

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-THIRD DAY

(Thursday, April 4, 2019)

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

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

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

Pastor Andrea Moore, Summit Worship Center, Austin, offered the invocation as follows:

Lord, we thank You for this special moment as we celebrate today all that You have done in the last 100 years for us with women's suffrage and the unfolding of us gaining greater rights and opportunities to stand for what we believe in. Thank You for this incredible group of men and women that I have the privilege to stand before today. I am so honored and grateful. I thank You for all that You intend to accomplish during this session and beyond that will continue to positively impact our great city, this state, and our government as a whole. Lord, give them divine wisdom and quick resolutions as they tackle many issues today on our behalf. We are so grateful for their sacrifices, their investments, and their willingness to serve. Continue to watch over this city, this state, and all those residing in places of prominence. We love You, Lord, and we commit this time to You. In Jesus' name I pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

BIRTHDAY GREETINGS EXTENDED

Senator Nelson, joined by Senators Bettencourt and Hancock, was recognized and, on behalf of the Senate, extended birthday greetings to the President.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 4, 2019 - 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:

HB 3 Huberty

Relating to public school finance and public education.

HB 27 Canales

Relating to increasing the criminal penalty for assault or aggravated assault of a federal law enforcement officer.

HB 539 Leman

Relating to the automatic admission to general academic teaching institutions and eligibility for certain scholarships of a student who is the valedictorian of the student's high school graduating class.

HB 1066 Ashby

Relating to extensions of an expired permit for the transfer of groundwater from a groundwater conservation district.

HB 1241 Bucy

Relating to the content of a polling place location notice.

HB 1254 Murphy

Relating to the eligibility of land secured by a home equity loan to be designated for agricultural use for ad valorem tax purposes.

HB 1385 King, Tracy O.

Relating to the regulation of industrialized housing and buildings.

HB 1442 Paddie

Relating to the continuation and functions of the Office of Consumer Credit Commissioner and the licensing and registration of persons regulated by that state agency.

HB 1520 Thompson, Senfronia

Relating to the continuation and functions of the Texas State Board of Public Accountancy.

HB 1550 Paddie

Relating to certain governmental entities subject to the sunset review process.

HCR 146

Craddick

Congratulating Denna Marcum McGuire and Allen Grover McGuire Jr. of Midland on their 50th wedding anniversary.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate the Shelbyville High School boys' basketball state champion team.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate the James Madison High School boys' basketball state champion team.

Senator West also introduced to the Senate the Oak Cliff Faith Family Academy Charter High School boys' basketball state champion team.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate representatives of the Coalition to Protect Parenthood After Cancer.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate members of the Grammy-nominated bluegrass band Wood & Wire: Billy Bright, Trevor Smith, Tony Kamel, and Dominic Fisher.

The Senate welcomed its guests.

FORMER MEMBERS DAY

Senator Whitmire was recognized and introduced the following:

Former Lieutenant Governor

The Honorable Ben Barnes–De Leon
Lieutenant Governor–1969 to 1973

Former Senators

The Honorable Don Adams–Jasper
State Senator–1973 to 1977

The Honorable Richard Anderson–Marshall
State Senator–1986 to 1989

The Honorable Gonzalo Barrientos–Austin
State Senator–1985 to 2007

The Honorable J. E. "Buster" Brown–Lake Jackson
State Senator–1981 to 2002

The Honorable David Cain—Dallas
State Senator—1995 to 2003

The Honorable Kent Caperton—Bryan
State Senator—1981 to 1991

The Honorable Wendy Davis—Fort Worth
State Senator—2009 to 2015

The Honorable Robert Duncan—Lubbock
State Senator—1996 to 2014

The Honorable Rodney Ellis—Harris
State Senator—1990 to 2017

The Honorable Michael Galloway—The Woodlands
State Senator—1995 to 1999

The Honorable Gene Green—Houston
State Senator—1985 to 1993

The Honorable Bill Haley—Center
State Senator—1989 to 1995

The Honorable Kent Hance—Lubbock
State Senator—1975 to 1979

The Honorable Glenn Kothmann—San Antonio
State Senator—1971 to 1987

The Honorable Bill Meier—Eules
State Senator—1973 to 1983

The Honorable John T. Montford—Lubbock
State Senator—1983 to 1996

The Honorable Carl A. Parker—Port Arthur
State Senator—1977 to 1995

The Honorable Ken Paxton—McKinney
State Senator—2013 to 2015

The Honorable Florence Shapiro—Plano
State Senator—1993 to 2013

The Honorable John Sharp—Victoria
State Senator—1982 to 1987

The Honorable Dan Shelley—Crosby
State Senator—1993 to 1995

The Honorable Todd Staples—Palestine
State Senator—2001 to 2007

The Honorable Jim Turner—Crockett
State Senator—1991 to 1997

The Honorable Leticia Van de Putte–San Antonio
State Senator–1999 to 2015

The Honorable Jeff Wentworth–San Antonio
State Senator–1993 to 2013

The Honorable Tommy Williams–The Woodlands
State Senator–2003 to 2013

Former Secretary of the Senate

Charles Schnabel
Secretary of the Senate–1955 to 1977

The Senate welcomed its guests.

PRESENTATION OF GAVEL

Senator Whitmire introduced former Secretary of the Senate Charles Schnabel, the youngest elected and the longest serving Secretary of the Senate. A gavel was presented to Mr. Schnabel by Secretary of the Senate Patsy Spaw.

ACKNOWLEDGMENTS

The President acknowledged the presence of former Parliamentarian Walter Fisher.

The Senate welcomed its guest.

Senator Hughes was recognized and acknowledged the current women Senators in honor of the 100th anniversary of women's suffrage in Texas.

IN MEMORIAM

Senator Hughes offered the following remarks and read the following names from "A State of Remembrance, April 4, 2019":

Members, of course, on your desk also is the book of remembrance. The Texas Senate is a special institution. Each one of us once we arrive, begin to realize the privilege, the tremendous responsibility, and all the people that are counting on us and the gravity of what we do and the significance, not of us as individuals, but when we're elected by our constituents to represent them, to be their voice, to deliberate, and to serve here. So, we think about the institution we have, it's rich in history and tradition. And, of course, service here makes one part of that great institution and of Texas history itself. Think about service, tradition, history, they're very important to this body, and that's why we're so thankful to have former Members with us today as well. Because of our love and our respect for each other, on Former Members Day, our tradition is to remember and honor those who we've lost during the interim and to publicly read their names into the Senate record. On your desk, again, you'll find the memorial booklet in honor of those five former colleagues and so, in alphabetical order, we honor the memory of:

The Honorable Ralph Moody Hall
State Senator–1963 to 1973

The Honorable Walter H. Mengden Jr.
State Senator–1973 to 1983

The Honorable Jack Ogg
State Senator—1973 to 1983

The Honorable Aaron Robert "Babe" Schwartz
State Senator—1960 to 1981

The Honorable Murray Watson Jr.
State Senator—1963 to 1973

Many of us here knew each of these personally to varying degrees. We know each of them as a statesman, a public servant, and as a Texas Senator. And so, Dean Whitmire, I move that when the Senate adjourns today, it do so in memory of these who served so well this state they loved so much. And I thank you, Mr. President.

CONCLUSION

Senator Whitmire was again recognized for closing remarks and thanked the honored guests for their service to the State of Texas.

