes each agency's respective responsibilities in developing a training program, including training and testing materials, on proper interaction with civilians during traffic stops and other in-person encounters. The training program must include information regarding:

(1) the role of law enforcement and the duties and responsibilities of peace officers;

(2) a person's rights concerning interactions with peace officers;
(3) proper behavior for civilians and peace officers during interactions;
(4) laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws; and
(5) how and where to file a complaint against or a compliment on behalf of a peace officer.

(c) In developing the training program under this section, the commission and the board may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations regarding the training program.

(d) Before finalizing a training program under this section, the commission and the board shall provide a reasonable period for public comment.

SECTION 7. (a) Not later than September 1, 2018:

(1) the State Board of Education and the Texas Commission on Law Enforcement shall develop:

(A) the instruction required under Section 28.012, Education Code, as added by this Act; and

(B) the training program required under Section 1701.268, Occupations Code, as added by this Act; and

(2) the Texas Commission of Licensing and Regulation shall adopt rules regarding the curriculum required under Section 1001.109, Education Code, as added by this Act.

(b) Section 28.025(b-20), Education Code, as added by this Act, applies beginning with the 2018-2019 school year.

(c) A peace officer or reserve law enforcement officer who holds a license under Chapter 1701, Occupations Code, issued on or before January 1, 2018, shall complete a training program established under Section 1701.268, Occupations Code, as added by this Act, not later than January 1, 2020.

SECTION 8. This Act takes effect September 1, 2017.

The Conference Committee Report on **SB 30** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1831**

Senator Buckingham 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 1831** 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.

BUCKINGHAM

BIRDWELL

NELSON

SCHWERTNER

WATSON

On the part of the Senate

CAPRIGLIONE

COLLIER

COSPER

GOLDMAN

ROBERTS

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to an annual report on state programs not funded by appropriations.

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

SECTION 1. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0147 to read as follows:

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

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

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

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

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

SECTION 2. The comptroller of public accounts shall submit the initial report required by Section 403.0147, Government Code, as added by this Act, not later than December 31, 2017.

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 Conference Committee Report on **SB 1831** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2950**

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 **HB 2950** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HINOJOSA

BURKETT

NICHOLS

KLICK

SCHWERTNER

OLIVERSON

TAYLOR OF COLLIN

RAYMOND

WATSON

S. THOMPSON

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 2950** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 302**

Senator Watson submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 302** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WATSON

S. THOMPSON

TAYLOR OF COLLIN

GONZALES

NICHOLS

RAYMOND

SCHWERTNER

SMITHEE

HUGHES

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the continuation and functions of the state bar.

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

SECTION 1. Section 81.003, Government Code, is amended to read as follows:

Sec. 81.003. SUNSET PROVISION. The state bar is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, this chapter expires September 1, 2029 ~~[2017]~~.

SECTION 2. Section 81.0201, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing ~~legislation that created the~~ state bar operations ~~and the board~~;

(2) the programs operated by the state bar;

(3) the role and functions of the state bar;

(4) the rules of the state bar, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(4-a) the scope of and limitations on the rulemaking authority of the state bar;

(5) the current budget for the state bar;

(6) the results of the most recent formal audit of the state bar;

(7) the requirements of:

(A) laws relating to ~~the~~ open meetings ~~law~~, ~~Chapter 551~~; ~~(B) the~~ public information ~~law~~, administrative procedure, and the disclosure of conflicts of interest ~~Chapter 552~~; and

(B) ~~(C)~~ other laws applicable to members of a state policymaking body in performing their duties ~~[relating to public officials, including conflict of interest laws]~~; and

(8) any applicable ethics policies adopted by the state bar or the Texas Ethics Commission.

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

SECTION 3. Section 81.022, Government Code, is amended by adding Subsections (a-2), (a-3), and (a-4) to read as follows:

(a-2) Any change in a membership fee or other fee for state bar members must be:

(1) clearly described and included in the proposed budget; and

(2) considered by the supreme court in the state bar budget deliberations.

(a-3) Except as provided by Subsection (a-4), an increase in a membership fee or other fee for state bar members may not take effect until the supreme court:

(1) distributes the proposed fee change in ballot form to each member of the state bar and orders a vote;

(2) counts the returned ballots following the 30th day after the date the ballots are distributed; and

(3) promulgates the proposed fee, effective immediately, only on approval of the fee increase by a majority of the state bar members who voted on the increase.

(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.

SECTION 4. Sections 81.024(a) and (b), Government Code, are amended to read as follows:

(a) The supreme court shall promulgate the rules governing the state bar. ~~[The rules may be amended as provided by this section.]~~

(b) The supreme court may:

(1) [~~either~~] as it considers necessary, pursuant to a resolution of the board of directors of the state bar, or pursuant to a petition signed by at least 10 percent of the registered members of the state bar, prepare, propose, and adopt rules or amendments to rules for the operation, maintenance, and administration [~~conduct~~] of the state bar; and

(2) in accordance with Subchapter E-1, adopt rules, including the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure, for the discipline of state bar [~~its~~] members.

SECTION 5. Section 81.054(a), Government Code, is amended to read as follows:

(a) The supreme court shall set membership fees and other fees for members of the state bar during the court's annual budget process under Section 81.022. The fees, except as provided by Subsection (j) and those set for associate members, must be set in accordance with this section and Section 81.022 [~~81.024~~].

SECTION 6. 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 violates Chapter 110, Civil Practice and Remedies Code.

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 an attorney has an opportunity to respond to all allegations of alleged misconduct.

(e) The state bar shall establish a voluntary mediation and dispute resolution procedure to:

(1) attempt to resolve each minor grievance referred to the voluntary mediation and dispute resolution procedure by the chief disciplinary counsel [~~allegation of attorney misconduct that is:~~

~~[(A) classified as an inquiry under Section 81.073(a)(2)(A) because it does not constitute an offense cognizable under the Texas Disciplinary Rules of Professional Conduct; or~~

~~[(B) classified as a complaint and subsequently dismissed]; and~~

(2) facilitate coordination with other programs administered by the state bar to address and attempt to resolve inquiries and complaints referred to the voluntary mediation and dispute resolution procedure.

SECTION 8. 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 provide data by race and gender and 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 9. Subchapter E, Chapter 81, Government Code, is amended by adding Sections 81.080, 81.081, 81.082, 81.083, 81.084, 81.085, and 81.086 to read as follows:

Sec. 81.080. ISSUANCE OF SUBPOENA; OBJECTION. (a) On approval of the presiding officer of the appropriate district grievance committee, the chief disciplinary counsel may, during an investigation of a grievance, issue a subpoena that relates directly to a specific allegation of attorney misconduct.

(b) The chief disciplinary counsel shall provide a process for a respondent to object to a subpoena issued under this section.

Sec. 81.081. ATTORNEY SELF-REPORTING. The chief disciplinary counsel shall develop guidelines and a procedure for an attorney to self-report:

(1) any criminal offense committed by the attorney; and

(2) any disciplinary action taken by another state's bar against the attorney.

Sec. 81.082. PROCESS TO IDENTIFY COMPLAINTS SUITABLE FOR SETTLEMENT OR INVESTIGATORY HEARING. (a) The chief disciplinary counsel shall develop a process to identify a complaint that is appropriate for a settlement attempt or an investigatory hearing before a trial is requested or the complaint is placed on a hearing docket.

(b) The chief disciplinary counsel may authorize a settlement at any time during the disciplinary process.

Sec. 81.083. SANCTION GUIDELINES. (a) The chief disciplinary counsel shall propose and the supreme court shall adopt by rule sanction guidelines to:

(1) associate a specific rule violation or ethical misconduct with a range of appropriate sanctions;

(2) provide aggravating and mitigating factors that justify deviating from the established sanctions; and

(3) provide consistency between complaints heard by a district grievance committee and complaints heard by a district court.

(b) The chief disciplinary counsel shall ensure that interested parties are provided an opportunity to comment on the proposed sanction guidelines.

(c) The sanction guidelines adopted under this section do not limit the authority of a district grievance committee or of a district judge to make a finding or issue a decision.

Sec. 81.084. GRIEVANCE TRACKING SYSTEM. (a) The chief disciplinary counsel shall create and maintain a grievance tracking system for grievances filed and disciplinary decisions issued under this subchapter.

(b) The grievance tracking system must:

(1) associate each rule violation or instance of ethical misconduct with the sanction imposed or final action taken for the violation or misconduct in a diversionary procedure adopted under state bar rules;

(2) address whether a sanction decision aligns with the sanction guidelines adopted under Section 81.083;

(3) specify the district grievance committee or district judge that imposed the sanction to evaluate sanction patterns within the disciplinary districts and facilitate training for district grievance committee members; and

(4) include sufficient information to evaluate and track disciplinary trends over time.

(c) The chief disciplinary counsel shall:

(1) periodically evaluate and report information gathered in the grievance tracking system to the commission and district grievance committee members; and

(2) post the information reported under Subdivision (1) on the state bar's Internet website.

Sec. 81.085. REGULAR SEARCH OF NATIONAL LAWYER REGULATORY DATA BANK. The chief disciplinary counsel shall establish a process to regularly search the National Lawyer Regulatory Data Bank maintained by the American Bar Association to identify a member of the state bar who is disciplined in another state.

Sec. 81.086. TELECONFERENCE. The chief disciplinary counsel may hold investigatory and disciplinary hearings by teleconference.

SECTION 10. Chapter 81, Government Code, is amended by adding Subchapters E-1 and E-2 to read as follows:

SUBCHAPTER E-1. COMMITTEE ON DISCIPLINARY RULES AND REFERENDA; DISCIPLINARY RULE PROPOSAL PROCESS

Sec. 81.0871. DEFINITION. In this subchapter, "committee" means the Committee on Disciplinary Rules and Referenda.

Sec. 81.0872. ESTABLISHMENT OF COMMITTEE. (a) The committee consists of nine members, including:

- (1) three attorneys appointed by the president of the state bar;
- (2) one nonattorney public member appointed by the president of the state

bar;

- (3) four attorneys appointed by the supreme court; and
- (4) one nonattorney public member appointed by the supreme court.

(b) The president of the state bar and the chief justice of the supreme court shall alternate designating an attorney member of the committee to serve as the presiding officer of the committee for a term of one year.

(c) Committee members serve staggered three-year terms, with one-third of the members' terms expiring each year.

Sec. 81.0873. COMMITTEE DUTIES. The committee shall:

(1) regularly review the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure;

(2) at least annually issue to the supreme court and the board of directors a report on the adequacy of the rules reviewed under Subdivision (1); and

(3) oversee the initial process for proposing a disciplinary rule under Section 81.0875.

Sec. 81.0874. STAFF ATTORNEY. The state bar may hire a staff attorney to assist the committee.

Sec. 81.0875. INITIATION OF RULE PROPOSAL PROCESS. (a) The committee may initiate the process for proposing a disciplinary rule for the state bar as the committee considers necessary or in conjunction with the review of the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure under Section 81.0873(1).

(b) Not later than the 60th day after the date the committee receives a request to initiate the process for proposing a disciplinary rule, the committee shall:

(1) initiate the process; or

(2) issue a written decision declining to initiate the process and the reasons for declining.

(c) A request to initiate the process for proposing a disciplinary rule under Subsection (b) may be made by:

(1) a resolution of the board of directors;

(2) a request of the supreme court;

(3) a request of the commission;

(4) a petition signed by at least 10 percent of the registered members of the state bar;

(5) a concurrent resolution of the legislature; or

(6) a petition signed by at least 20,000 people, of which at least 51 percent, or 10,200 or more, must be residents of this state.

Sec. 81.0876. RULE PROPOSAL. (a) On initiation of the process for proposing a disciplinary rule, the committee shall:

(1) study the issue to be addressed by the proposed rule;

(2) hold a public hearing on the issue;

(3) draft the proposed rule, which may not address more than one subject;

and

(4) make all reasonable efforts to solicit comments from different geographic regions in this state, nonattorney members of the public, and members of the state bar.

(b) A proposed disciplinary rule is withdrawn six months after the date the rule proposal process is initiated under Section 81.0875(b)(1) if the proposed disciplinary rule is not published on or before that date in:

(1) the Texas Register; and

(2) the Texas Bar Journal.

(c) The committee shall give interested parties at least 30 days from the date the proposed disciplinary rule is published as required under Subsection (b) to submit comments on the rule to the committee.

(d) The committee shall hold a public hearing on the proposed disciplinary rule if, during the comment period described by Subsection (c), the hearing is requested by:

(1) at least 25 people;

(2) a state agency or political subdivision of this state; or

(3) an association with at least 25 members.

(e) On conclusion of the comment period described by Subsection (c), the committee may amend the proposed disciplinary rule in response to the comments.

(f) The committee shall vote on whether to recommend a proposed disciplinary rule to the board of directors not later than the 60th day after the final day of the comment period described by Subsection (c). The committee may not recommend a proposed disciplinary rule unless at least five members of the committee favor recommendation.

(g) The committee shall submit a proposed disciplinary rule that is recommended by the committee to the board of directors for review and consideration.