REMARKS ORDERED PRINTED

On motion of Senator Nelson and by unanimous consent, Senator Whitmire's remarks in conclusion of the former Members' ceremony were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Governor Patrick, and we appreciate your kind words. Members and guests, this is the part of the program prepared by Patsy and my office. It says Whitmire closes with recognition that we are family and some say a club. But I choose to depart from prepared remarks today to make some heartfelt comments. First, this is a remarkable institution. There's 31 Texans that come from all parts of the state that represent 26 million Texans. When you walk through the doors of this Chamber, Members, you become a part of a select group of officials that will always be known as Senator. But with that title comes responsibility. First and foremost, respect for the institution and the reverence it deserves because it represents Texas. I would hasten to say that you represent the institution by respecting all of its Members, former and present. Just take a moment to look around this Chamber. You could point to any one of the current 31 Members, and I can tell you why that Senator is special. Chuy Hinojosa, deported when he was five years old with his mother, spent months in Mexico, could only see his father on the weekends, but when he finished high school, worst moment of the Vietnam War, he volunteered and joined the Marines where he became a hero. He's still very affected by that experience. Brian Birdwell, a miracle, was in the Pentagon on 9-11, should not be alive today. Covered in jet fuel, on fire, but because his faith in God and his will to live, he's sitting on this Senate floor today. Pete Flores, just to show you the remarkable institution we have, there's many thinks he's sitting in a Democratic seat, Mr. President, but we've got another day to discuss that. What we are recognizing is he's a Member of this Senate, and I daily watch Democrats and Republicans help him to be a more effective

Senator. Some of our base supporters in both parties don't think we're supposed to do that. I laid out a bill for him yesterday. This remarkable man won a campaign that many thought he couldn't, had a lot of help, Mr. President, but he, yeah, big dollars by the way, he served as a game warden for 26 years, as a state employee. And I've watched him in Finance working groups use that experience and argue for better benefits for state employees. Pete, who would have thought when you joined the Game Warden, Parks and Wildlife, that you would be here representing your co-workers some day. Look at our diversity, Mr. President. There are more women in the Senate than have ever before, and they chair some of our most important committees, including Finance, State Affairs, Health and Human Services, and Military Affairs. This is largely due to their wisdom and leadership skills and the recognition by the Lieutenant Governor who made these outstanding appointments. We have seven Hispanics who will someday, very soon, represent the majority of Texans. And I dare say the majority of the Texas Senate. We have two African American Members. I remember a time when we did not have any African Americans serving in this institution. With no disrespect, most former Members were Anglo males, with the exception of trailblazers Gonzalo Barrientos, Florence Shapiro, Wendy Davis, and Senator Van de Putte. And as I close, because we do need to get to work, let me ask that we all rededicate ourselves to being the best, the best public servants possible, and the best friends possible. And if we, as a group, have a bad day and the train gets off track, let's talk. And remember we have more in common than we are different. And remember how satisfying it is when we have a good day on the Senate floor. Like our guests that we honor today, we will forever be Senators, and nobody, no one will ever know how that feels unless you've been one. On behalf of the Senate, I want to personally thank our honored guests for your service to the state and this Senate. Each of us on this Senate floor will someday be former Members, and we must dedicate ourselves to protecting the honor of this august body that we are so privileged to serve. Mr. President, I would ask that the Senate stand at ease, pending the departure of our guests, and we so greatly appreciate your presence today. Thank you.

AT EASE

The President at 11:53 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

President Pro Tempore Watson at 12:11 p.m. called the Senate to order as In Legislative Session.

PHYSICIAN OF THE DAY

Senator Powell was recognized and presented Dr. Linda Siy of Euless as the Physician of the Day.

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

GUEST PRESENTED

Senator Fallon was recognized and introduced to the Senate Miranda Powers.

The Senate welcomed its guest.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

April 4, 2019

Austin, Texas

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

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Board for Educator Certification for terms to expire February 1, 2025:

Tommy L. Coleman

Livingston, Texas

(Mr. Coleman is being reappointed)

Shareefah Nadir-Mason

Dallas, Texas

(replacing Sandra D. "Sandy" Bridges of Rockwall whose term expired)

To be members of the Texas Forensic Science Commission for terms to expire September 1, 2020:

Bruce Budowle, Ph.D.

North Richland Hills, Texas

(Dr. Budowle is being reappointed)

Patrick Buzzini, Ph.D.

Spring, Texas

(replacing Sheree R. Hughes-Stamm, Ph.D. of The Woodlands whose term expired)

Nancy R. Downing, Ph.D.

Bryan, Texas

(Dr. Downing is being reappointed)

Jasmine M. Drake, Ph.D.

Houston, Texas

(Dr. Drake is being reappointed)

To be members of the Statewide Health Coordinating Council for terms to expire as indicated:

To Expire August 31, 2019:

Nancy W. Yuill, Ph.D.

Sugar Land, Texas

*(replacing Andrew D. Crim of Fort Worth who resigned)*To Expire August 31, 2023:

David A. "Dave" Allen, D.N.P.

Sugar Antonio, Texas

(replacing Lourdes M. Cuellar of Houston whose term expired)

Chelsea L. Elliott

Austin, Texas

(replacing Larry E. Safir of McAllen whose term expired)

Elizabeth J. "Betty" Protas, Ph.D.

League City, Texas

(Dr. Protas is being reappointed)

D. Bailey Wynne

Dallas, Texas

(Ms. Wynne is being reappointed)

To be members of the Texas Racing Commission for terms to expire as indicated:

To Expire February 1, 2021:

Arvel J. "A.J." Waight, Jr.

Willow City, Texas

*(replacing Rolando Pablos of West Lake Hills who resigned)*To Expire February 1, 2023:

Michael J. "Mike" Moore

Fort Worth, Texas

(replacing Robert H. Schmidt, M.D. of Aledo whose term expired)

Robert C. Pate

Corpus Christi, Texas

(replacing Gloria M. Hicks of Corpus Christi whose term expired)

Respectfully submitted,

/s/Greg Abbott

Governor

CONCLUSION OF MORNING CALL

The President Pro Tempore at 12:17 p.m. announced the conclusion of morning call.

SENATE BILL 2190 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2190** at this time on its second reading:

SB 2190, Relating to the confinement of juveniles in certain facilities.

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

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

SENATE BILL 2190 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2190** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 285 ON SECOND READING**

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 285** at this time on its second reading:

CSSB 285, Relating to information and outreach regarding hurricane preparedness and mitigation.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 285 ON THIRD READING**

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 285** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 555 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 555** at this time on its second reading:

CSSB 555, Relating to the qualification of land for appraisal for ad valorem tax purposes as agricultural land and the liability for the additional tax imposed on such land if the use of the land changes as a result of a condemnation.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 555 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 555** be placed on its third reading and final passage.

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

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

SENATE BILL 1231 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1231** at this time on its second reading:

SB 1231, Relating to providing certain public and private school administrators with information regarding certain child abuse and neglect investigations and allegations.

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

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

SENATE BILL 1231 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1231** be placed on its third reading and final passage.

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

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

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate a delegation representing CPS Energy of San Antonio.

The Senate welcomed its guests.

SENATE BILL 790 ON SECOND READING

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 790** at this time on its second reading:

SB 790, Relating to certain audit and reporting requirements of regional planning commissions.

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

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

SENATE BILL 790 ON THIRD READING

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 790** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 14 ON SECOND READING**

Senator Nichols moved to suspend the regular order of business to take up for consideration **CSSB 14** at this time on its second reading:

CSSB 14, Relating to broadband service or facilities provided by an electric cooperative.

The motion prevailed.

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

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 14** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 181.048(a), Utilities Code (page 1, line 37 through 38), strike Subdivision (3).

(2) In SECTION 1 of the bill, in added Section 181.048(b), Utilities Code (page 1, line 43), strike "and easements" and substitute "easements, and licenses and other property rights".

(3) In SECTION 1 of the bill, strike added Section 181.048(c), Utilities Code (page 1, line 47 through 51), and substitute the following:

(c) The rates, terms, and conditions applicable to an electric cooperative or an electric cooperative affiliate for attaching broadband facilities on the electric cooperative's poles must be comparable to the rates, terms, and conditions the electric cooperative applies to other broadband service providers for attaching broadband facilities to the electric cooperative's poles. This subsection does not limit or restrict an electric cooperative or electric cooperative affiliate from installing fiber optic cables in the supply space of the electric cooperative's poles.

(4) In SECTION 1 of the bill, in added Section 181.048(e), Utilities Code (page 2, line 2), strike "granted" and substitute "that existed".

(5) In SECTION 1 of the bill, in added Section 181.048(e), Utilities Code (page 2, line 24), between "authorized by" and "law", strike "other".

(6) In SECTION 1 of the bill, in added Section 181.048(g), Utilities Code (page 2, line 34), between "the cooperative's" and "cables", insert "fiber optic".

The amendment to **CSSB 14** was read and was adopted by a viva voce vote.

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

CSSB 14 as amended was passed to engrossment by a viva voce vote.

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

Nays: Campbell.