Sec. 81.0877. APPROVAL OF PROPOSED DISCIPLINARY RULE BY BOARD OF DIRECTORS. (a) The board of directors shall vote on each proposed disciplinary rule recommended by the committee not later than the 120th day after the date the rule is received from the committee. The board shall vote for or against the rule or return the rule to the committee for additional consideration.

(b) If a proposed disciplinary rule is approved by a majority of the directors, the board of directors shall petition the supreme court to order a referendum as provided by Section 81.0878 on the rule by the members of the state bar.

Sec. 81.0878. REFERENDUM VOTE BY STATE BAR MEMBERS. (a) On receipt of a petition filed by the board of directors under Section 81.0877(b), the supreme court shall:

(1) distribute a copy of the rule in ballot form to each member of the state bar and order a vote on the rule; and

(2) publish the rule in:

(A) the Texas Register; and

(B) the Texas Bar Journal.

(b) The supreme court shall give state bar members:

(1) at least 30 days to consider a proposed disciplinary rule before voting begins; and

(2) 30 days to vote on the proposed disciplinary rule following the period for considering the proposed rule under Subdivision (1).

(c) The state bar shall provide proponents and opponents of a proposed disciplinary rule an equal opportunity to present their views at any bar-sponsored forum at which the rule referendum is discussed.

(d) One or more proposed disciplinary rules may appear on a single referendum ballot. State bar members shall vote for or against each rule. If a majority of the members who vote on the proposed rule vote in favor of the rule, the rule is approved by the members of the state bar.

Sec. 81.0879. SUPREME COURT APPROVAL OR REJECTION. The supreme court by majority vote may approve or reject a proposed disciplinary rule in its entirety, but may not approve or reject only part of the rule. If the supreme court does not vote on the rule on or before the 120th day after the date the rule is approved by bar members under Section 81.0878, the rule is considered approved by the supreme court.

Sec. 81.08791. RULE DELIBERATIONS. (a) The committee, the board of directors, or the supreme court shall provide notice of any deliberation on a proposed disciplinary rule, and the deliberation must be open to the public.

(b) The board of directors and the supreme court shall record and make public each vote for or against a proposed disciplinary rule.

Sec. 81.08792. PROPOSED DISCIPLINARY RULE APPROVAL REQUIRED BEFORE ADOPTION. A proposed disciplinary rule may not be adopted by the supreme court unless the rule is approved by:

(1) the committee;

(2) the board of directors;

(3) the members of the state bar; and

(4) the supreme court.

Sec. 81.08793. USE OF TECHNOLOGY. The supreme court, the committee, and the state bar shall use technological solutions throughout the disciplinary rule proposal process to promote:

(1) financial efficiency; and

(2) comments from interested persons.

Sec. 81.08794. EXPIRED TIME AND DEFEATED RULE PROPOSAL. (a) If a time limit provided by this subchapter expires or a disciplinary rule proposal is otherwise defeated, the process for initiating the proposed disciplinary rule may again be initiated in accordance with this subchapter.

(b) For good cause shown, the supreme court may grant a petition to extend any time limit provided by this subchapter until a date that is not later than the 90th day after the original deadline.

SUBCHAPTER E-2. OMBUDSMAN FOR ATTORNEY DISCIPLINE SYSTEM

Sec. 81.0881. DEFINITIONS. In this subchapter:

(1) "Ombudsman" means the ombudsman for the attorney discipline system of the state bar.

(2) "System" means the attorney discipline system of the state bar.

Sec. 81.0882. OMBUDSMAN FOR ATTORNEY DISCIPLINE SYSTEM.

(a) The state bar shall fund one full-time equivalent position of ombudsman for the attorney discipline system.

(b) The ombudsman is selected by the members of the supreme court and is independent of the state bar, the board of directors, the commission, and the chief disciplinary counsel.

(c) The ombudsman shall report directly to the supreme court.

Sec. 81.0883. POWERS AND DUTIES OF OMBUDSMAN. (a) The ombudsman shall:

(1) review grievances to determine whether the state bar followed the proper grievance procedures;

(2) receive complaints about the system;

(3) receive and investigate complaints on violations of the system's procedural rules;

(4) answer questions from the public on the system's operation, accessing the system, and the availability of other state bar programs;

(5) assist members of the public wishing to submit a lawyer grievance by explaining the information required and the methods for submitting the information; and

(6) at least annually, make recommendations to the board of directors and the supreme court for improvements to the system, including ways to improve access to the system and changes to the grievance form.

(b) The ombudsman may not:

(1) draft a complaint for a member of the public;

(2) act as an advocate for a member of the public;

(3) reverse or modify a finding or judgment in any disciplinary proceeding;

or

(4) intervene in any disciplinary matter.

Sec. 81.0884. ACCESS TO INFORMATION. The chief disciplinary counsel, a district grievance committee, the board of directors, the commission, and state bar members shall share with the ombudsman requested information that is necessary to:

(1) determine whether the state bar followed procedural rules related to a particular grievance; or

(2) evaluate the system's efficacy and adequacy.

Sec. 81.0885. CONFIDENTIAL INFORMATION; PRIVILEGED COMMUNICATIONS. (a) All types of information, proceedings, hearing transcripts, and statements presented to the ombudsman are confidential and may not be disclosed to any person other than the chief disciplinary counsel unless disclosure is ordered by a court.

(b) The ombudsman may not access privileged communications and information shared between the chief disciplinary counsel and the commission.

SECTION 11. Section 81.115(b), Government Code, is amended to read as follows:

(b) A profile must contain the following information on each attorney:

(1) the name of each law school attended and the date the attorney graduated;

(2) the date the attorney became licensed to practice law in this state;

(3) any specialty certification recognized by the state bar and held by the attorney;

(4) the attorney's primary practice location;

(5) any public disciplinary sanctions issued by the state bar against the attorney, including a link on the attorney's online profile to the full text of the disciplinary judgment entered by a district grievance committee or district judge [during at least the 10-year period preceding the date of the profile]; and

(6) any public disciplinary sanctions issued by an entity in another state responsible for attorney discipline in that state against the attorney [during at least the 10-year period preceding the date of the profile].

SECTION 12. Section 411.100, Government Code, is amended to read as follows:

Sec. 411.100. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: BOARD OF LAW EXAMINERS AND STATE BAR OF TEXAS.

(a) The Board of Law Examiners is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant to take a bar examination.

(a-1) The State Bar of Texas is entitled to obtain:

(1) from the department, criminal history record information maintained by the department that relates to a person who is a member of the state bar; or

(2) from the Board of Law Examiners, criminal history record information obtained under Subsection (a).

(b) Criminal history record information obtained [by the board] under Subsection (a) or (a-1) may not be released or disclosed to any person, except on court order or with consent of the applicant.

(c) Immediately following the [board's] decision of the Board of Law Examiners on recommending an applicant, the board shall collect and make accessible to the State Bar of Texas [sent] all criminal history record information obtained by the board that relates to that applicant.

SECTION 13. Section 411.1005(a), Government Code, is amended to read as follows:

(a) The chief disciplinary ~~[general]~~ counsel of the State Bar of Texas is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) ~~[a person]~~ licensed by the state bar;

(2) ~~[and who is]~~ the subject of or involved in an investigation of:

(A) professional misconduct relating to a grievance filed under the disciplinary rules of the state bar; or

(B) barratry, the unauthorized practice of law, or falsely holding oneself out as a lawyer, in violation of Section 38.12, 38.122, or 38.123, Penal Code;

(3) ~~(2)~~ a witness in any disciplinary action or proceeding conducted by the state bar, the Board of Disciplinary Appeals, or any court; or

(4) ~~(3)~~ an applicant for reinstatement to practice law.

SECTION 14. Sections 81.024(c), (d), (e), (f), and (g), Government Code, are repealed.

SECTION 15. (a) The State Bar of Texas shall obtain criminal history record information on each person who is a member of the state bar and whose information is already on file with the Department of Public Safety or the Board of Law Examiners on the effective date of this Act as authorized by Sections 411.100 and 411.1005, Government Code, as amended by this Act, not later than September 1, 2018.

(b) As soon as practicable after the effective date of this Act, but not later than January 1, 2018, the president of the State Bar of Texas and the Texas Supreme Court shall appoint the initial members of the Committee on Disciplinary Rules and Referenda as follows:

(1) the state bar president shall appoint one person to a term expiring in 2018;

(2) the supreme court shall appoint two people to terms expiring in 2018;

(3) the state bar president shall appoint two people to terms expiring in 2019;

(4) the supreme court shall appoint one person to a term expiring in 2019;

(5) the state bar president shall appoint one person to a term expiring in 2020; and

(6) the supreme court shall appoint two people to terms expiring in 2020.

(c) Notwithstanding Subchapter E-1, Chapter 81, Government Code, as added by this Act, not later than March 1, 2018, the Texas Supreme Court shall adopt the rules necessary to:

(1) modify the voluntary mediation and dispute resolution procedures for grievances as required by Section 81.072(e), Government Code, as amended by this Act;

(2) authorize the issuance of subpoenas under Section 81.080, Government Code, as added by this Act;

(3) implement Section 81.081, Government Code, as added by this Act;

(4) revise the time provided for grievance investigations, subpoena issuance, investigatory hearings, and providing voluntary mediation and dispute resolution under Section 81.072(e), Government Code, as amended by this Act;

(5) establish the process to identify complaints suitable for settlement attempts and authorize the chief disciplinary counsel to conduct investigatory and disciplinary hearings by teleconference under Sections 81.082 and 81.086, Government Code, as added by this Act;

(6) establish the grievance referral program as required by Subsection (d)(3) of this section; and

(7) establish the sanction guidelines proposed by the chief disciplinary counsel under Section 81.083, Government Code, as added by this Act.

(d) The chief disciplinary counsel shall:

(1) develop proposed changes to the disciplinary rules regarding the time for conducting an investigation of a grievance or issuing a subpoena related to an investigation or attempting a settlement in an investigatory hearing under Section 81.082, Government Code, as added by this Act;

(2) propose rules necessary to implement the settlement process described by Section 81.082, Government Code, as added by this Act; and

(3) propose rules to establish a grievance referral program under the Texas Rules of Disciplinary Procedure, including criteria for attorney participation and authorization for use of the program at any point in the attorney disciplinary process.

(e) The State Bar of Texas shall assist the Texas Supreme Court on rule modifications to the Texas Rules of Disciplinary Procedure that are necessary to address Section 81.072(e)(1), Government Code, as amended by this Act, including:

(1) types of grievances the chief disciplinary counsel may refer to the voluntary mediation and dispute resolution procedure and the criteria defining the grievance types;

(2) modifications to the time for processing grievances to accommodate voluntary mediation and dispute resolution and the establishment of a limit on the time for resolution through voluntary mediation and dispute resolution or referral to the formal grievance process for further action; and

(3) confidentiality rules to allow the chief disciplinary counsel and client-attorney assistance program to share appropriate information in a case referred for voluntary mediation and dispute resolution.

(f) The State Bar of Texas shall include on attorneys' online profiles any historical information on public disciplinary sanctions as is practicable under Section 81.115(b), Government Code, as amended by this Act. A public disciplinary action issued on or after the effective date of this Act must be included on the attorney's online profile as required by Section 81.115(b), Government Code, as amended by this Act.

(g) 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.

SECTION 16. (a) Except as provided by Subsection (b) of this section, Section 81.0201, Government Code, as amended by this Act, applies to a member of the board of directors of the State Bar of Texas appointed before, on, or after the effective date of this Act.

(b) A member of the board of directors of the State Bar of Texas who, before the effective date of this Act, completed the training program required by Section 81.0201, Government Code, as that law existed before the effective date of this Act, is required to complete additional training only on subjects added by this Act to the training program as required by Section 81.0201, Government Code, as amended by this Act. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2017, until the member completes the additional training.

SECTION 17. This Act takes effect September 1, 2017.

The Conference Committee Report on **SB 302** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 312

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 312** 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.

NICHOLS
HINOJOSA
WATSON
HANCOCK
TAYLOR OF COLLIN
On the part of the Senate

GONZALES
MORRISON
S. THOMPSON
RAYMOND
BURKETT
On the part of the House

A BILL TO BE ENTITLED AN ACT

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

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

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

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

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

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

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

(1) the law governing department operations [~~this subchapter~~];
 (2) the programs, functions, rules, and budget of [~~operated by~~] the department;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a-1) The plan must:

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

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

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

(A) other state agencies;

(B) political subdivisions;

(C) local transportation entities; and

(D) the general public.

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

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

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

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

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

(b) Information contained in the plan must include:

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

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

(3) an analysis of potential interconnectivity difficulties;

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

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

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

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

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

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

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

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

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

SECTION 7. Subchapter I, Chapter 201, Transportation Code, is amended by adding Section 201.705 to read as follows:

Sec. 201.705. AESTHETIC ENTRANCES AND ORNAMENTAL DECORATIONS. The department may enter into agreements with local governments, convention and visitors bureaus, chambers of commerce, or other governmental or nongovernmental entities for the purpose of purchasing supplies and materials to be used for aesthetic entrances to municipalities or census designated places along interstate highways or highway corridors or ornamental decorations along overpasses, provided that the department may not expend appropriated funds solely to plan, design, or construct aesthetic entrances to municipalities or census designated places along interstate highways or highway corridors or ornamental decorations along overpasses.

SECTION 8. Section 201.806(a), Transportation Code, is amended to read as follows:

(a) The department shall:

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

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

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

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

SECTION 9. Section 201.807, Transportation Code, is amended by amending Subsection (a) and adding Subsections (g) and (h) to read as follows:

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

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

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

(g) The department shall:

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

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

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

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

SECTION 10. Subchapter J, Chapter 201, Transportation Code, is amended by adding Section 201.8075 to read as follows:

Sec. 201.8075. STATEWIDE TRANSPORTATION PLAN DASHBOARD.

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

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

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

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

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

(d) The department shall:

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

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

SECTION 11. Section 201.808, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) The department shall:

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

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

(3) update the analysis as part of:

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

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

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

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

SECTION 12. Section 201.809(a), Transportation Code, is amended to read as follows:

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

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

- (2) the status of each project identified as a major priority;
- (3) a summary of the number of statewide project implementation benchmarks that have been completed; ~~[and]~~
- (4) information about the accuracy of previous department financial forecasts; and
- (5) the analysis required by Section 201.808(i).

SECTION 13. Subchapter J, Chapter 201, Transportation Code, is amended by adding Section 201.812 to read as follows:

Sec. 201.812. REPORT ON COMPLETED HIGHWAY CONSTRUCTION PROJECTS. (a) The department shall semiannually publish on the department's Internet website a report on all highway construction projects, listed by department district, that have been completed.

(b) The report required by Subsection (a) must, for each project listed in the report:

- (1) specify whether the project was completed:
 - (A) on schedule, ahead of schedule, or behind schedule; and
 - (B) on budget, under budget, or over budget; and
- (2) include any change orders.

SECTION 14. Section 201.991, Transportation Code, is amended by adding Subsections (b-1) and (e) and amending Subsection (d) to read as follows:

(b-1) The commission by rule shall:

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

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

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

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

SECTION 15. Section 201.992(b), Transportation Code, is amended to read as follows:

(b) The annual update must include:

- (1) the annual funding forecast required by Section 201.993;
- (2) the list of major transportation projects required by Section 201.994(b);

~~[and]~~

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

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

SECTION 16. Sections 201.993(a) and (c), Transportation Code, are amended to read as follows:

(a) The department annually shall:

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

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

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

SECTION 17. Section 201.995, Transportation Code, is amended by adding Subsection (d) to read as follows:

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

SECTION 18. Section 201.998, Transportation Code, is amended to read as follows:

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

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

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

(1) developing an appropriate mix of projects; and

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

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

~~[(2) a summary of the progress on other district projects].~~

(c) The department shall conduct a review of project development activities in each district's project portfolio on a regular basis and use the review ~~[use the work program]~~ to:

[(1) monitor and evaluate the performance of each [the] district[- and

(2) evaluate the performance of district employees].

(d) In conducting the review required by Subsection (c), the ~~[The]~~ department shall, when appropriate, seek input from key stakeholders such as local government project sponsors or metropolitan planning organizations ~~[publish the work program in appropriate media and on the department's Internet website].~~

(e) The commission shall adopt rules as necessary to administer this section.

(f) The commission shall adopt and regularly update rules:

(1) governing the overall planning, review, and monitoring process created by this section;

(2) specifying how planning and project stakeholders can become involved in the process described by Subdivision (1); and

(3) requiring the department to regularly report results under this section to the commission and the public and specifying the method for reporting those results.

(g) The commission shall consult a stakeholder group before adopting or updating rules under Subsection (f).

SECTION 19. Section 201.9991(a), Transportation Code, is amended to read as follows:

(a) The commission by rule shall prioritize and approve projects included in the statewide transportation plan under Section 201.601 or in the unified transportation program under Section 201.991 in order to provide financial assistance under this chapter.

SECTION 20. Subchapter P, Chapter 201, Transportation Code, is amended by adding Section 201.9992 to read as follows:

Sec. 201.9992. ROLES AND RESPONSIBILITIES OF DEPARTMENT AND METROPOLITAN PLANNING ORGANIZATIONS. (a) The commission shall adopt rules governing:

(1) the alignment of the department's state and federal funding forecasts, including the annual funding forecast required by Section 201.993, with the funding forecasts of metropolitan planning organizations, including:

(A) the funding forecasts used for long-term planning as described in Sections 201.620 and 472.035; and

(B) the 10-year transportation plan required by Section 201.9911;

(2) the alignment of the statewide project recommendation criteria developed by the department with the project recommendation criteria developed by metropolitan planning organizations that relate to statewide transportation goals, particularly for major mobility projects using a mix of several funding sources and selected by different entities;

(3) the department's timelines and review process for the 10-year transportation plans required by Section 201.9911;

(4) the department's process for allowing metropolitan planning organizations direct access to the department's information systems, software, and technical assistance for the purpose of accomplishing statewide transportation goals; and

(5) the department's process for collaborating with metropolitan planning organizations to regularly evaluate the availability, consistency, and quality of data and other information needed to fully develop a more performance-based transportation planning and project selection system.

(b) A rule adopted under Subsection (a)(3) must take into consideration a metropolitan planning organization's other deadlines and requirements in federal law.

(c) The commission shall consult a stakeholder group before developing the rules required by Subsection (a).

SECTION 21. Subchapter B, Chapter 203, Transportation Code, is amended by adding Section 203.023 to read as follows:

Sec. 203.023. SUBSTANTIAL CHANGE IN LAYOUT OR FUNCTION. The commission by rule shall require a hearing for projects that substantially change the layout or function of a connecting roadway or an existing facility, including the addition of managed lanes, high-occupancy vehicle lanes, bicycle lanes, bus lanes, and transit lanes.

SECTION 22. Section 222.103(a), Transportation Code, is amended to read as follows:

(a) The department may participate, by spending money from any available source, in the cost of the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission. The commission[+]

~~[(1) may require the repayment of any money spent by the department for the cost of a toll facility of a public entity; and~~

~~[(2)] shall require the repayment of any money spent [by the department for the cost of a toll facility of a private entity].~~

SECTION 23. Section 223.012, Transportation Code, is amended to read as follows:

Sec. 223.012. CONTRACTOR PERFORMANCE. (a) The commission ~~[department]~~ shall adopt rules to:

(1) establish a range of contract remedies to be included in all low-bid highway improvement contracts, including enforceable corrective action plans and criteria for prohibiting contractors with significant project completion delays from bidding on new projects, and develop a process and criteria for when to apply each contract remedy;

(2) develop and implement a schedule for liquidated damages that accurately reflects the costs associated with project completion delays, including administrative and travel delays; and

(3) develop a contractor performance evaluation process and an evaluation tool that:

(A) allows for the [(2)] review of contractor bidding capacity to ensure that contractors meet each quality, safety, and timeliness standard established by the commission; and

(B) contains criteria for modifying a contractor's bidding capacity for competitively bid highway improvement contracts when appropriate [(3) conduct a review to determine whether commission rules or state law should be changed to realize significant cost and time savings on state highway construction and maintenance projects].

(b) In developing the rules required by Subsection (a)(1), the commission must:

(1) consult with industry contractors; and

(2) consider contract remedies used by:

(A) other state agencies; and

(B) departments of transportation in other states [Not later than December 1, 1998, the department shall file a report with the governor, the lieutenant governor, and the speaker of the house of representatives containing:

[(1) the results of the review conducted under Subsection (a)(2); and

~~[(2) recommendations on legislation the commission determines is necessary to realize significant cost and time savings on state highway construction and maintenance].~~

(c) The rules adopted under Subsection (a)(2) must:

(1) include criteria for identifying projects that have a significant impact on the traveling public; and

(2) require the department to calculate project-specific liquidated damages for projects described by Subdivision (1) that reflect the true cost of travel delays.

(d) In developing the evaluation tool required by Subsection (a)(3), the commission must consult with industry contractors.

(e) The rules adopted under Subsection (a)(3) must:

(1) provide for a process for contractors to appeal the contractors' evaluations; and

(2) include criteria for the use of the evaluations by the department to address contractor performance problems.

(f) Rules adopted under this section must require:

(1) contractual provisions providing for the consideration of sufficient time; and

(2) the department to consider any events outside a contractor's control before assessing a penalty against the contractor.

SECTION 24. Subchapter B, Chapter 223, Transportation Code, is amended by adding Section 223.051 to read as follows:

Sec. 223.051. VERIFICATION BY CONTRACTORS. (a) In this section, "E-verify program" has the meaning assigned by Section 673.001, Government Code.

(b) The department may not award a contract for the construction, maintenance, or improvement of a highway in this state to a contractor unless the contractor and any subcontractor register with and participate in the E-verify program to verify employee information. The contractor and any subcontractor must continue to participate in the program during the term of the contract.

(c) The department shall develop procedures for the administration and enforcement of this section.

SECTION 25. Subchapter B, Chapter 224, Transportation Code, is amended by adding Section 224.034 to read as follows:

Sec. 224.034. HIGHWAY CLOSURES DURING CERTAIN PERIODS. (a) If a proposed improvement of the state highway system requires the closing of a highway, the department shall, before entering into a contract for the proposed improvement, coordinate the highway closure by communicating in person or by telephone call, e-mail, or other direct method of communication with public officials from municipalities affected by the closure to avoid any adverse economic impact on the municipalities during:

(1) periods of increased travel on the state highway system, including major state and federal holidays and school holidays; and

(2) other periods of high commercial activity in the state, including limited periods in which certain items are exempted from the sales tax imposed by Chapter 151, Tax Code.

(b) A contract for the proposed improvement of the state highway system that requires the closing of a highway as described by Subsection (a) must include a provision identifying the days on which the highway may not be closed.

(c) The department shall submit an annual report to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature detailing all highway closures during periods listed in Subsection (a) and the estimated economic impact of those closures.

SECTION 26. Subchapter B, Chapter 225, Transportation Code, is amended by adding Sections 225.123 through 225.133 to read as follows:

Sec. 225.123. ROSA PARKS MEMORIAL PARKWAY. (a) The portion of State Highway 360 from the municipal limits of Mansfield in Tarrant County to its intersection with East Sublett Road/West Camp Wisdom Road in Tarrant County is designated as the Rosa Parks Memorial Parkway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Rosa Parks Memorial Parkway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.124. SENATOR CHRIS HARRIS MEMORIAL HIGHWAY. (a) The portion of State Highway 360 from its intersection with U.S. Highway 287 in Ellis County to the municipal limits of Mansfield in Tarrant County is designated as the Senator Chris Harris Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Senator Chris Harris Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.125. STATE TROOPER BILL DAVIDSON MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 59 in Jackson County between mile marker 618 and mile marker 620 on the southbound side is designated as the State Trooper Bill Davidson Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the State Trooper Bill Davidson Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.126. VETERANS MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 271 in Camp County is designated as the Veterans Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Veterans Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.127. TITUS COUNTY VIETNAM VETERANS MEMORIAL HIGHWAY. (a) The portion of Farm-to-Market Road 4000 in Titus County between its intersection with Farm-to-Market Road 1735 and the eastern municipal boundary of Mount Pleasant is designated as the Titus County Vietnam Veterans Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Titus County Vietnam Veterans Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.128. 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.

Sec. 225.129. KOLLYN BARTON MEMORIAL HIGHWAY. (a) The portion of Farm-to-Market Road 666 in Nueces County between its intersection with State Highway 44 and Farm-to-Market Road 624 is designated as the Kollyn Barton Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Kollyn Barton Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.130. BEDFORD-CARMICHAEL BRIDGE. (a) The structure on State Highway 6 located in Eastland County adjacent to Lake Cisco connecting the north and south banks of Sandy Creek is designated as the Bedford-Carmichael Bridge.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Bedford-Carmichael Bridge and any other appropriate information; and

(2) erect a marker at each end of the structure.

Sec. 225.131. SHERIFF RONNIE DODDS MEMORIAL HIGHWAY. (a) The portion of Alternate United States Highway 90 in Lavaca County from the eastern municipal limits of Shiner to the western municipal limits of Hallettsville is designated as the Sheriff Ronnie Dodds Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Sheriff Ronnie Dodds Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.132. SERGEANT DAVID M. FURRH MEMORIAL HIGHWAY. (a) The portion of State Highway 95 in Lavaca County from the northern municipal limits of Shiner to the southern municipal limits of Moulton is designated as the Sergeant David M. Furrh Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Sergeant David M. Furrh Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.133. STAFF SERGEANT JEREMIE S. BORDER MEMORIAL HIGHWAY. (a) The portion of State Highway 352 in the municipal limits of Mesquite is designated as the Staff Sergeant Jeremie S. Border Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Staff Sergeant Jeremie S. Border Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

SECTION 27. The heading to Section 228.054, Transportation Code, is amended to read as follows:

Sec. 228.054. TOLL PAYMENT REQUIRED ~~[FAILURE OR REFUSAL TO PAY TOLL]; EMERGENCY VEHICLES EXEMPT~~ ~~[OFFENSE]~~.

SECTION 28. Section 228.054(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (e) ~~[or Section 228.0545]~~, the operator of a vehicle, other than an authorized emergency vehicle, as defined by Section 541.201, that is driven or towed through a toll collection facility shall pay the proper toll. The exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is:

- (1) responding to an emergency;
- (2) displaying a flashing light; or
- (3) marked as an emergency vehicle.