**COMMITTEE SUBSTITUTE
SENATE BILL 14 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 14** be placed on its third reading and final passage.

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

Nays: Campbell.

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

SENATE RESOLUTION 536

Senator Hancock offered the following resolution:

WHEREAS, The dangers of drunk driving and underage drinking are issues of concern to every Texan; and

WHEREAS, While concerted law enforcement and education efforts have done much to curb drunk driving over the past few decades, more than 10,000 alcohol-related deaths still occur on our nation's roadways each year; and

WHEREAS, A total of 1,468 Texans died in drunk driving crashes in 2017; although this number is above the national average, alcohol-impaired driving fatalities overall have been on the decline at both the state and national levels, and our state has seen a 7.5 percent decrease in such fatalities among drivers under the age of 21 in the last decade alone; and

WHEREAS, The State of Texas has worked to reduce the incidence of impaired driving through the use of DWI courts, law enforcement training, No Refusal campaigns, ignition interlock devices, alcoholism treatment, and other lifesaving countermeasures; and

WHEREAS, Underage drinking, which continues to be a persistent problem despite a decline to record-low levels in 2018, is an area of particular focus for our state; the number of Texans between the ages of 12 and 20 reporting alcohol consumption in the past month is now around 17 percent, a decrease of 36 percent since 2008, and the continued cooperation of state law enforcement agencies, alcohol awareness organizations, and responsible parents can play an instrumental role in ensuring that our youth avoid impaired driving; and

WHEREAS, Research shows that parents can help prevent underage drinking and alcohol abuse by beginning conversations with their children about alcohol use at an early age and by continuing to speak with them about the issue throughout childhood, adolescence, and early adulthood; with the help of Responsibility.org and

other organizations, 73 percent of teenagers now identify parents as the leading influence in their decisions regarding alcohol, representing a 33 percent increase since 1991; and

WHEREAS, The recognition of April as Alcohol Responsibility Month offers a welcome opportunity to call attention to the work that must be done to further reduce the tragic impact of drunk driving and underage drinking in Texas; now, therefore, be it

RESOLVED, That the Senate of the 86th Texas Legislature hereby recognize April 2019 as Alcohol Responsibility Month and encourage all Texans to make responsible decisions regarding the consumption of alcohol and to support efforts to reduce drunk driving and underage drinking.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hancock was recognized and introduced to the Senate an Alcohol Responsibility Month delegation representing Responsibility.org: Brandi Nannini and Madeleine Spjut.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 1010 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1010** at this time on its second reading:

CSSB 1010, Relating to rules adopted by groundwater conservation districts overlying a common aquifer.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1010 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1010** be placed on its third reading and final passage.

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

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

SENATE BILL 936 ON SECOND READING

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 936** at this time on its second reading:

SB 936, Relating to a cybersecurity monitor for certain electric utilities.

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

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

SENATE BILL 936 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 936** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 624 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 624** at this time on its second reading:

CSSB 624, Relating to the continuation and functions of the Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board; changing fees.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 624 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 624** be placed on its third reading and final passage.

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

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

SENATE BILL 1012 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1012** at this time on its second reading:

SB 1012, Relating to the applicability of certain electric energy storage equipment requirements to municipally owned utilities and electric cooperatives.

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

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

SENATE BILL 1012 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1012** be placed on its third reading and final passage.

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

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

SENATE BILL 235 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 235** at this time on its second reading:

SB 235, Relating to the authority of certain municipalities to propose a fire control, prevention, and emergency medical services district.

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

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

SENATE BILL 235 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 235** be placed on its third reading and final passage.

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

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

SENATE BILL 244 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **SB 244** at this time on its second reading:

SB 244, Relating to the number of school marshals that may be appointed to serve on a public school campus or at a private school.

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Taylor, West.

Nays: Johnson, Lucio, Menéndez, Miles, Powell, Rodríguez, Watson, Whitmire, Zaffirini.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1152 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 1152** at this time on its second reading:

CSSB 1152, Relating to the payment of certain fees to municipalities by entities that provide telecommunications and cable or video services.

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire.

Nays: Hinojosa, Miles, Rodríguez, Watson, Zaffirini.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1152 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1152** be placed on its third reading and final passage.

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire.

Nays: Hinojosa, Miles, Rodríguez, Watson, Zaffirini.

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

REMARKS ORDERED PRINTED

On motion of Senator Lucio and by unanimous consent, his remarks with Senator Hancock regarding **CSSB 1152** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Lucio: Thank you, Chairman Hancock, and thank you for bringing this bill to the floor. I understand and agree with the reasons why the proponents who brought this bill want to modernize the right-of-way fee structure, but what they have also said is that the bill would result in tax relief for their customers, but I don't see anything in the bill that would require them to pass the savings to the customers. Could you explain how that relief will happen? Can we get some legislative intent on the record to hold these companies' feet to the fire? I want to do whatever we can to ensure that where there is a line item fee on customers' bills that when the line item goes away, if we pass this legislation, that the customers will directly receive the full benefit of that fee being eliminated.

Senator Hancock: Yes, thank you, Senator Lucio. In fact, that's the intent of this legislation is that our customers, our constituents would see a fee reduction in their cable bills. We know that all of our citizens are looking for tightening the purse strings a little bit, and so what this bill does is where there is a single-lease line and two tasks, a telephone line and a cable coming across that single entity, that they're not charged twice by municipalities for the same access. And so, while in this segment, in this industry, we do not have a regulated fee structure. In other words, we do not have a commission, we do have some, that we regulate this decrease in the taxation being passed on to constituent. It is fully my intent that it is our constituents that see the cost savings here that we're providing. I just don't see any need to provide, to pay two lease payments for a single line, but while we're not regulated, absolutely, it is my intent, and I think you'll help me hold those industries' feet to the fire to make sure that our constituents receive a rate reduction.

Senator Lucio: That's wonderful. Can the service providers take the line items on the bill but hide the fees in their customers' bills?

Senator Hancock: I'm sorry, Senator Lucio?

Senator Lucio: Can the service providers take the line items on the bill but hide the fees in the customers' bills?

Senator Hancock: Well, currently, begin, because we don't have a regulated rate structure, we do not have a requirement for the line items when it comes to the cable fees.

Senator Lucio: Well, I just want to thank you, Chairman Hancock, for your willingness to have this discussion and deliver tax relief to our constituents. I support your bill, Sir.

Senator Hancock: Thank you, Senator Lucio. That's what we're looking for.

(Senator Fallon in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 568 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 568** at this time on its second reading:

CSSB 568, Relating to the regulation of child-care facilities and family homes; providing administrative penalties.

The motion prevailed.

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

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 568** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 42.04425, Human Resources Code (page 2, lines 31-38), strike added Subsection (d).

(2) In SECTION 4 of the bill, in added Section 42.049(c-1), Human Resources Code (page 3, lines 2-4), strike the third sentence of that subsection.

(3) In SECTION 5 of the bill, in added Section 42.050(c-1), Human Resources Code (page 3, lines 37-39), strike the second sentence of that subsection.

(4) In SECTION 6 of the bill, in added Section 42.052(f-3), Human Resources Code (page 4, lines 17-19), strike the second sentence of that subsection.

(5) In SECTION 7 of the bill, in added Section 42.063(b-2), Human Resources Code (page 4, lines 65-69), strike the second sentence of that subsection.

(6) In SECTION 7 of the bill, strike amended Section 42.063(g), Human Resources Code (page 5, lines 7-9) and substitute the following:

(g) The commission [~~department~~] shall implement this section using existing appropriations.

(7) In SECTION 8 of the bill, in amended Section 42.072(c), Human Resources Code (page 5, lines 41-44), strike the second sentence of that subsection.

(8) In SECTION 9 of the bill, in the recital (page 6, line 32), strike "(e-1), (e-2), and (e-3)" and substitute "(e-1) and (e-2)".

(9) In SECTION 9 of the bill, in added Section 42.078(e-1), Human Resources Code (page 7, line 6), strike "and except as provided by Subsection (e-3)".

(10) In SECTION 9 of the bill, in amended Section 42.078, Human Resources Code (page 7, lines 33-35), strike added Subsection (e-3).

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

SECTION _____. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

The amendment to **CSSB 568** was read and was adopted by a viva voce vote.

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

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 568** (senate committee printing) as follows:

(1) In the recital to SECTION 9 of the bill, amending Section 42.078, Human Resources Code (page 6, line 32), strike "and (e-3)" and substitute "(e-3), and (e-4)".

(2) In SECTION 9 of the bill, in added Section 42.078(e-1), Human Resources Code (page 7, line 6), strike "Subsection (e-3)" and substitute "Subsections (e-3) and (e-4)".

(3) In SECTION 9 of the bill, in amended Section 42.078, Human Resources Code, between added Subsection (e-3) and amended Subsection (f) (page 7, between lines 35 and 36), insert the following:

(e-4) Subsection (e-1)(1) does not apply to a residential child-care facility.

The amendment to **CSSB 568** was read and was adopted by a viva voce vote.

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

CSSB 568 as amended was passed to engrossment by a viva voce vote.

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

Nays: Hughes.

**COMMITTEE SUBSTITUTE
SENATE BILL 568 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 568** be placed on its third reading and final passage.

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

Nays: Hughes.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 4, 2019 - 2

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 382 Ortega

Relating to the authority to establish a customer assistance program for certain municipally owned utilities.

HCR 43 Guillen

Designating February as Kidney Health Awareness Month for a 10-year period beginning in 2019.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 812 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 812** at this time on its second reading:

CSSB 812, Relating to the application of the limit on appraised value of a residence homestead for ad valorem tax purposes to an improvement that is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage.

The motion prevailed.

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

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

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

Nays: Schwertner.

**COMMITTEE SUBSTITUTE
SENATE BILL 812 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 812** be placed on its third reading and final passage.

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

Nays: Schwertner.

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

SENATE BILL 646 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 646** at this time on its second reading:

SB 646, Relating to approval for purchases of property or construction projects by a state agency with self-directed semi-independent status.

The motion prevailed.

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

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 646** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 2165.261(b), Government Code (page 1, line 30), strike "other law" and substitute "law other than this subsection".

(2) In SECTION 1 of the bill, immediately following the underlined period in added Section 2165.261(b), Government Code (page 1, line 33), insert "This subsection does not limit the authority of the legislature under other law to authorize construction projects or the purchase of real property.".

The amendment to **SB 646** was read and was adopted by a viva voce vote.

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

SB 646 as amended was passed to engrossment by a viva voce vote.

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

Nays: Watson.

SENATE BILL 646 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 646** be placed on its third reading and final passage.

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

Nays: Watson.

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

SENATE BILL 988 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 988** at this time on its second reading:

SB 988, Relating to the assessment of litigation costs and attorney's fees in certain actions under the public information law.

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

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

SENATE BILL 988 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 988** be placed on its third reading and final passage.

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

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

(President Pro Tempore Watson in Chair)**SENATE BILL 674 ON SECOND READING**

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

SB 674, Relating to authorizing an exemption for open-enrollment charter schools from certain municipal drainage requirements.

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Menéndez, Miles, Rodríguez.

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

SENATE BILL 674 ON THIRD READING

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

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Menéndez, Miles, Rodríguez.

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

(President in Chair)**COMMITTEE SUBSTITUTE****SENATE BILL 300 ON SECOND READING**

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 300** at this time on its second reading:

CSSB 300, Relating to indefinite quantity contracts for the provision of certain services to declared disaster areas following a natural disaster.

The bill was read second time.

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 300** (senate committee printing) as follows:

(1) Strike SECTION 1 of the bill, amending Section 2254.004(a), Government Code (page 1, lines 23 through 33).

(2) In SECTION 2 of the bill, in added Section 31.069, Natural Resources Code (page 2, between lines 17 and 18), insert the following:

(h) The department shall follow the procedures provided by Section 2254.004, Government Code, in contracting for engineering services under this section.

(3) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSSB 300** was read and was adopted by a viva voce vote.

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

CSSB 300 as amended was passed to engrossment by a viva voce vote.

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

COMMITTEE SUBSTITUTE SENATE BILL 300 ON THIRD READING

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 300** be placed on its third reading and final passage.

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

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

SENATE BILL 621 ON THIRD READING

Senator Nichols moved to suspend the regular order of business to take up for consideration **SB 621** at this time on its third reading and final passage:

SB 621, Relating to the transfer of the regulation of plumbing to the Texas Department of Licensing and Regulation, following recommendations of the Sunset Advisory Commission; requiring an occupational license; authorizing a fee.

The motion prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Taylor.

Nays: Alvarado, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, Rodríguez, Watson, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 615 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **CSSB 615** at this time on its second reading:

CSSB 615, Relating to the operations and functions of the Texas Windstorm Insurance Association and the sunset review date for and programs administered by the association; authorizing a fee.

The motion prevailed.

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

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

All Members are deemed to have voted "Yea" on passage to engrossment except as follows:

Nays: Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 615 ON THIRD READING**

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 615** be placed on its third reading and final passage.

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

Nays: Seliger.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 421 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSSB 421** at this time on its second reading:

CSSB 421, Relating to the acquisition of real property by an entity with eminent domain authority.

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

Yeas: Alvarado, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Hancock, Johnson, Taylor.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 421** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 21.0113, Property Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) Notwithstanding Subsection (b), a private entity, as defined by Section 21.031, with eminent domain authority that wants to acquire real property for a pipeline or electric transmission project has made a bona fide offer only if the entity:

(1) satisfies the requirements of Subsection (b);

(2) includes in the initial offer:

(A) an offer of just compensation in an amount equal to or greater than:

(i) the market value of the property rights sought to be acquired, including damages to any of the property owner's remaining property, if any, and other damages, if any, based on an appraisal of the property prepared by an independent certified general appraiser licensed under Chapter 1103, Occupations Code; or

(ii) the estimated sales price of the property rights sought to be acquired based on data for at least three comparable arm's-length sales, including damages to any of the property owner's remaining property, if any, and other damages, if any, based on:

(a) a comparative market analysis of the property affected by the rights sought, prepared by an independent real estate broker licensed under Chapter 1101, Occupations Code;

(b) a broker price opinion of the property affected by the rights sought, prepared by an independent real estate broker licensed under Chapter 1101, Occupations Code; or

(c) a market study of the property affected by the rights sought, prepared by an independent real estate broker licensed under Chapter 1101, Occupations Code;

(B) the complete written report of the appraisal, the comparative market analysis, the broker price opinion, or the market study that forms the basis for the amount of the offer of compensation under Paragraph (A);

(C) notice of the terms described by Section 21.0114(b) for which the property owner may negotiate to be included in a deed, easement, agreement, or other instrument of conveyance relating to the property;

(D) notice that the property owner may also receive a final offer accompanied by a written appraisal; and

(E) a copy of the notice of property owner information meeting required by Section 21.033, if applicable, unless the entity has previously provided a copy of the notice to the property owner;

(3) participates in the property owner information meeting in the manner prescribed by Section 21.037, if applicable;

(4) obtains for purposes of Subsection (b)(4) a written appraisal report from a certified appraiser; and

(5) includes in the final offer a copy of the written appraisal report required by Subsection (b)(4) unless the entity has previously provided a copy of the report to the property owner.

(d) For purposes of Subsection (c)(2)(A)(ii), a real estate broker licensed under Chapter 1101, Occupations Code, is authorized to prepare an estimated sales price based on a comparative market analysis, a broker price opinion, or a market study.

(e) An offer of compensation made under Subsection (c) must include a separate statement of:

(1) the damages, if any, to any of the property owner's remaining property;
and

(2) the other damages, if any.

SECTION 2. Section 21.047(d), Property Code, is transferred to Section 21.0113, Property Code, redesignated as Section 21.0113(f), Property Code, and amended to read as follows:

(f) [(d)] If a court hearing a suit under this chapter determines that a condemnor did not make a bona fide offer to acquire the property from the property owner voluntarily as required by this section [Section 21.0113], the court shall abate the suit, order the condemnor to make a bona fide offer, and order the condemnor to pay:

(1) all costs as provided by Section 21.047(a) [Subsection (a)]; and

(2) any reasonable attorney's fees and other professional fees incurred by the property owner that are directly related to the violation.