SECTION 29. The heading to Section 228.0545, Transportation Code, is amended to read as follows:

Sec. 228.0545. TOLL NOT PAID AT TIME OF USE; INVOICE ~~[ALTERNATIVE TOLLING METHODS]~~.

SECTION 30. Section 228.0545, Transportation Code, is amended by amending Subsections (c) and (d) and adding Subsection (e) to read as follows:

(c) The department shall send by first class mail to the registered owner of a ~~[the]~~ vehicle a written invoice containing an assessment for tolls incurred by the vehicle ~~[notice of the total amount due. The notice must specify the date, which may not be earlier than the 30th day after the date the notice is mailed, by which the amount due must be paid. The registered owner shall pay the amount due on or before the date specified in the notice].~~

(d) The department shall send the invoice ~~[notice]~~ required under Subsection (c) and related communications ~~[subsequent notices]~~ to:

(1) the registered owner's address as shown in the vehicle registration records of the Texas Department of Motor Vehicles or the analogous department or agency of another state or country; or

(2) an alternate address provided by the owner or derived through other reliable means.

(e) The department may provide that the invoice under Subsection (c), instead of being sent by first class mail, be sent as an electronic record to a registered owner that agrees to the terms of the electronic record transmission of the information.

SECTION 31. Subchapter B, Chapter 228, Transportation Code, is amended by adding Sections 228.0546 and 228.0547 to read as follows:

Sec. 228.0546. INVOICE REQUIREMENTS; PAYMENT DUE DATE. An invoice containing an assessment for the use of a toll project must:

(1) require payment not later than the 30th day after the date the invoice is mailed; and

(2) conspicuously state:

(A) the amount due;

(B) the date by which the amount due must be paid; and

(C) that failure to pay the amount due in the required period will result in the assessment of an administrative fee.

Sec. 228.0547. PAYMENT OF TOLL INVOICE; OFFENSE. (a) A person who receives an invoice from the department for the use of a toll project shall, not later than the due date specified in the invoice:

(1) pay the amount owed as stated in the invoice; or

(2) send a written request to the department for a review of the toll assessments contained in the invoice.

(b) If a person fails to comply with Subsection (a), the department may add an administrative fee, not to exceed \$6, to the amount the person owes. The department:

(1) must set the administrative fee by rule in an amount that does not exceed the cost of collecting the toll; and

(2) may not charge a person more than \$48 in administrative fees in a 12-month period.

(c) A person who receives two or more invoices for unpaid tolls, including a lessee or transferee under Section 228.055(d-1) or (e) or a person who receives an invoice from an entity under Section 228.059, and who has not paid the amount due within 30 days of the date of the second invoice commits an offense. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$250. A person may not be convicted of more than one offense under this subsection in a 12-month period.

(d) The court in which a person is convicted of an offense under Subsection (c) shall collect the unpaid tolls and administrative fees and forward the amounts to the department. A person who is convicted of an offense under Subsection (c) is also liable for court costs.

(e) The department may contract, in accordance with Section 2107.003, Government Code, with a person to collect the unpaid toll and any applicable administrative fee before referring the matter to a court with jurisdiction over the offense.

SECTION 32. The heading to Section 228.055, Transportation Code, is amended to read as follows:

Sec. 228.055. EXCEPTIONS FOR LEASED OR TRANSFERRED VEHICLE [ADMINISTRATIVE FEE; NOTICE; OFFENSE].

SECTION 33. Sections 228.055(d), (d-1), and (e), Transportation Code, are amended to read as follows:

(d) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle ~~[the application of Subsection (a) or (e)]~~ if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the invoice containing an assessment of the toll ~~[notice of nonpayment]~~ is mailed provides to the department:

(1) a copy of the rental, lease, or other contract document covering the vehicle on the date the toll was incurred ~~[of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~, with the name and address of the lessee clearly legible; or

(2) electronic data, in a format agreed on by the department and the lessor, other than a photocopy or scan of a rental or lease contract, that contains the information required under Sections 521.460(c)(1), (2), and (3) covering the vehicle on the date the toll was incurred ~~[of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545].~~

(d-1) If the lessor provides the required information within the period prescribed under Subsection (d), the department may send an invoice ~~[a notice of nonpayment]~~ to the lessee at the address provided under Subsection (d) by first class mail before the 30th day after the date of receipt of the required information from the lessor. ~~[The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The lessee shall pay a separate toll and administrative fee for each event of nonpayment. Each failure to pay a toll or administrative fee under this subsection is a separate offense.]~~

(e) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle ~~[the application of Subsection (a) or (e)]~~ if the registered owner of the vehicle transferred ownership of the vehicle to another person before the toll was incurred ~~[event of nonpayment under Section 228.054 occurred or before the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~, submitted written notice of the transfer to the department in accordance with Section 501.147, and, before the 30th day after the date the invoice ~~[notice of nonpayment]~~ is mailed, provides to the department the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the department may send an invoice ~~[a notice of nonpayment]~~ to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first class mail before the 30th day after the date of receipt of the required information from the former owner. The department may send all subsequent

invoices [~~notices of nonpayment~~] associated with the vehicle to the person to whom ownership of the vehicle was transferred at the address provided by the former owner or an alternate address provided by the subsequent owner or derived through other reliable means. [~~The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545. Each failure to pay a toll or administrative fee under this subsection is a separate offense.~~]

SECTION 34. Section 228.056, Transportation Code, is amended to read as follows:

Sec. 228.056. PRESUMPTIONS; PRIMA FACIE EVIDENCE; DEFENSES.

(a) In the prosecution of an offense under Section 228.0547 [~~228.054 or 228.055~~], proof that the vehicle was driven or towed through the toll collection facility without payment of the proper toll may be shown by a video recording, photograph, electronic recording, or other appropriate evidence, including evidence obtained by automated enforcement technology.

(b) In the prosecution of an offense under Section 228.0547 [~~228.055(e), (d-1), or (e)~~]:

(1) it is presumed that the invoice containing the assessment for the toll [~~notice of nonpayment~~] was received on the fifth day after the date of mailing;

(2) a computer record of the Texas Department of Motor Vehicles of the registered owner of the vehicle is prima facie evidence of its contents and that the defendant was the registered owner of the vehicle when the toll was incurred [~~underlying event of nonpayment under Section 228.054 occurred or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545~~]; and

(3) a copy of the rental, lease, or other contract document, or the electronic data provided to the department under Section 228.055(d), covering the vehicle on the date the toll was incurred [~~of the underlying event of nonpayment under Section 228.054 or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545~~] is prima facie evidence of its contents and that the defendant was the lessee of the vehicle when the toll was incurred [~~underlying event of nonpayment under Section 228.054 occurred or when the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545~~].

(c) It is a defense to prosecution under Section 228.0547 [~~228.055(e), (d-1), or (e)~~] that the motor vehicle in question was stolen before the toll was incurred [~~failure to pay the proper toll occurred~~] and had not been recovered before the toll was incurred [~~failure to pay occurred~~], but only if the theft was reported to the appropriate law enforcement authority before the earlier of:

- (1) the time the toll was incurred [~~the occurrence of the failure to pay~~]; or
- (2) eight hours after the discovery of the theft.

SECTION 35. Section 228.059, Transportation Code, is amended to read as follows:

Sec. 228.059. TOLL COLLECTION AND ENFORCEMENT BY OTHER ENTITY~~[; OFFENSE]~~. An entity operating a toll lane pursuant to Section 228.007(b) has, with regard to toll collection and enforcement for that toll lane, the same powers and duties as the department under this chapter. ~~[A person who fails to pay a toll or administrative fee imposed by the entity commits an offense. Each failure to pay a toll or administrative fee imposed by the entity is a separate offense. An offense under this section is a misdemeanor punishable by a fine not to exceed \$250, and the provisions of Section 228.056 apply to the prosecution of the offense under this section.]~~ The entity may use revenues for improvement, extension, expansion, or maintenance of the toll lane.

SECTION 36. The heading to Subchapter E, Chapter 228, Transportation Code, is amended to read as follows:

SUBCHAPTER E. LIMITATION ON TOLL FACILITY DESIGNATION
~~[DETERMINATION]~~; CONVERSION OF NONTOLLED STATE HIGHWAY

SECTION 37. Section 228.201, Transportation Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) The department may not operate a nontolled state highway or a segment of a nontolled state highway as a toll project, and may not transfer a highway or segment to another entity for operation as a toll project, unless:

(1) the commission by order designated the highway or segment as a toll project before the contract to construct the highway or segment was awarded;

(2) the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005;

(3) the highway or segment is reconstructed so that the number of nontolled lanes on the highway or segment is greater than or equal to the number in existence before the reconstruction; or

(4) a facility is constructed adjacent to the highway or segment so that the number of nontolled lanes on the converted highway or segment and the adjacent facility together is greater than or equal to the number in existence on the converted highway or segment before the conversion~~[; or~~

~~[(5) subject to Subsection (b), the highway or segment was open to traffic as a high occupancy vehicle lane on May 1, 2005].~~

(c) In determining the number of nontolled lanes required to comply with Subsection (a)(3), the department:

(1) may consider only a general-purpose lane that is part of the highway;
and

(2) may not consider a lane of a frontage road to be a nontolled lane before or after reconstruction of the highway.

(d) The department may not operate any part of State Highway 255 in Webb County as a toll project.

SECTION 38. Subchapter E, Chapter 228, Transportation Code, is amended by adding Section 228.207 to read as follows:

Sec. 228.207. CÉSAR CHÁVEZ FREEWAY. (a) In this section, "César Chávez Freeway" means the portion of Loop 375 in El Paso County between Interstate Highway 10 and Santa Fe Street.

(b) If the Camino Real Regional Mobility Authority approves the conversion of the portion of the César Chávez Freeway that is operated as a toll project to a nontolled project:

(1) any money advanced by the department to the authority for the construction or maintenance of a toll project on the César Chávez Freeway that is unexpended on the effective date of the conversion shall be used for the construction of the Loop 375 Border Highway West Project in El Paso County from Race Track Drive to U.S. Highway 54 and added to the authority's obligation for that project under terms agreeable to the department; and

(2) the department shall maintain the César Chávez Freeway as part of the state highway system without tolls.

SECTION 39. Section 366.301(c), Transportation Code, is amended to read as follows:

(c) An obligation or expense incurred by the commission or department under this section is a part of the cost of the turnpike project for which the obligation or expense was incurred. The commission or department shall ~~may~~ require money contributed by the commission or department under this section to be repaid. The commission or department may require the money to be repaid from tolls or other revenue of the turnpike project or system on which the money was spent. Money repaid as required by the commission or department shall be deposited to the credit of the fund from which the contribution was made. Money deposited as required by this section is exempt from the application of Section 403.095, Government Code.

SECTION 40. Section 370.033(m), Transportation Code, is amended to read as follows:

(m) If an authority receives money from the general revenue fund, the Texas Mobility Fund, or the state highway fund, it:

(1) may use the money only to acquire, design, finance, construct, operate, or maintain a turnpike project under Section 370.003(14)(A) or (D) or a transit system under Section 370.351; and

(2) must repay the money.

SECTION 41. Sections 370.301(c) and (f), Transportation Code, are amended to read as follows:

(c) An obligation or expense incurred by the commission or department under this section is a part of the cost of the turnpike project for which the obligation or expense was incurred. The commission or department shall ~~may~~ require money contributed by the commission or department under this section to be repaid. The commission or department may require the money to be repaid from tolls or other revenue of the turnpike project on which the money was spent. Money repaid as required by the commission or department shall be deposited to the credit of the fund from which the contribution was made. Money deposited as required by this section is exempt from the application of Section 403.095, Government Code.

(f) The commission may ~~grant or~~ loan department money to an authority for the acquisition of land for or the construction, maintenance, or operation of a turnpike project. The commission shall ~~may~~ require the authority to repay money loaned [provided] under this section. The commission may require the money to be repaid from toll revenue or other sources on terms established by the commission.

SECTION 42. Subchapter A, Chapter 372, Transportation Code, is amended by adding Section 372.002 to read as follows:

Sec. 372.002. REPAYMENT OF MONEY CONTRIBUTED BY DEPARTMENT. (a) A toll project entity shall repay to the department any money contributed by the department as participation in the cost of the entity's toll projects, including money from the state highway fund, the Texas Mobility Fund, or other sources available to the department.

(b) Each year, the department shall:

(1) for each department district, determine the amount of money repaid to the department under Subsection (a) in the previous year that is attributable to projects located in the district; and

(2) in addition to other amounts, allocate to each department district an amount of money equal to the amount determined for the district under Subdivision (1) to be used for transportation projects located in that district.

(c) If a transportation project that was the subject of repayment of department contributions is located in more than one department district, the department may reasonably allocate the repayments from that project between the districts in which the project is located.

(d) Notwithstanding any other law, including Sections 222.103(a), 366.301(c), 370.033(m), and 370.301(c) and (f), a toll project entity is not required to repay:

(1) funds held in a subaccount created under Section 228.012; or

(2) funds contributed by the department for a project if the toll project entity commenced the environmental review process for the project on or before January 1, 2014.