SECTION 3. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0114 to read as follows:

Sec. 21.0114. REQUIRED TERMS FOR INSTRUMENTS OF CONVEYANCE BY CERTAIN PRIVATE ENTITIES. (a) Except as provided by Subsections (c) and (d), a deed, easement, agreement, or other instrument of conveyance provided to a property owner by a private entity, as defined by Section 21.031, that has the power of eminent domain to acquire the property interest to be conveyed must include the following terms, as applicable:

(1) if the instrument conveys a pipeline right-of-way easement:

(A) the maximum number of pipelines that may be installed in the easement;

(B) the maximum diameter, excluding any protective coating or wrapping, of each pipeline to be initially installed in the easement;

(C) the type or category of substances permitted to be transported through each pipeline to be installed in the easement;

(D) a general description of any aboveground equipment or facility the private entity intends to install, maintain, or operate on the surface of the easement;

(E) any descriptions of the location of the easement, including metes and bounds or centerline descriptions, plats, and aerial or other map-based depictions of the location of the easement on the property, that are in the possession of the private entity when the private entity provides the instrument of conveyance to the property owner;

(F) the maximum width of the easement;

(G) the minimum depth at which each pipeline to be installed in the easement will initially be installed;

(H) a provision identifying whether the private entity intends to double-ditch areas of the easement that are not installed by boring or horizontal directional drilling;

(I) a provision limiting the private entity's right to assign the entity's interest under the deed, easement, agreement, or other instrument of conveyance without:

(i) written notice to the property owner at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to levy property taxes against the property; or

(ii) if the assignee, including an assignee that is an affiliate or subsidiary of or entity otherwise related to the private entity, will not operate each pipeline installed on the easement as a common carrier line or gas utility, the express written consent of the property owner, provided the property owner does not unreasonably withhold consent;

(J) a provision describing whether the easement rights are exclusive, nonexclusive, or otherwise limited;

(K) a provision limiting the private entity's right to grant a third party access to the easement area for a purpose that is not related to the construction, safety, repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed in the easement;

(L) a provision regarding the property owner's right to recover actual monetary damages arising from the construction and installation of each pipeline to be installed in the easement, or a statement that the consideration for the easement includes any monetary damages arising from the construction and installation of each pipeline to be installed in the easement;

(M) a provision regarding the property owner's right after initial construction and installation of each pipeline to be installed in the easement to actual monetary damages arising from the repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed in the easement;

(N) a provision:

(i) regarding the removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by the private entity; or

(ii) providing for the payment for any damage that is not restored;

(O) a provision:

(i) regarding the private entity's obligation to restore the easement area and the property owner's remaining property used by the private entity to as near to original condition as is reasonably practicable and to maintain the easement, including restoring the easement to the easement's original contours and grades; or

(ii) providing for the private entity to reimburse the property owner for actual monetary damages incurred by the property owner that arise from damage to the easement area and the property owner's remaining property caused by the private entity and not restored; and

(P) a provision describing the private entity's rights of ingress, egress, entry, and access on, to, over, and across the easement; and

(2) if the instrument conveys an electric transmission right-of-way easement:

(A) a general description of any use of the surface of the easement the entity intends to acquire;

(B) all descriptions of the location of the easement, including metes and bounds or centerline descriptions, plats, and aerial or other map-based depictions of the location of the easement on the property, that are in the possession of the private entity when the private entity provides the instrument of conveyance to the property owner;

(C) the maximum width of the easement;

(D) the manner in which the entity will access the easement;

(E) a provision limiting access to the easement area by a third party that has not obtained authorization from the property owner for a purpose that is not related to the transmission line's construction, safety, repair, maintenance, inspection, replacement, operation, or removal;

(F) a provision regarding the property owner's right to recover actual monetary damages arising from the construction, repair, maintenance, replacement, or future removal of lines and support facilities in the easement, or a statement that the consideration for the easement includes such future damages;

(G) a provision:

(i) regarding the removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by the private entity; or

(ii) providing for the payment for any damage that is not restored;

(H) a provision regarding the entity's obligation to restore the easement area and the property owner's remaining property to the easement area's and the remaining property's original contours and grades and:

(i) a provision regarding the entity's obligation to restore the easement area and the property owner's remaining property following any future damages directly attributed to the use of the easement by the private entity; or

(ii) a statement that the consideration for the easement includes future damages to the easement area and the property owner's remaining property;

(I) a provision describing whether the easement rights are exclusive, nonexclusive, or otherwise limited; and

(J) a prohibition against the assignment of the entity's interest in the property to an assignee that will not operate as a utility subject to the jurisdiction of the Public Utility Commission of Texas or the Federal Energy Regulatory Commission without written notice to the property owner at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to levy property taxes against the property.

(b) The private entity shall notify the property owner that the property owner may negotiate for the following terms to be included in a deed, easement, agreement, or other instrument of conveyance described by Subsection (a):

(1) a provision regarding the property owner's right to negotiate to recover damages, or a statement that the consideration for the easement includes damages, for:

(A) damage to vegetation; and

(B) the income loss from disruption of existing agricultural production or existing leases;

(2) a prohibition against any use of the property being conveyed, other than a use stated in the deed, easement, agreement, or other instrument of conveyance, without the express written consent of the property owner;

(3) a provision:

(A) requiring the private entity to maintain at all times while the private entity uses the easement, including during construction and operations on the easement, liability insurance:

(i) issued by an insurer authorized to issue liability insurance in this state; and

(ii) insuring the property owner against liability for personal injuries and property damage sustained by any person caused by the negligence of the private entity or the private entity's agents or contractors; or

(B) if the private entity is subject to the jurisdiction of the Public Utility Commission of Texas or has a net worth of at least \$25 million, requiring the private entity to indemnify the property owner against liability for personal injuries and property damage sustained by any person caused by the negligence of the private entity or the private entity's agents or contractors; and

(4) a provision that the terms of the deed, easement, agreement, or other instrument of conveyance will bind the successors and assigns of the property owner and private entity.

(c) A private entity, as defined by Section 21.031, or the property owner may:

(1) negotiate for and agree to terms and conditions not required by Subsection (a) or provided by Subsection (b), including terms and conditions not included in a subsequent condemnation petition; and

(2) agree to a deed, easement, agreement, or other instrument of conveyance that does not include the terms required by Subsection (a).

(d) Except as provided by this subsection, this section does not prohibit a private entity or the property owner from agreeing to amend the terms required by Subsection (a) after the private entity makes an initial offer or final offer to the property owner as required by Section 21.0113. A private entity that changes the terms required by Subsection (a) must provide a copy of the amended deed, easement, agreement, or other instrument of conveyance to the property owner not later than the 14th day before the date the private entity files a condemnation petition relating to the property.

(e) A private entity that amends a deed, easement, agreement, or other instrument of conveyance to which this section applies after the initial offer or final offer is not required to satisfy again any requirement of Section 21.0113 that the private entity has previously satisfied.

(f) A court hearing a suit under this chapter involving property the acquisition of which is subject to the requirements of this section:

(1) may determine whether the private entity has complied with the requirements of this section; and

(2) if the court determines that the private entity has not provided to a property owner a deed, easement, agreement, or other instrument of conveyance that complies with the requirements of this section, shall:

(A) order the private entity to:

(i) provide to the property owner a deed, easement, agreement, or other instrument of conveyance that complies with the requirements of this section; and

(ii) pay to the property owner:

(a) all costs related to the private entity's failure to comply with this section; and

(b) any reasonable attorney's fees and other professional fees incurred by the property owner that are directly related to the private entity's failure to comply with this section; and

(B) abate a pending proceeding until the instrument is provided.

SECTION 4. Section 21.012, Property Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the contents prescribed by Subsection (b), a petition filed by a private entity as defined by Section 21.031 to acquire property for a pipeline or electric transmission project must state the terms to be included in the instrument of conveyance under Section 21.0114.

SECTION 5. Chapter 21, Property Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. ACQUISITION OF PROPERTY BY CERTAIN PRIVATE ENTITIES

Sec. 21.031. DEFINITION. In this subchapter, "private entity":

(1) means:

(A) a for-profit entity, however organized, authorized to exercise the power of eminent domain to acquire private property for public use; and

(B) any affiliate or subsidiary of or entity related to an entity described by Paragraph (A), including a for-profit corporation organized under Chapter 67, Water Code, if the affiliate, subsidiary, or other entity was formed for purposes of a project for which property may be acquired through eminent domain; and

(2) does not include a railroad operating in this state on or before September 1, 2019.