SECTION 43. Subchapter B, Chapter 391, Transportation Code, is amended by adding Sections 391.038 and 391.039 to read as follows:

Sec. 391.038. SIGN HEIGHT. (a) This section applies only to a sign existing on March 1, 2017, that was erected before that date.

(b) A sign described by Subsection (a) may not be higher than 85 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

(1) from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or

(2) if the main-traveled way is below grade, from the base of the sign structure.

(c) A person may rebuild a sign described by Subsection (a) without obtaining a new or amended permit from the department, provided that the sign is rebuilt at the same location where the sign existed on March 1, 2017, and at a height that does not exceed the height of the sign on that date.

Sec. 391.039. SPACING REQUIREMENTS IN CERTAIN MUNICIPALITIES.

(a) In this section, "electronic sign" means a sign that changes its message or copy by programmable electronic or mechanical processes.

(b) The department, in regulating outdoor advertising located in the corporate boundaries of a municipality with a population of more than 200,000 located in a county on the Texas-Mexico border with a population of less than 300,000, may not require an electronic sign owned by the municipality to be more than 500 feet from another sign.

SECTION 44. Section 550.025(a), Transportation Code, is amended to read as follows:

(a) The operator of a vehicle involved in an accident resulting only in damage to a structure adjacent to a highway or a fixture or landscaping legally on or adjacent to a highway shall:

(1) take reasonable steps to locate and notify the owner or person in charge of the property of the accident and of the operator's name and address and the registration number of the vehicle the operator was driving; and

(2) if requested and available, show the operator's driver's license to the owner or person in charge of the property; ~~and~~

~~[(2) report the accident if required by Section 550.061].~~

SECTION 45. Effective September 1, 2019, Section 550.062(b), Transportation Code, is amended to read as follows:

(b) The report required by Subsection (a) must be filed electronically with the department not later than the 10th day after the date of the accident.

SECTION 46. Section 550.064(b), Transportation Code, is amended to read as follows:

(b) An accident report form prepared by the department must:

(1) require sufficiently detailed information to disclose the cause and conditions of and the persons and vehicles involved in an accident if the form is for the report to be made by a person ~~[involved in or]~~ investigating the accident;

(2) include a way to designate and identify a peace officer, firefighter, or emergency medical services employee who is involved in an accident while driving a law enforcement vehicle, fire department vehicle, or emergency medical services vehicle while performing the person's duties;

(3) require a statement by a person described by Subdivision (2) as to the nature of the accident; and

(4) include a way to designate whether an individual involved in an accident wants to be contacted by a person seeking to obtain employment as a professional described by Section 38.01(12), Penal Code.

SECTION 47. Section 550.065(a), Transportation Code, is amended to read as follows:

(a) This section applies only to the following information that is held by the department or another governmental entity:

(1) a written report of an accident required under:

(A) Section ~~[550.061,]~~ 550.062; [;] or

(B) former Section 550.061 or 601.004 before September 1, 2017; or

(2) accident report information compiled under Section 201.806.

SECTION 48. Section 550.067(c), Transportation Code, is amended to read as follows:

(c) A municipality by ordinance may require the person in charge of a garage or repair shop where a motor vehicle is brought if the vehicle shows evidence of having been involved in an accident described by [~~requiring a report to be filed under~~] Section 550.062(a) [~~550.061 or 550.062~~] or shows evidence of having been struck by a bullet to report to a department of the municipality within 24 hours after the garage or repair shop receives the motor vehicle, giving the engine number, registration number, and the name and address of the owner or operator of the vehicle.

SECTION 49. Section 550.068, Transportation Code, is amended to read as follows:

Sec. 550.068. CHANGING ACCIDENT REPORT. (a) Except as provided by Subsection (b), a change in or a modification of a written report of a motor vehicle accident prepared by a peace officer [~~or the operator of a vehicle involved in an accident~~] that alters a material fact in the report may be made only by the peace officer [~~or person~~] who prepared the report.

(b) A change in or a modification of the written report of the accident may be made by a person other than the peace officer [~~or the operator of the vehicle~~] if:

- (1) the change is made by a written supplement to the report; and
- (2) the written supplement clearly indicates the name of the person who originated the change.

SECTION 50. Section 601.005, Transportation Code, is amended to read as follows:

Sec. 601.005. EVIDENCE IN CIVIL SUIT. A [~~On the filing of a report under Section 601.004, a~~] person at a trial for damages may not refer to or offer as evidence of the negligence or due care of a party:

- (1) an action taken by the department under this chapter;
- (2) the findings on which that action is based; or
- (3) the security or evidence of financial responsibility filed under this chapter.

SECTION 51. Sections 601.007(b) and (c), Transportation Code, are amended to read as follows:

(b) The provisions of this chapter [~~other than Section 601.004,~~] do not apply to an officer, agent, or employee of the United States, this state, or a political subdivision of this state while operating a government vehicle in the course of that person's employment.

(c) The provisions of this chapter, other than Section [~~Sections 601.004 and~~] 601.054, do not apply to a motor vehicle that is subject to Chapter 643.

SECTION 52. Section 601.154(c), Transportation Code, is amended to read as follows:

(c) In determining whether there is a reasonable probability that a judgment will be rendered against the person as a result of an accident and the amount of security that is sufficient under Subsection (a), the department may consider:

- (1) a report of an investigating officer; and
- (2) [~~an accident report of a party involved; and~~]
[~~⊕~~] an affidavit of a person who has knowledge of the facts.

SECTION 53. Section 707.004(f), Transportation Code, is amended to read as follows:

(f) Not later than December 1 of each year, the department shall publish on the department's Internet website the information submitted by a local authority under Subsection (d).

SECTION 54. Sections 730.003(4) and (6), Transportation Code, are amended to read as follows:

(4) "Motor vehicle record" means a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state or a local agency authorized to issue an identification document. The term does not include:

(A) a record that pertains to a motor carrier; or

(B) an accident report prepared under:

(i) Chapter 550; or

(ii) former Section 601.004 before September 1, 2017 ~~[604]~~.

(6) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, driver identification number, name, address, but not the zip code, telephone number, and medical or disability information. The term does not include:

(A) information on vehicle accidents, driving or equipment-related violations, or driver's license or registration status; or

(B) information contained in an accident report prepared under:

(i) Chapter 550; or

(ii) former Section 601.004 before September 1, 2017 ~~[604]~~.

SECTION 55. Section 2167.001(a), Government Code, is amended to read as follows:

(a) This chapter applies to:

(1) office space;

(2) warehouse space;

(3) laboratory space;

(4) storage space exceeding 1,000 gross square feet;

(5) boat storage space;

(6) aircraft hangar space other than hangar space and adjacent space leased by the Texas Department of Transportation ~~[State Aircraft Pooling Board]~~ at Austin-Bergstrom International Airport and operated for the purpose of providing air transportation services for the State of Texas;

(7) vehicle parking space; and

(8) a combination of those kinds of space.

SECTION 56. Section 2175.191(c), Government Code, is amended to read as follows:

(c) Proceeds from the sale of surplus and salvage property of the Texas Department of Transportation relating to the department's duties under Chapter 2205 ~~[State Aircraft Pooling Board]~~ shall be deposited to the credit of the department ~~[board]~~.

SECTION 57. The heading to Subchapter A, Chapter 2205, Government Code, is amended to read as follows:

SUBCHAPTER A. ~~[STATE AIRCRAFT POOLING BOARD;]~~ GENERAL PROVISIONS

SECTION 58. Section 2205.002(1), Government Code, is amended to read as follows:

(1) "Department ~~[Board]~~" means the Texas Department of Transportation [State Aircraft Pooling Board].

SECTION 59. Section 2205.012, Government Code, is amended to read as follows:

Sec. 2205.012. STAFF. ~~[(a)]~~ The department [board] may employ and compensate staff as provided by legislative appropriation or may use staff provided by the comptroller or the state auditor's office.

~~[(b) The board shall develop and implement policies that clearly define the respective responsibilities of the board and the staff the board uses.]~~

SECTION 60. Section 2205.032, Government Code, is amended to read as follows:

Sec. 2205.032. CUSTODY, CONTROL, OPERATION, AND MAINTENANCE. (a) The department [board] shall operate a pool for the custody, control, operation, and maintenance of all aircraft owned or leased by the state.

(b) The department [board] may purchase aircraft with funds appropriated for that purpose.

(c) As part of the strategic plan that the department [board] develops and submits under Chapter 2056, the department [board] shall develop a long-range plan for its pool of aircraft. The department [board] shall include ~~[appropriate portions of]~~ the long-range plan in the department's [its] legislative appropriations request if the department identifies the need for additional appropriations and the additional appropriations are related to the department's duties under this chapter. The long-range plan must include:

(1) estimates of future aircraft replacement needs and other fleet management needs, including:

(A) any projected need to increase or decrease the number of aircraft in the pool;

(B) estimates of the remaining useful life for each aircraft in the pool;
and

(C) a proposed schedule for replacing aircraft in the pool;
(2) a range of alternatives and scenarios for the number and types of aircraft in the pool;

(3) an analysis of current usage of aircraft in the pool, including customer base and documented rationale for use;

(4) the status of maintenance time and costs and projected future trends regarding maintenance time and costs;

(5) any documented high-risk mechanical issues with aircraft in the pool;

(6) an analysis of the costs and benefits of different methods for meeting air transportation currently provided by the department under Section 2205.036, including:

(A) the potential use of statewide contracts for private charter aircraft services;

(B) increased reliance on commercial carriers for routine travel;
(C) decreasing the number of aircraft in the pool and increasing the use of contracted flight services; and
(D) any other method the department considers feasible; and
(7) an analysis of the impact of including capital recovery costs in the rates the department charges under Section 2205.040 that, at a minimum, includes the impact of those included costs on customer utilization and the department's schedule for replacing aircraft in the pool.

(d) In developing the long-range plan, the department [board] shall consider at a minimum for each aircraft in the pool:

- (1) how much the aircraft is used and the purposes for which the aircraft [#] is used;
- (2) the cost of operating the aircraft and the revenue generated by the aircraft; and
- (3) the demand for the aircraft or for that type of aircraft.

(e) The department shall update the long-range plan annually and make the plan available on the department's Internet website.

SECTION 61. Section 2205.034, Government Code, is amended to read as follows:

Sec. 2205.034. FACILITIES. (a) The department [board] may acquire appropriate facilities for the accommodation of all aircraft owned or leased by the state. The facilities may be purchased or leased as determined by the department [board] to be most economical for the state and as provided by legislative appropriations. The facilities may include adequate hangar space, an indoor passenger waiting area, a flight-planning area, communications facilities, and other related and necessary facilities.

(b) A state agency that operates an aircraft may not use a facility in Austin other than a facility operated by the department [board] for the storage, parking, fueling, or maintenance of the aircraft, whether or not the aircraft is based in Austin. In a situation the department [board] determines to be an emergency, the department [board] may authorize a state agency to use a facility in Austin other than a department [board] facility for the storage, parking, fueling, or maintenance of an aircraft.

SECTION 62. Section 2205.035, Government Code, is amended to read as follows:

Sec. 2205.035. AIRCRAFT LEASES. (a) The department [board] by interagency contract may lease state-owned aircraft to a state agency.

(b) A state agency that is the prior owner or lessee of an aircraft has the first option to lease that aircraft from the department [board].

(c) The lease may provide for operation or maintenance by the department [board] or the state agency.

(d) A state agency may not expend appropriated funds for the lease of an aircraft unless the department [board] executes the lease or approves the lease [by board order].

(e) A state agency may not use money appropriated by the legislature to rent or lease aircraft except from the department [board] or as provided by Subsection (f). For purposes of this subsection and Subsection (f), payments of mileage reimbursements provided for by the General Appropriations Act are not rentals or leases of aircraft.

(f) If the department [board] determines that no state-owned aircraft is available to meet a transportation need that has arisen or that a rental or lease of aircraft would reduce the state's transportation costs, the department [board] shall authorize a state agency to expend funds for the rental or lease of aircraft, which may include a helicopter.

SECTION 63. Section 2205.036, Government Code, is amended to read as follows:

Sec. 2205.036. PASSENGER TRANSPORTATION. (a) The department [board] shall provide aircraft transportation, to the extent that its aircraft are available, to:

(1) state officers and employees who are traveling on official business according to the coordinated passenger scheduling system and the priority scheduling system developed as part of the aircraft operations manual under Section 2205.038;

(2) persons in the care or custody of state officers or employees described by Subdivision (1); and

(3) persons whose transportation furthers official state business.

(b) The department [board] may not provide aircraft transportation to a passenger if the passenger is to be transported to or from a place where the passenger:

(1) will make or has made a speech not related to official state business;

(2) will attend or has attended an event sponsored by a political party;

(3) will perform a service or has performed a service for which the passenger is to receive an honorarium, unless the passenger reimburses the department [board] for the cost of transportation;

(4) will attend or has attended an event at which money is raised for private or political purposes; or

(5) will attend or has attended an event at which an audience was charged an admission fee to see or hear the passenger.