Sec. 21.032. APPLICABILITY OF SUBCHAPTER. (a) Except as expressly provided by Section 21.033(d), this subchapter applies only to a private entity that seeks to acquire for the same pipeline or electric transmission project 25 or more tracts of real property, including easements within those tracts, that are owned by at least 25 separate and unaffiliated property owners.

(b) Except as expressly provided by Section 21.0392, this subchapter does not apply to a private entity that:

(1) operates or proposes to construct an electric transmission line; and

(2) is subject to the jurisdiction of the Public Utility Commission of Texas under Chapter 37, Utilities Code.

(c) This subchapter does not apply to the acquisition of a tract of real property that is an industrial property, including a tract that contains a refinery, processing facility, underground storage facility, electric station, industrial facility, power plant facility, or storage terminal.

Sec. 21.033. NOTICE OF PROPERTY OWNER INFORMATION MEETING.

(a) A private entity shall, before or at the same time that the entity makes an initial offer as required under Section 21.0113, provide a written notice advising the property owner of:

(1) the property owner's right to participate in a meeting to discuss the proposed project, including:

(A) if the project is a pipeline, the substances, products, materials, installations, and structures the private entity intends to transport through, use for, or build as part of the project; and

(B) any regulatory filings for the project; and

(2) the date, time, and location of the meeting.

(b) The private entity shall send the meeting notice to:

(1) the property owner listed for the property on the most recent tax roll for a taxing unit with authority to levy an ad valorem tax on the property; or

(2) the address for the property listed on the tax roll described by Subdivision (1).

(c) The private entity shall also send the meeting notice to:

(1) any other address that the private entity has for the property owner; and

(2) each county judge of a county in which all or part of the project section or segment for which the meeting is to be held is located.

(d) If a pipeline involves fewer than 25 separate and unaffiliated property owners, the private entity shall provide notice to the property owners in the manner prescribed by this section that a property owner may request a meeting with the private entity to receive the information required to be presented by a private entity under Section 21.037. If a property owner requests a meeting, the private entity shall hold the meeting not later than the 30th day after the date the private entity sent the notice to the property owner.

Sec. 21.034. PROPERTY OWNER INFORMATION MEETING. (a) For each contiguous linear section of a proposed project route that is equal to or less than 100 miles in length, the private entity shall hold a group property owner meeting. For a project that exceeds 100 miles in length, the private entity shall hold at least one separate meeting for each 100-mile segment.

(b) The private entity shall hold a meeting required under Subsection (a) in a centrally located public location:

(1) appropriate to the size and nature of the meeting; and

(2) as convenient as possible to the majority of property owners affected by the project or project segment for which the meeting is required.

(c) The private entity shall hold the meeting in a location the travel distance to which is 50 miles or less for the majority of property owners who reside on property being acquired for the project section or segment for which the meeting is to be held.

(d) A meeting required under Subsection (a) may not be scheduled to begin earlier than 5:30 p.m.

(e) A meeting required under Subsection (a) may not be held before the private entity sends at least 25 percent of the initial offers required by Section 21.0113.

Sec. 21.035. PERSONS AUTHORIZED TO ATTEND PROPERTY OWNER INFORMATION MEETING. (a) In addition to the property owner and the private entity representatives, the following individuals may attend a meeting held under Section 21.034:

(1) an invited relative of the property owner who is related to the property owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code;

(2) an attorney or licensed appraiser representing the property owner;

(3) an employee or a lessee of the property owner that has direct knowledge of the property;

(4) an employee of an entity with whom the property owner has contracted for services to manage the property; or

(5) a county judge of a county in which all or part of the project section or segment for which the meeting is held is located.

(b) A private entity may include in the notice required by Section 21.033 a requirement that the property owner identify persons described by Subsections (a)(1)-(4) who intend to attend the meeting not later than two days before the date of the meeting.

(c) The number of attendees under Subsections (a)(1)-(4) may not exceed five individuals for each separate tract of property.

(d) The private entity may require attendees to provide identification and complete a registration form that includes contact information.

(e) The private entity may take reasonable steps to maintain safety and decorum at the meeting, including expelling attendees who do not meet the requirements of this subchapter.

(f) The private entity may not deny entry to a property owner who provides proper identification.

Sec. 21.036. PARTICIPATION BY PRIVATE ENTITY REQUIRED. One or more representatives designated by the private entity shall:

(1) attend each meeting required by Section 21.034; and

(2) participate in those meetings in the manner prescribed by Section 21.037.

Sec. 21.037. PROPERTY OWNER INFORMATION MEETING AGENDA. (a) At a meeting held under Section 21.034:

(1) the private entity shall present:

(A) the information contained in the landowner's bill of rights statement required to be provided to a property owner under Section 21.0112;

(B) a description of the public use for which the entity wants to acquire the real property;

(C) the terms required under Section 21.0114 to be included in a deed, easement, agreement, or other instrument of conveyance provided by the entity to the property owner;

(D) a description of the method and factors used by the entity to determine the entity's initial offer, including:

(i) how damages to remaining property, if any, were evaluated; or

(ii) the name of the person who prepared the appraisal report, comparative market analysis, broker price opinion, or market study required under Section 21.0113(c);

(E) a description of the private entity's regulatory filings related to the project;

(F) the basis for the private entity's exercise of eminent domain authority for the project; and

(G) the name and contact information, as known at the time of the meeting, of any third-party contractor to be used by the entity to acquire the land or undertake the project; and

(2) any person who is an authorized attendee of the meeting must be given an opportunity at the meeting to ask questions and make comments regarding:

(A) the rights of the property owners;

(B) the proposed public use for which the real property is to be acquired; and

(C) any terms required under Section 21.0114 to be included in a deed, easement, agreement, or other instrument of conveyance provided by the private entity to a property owner.

(b) On request, a private entity shall provide, in written or electronic form, the materials presented by the private entity at the meeting to a property owner who could not attend the meeting.

Sec. 21.038. CONTACT AFTER PROPERTY OWNER INFORMATION MEETING. A private entity that holds a meeting under Section 21.034 may not contact a property owner for three days following the date of the meeting. Nothing in this section precludes:

(1) a property owner or an individual allowed to attend a meeting held under Section 21.034 from contacting the private entity at any time; or

(2) the private entity from engaging in discussions with a person described by Subdivision (1) after that person contacts the entity.

Sec. 21.039. PROCEDURES AFTER PROJECT RE-ROUTE. If any part of the project is re-routed after any meeting is held under Section 21.034, the private entity shall, with respect to that re-route only, comply with the provisions of this subchapter with respect to tracts along the re-route.

Sec. 21.0391. PRIVATE ENTITY NONCOMPLIANCE. (a) A private entity subject to this subchapter may not proceed with a special commissioners' hearing against a property owner unless the private entity has held a meeting required under this subchapter.

(b) If a court hearing a suit under this chapter determines that a private entity did not comply with the applicable provisions of this subchapter, the court shall:

(1) abate any condemnation proceeding filed by the private entity until the private entity has complied with this subchapter;

(2) order the private entity to comply with the applicable provisions of this subchapter; and

(3) order the private entity to pay:

(A) all costs of the proceeding; and

(B) any reasonable attorney's fees and other professional fees incurred by the property owner that are directly related to the entity's failure to comply with the applicable provisions of this subchapter.

(c) A condemnation proceeding that is abated under this section may proceed after a court finds that the private entity has complied with the applicable provisions of this subchapter.

Sec. 21.0392. PROCEDURES FOR CERTAIN PRIVATE ENTITIES SUBJECT TO JURISDICTION OF PUBLIC UTILITY COMMISSION. (a) This section applies only to a private entity that proposes to exercise the power of eminent domain to construct an electric transmission line and is subject to the authority of the Public Utility Commission of Texas under Chapter 37, Utilities Code.