(c) The department [board] may not provide aircraft transportation to a destination unless:

(1) the destination is not served by a commercial carrier;

(2) the aircraft transportation is the most cost-effective travel arrangement in accordance with Section 660.007(a) [~~time required to use a commercial carrier interferes with passenger obligations~~]; ~~or~~

(3) the number of passengers traveling makes the use of a state aircraft cost-effective; or

(4) emergency circumstances necessitate the use of a state aircraft.

(d) Before the executive director of the department or the director's designee may authorize a person to use a state-operated aircraft, the person must sign an affidavit stating that the person is traveling on official state business. On filing of the affidavit, the person may be authorized to use state-operated aircraft for official state business for a period of one year. A member of the legislature is not required to receive any other additional authorization to use a state-operated aircraft.

(e) Before the executive director of the department or the director's designee may authorize an employee of a state agency to use a state-operated aircraft, the administrative head of the state agency must certify that the employee's transportation complies with the requirements of this section.

SECTION 64. Section 2205.038, Government Code, is amended to read as follows:

Sec. 2205.038. AIRCRAFT OPERATIONS MANUAL. (a) The department [~~board~~] shall:

(1) prepare a manual that establishes minimum standards for the operation of aircraft by state agencies; and

(2) adopt procedures for the distribution of the manual to state agencies.

(b) The manual must include provisions for:

(1) pilot certification standards, including medical requirements for pilots;

(2) recurring training programs for pilots;

(3) general operating and flight rules;

(4) coordinated passenger scheduling; and

(5) other issues the department [~~board~~] determines are necessary to ensure the efficient and safe operation of aircraft by a state agency.

(c) The department [~~board~~] shall confer with and solicit the written advice of state agencies the department [~~board~~] determines are principal users of aircraft operated by the department [~~board~~] and, to the extent practicable, incorporate that advice in the development of the manual and subsequent changes to the manual.

(d) The department [~~board~~] shall give an officer normally elected by statewide election priority in the scheduling of aircraft. The department [~~board~~] by rule may require a 12-hour notice by the officer to obtain the priority in scheduling.

SECTION 65. Section 2205.039, Government Code, is amended to read as follows:

Sec. 2205.039. TRAVEL LOG. (a) The Legislative Budget Board, in cooperation with the department [~~board~~], shall prescribe:

(1) a travel log form for gathering information about the use of state-operated aircraft;

(2) procedures to ensure that individuals who travel as passengers on or operate state-operated aircraft provide in a legible manner the information requested of them by the form; and

(3) procedures for each state agency that operates an aircraft for sending the form to the department [~~board~~] and the Legislative Budget Board.

(b) The travel log form must request the following information about a state-operated aircraft each time the aircraft is flown:

(1) a mission statement, which may appear as a selection to be identified from general categories appearing on the form;

(2) the name, state agency represented, destination, and signature of each person who is a passenger or crew member of the aircraft;

(3) the date of each flight;

(4) a detailed and specific description of the official business purpose of each flight; and

(5) other information determined by the Legislative Budget Board and the department [board] to be necessary to monitor the proper use of the aircraft.

(c) A state agency other than the department [Texas Department of Transportation] shall send the agency's travel logs to the department on an annual basis. An agency is not required to file a travel log with the department if the agency did not operate an aircraft during the period covered by the travel log.

SECTION 66. Section 2205.040, Government Code, is amended to read as follows:

Sec. 2205.040. RATES AND BILLING PROCEDURES; ACCOUNT FOR CAPITAL REPLACEMENT COSTS. (a) Subject to Subsection (b), the department [The board] shall adopt rates for interagency aircraft services that are sufficient to recover, in the aggregate and to the extent possible, all direct costs for the services provided, including a state agency's pro rata share of major maintenance, overhauls of equipment and facilities, and pilots' salaries.

(b) If the department's most recent long-term plan contains an analysis under Section 2205.032(c)(7) that finds that including capital recovery costs in the rates the department charges under this section is a practicable fleet replacement strategy, the department may adopt rates for interagency aircraft services provided by the department that are sufficient to recover, in the aggregate and to the extent possible:

- (1) all direct costs for services provided, as provided by Subsection (a); and
- (2) the capital costs of replacing aircraft in the pool.

(c) The Legislative Budget Board, in cooperation with the department [board] and the state auditor, shall prescribe a billing procedure for passenger travel on state-operated aircraft.

(d) If the department adopts rates under Subsection (b), the portion of the rates collected for the capital costs of replacing aircraft in the pool shall be deposited in a separate account in the state highway fund. Money in the account may be used only for the acquisition of aircraft for the pool operated by the department under Section 2205.032.

SECTION 67. Section 2205.041, Government Code, is amended to read as follows:

Sec. 2205.041. AIRCRAFT USE FORM. (a) The department [Texas Department of Transportation] shall prescribe:

(1) an annual aircraft use form for gathering information about the use of state-operated aircraft, including the extent to which and the methods by which the goal provided by Section 2205.031(b) is being met; and

(2) procedures for each state agency that operates an aircraft for sending the form to the department.

(b) The aircraft use form must request the following information about each aircraft a state agency operates:

- (1) a description of the aircraft;
- (2) the date purchased or leased and the purchase price or lease cost;
- (3) the number of annual hours flown;
- (4) the annual operating costs;
- (5) the number of flights and the destinations;
- (6) the travel logs prepared under Section 2205.039; and

(7) any other information the department [~~Texas Department of Transportation~~] requires to document the proper or cost-efficient use of the aircraft.

SECTION 68. Section 2205.042, Government Code, is amended to read as follows:

Sec. 2205.042. PILOTS. An individual who is not a pilot employed by the department [~~board~~] may not operate a state-operated aircraft unless the department [~~board~~] grants the individual a specific exemption from that requirement.

SECTION 69. Section 2205.043(b), Government Code, is amended to read as follows:

(b) The department [~~board~~] shall adopt rules, consistent with federal regulations and Section 3101.001, governing the color, size, and location of marks of identification required by this section.

SECTION 70. Section 2205.044, Government Code, is amended to read as follows:

Sec. 2205.044. FUEL AND MAINTENANCE CONTRACTS. The department [~~board~~] may contract with a state or federal governmental agency or a political subdivision to provide aircraft fuel or to provide aircraft maintenance services.

SECTION 71. Section 2205.045(a), Government Code, is amended to read as follows:

(a) The department [~~board~~] may purchase insurance to protect the department [~~board~~] from loss caused by damage, loss, theft, or destruction of aircraft owned or leased by the state and shall purchase liability insurance to protect the officers and employees of each state agency from loss arising from the operation of state-owned aircraft.

SECTION 72. Section 2205.046, Government Code, is amended to read as follows:

Sec. 2205.046. AIRCRAFT FOR FLIGHT TRAINING PROGRAMS. (a) The department [~~board~~] may transfer aircraft to a public technical institute or other public postsecondary educational institution for use in the institution's flight training program. Except as provided by this section, the department [~~board~~] has no responsibility for continued maintenance of aircraft transferred under this section.

(b) As a condition to the transfer of the aircraft, the institution must certify in writing to the department [~~board~~] that the institution will accept full responsibility for maintenance of the aircraft and that it will be properly maintained while in the custody and control of the institution. The department [~~board~~] is entitled to inspect the aircraft without notice for the purpose of ensuring [~~insuring~~] that the aircraft is are properly maintained.

(c) The department [~~board~~] may immediately reassume custody and control of a transferred aircraft on a finding by the department [~~board~~] that:

- (1) the aircraft is not being properly maintained;
- (2) the aircraft is being used for a purpose other than flight training; or
- (3) the institution has discontinued its flight training program.

SECTION 73. Section 2205.047, Government Code, is amended to read as follows:

Sec. 2205.047. INFORMATION POSTED ON THE INTERNET. The department ~~[board]~~ shall post information related to travel and other services provided by the department ~~[board]~~ on an Internet website ~~[site]~~ maintained by or for the department ~~[board]~~. The site must be generally accessible to state agencies, persons who use the department's ~~[board's]~~ services, and, to the extent appropriate, the general public.

SECTION 74. The following provisions are repealed:

(1) Sections 2205.003, 2205.004, 2205.005, 2205.006, 2205.007, 2205.008, 2205.009, 2205.010, 2205.011, 2205.013, 2205.014, 2205.015, and 2205.017, Government Code; and

(2) Sections 201.404(b-2), 228.054(b) and (c), 228.055(a), (b), (c), (f), (g), (h), and (i), 228.201(b), 550.061, and 601.004, Transportation Code.

SECTION 75. (a) Except as provided by Subsection (b) of this section, Section 201.059, Transportation Code, as amended by this Act, applies to a member of the Texas Transportation Commission appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Transportation Commission who, before the effective date of this Act, completed the training program required by Section 201.059, Transportation Code, as that law existed before the effective date of this Act, is only required to complete additional training on the subjects added by this Act to the training program as required by Section 201.059, Transportation Code, as amended by this Act. A member of the commission described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission held on or after December 1, 2017, until the member completes the additional training.

SECTION 76. The changes in law made by this Act in amending Sections 222.103, 366.301, 370.033, and 370.301, Transportation Code, and adding Section 372.002, Transportation Code, apply only to a loan, grant, or other contribution made by the Texas Department of Transportation or the Texas Transportation Commission on or after the effective date of this Act. A loan, grant, or other contribution made before the effective date of this Act is governed by the law in effect on the date the loan, grant, or other contribution is made, and the former law is continued in effect for that purpose.

SECTION 77. Section 223.051, Transportation Code, as added by this Act, applies only in relation to a contract for which the request for bids or proposals or other applicable expression of interest is made public on or after the effective date of this Act.

SECTION 78. (a) The repeal by this Act of Sections 228.201(a)(5) and (b), Transportation Code, does not apply to a highway or segment of a highway being operated as a toll project by the Texas Department of Transportation, or an entity under contract with the department, before September 1, 2017, or to a project included in the state's air quality state implementation plan before September 1, 2017. A highway or segment of a highway being operated as a toll project by the department, or an entity under contract with the department, before September 1, 2017, or a project included in the state's air quality state implementation plan before September

1, 2017, is governed by Subchapter E, Chapter 228, Transportation Code, as it existed immediately before that date, and the former law is continued in effect for that purpose.

(b) Section 228.201(c), Transportation Code, as added by this Act, applies only to a highway reconstruction in accordance with Section 228.201(a)(3), Transportation Code, that is begun on or after the effective date of this Act. A reconstruction begun before the effective date of this Act is governed by the law in effect when the reconstruction began, and the former law is continued in effect for that purpose.

SECTION 79. The changes in law made by this Act to the law regarding toll collection procedures and billing apply only to a toll incurred on or after March 1, 2018. A toll incurred before March 1, 2018, is governed by the law in effect on the date the toll was incurred, and the former law is continued in effect for that purpose.

SECTION 80. (a) Not later than October 1, 2017, the Texas Department of Transportation shall develop the procedures required under Section 223.051, Transportation Code, as added by this Act.

(b) Not later than March 1, 2018, the Texas Department of Transportation shall:

(1) complete a review and update of the long-term transportation goals contained in the statewide transportation plan under Section 201.601, Transportation Code, and make any changes to the statewide transportation plan that are necessary to implement the change in law made by this Act to Section 201.601, Transportation Code, including adopting specific and clearly defined transportation system strategies, long-term transportation goals for the state and measurable targets for each goal, and other related performance measures, to ensure that the department uses a single set of transportation goals in all of the department's transportation plans and policy efforts;

(2) make any changes to each of the department's transportation plans and policy efforts that are necessary to implement the change in law made by this Act to Section 201.6015, Transportation Code;

(3) develop the plan required by Section 201.807(g)(3), Transportation Code, as added by this Act;

(4) develop and publish on the department's Internet website the dashboard required by Section 201.8075, Transportation Code, as added by this Act; and

(5) implement the recommended management actions contained in Issue 4 of the Sunset Advisory Commission Staff Report for the Texas Department of Transportation, 85th Legislature, that were approved by the Sunset Advisory Commission.

(c) Not later than September 1, 2018, the Texas Department of Transportation shall adopt the first long-range plan containing the information required by Section 2205.032(c), Government Code, as amended by this Act.

(d) Not later than September 1, 2018, the Texas Transportation Commission shall:

(1) adopt the rules required by Sections 201.807(h), 201.991(b-1), 201.998(f), and 201.9992, Transportation Code, as added by this Act, and Section 223.012, Transportation Code, as amended by this Act; and

(2) adopt or modify any rules necessary to implement the changes in law made by this Act to Sections 201.807, 201.991, and 201.998, Transportation Code.

SECTION 81. This Act takes effect September 1, 2017.

The Conference Committee Report on **SB 312** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 303**

Senator Watson submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 303** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WATSON
TAYLOR OF COLLIN
NICHOLS
SCHWERTNER
HUGHES
On the part of the Senate

S. THOMPSON
GONZALES
RAYMOND
SMITHEE

On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to the continuation and functions of the Board of Law Examiners.

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

SECTION 1. Section 82.001(b), Government Code, is amended to read as follows:

(b) The supreme court shall appoint the members of the board for staggered six-year terms, with the terms of one-third of the members expiring May [~~August~~] 31 of each odd-numbered year. A member is subject to removal by the supreme court as provided by Section 82.0021.

SECTION 2. Section 82.006, Government Code, is amended to read as follows:

Sec. 82.006. SUNSET PROVISION. The Board of Law Examiners is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2029 [~~2017~~].

SECTION 3. Section 82.0073, Government Code, is amended to read as follows:

Sec. 82.0073. SEPARATION OF RESPONSIBILITIES; DELEGATION.

(a) The Board of Law Examiners shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the board.

(b) Subject to supreme court rules, the Board of Law Examiners may delegate routine decisions to the executive director of the board, including waiver requests.

SECTION 4. Section 82.010, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing board operations [~~legislation that created the board~~];

(2) the programs, functions, rules, and budget of [~~operated by~~] the board;

(3) [~~the role and functions of the board~~];

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

[~~(5) the current budget for the board;~~

[~~(6)~~] the results of the most recent formal audit [of the board];

(4) [~~(7)~~] the requirements of:

(A) laws relating to [~~the~~] open meetings, [~~law, Chapter 551;~~

[~~(B) the~~] public information, [~~law, Chapter 552;~~

[~~(C) the~~] administrative procedure, and disclosing conflicts of interest [~~law, Chapter 2001~~]; and

(B) [~~(D)~~] other laws applicable to members of a state policymaking body in performing their duties [~~relating to public officials, including conflict of interest laws~~]; and

(5) [~~(8)~~] any applicable ethics policies adopted by the board or the Texas Ethics Commission.

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

SECTION 5. 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 violates Chapter 110, Civil Practice and Remedies Code.

SECTION 6. Sections 82.023(b), (c), and (e), Government Code, are amended to read as follows:

(b) The form for the declaration must clearly identify those conditions of character and fitness [~~set out in Section 82.027~~] that may be investigated by the board and that may result in the denial of the declarant's application to take the examination.

(c) The board shall notify each first-year law student who files the declaration not later than the date established by supreme court rule [~~on or before January 1 of the year in which the student begins law school, not later than August 1 of the following year,~~] of the board's decision as to the student's acceptable character and fitness. The board shall notify all other declarants not later than the date established by supreme court rule [~~not later than the 270th day after the date the declaration was filed~~] whether or not it has determined that the declarant has acceptable character and fitness.

(e) If the board determines that an applicant may suffer from chemical dependency, the board shall require the applicant to meet with representatives of the Lawyers' Assistance Program of the State Bar of Texas or a similar program of the state bar and may require the applicant to submit to ~~[a treatment facility for]~~ evaluation by a licensed mental health professional designated by this board. The board may seek advice and consultation from the Lawyers' Assistance Program of the State Bar of Texas or a similar program of the state bar in designating mental health professionals qualified to conduct evaluations of declarants who may suffer from chemical dependency.

SECTION 7. Sections 82.027(a), (b), and (c), Government Code, are amended to read as follows:

(a) Each applicant to take a bar examination must file an application with the Board of Law Examiners not later than the date established by supreme court rule and pay the fee established by supreme court rule ~~[not later than the 180th day before the first day of the examination for which the person is applying].~~

(b) The application must include a statement certifying ~~[consists of a verified affidavit stating]~~ that since the filing of the applicant's original declaration of intention to study law, the applicant:

(1) has not been formally charged with any violation of law, excluding:

(A) cases that have been dismissed for reasons other than technical defects in the charging instrument;

(B) cases in which the applicant has been found not guilty;

(C) minor traffic violations;

(D) cases in which the record of arrest or conviction was expunged by court order;

(E) pardoned offenses; and

(F) Class C misdemeanors;

(2) ~~[is not mentally ill;~~

~~(3)]~~ has not been charged with fraud in any legal proceeding; and

(3) ~~(4)~~ has not been involved in civil litigation or bankruptcy proceedings that reasonably bear on the applicant's fitness to practice law.

(c) On a showing of good cause or to prevent hardship, the board may permit an applicant to file an application with the board not later than the date established by supreme court rule ~~[not later than the 60th day after the deadline prescribed by Subsection (a)]~~ on payment of applicable late fees established by supreme court rule.

SECTION 8. Sections 82.030(a) and (c), Government Code, are amended to read as follows:

(a) The Board of Law Examiners shall assess each applicant's moral character and fitness based on:

(1) the investigation of character and fitness performed after the filing of the declaration of intention to study law; and

(2) the filing of the application ~~[affidavit]~~ required by Section 82.027 and the board's investigation into the accuracy and completeness of the application ~~[affidavit]~~.

(c) If the board determines that an applicant may suffer from chemical dependency, the board shall require the applicant to submit to [a treatment facility for] evaluation by a licensed mental health professional designated by the board. The board may seek advice and consultation from the Lawyers' Assistance Program of the State Bar of Texas or a similar program of the state bar in designating mental health professionals qualified to conduct evaluations of applicants who may suffer from chemical dependency.

SECTION 9. Section 82.033(d), Government Code, is amended to read as follows:

(d) The supreme court may set reasonable fees for additional services provided by the board, but the fee for any single additional service, other than the late fee for an examination application, may not exceed \$150.

SECTION 10. Subchapter B, Chapter 82, Government Code, is amended by adding Section 82.039 to read as follows:

Sec. 82.039. LICENSING GUIDELINES. (a) To assist the Board of Law Examiners in making consistent and fair determinations related to the licensing of attorneys in this state, the board shall develop specific guidelines for:

- (1) determining the moral character and fitness of license applicants;
- (2) overseeing probationary license holders; and
- (3) granting waiver requests.

(b) The Board of Law Examiners shall develop the guidelines required under Subsection (a) based on the board's past decisions and on any other criteria the board considers necessary. The board is not required to take any specific action provided in the guidelines.

SECTION 11. Sections 82.023(g) and 82.030(f), Government Code, are repealed.

SECTION 12. Section 82.001, Government Code, as amended by this Act, applies only to members appointed to the Board of Law Examiners on or after September 1, 2017.

SECTION 13. (a) Except as provided by Subsection (b) of this section, Section 82.010, Government Code, as amended by this Act, applies to a member of the Board of Law Examiners appointed before, on, or after the effective date of this Act.

(b) A member of the Board of Law Examiners who, before the effective date of this Act, completed the training program required by Section 82.010, Government Code, as that law existed before the effective date of this Act, is required to complete additional training only on subjects added by this Act to the training program as required by Section 82.010, Government Code, as amended by this Act. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2017, until the member completes the additional training.

SECTION 14. As soon as practicable after the effective date of this Act, the Texas Supreme Court shall modify the rules necessary to implement the changes in license application requirements made under Section 82.027, Government Code, as amended by this Act.

SECTION 15. Section 82.027, Government Code, as amended by this Act, applies only to an application to take the state bar examination that is submitted to the Board of Law Examiners on or after September 1, 2017.

SECTION 16. This Act takes effect September 1, 2017.

The Conference Committee Report on **SB 303** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 416**

Senator Watson submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 416** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WATSON
NELSON
HUGHES
HUFFMAN
WEST

On the part of the Senate

SMITHEE
S. THOMPSON
LAUBENBERG
FARRAR
MURR

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the composition of the board of directors of the State Bar of Texas.

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

SECTION 1. Section 81.020, Government Code, is amended by amending Subsections (b) and (d) and adding Subsection (e) to read as follows:

(b) The board is composed of:

(1) the officers of the state bar;
(2) the president, president-elect, and immediate past president of the Texas Young Lawyers Association;

(3) not more than 30 members of the state bar elected by the membership from their district as determined by the board;

(4) six persons appointed by the supreme court and confirmed by the senate who are not attorneys and who do not have, other than as consumers, a financial interest in the practice of law; and

(5) four at-large ~~[minority member]~~ directors appointed by the president as provided by Subsections ~~[Subsection]~~ (d) and (e).

(d) The president of the state bar appoints the at-large ~~[minority member]~~ directors, subject to confirmation by the board of directors. In making appointments under this subsection, the president shall ~~[attempt to]~~ appoint directors who demonstrate knowledge gained from experience in the legal profession and community necessary to ensure the board represents the interests of attorneys from the varied backgrounds that compose the membership of the state bar ~~[members of the different minority groups listed in Section 81.002(7)].~~

(e) At-large ~~[Minority member]~~ directors serve three-year terms. To be eligible for appointment as an at-large ~~[a minority member]~~ director, at the time of appointment a person may ~~[must]~~

~~[(1) be a minority member of the bar;~~

~~[(2)] not be serving as:~~

(1) an elected director ~~[at the time of appointment]; or~~

(2) an at-large ~~[and]~~

~~[(3) not be serving as a minority member] director~~ ~~[at the time of appointment].~~

SECTION 2. Section 81.002(7), Government Code, is repealed.

SECTION 3. Notwithstanding Section 81.020, Government Code, as amended by this Act, a minority member serving on the board of directors of the State Bar of Texas on the effective date of this Act continues to serve the term to which the director was appointed. On expiration of the director's term, the president of the State Bar of Texas shall appoint an at-large director as required by Section 81.020, Government Code, as amended by this Act.

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 Conference Committee Report on **SB 416** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2639

Senator Buckingham submitted the following Conference Committee Report:

Austin, Texas

May 26, 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 **HB 2639** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BUCKINGHAM
 CREIGHTON
 HUGHES
 BURTON

On the part of the Senate

PICKETT
 P. KING
 DALE
 GUTIERREZ
 WILSON

On the part of the House

The Conference Committee Report on **HB 2639** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
 SENATE BILL 1329**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
 May 26, 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 1329** 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.

HUFFMAN
 HINOJOSA
 NELSON
 SCHWERTNER
 ZAFFIRINI

On the part of the Senate

SMITHEE
 HERNANDEZ
 PARKER
 SCHOFIELD

On the part of the House

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. (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 3.02. (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 3.03. (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 3.04. 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[~~]:~~

~~[(4)] 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 3.05. 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.

The Conference Committee Report on **SB 1329** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 277

Senator Campbell submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 277** 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.

CAMPBELL

HUGHES

HALL

ESTES

HINOJOSA

On the part of the Senate

FRANK

BLANCO

PRICE

MURR

HUNTER

On the part of the House

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. (a) The legislature finds that:

(1) the Texas Military Preparedness Commission has found that military installations located in this state generate \$136 billion in economic activity each year and directly or indirectly contribute to the existence of almost 900,000 jobs;

(2) military aviation facilities in this state are of vital importance to the security of this state and the nation and are an integral part of this state's economy;

(3) the area surrounding a military aviation facility is sensitive to security concerns and requires special attention by this state;

(4) wind-powered energy devices and wind energy are important components of this state's production of electricity; and

(5) the United States Department of Defense uses the base realignment and closure process to reorganize the department's base structure and has used the process to close more than 350 military bases since 1988.

(b) This Act is for the purposes of:

(1) promoting the public health, safety, and general welfare of this state;

(2) protecting and preserving military aviation facilities, the areas surrounding those facilities, and the aviation operations or training conducted at those facilities from any unintended consequences occurring as a result of the installation or construction of wind-powered energy devices on property located in close proximity to the boundaries of those facilities;

(3) encouraging the development of wind farms and the installation or construction of wind-powered energy devices in this state under reasonable state regulations that recognize the importance of wind energy and take into account the need to support and protect military aviation facilities located in this state from the United States Department of Defense's base realignment and closure process;

(4) ensuring that an owner of property on which wind-powered energy devices were constructed, or were under construction, before September 1, 2017, and that is located in close proximity to the boundaries of a military aviation facility continues to be eligible to receive tax benefits under Chapter 312 or 313, Tax Code; and

(5) allowing an owner of property located in close proximity to the boundaries of a military aviation facility to continue to allow the installation or construction of wind-powered energy devices on that property in the event the owner elects not to seek tax benefits for that property under Chapter 312 or 313, Tax Code.

(c) This Act may not be construed as limiting the ability of a person to receive a tax benefit under Chapter 312 or 313, Tax Code, for property that the person owns and on which a wind-powered energy device is installed or constructed other than under the conditions relating to the proximity of that property to a military aviation facility as expressly provided by this Act.

SECTION 2. 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, if, on or after that date, 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.

(c) 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.

SECTION 3. 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, if, on or after that date, 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 4. 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 5. 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.

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

The Conference Committee Report on **SB 277** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2994**

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 27, 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 **HB 2994** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HINOJOSA
KOLKHORST
SELIGER
TAYLOR OF GALVESTON
On the part of the Senate

ASHBY
HOWARD
PHELAN
J. RODRIGUEZ
On the part of the House

The Conference Committee Report on **HB 2994** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1248**

Senator Buckingham submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 1248** 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.

BUCKINGHAM
ESTES
LUCIO
HANCOCK
On the part of the Senate

LUCIO III
GUILLEN
KUEMPEL
ROBERTS
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to municipal regulation of manufactured home communities.

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

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.018 to read as follows:

Sec. 211.018. CONTINUATION OF LAND USE REGARDING MANUFACTURED HOME COMMUNITIES. (a) In this section, "manufactured home," "manufactured home community," and "manufactured home lot" have the meanings assigned by Section 94.001, Property Code.

(b) The governing body of a municipality may not require a change in the nonconforming use of any manufactured home lot within the boundaries of a manufactured home community if:

(1) the nonconforming use of the land constituting the manufactured home community is authorized by law; and

(2) at least 50 percent of the manufactured home lots in the manufactured home community are physically occupied by a manufactured home used as a residence.