(b) A private entity to which this section applies and that is required by the Public Utility Commission of Texas to conduct a public meeting in connection with the electric transmission line project shall present at the meeting:

(1) the information contained in the landowner's bill of rights required to be provided to a property owner under Section 21.0112;

(2) the terms required under Section 21.0114 to be included in a deed, easement, agreement, or other instrument of conveyance provided by the entity to the property owner;

(3) the name and contact information of any third-party contractor or right-of-way agent that will contact a property owner or seek access to the property owner's property in connection with the project, to the extent available;

(4) the name and contact information, including direct telephone number and e-mail address, for an agent or employee of the entity with authority to answer questions about the electric transmission line project;

(5) the method for calculating the value of the property being acquired by the entity and the damages, if any, to the property owner's remaining property, as part of the entity's initial offer to a property owner; and

(6) a detailed summary of procedures for right-of-way acquisition after the route for the electric transmission line has been selected.

(c) The private entity must give property owners the opportunity to ask the entity questions regarding eminent domain and right-of-way acquisition at the meeting.

(d) After the Public Utility Commission of Texas adopts a route for the electric transmission line, the entity shall provide by letter to each property owner on the route:

(1) a copy of the entity's draft easement form containing a statement of the terms required by Section 21.0114 to be included in a deed, easement, agreement, or other instrument of conveyance provided by the entity to the property owner;

(2) an explanation of the initial offer process and the basis for calculating the value of the property being acquired by the entity and the damages, if any, to the property owner's remaining property as part of the initial offer required by Section 21.0113;

(3) a statement of the property owner's right under Section 21.0113 to receive a copy of the written appraisal with the final offer, if a copy of the written appraisal has not previously been provided to the property owner by the entity;

(4) an explanation of the negotiation process, including the name and contact information of any right-of-way agent who will be participating in the process; and

(5) the name and contact information, including the direct telephone number and e-mail address, for an agent or employee of the entity with authority to answer questions about the electric transmission line project.

(e) On request, a private entity shall provide, in written or electronic form, the materials presented by the private entity at the meeting to a property owner who could not attend the meeting.

SECTION 6. Section 21.042, Property Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) In estimating injury or benefit under Subsection (c) in a condemnation proceeding relating to the acquisition of real property by a private entity as defined by Section 21.031 for a pipeline or electric transmission project, the special commissioners shall consider, in addition to the considerations required under Subsection (d), an injury or benefit to the remaining property as a result of:

(1) the characteristics, size, or visibility of any infrastructure on the condemned property;

(2) any limitation of future expansion of the remaining property; and

(3) terms of the easement acquired in connection with, or the alignment of an easement in connection with, the condemnation.

SECTION 7. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act apply only to the acquisition of real property in connection with an initial offer made under Chapter 21, Property Code, on or after the effective date of this Act. An acquisition of real property in connection with an initial offer made under Chapter 21, Property Code, before the effective date of this Act is governed by the law applicable to the acquisition immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 21.0392, Property Code, as added by this Act, applies only to a public meeting required under Chapter 37, Utilities Code, held on or after the effective date of this Act.

SECTION 8. This Act takes effect September 1, 2019.

The amendment to **CSSB 421** was read and was adopted by the following vote: Yeas 31, Nays 0.

CSSB 421 as amended was passed to engrossment by a viva voce vote.

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

Nays: Johnson, Menéndez, Taylor.

COMMITTEE SUBSTITUTE SENATE BILL 421 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 421** be placed on its third reading and final passage.

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

Yeas: Alvarado, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Hancock, Johnson, Menéndez, Taylor.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Watson, West, Whitmire, Zaffirini.

Nays: Johnson, Menéndez, Taylor.

MOTION TO PLACE SENATE BILL 1574 ON SECOND READING

Senator Alvarado moved to suspend the regular order of business to take up for consideration **SB 1574** at this time on its second reading:

SB 1574, Relating to the duties of the Texas Water Development Board.

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

Yeas: Alvarado, Fallon, Flores, Johnson, Powell.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

SENATE BILL 971 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 971** at this time on its second reading:

SB 971, Relating to peace officer training on recognizing and recording circumstances that indicate strangulation in certain cases.

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

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

SENATE BILL 971 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 971** be placed on its third reading and final passage.

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

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

SENATE BILL 925 ON SECOND READING

On motion of Senator Flores and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 925** at this time on its second reading:

SB 925, Relating to calculation of daily production for purposes of the oil and gas production tax credits for low-producing wells and leases.

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

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

SENATE BILL 925 ON THIRD READING

Senator Flores moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 925** be placed on its third reading and final passage.

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

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

SENATE BILL 1574 ON SECOND READING

On motion of Senator Alvarado and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1574** at this time on its second reading:

SB 1574, Relating to the duties of the Texas Water Development Board.

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

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

SENATE BILL 1574 ON THIRD READING

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1574** be placed on its third reading and final passage.

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

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

(Senator Taylor in Chair)

COMMITTEE SUBSTITUTE**SENATE BILL 59 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 59** at this time on its second reading:

CSSB 59, Relating to certain images captured by an unmanned aircraft.

The bill was read second time.

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 59** (senate committee printing) in SECTION 1 of the bill by striking added Section 423.002(a)(22), Government Code (page 3, lines 16 through 24), and substituting the following:

(22) if the image:

(A) is captured while delivering consumer goods at the point of delivery for the purpose of confirming delivery of those goods, including consumer goods ordered through an Internet website or mobile application, and the operator of the unmanned aircraft is authorized by the Federal Aviation Administration to conduct operations within the airspace from which the image is captured;

(B) is not publicly disclosed, displayed, or distributed or used for any purpose other than confirming delivery of a consumer good, and no individual is identifiable in the image; and

(C) is destroyed not later than the 90th day after the date the consumer goods are delivered, including any copy or duplicate of the image.

The amendment to **CSSB 59** was read and was adopted by a viva voce vote.

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

CSSB 59 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 59 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 59** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 71 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 71** at this time on its second reading:

CSSB 71, Relating to the establishment of a statewide telehealth center for sexual assault forensic medical examination.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 71 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 71** be placed on its third reading and final passage.

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

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

SENATE BILL 601 ON SECOND READING

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 601** at this time on its second reading:

SB 601, Relating to the continuation and functions of the Texas Veterans Commission.

The bill was read second time.

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 601** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, strike added Section 434.0061(d), Government Code (page 1, lines 46-52), and substitute the following:

(d) The executive director of the commission 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 commission. Each member of the commission shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

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

SECTION _____. (a) Except as provided by Subsection (b) of this section, Section 434.0061, Government Code, as amended by this Act, applies to a member of the Texas Veterans Commission who is appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Veterans Commission who, before the effective date of this Act, completed the training program required by Section 434.0061, 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 434.0061, Government Code, as amended by this Act. A commission member 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, 2019, until the member completes the additional training.

The amendment to **SB 601** was read and was adopted by a viva voce vote.

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

(President in Chair)

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 601** (senate committee printing) as follows:

(1) In SECTION 4 of the bill, strike added Sections 434.0078(c)(2) and (3), Government Code (page 3, lines 32-35), and substitute the following:

(2) number of veterans who requested claims assistance services at a claims assistance services office and failed to receive assistance the same day;

(3) percentage of veterans described by Subdivision (2) who received assistance at a later date; and

(4) quality of claims prepared at each of the claims assistance services offices.

(2) Strike SECTION 6 of the bill (page 3, line 65, through page 4, line 19) and substitute the following:

SECTION 6. Section 434.033, Government Code, is amended by amending Subsection (b) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(b) Except as provided by Subsection (c-2), to [F] be appointed as an officer a person must:

(1) be qualified by education and training for the duties of the office;

(2) be experienced in the law, regulations, and rulings of the United States Department of Veterans Affairs controlling cases that come before the commission; and

(3) have the service experience specified by Subsection (c) or be:

(A) a ~~[widowed]~~ Gold Star mother, father, or spouse ~~[Mother or unmarried widow]~~ of a person who died while serving in the United States armed forces ~~[serviceman or veteran whose death resulted from service];~~

(B) the spouse of a disabled veteran who has a total disability rating based either on having a service-connected disability with a disability rating of 100 percent or on individual unemployability; or

(C) the spouse of a retired veteran who served a minimum of 20 years on active duty.

(c-1) Before selecting an individual for appointment as an officer, a commissioners court described by Subsection (a) shall solicit applications from individuals interested in being appointed as an officer, including by posting notice for at least 30 consecutive days on:

(1) the commission's Internet website; and

(2) the online system for listing state agency employment openings maintained by the Texas Workforce Commission.