(c) For purposes of Subsection (b), requiring a change in the nonconforming use includes:

(1) requiring the number of manufactured home lots designated as a nonconforming use to be decreased; and

(2) declaring that the nonconforming use of the manufactured home lots has been abandoned based on a period of continuous abandonment of use as a manufactured home lot of any lot for less than 12 months.

(d) A manufactured home owner may install a new or used manufactured home, regardless of the size, or any appurtenance on a manufactured home lot located in a manufactured home community for which a nonconforming use is authorized by law, provided that the manufactured home or appurtenance and the installation of the manufactured home or appurtenance comply with:

(1) nonconforming land use standards, including standards relating to separation and setback distances and lot size, applicable on the date the nonconforming use of the land constituting the manufactured home community was authorized by law; and

(2) all applicable state and federal law and standards in effect on the date of the installation of the manufactured home or appurtenance.

(e) A municipality that prohibits the construction of new single-family residences or the construction of additions to existing single-family residences on a site located in a designated floodplain may, notwithstanding Subsection (b), (c), or (d), prohibit the installation of a manufactured home in a manufactured home community on a manufactured home lot that is located in an equivalently designated floodplain.

SECTION 2. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.906 to read as follows:

Sec. 214.906. REGULATION OF MANUFACTURED HOME COMMUNITIES. (a) "Manufactured home" has the meaning assigned by Section 1201.003, Occupations Code.

(b) Notwithstanding any other law, the governing body of a municipality may not regulate a tract or parcel of land as a manufactured home community, park, or subdivision unless the tract or parcel contains at least four spaces offered for lease for installing and occupying manufactured homes.

SECTION 3. This Act takes effect September 1, 2017.

The Conference Committee Report on **SB 1248** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 5**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 5** 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.

HUFFMAN
BETTENCOURT
HUGHES
LUCIO
NELSON
On the part of the Senate

P. KING
FALLON
GOLDMAN
LAUBENBERG
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to requiring a voter to present proof of identification; providing a criminal penalty and increasing a criminal penalty.

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

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.013 to read as follows:

Sec. 31.013. MOBILE LOCATIONS FOR OBTAINING IDENTIFICATION.

(a) The secretary of state shall establish a program using mobile units to provide election identification certificates to voters for the purpose of satisfying the requirements of Section 63.001(b). A mobile unit may be used at special events or at the request of a constituent group.

(b) In establishing the program, the secretary of state shall consult with the Department of Public Safety on the creation of the program, security relating to the issuance of an election identification certificate, best practices in issuing an election identification certificate, and equipment required to issue an election identification certificate.

(c) The secretary of state may not charge a fee to a group that requests a mobile unit established under this section.

(d) If the secretary of state cannot ensure the required security or other necessary elements of the program, the secretary of state may deny a request for a mobile unit established under this section.

(e) The secretary of state shall adopt rules necessary for the implementation of this section.

SECTION 2. Section 63.001, Election Code, is amended by amending Subsections (b), (d), and (e) and adding Subsections (c-1) and (i) to read as follows:

(b) Except as provided by Subsection (h), on offering to vote, a voter must present to an election officer at the polling place:

(1) one form of photo identification listed in ~~[described by]~~ Section 63.0101(a); or

(2) one form of identification listed in Section 63.0101(b) accompanied by the declaration described by Subsection (i) ~~[63.0101].~~

(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.

(d) If, as determined under Subsection (c), the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b), the voter shall be accepted for voting. An election officer may not question the reasonableness of an impediment sworn to by a voter in a declaration described by Subsection (i).

(e) On accepting a voter, an election officer shall indicate beside the voter's name on the list of registered voters that the voter is accepted for voting. If the voter executes a declaration of reasonable impediment to meet the requirement for identification under Subsection (b), the election officer must affix the voter's voter registration number to the declaration either in numeric or bar code form.

(i) If the requirement for identification prescribed by Subsection (b)(1) is not met, an election officer shall notify the voter that the voter may be accepted for voting if the voter meets the requirement for identification prescribed by Subsection (b)(2) and executes a declaration declaring the voter has a reasonable impediment to meeting the requirement for identification prescribed by Subsection (b)(1). A person is subject to prosecution for perjury under Chapter 37, Penal Code, or Section 63.0013 for a false statement or false information on the declaration. The secretary of state shall prescribe the form of the declaration. The form shall include:

(1) a notice that a person is subject to prosecution for perjury under Chapter 37, Penal Code, or Section 63.0013 for a false statement or false information on the declaration;

(2) a statement that the voter swears or affirms that the information contained in the declaration is true, that the person described in the declaration is the same person appearing at the polling place to sign the declaration, and that the voter faces a reasonable impediment to procuring the identification prescribed by Subsection (b)(1);

(3) a place for the voter to indicate one of the following impediments:

(A) lack of transportation;

(B) lack of birth certificate or other documents needed to obtain the identification prescribed by Subsection (b)(1);

(C) work schedule;

(D) lost or stolen identification;

(E) disability or illness;

(F) family responsibilities; and

(G) the identification prescribed by Subsection (b)(1) has been applied for but not received;

(4) a place for the voter to sign and date the declaration;

(5) a place for the election judge to sign and date the declaration;

(6) a place to note the polling place at which the declaration is signed; and

(7) a place for the election judge to note which form of identification prescribed by Subsection (b)(2) the voter presented.

SECTION 3. Chapter 63, Election Code, is amended by adding Section 63.0013 to read as follows:

Sec. 63.0013. FALSE STATEMENT ON DECLARATION OF REASONABLE IMPEDIMENT. (a) A person commits an offense if the person intentionally makes a false statement or provides false information on a declaration executed under Section 63.001(i).

(b) An offense under this section is a state jail felony.

SECTION 4. Section 63.004(a), Election Code, is amended to read as follows:

(a) The secretary of state may prescribe forms that combine the poll list, the signature roster, or any other form used in connection with the acceptance of voters at polling places with each other or with the list of registered voters. The secretary shall prescribe any special instructions necessary for using the combination forms. The combination forms must include space for an election officer to indicate whether a voter executed a declaration of reasonable impediment under Section 63.001(i).

SECTION 5. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

(a) The following documentation is an acceptable form of photo identification under this chapter:

(1) a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety that has not expired or that expired no earlier than four years [~~60 days~~] before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than four years [~~60 days~~] before the date of presentation;

(3) a United States citizenship certificate issued to the person that contains the person's photograph;

(4) a United States passport book or card issued to the person that has not expired or that expired no earlier than four years [~~60 days~~] before the date of presentation; or

(5) a license to carry a handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than four years [~~60 days~~] before the date of presentation.

(b) The following documentation is acceptable as proof of identification under this chapter:

(1) a government document that shows the name and address of the voter, including the voter's voter registration certificate;

(2) one of the following documents that shows the name and address of the voter:

(A) a copy of a current utility bill;

(B) a bank statement;

(C) a government check; or

(D) a paycheck; or

(3) a certified copy of a domestic birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity.

(c) A person 70 years of age or older may use a form of identification listed in Subsection (a) that has expired for the purposes of voting if the identification is otherwise valid.

SECTION 6. Section 63.012(b), Election Code, is amended to read as follows:

(b) An offense under this section is a Class A ~~B~~ misdemeanor.

SECTION 7. Section 272.011(b), Election Code, is amended to read as follows:

(b) The secretary of state shall prepare the translation for election materials required to be provided in a language other than English or Spanish for the following state prescribed voter forms:

(1) voter registration application form required by Section 13.002;

(2) the confirmation form required by Section 15.051;

(3) the voting instruction poster required by Section 62.011;

(4) the reasonable impediment declaration required by Section 63.001(b);

(5) the statement of residence form required by Section 63.0011;

(6) [~~5~~] the provisional ballot affidavit required by Section 63.011;

(7) [~~6~~] the application for a ballot by mail required by Section 84.011;

(8) [~~7~~] the carrier envelope and voting instructions required by Section 86.013; and

(9) [~~8~~] any other voter forms that the secretary of state identifies as frequently used and for which state resources are otherwise available.

SECTION 8. Section 521A.001(a), Transportation Code, is amended to read as follows:

(a) The department shall issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101(a) [~~63.0101~~], Election Code, and:

(1) who is a registered voter in this state and presents a valid voter registration certificate; or

(2) who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

SECTION 9. This Act takes effect January 1, 2018.

The Conference Committee Report on **SB 5** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1553

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 26, 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 **HB 1553** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HINOJOSA
CAMPBELL
LUCIO

NELSON
TAYLOR OF GALVESTON
On the part of the Senate

LOZANO
MORRISON
ASHBY

GOODEN
K. KING
On the part of the House

The Conference Committee Report on **HB 1553** was filed with the Secretary of the Senate.

CO-SPONSOR OF HOUSE BILL 810

On motion of Senator Bettencourt, Senator Miles will be shown as Co-sponsor of **HB 810**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 905 by Lucio, In memory of the life of David Irvine Rucker.

SR 909 by Hinojosa, In memory of Jake Frederick.

Congratulatory Resolutions

SR 896 by Schwertner, Recognizing the staff members of the Legislative Reference Library for their service.

SR 897 by Schwertner, Recognizing Audrey and Fred Verri on the occasion of their 60th wedding anniversary.

SR 900 by West, Recognizing Ernestine Hodges Cohee for her 70 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 901 by Rodríguez, Recognizing the Dixon Water Foundation for receiving the 2017 Leopold Conservation Award for Texas.

SR 902 by Rodríguez, Recognizing the Texas Senate District 29 Environmental Advisory Committee for organizing the Water Resources and Conservation Symposium.

SR 903 by Lucio, Recognizing Celeste Zepeda Sanchez for her service to the City of San Benito.

SR 904 by Lucio, Recognizing Gonzalez Elementary School in Brownsville on the occasion of its 30th anniversary.

SR 906 by Buckingham, Recognizing Dustin Lauw for his craftsmanship.

SR 907 by Buckingham, Recognizing Roland Williams for his contributions to his community.

SR 908 by Buckingham, Recognizing the Peterson Regional Medical Center Auxiliary for its service to the Kerrville community.

SR 912 by Perry, Recognizing the Commission on State Emergency Communications for its service to Texas communities.

SR 913 by Perry, Recognizing the Texas Tech University Legislative Internship Program participants for their work in the 85th Legislature.

HCR 130 (Hughes), Commemorating the 100th anniversary of the first aircraft landing at Mineola-Wisener Field Airport in Wood County.

HCR 132 (Taylor of Collin), Congratulating artist Colin Kimball of McKinney on his receipt of a Distinguished Citizen Medal from the Daughters of the American Revolution.

HCR 138 (Hughes), Commemorating the 40th annual Great Texas Balloon Race in Gregg County.

HCR 139 (Perry), Honoring Captain Carl H. Isett on the event of his retirement from the United States Navy Reserve.

HCR 145 (Hall), Congratulating Gregory D. Watson on having the overall course grade for his 1982 University of Texas American government class elevated from a C to an A after a wait of 35 years.

RECESS AND MOTION TO RECESS

On motion of Senator Garcia and by unanimous consent, the Senate at 7:41 p.m. agreed to recess until 10:00 a.m. tomorrow for a Joint Session.

The Senate further agreed to recess, upon conclusion of the Joint Session, until 1:30 p.m. tomorrow.

APPENDIX

BILLS AND RESOLUTIONS ENROLLED

May 25, 2017

SB 36, SB 39, SB 40, SB 43, SB 49, SB 55, SB 79, SB 81, SB 82, SB 190, SB 213, SB 239, SB 263, SB 292, SB 317, SB 323, SB 341, SB 343, SB 344, SB 364, SB 365, SB 371, SB 402, SB 413, SB 436, SB 537, SB 544, SB 591, SB 593, SB 631, SB 721, SB 725, SB 731, SB 738, SB 745, SB 748, SB 751, SB 865, SB 905, SB 914, SB 920, SB 924, SB 942, SB 1015, SB 1095, SB 1098, SB 1118, SB 1214, SB 1232, SB 1249, SB 1261, SB 1286, SB 1314, SB 1345, SB 1400, SB 1440, SB 1489, SB 1526, SB 1693, SB 1764, SB 1799, SB 1843, SB 1936, SB 1968, SB 1969, SB 2056, SB 2075, SB 2186, SB 2252, SB 2253, SB 2262, SB 2263, SB 2273, SB 2274, SB 2277, SB 2284, SB 2285, SB 2287, SB 2290, SB 2292, SB 2295, SB 2296, SB 2297, SB 2298, SB 2299, SCR 37, SCR 41, SCR 51, SR 795, SR 877, SR 878, SR 879, SR 880, SR 881, SR 882, SR 883, SR 884, SR 886, SR 888, SR 889, SR 890, SR 891, SR 892, SR 894, SR 895

SENT TO GOVERNOR

May 26, 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

SIGNED BY GOVERNOR

May 26, 2017

SB 7, SB 16, SB 28, SB 286, SB 587, SB 1052, SB 1133, SB 1541, SB 1895, SB 1954, SB 2082, SCR 48, SCR 49