(c-2) If the commissioners court is unable to appoint an individual who meets the requirements under Subsection (b)(3), the commissioners court may apply to the commission for approval to appoint an individual who does not meet those requirements. The commission shall approve the appointment if the commissioners court provides to the commission:

(1) proof that the commissioners court posted notice soliciting applications on the commission's Internet website and the online system described by Subsection (c-1)(2) for at least 90 days; or

(2) other proof as determined by commission rule.

(c-3) The commission may assist a commissioners court in soliciting applications under Subsection (c-1) by advertising the solicitation to local workforce centers.

(3) Strike SECTION 7 of the bill (page 4, lines 20 and 21) and renumber the SECTIONS of the bill accordingly.

The amendment to **SB 601** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, Rodríguez, Schwertner, Watson, West, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Seliger, Taylor, Whitmire.

SB 601 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 601 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 601** be placed on its third reading and final passage.

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

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

GUEST PRESENTED

Senator West was recognized and introduced to the Senate his legislative intern, Christian Giadolor.

The Senate welcomed its guest.

SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees) (Motion In Writing)

Senator Hughes submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet during the reading and referral of bills.

HUGHES

The Motion In Writing was read and prevailed without objection.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.13 was suspended to grant the Committee on Natural Resources and Economic Development permission to meet while the Senate was meeting today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources and Economic Development might meet.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Buckingham and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Nominations might meet today.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.13 was suspended to grant the Committee on Criminal Justice permission to meet while the Senate was meeting today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider the following bills today:

SB 719, SB 1154, SB 1259, SB 1397, SB 1702, SB 1820, SB 2100, SJR 32.

PRESENTATION OF GAVEL

The President presented President Pro Tempore Watson a gavel in honor of his term as Governor for a Day on Saturday, April 6, 2019.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:00 p.m. agreed to adjourn, in memory of former Senators Ralph Moody Hall, Walter H. Mengden Jr., Jack Ogg, Aaron Robert "Babe" Schwartz, and Murray Watson Jr., upon completion of the introduction of bills and resolutions on first reading, until 2:00 p.m. Monday, April 8, 2019.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 2518 by Alvarado

Relating to the creation of the East Houston Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 2519 by Kolkhorst

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

To Committee on Intergovernmental Relations.

SB 2520 by Bettencourt

Relating to the powers and duties of the Cy-Champ Public Utility District; providing authority to issue bonds; providing authority to impose a tax.

To Committee on Intergovernmental Relations.

SB 2521 by Bettencourt

Relating to the powers and duties of the Harris County Municipal Utility District No. 248; providing authority to issue bonds and impose fees and taxes.

To Committee on Intergovernmental Relations.

SB 2522 by Bettencourt

Relating to the creation of the Harris County Municipal Utility District No. 571; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

SB 2523 by Bettencourt

Relating to the creation of the Harris County Municipal Utility District No. 572; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

SB 2524 by Bettencourt

Relating to the powers and duties of the Harris County Municipal Utility District No. 375; providing authority to issue bonds.

To Committee on Intergovernmental Relations.

SB 2525 by Bettencourt

Relating to the powers and duties of the Harris County Municipal Utility District No. 376; providing authority to issue bonds.

To Committee on Intergovernmental Relations.

SB 2526 by Bettencourt

Relating to the powers and duties of the Harris County Municipal Utility District No. 379; providing authority to issue bonds.

To Committee on Intergovernmental Relations.

SB 2527 by Nichols

Relating to the conversion of the Liberty Public Utility District to the Liberty County Municipal Utility District No. 7; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 2528 by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 176 of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

SB 2529 by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 177 of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 3 to Committee on Education.

HB 88 to Committee on State Affairs.

HB 101 to Committee on Criminal Justice.

HB 303 to Committee on Natural Resources and Economic Development.

HB 374 to Committee on Criminal Justice.

HB 405 to Committee on Administration.

HB 440 to Committee on Property Tax.

HB 678 to Committee on Education.

HB 785 to Committee on Criminal Justice.

HB 807 to Committee on Water and Rural Affairs.

HB 826 to Committee on Higher Education.

HB 1067 to Committee on State Affairs.

HB 1264 to Committee on Health and Human Services.

HB 1418 to Committee on Health and Human Services.

HB 1849 to Committee on Health and Human Services.

HB 2179 to Committee on Property Tax.

HB 2223 to Committee on Agriculture.

HB 2243 to Committee on Education.

CO-AUTHOR OF SENATE BILL 14

On motion of Senator Nichols, Senator Miles will be shown as Co-author of **SB 14**.

CO-AUTHOR OF SENATE BILL 19

On motion of Senator Hughes, Senator Bettencourt will be shown as Co-author of **SB 19**.

CO-AUTHORS OF SENATE BILL 29

On motion of Senator Hall, Senators Bettencourt and Creighton will be shown as Co-authors of **SB 29**.

CO-AUTHOR OF SENATE BILL 31

On motion of Senator Zaffirini, Senator Fallon will be shown as Co-author of **SB 31**.

CO-AUTHOR OF SENATE BILL 213

On motion of Senator Seliger, Senator Rodríguez will be shown as Co-author of **SB 213**.

CO-AUTHOR OF SENATE BILL 364

On motion of Senator Watson, Senator Menéndez will be shown as Co-author of **SB 364**.

CO-AUTHOR OF SENATE BILL 421

On motion of Senator Kolkhorst, Senator Schwertner will be shown as Co-author of **SB 421**.

CO-AUTHOR OF SENATE BILL 708

On motion of Senator Zaffirini, Senator Campbell will be shown as Co-author of **SB 708**.

CO-AUTHOR OF SENATE BILL 762

On motion of Senator Campbell, Senator Seliger will be shown as Co-author of **SB 762**.

CO-AUTHOR OF SENATE BILL 1018

On motion of Senator Alvarado, Senator Menéndez will be shown as Co-author of **SB 1018**.

CO-AUTHOR OF SENATE BILL 1653

On motion of Senator Schwertner, Senator Nichols will be shown as Co-author of **SB 1653**.

CO-AUTHOR OF SENATE BILL 2297

On motion of Senator Powell, Senator Seliger will be shown as Co-author of **SB 2297**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 5

On motion of Senator Huffman, Senator Lucio will be shown as Co-author of **SCR 5**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 540 by Flores, Recognizing the Southwest Area Buyers Club BBQ Showdown at Traders Village.

SR 542 by Hughes, Recognizing Will Jennings for his career in the music industry.

SR 543 by West, Recognizing Rob Franke on the occasion of his retirement.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:12 p.m. adjourned, in memory of former Senators Ralph Moody Hall, Walter H. Mengden Jr., Jack Ogg, Aaron Robert "Babe" Schwartz, and Murray Watson Jr., until 2:00 p.m. Monday, April 8, 2019.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 4, 2019

WATER AND RURAL AFFAIRS — **SB 81, SB 979, SB 851, SB 733, SB 520, CSSB 317, CSSB 669, CSSB 1438, CSSB 483**

TRANSPORTATION — **SB 2168, SB 1764, SB 1213, SB 297, SB 1040**

STATE AFFAIRS — **CSSB 30, CSSB 325**

HEALTH AND HUMAN SERVICES — **CSSB 2132, CSSB 982, CSSB 2200, CSSB 384**

INTERGOVERNMENTAL RELATIONS — **CSSB 1114, CSSB 1402**

FINANCE — **CSSB 1067**

HIGHER EDUCATION — **SB 709, SB 1017, SB 1378, SB 1757**

STATE AFFAIRS — **CSSB 1676, CSSB 1675, CSSB 1728**

TRANSPORTATION — **CSSB 755, CSSB 969**

WATER AND RURAL AFFAIRS — **CSSB 606**

TRANSPORTATION — **CSSB 1512**

EDUCATION — **CSSB 1001, CSSB 1707**

BILLS ENGROSSED

April 3, 2019

SB 17, SB 406, SB 475, SB 477, SB 522, SB 586, SB 1113, SB 1324, SB 1564

RESOLUTIONS ENROLLEDApril 3, 2019**SR 422, SR 534, SR 537, SR 538, SR 539**