

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTIETH DAY

(Thursday, May 9, 2019)

The Senate met at 11:20 a.m. pursuant to adjournment and was called to order by President Pro Tempore Watson.

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 Pro Tempore 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 day and this incredible group of men and women that I have the privilege to stand before today. We are 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 schools, our city, this state, and our government as a whole. Lord, give them divine wisdom as they tackle many strategic issues today on our behalf. We are so grateful for their sacrifices, their investments, and their willingness to serve. Continue to watch over us. 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.

ACKNOWLEDGMENT

The President Pro Tempore acknowledged the presence of Summit Christian Academy students, accompanied by Pastor Andrea Moore.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Powell was recognized and presented Dr. Lawrence Gibbs of Mansfield, accompanied by Jon Payne and Lauren Walden, as the Physician of the Day.

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

SENATE RESOLUTION 683

Senator Flores offered the following resolution:

SR 683, Recognizing Texas A&M University–San Antonio on the occasion of its 10th anniversary.

The resolution was read.

On motion of Senator Menéndez and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Flores, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Flores, joined by Senators Menéndez, Zaffirini, Campbell, Lucio, and Bettencourt, was recognized and introduced to the Senate a Texas A&M University–San Antonio delegation including President Cynthia Teniente-Matson; Inaugural President Maria Hernandez Ferrier; Dean Mirley Balasubramanya, College of Arts and Humanities; Student Government Association President Marissa Lyssy; and Executive Director Rosario Torres-Raines, Texas A&M University-Kingsville System Center-San Antonio.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Fallon was recognized and introduced to the Senate Winter and Darrell Anderson, FH Foundation advocates.

The Senate welcomed its guests.

(President in Chair)

(Senator Hughes in Chair)

SENATE RESOLUTION 633

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas Legislative Internship Program Class of the 86th Legislature; and

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

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

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

WHEREAS, The participants in the Texas Legislative Internship Program are Brandi Granderson, Jennifer Russell, John Phelan, Day Brown, Paige Bostic, Franklin Achonye, Brianna Golden, Pedro Perez-Navejar, Yusuf Bavi, Sherrell Ross, Sarah Perkins, Braylen Gage, Alexis Tatum, Kelly Peterson, Zainab Ghwari, Ikenna Okoro, Breana Wilson, Kathleen Roberts, Victoria Garcia, Leland Ellis, Justus Miles, and Kristopher Henny; and

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

RESOLVED, That the Senate of the State of Texas, 86th Legislature, hereby commend the participants in the Texas Legislative Internship Program on their excellent work and extend to them best wishes for the future; and, be it further

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

WEST
ALVARADO
MILES
RODRÍGUEZ
SELIGER
WHITMIRE

SR 633 was read and was adopted without objection.

GUESTS PRESENTED

Senator West, joined by Senators Miles, Alvarado, Rodríguez, Seliger, and Whitmire, was recognized and introduced to the Senate the Texas Legislative Internship Program class of the 86th Legislature including Kristopher Henny, Brianna Golden, John Phelan, Justus Miles, Kathleen Roberts, Pedro Perez-Navejar, and Yusuf Bavi.

The Senate welcomed its guests.

(President in Chair)

SENATE RESOLUTION 603

Senator Kolkhorst offered the following resolution:

SR 603, In memory of Kelby Dawson Jasinski.

The resolution was again read.

The resolution was previously adopted on Wednesday, April 17, 2019.

In honor of the memory of Kelby Dawson Jasinski, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Kolkhorst was recognized and introduced to the Senate the family and friends of Kelby Jasinski including his parents, Billy Jo and Amy Lynn Jasinski; brother, Kurt Russell Jasinski and wife, Lisa; and sister, Kristina Jasinski.

The Senate welcomed its guests and extended its sympathy.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

(Senator Huffman in Chair)

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:40 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 1463 ON SECOND READING

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1463** at this time on its second reading:

CSSB 1463, Relating to the availability of financial information of nonprofit corporations for public inspection.

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 1463 ON THIRD READING

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1463** 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 2558 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 2558** at this time on its second reading:

SB 2558, Relating to the creation of the Lone Oak Farm Municipal Utility District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

The motion prevailed.

Senators Hall and Powell 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: Hall, Powell.

SENATE BILL 2558 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 2558** be placed on its third reading and final passage.

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

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

Nays: Hall, Powell.

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

COMMITTEE SUBSTITUTE SENATE BILL 1428 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 1428** at this time on its second reading:

CSSB 1428, Relating to the authority of a property owner to bring suit to compel an appraisal district, chief appraiser, or appraisal review board to comply with a procedural requirement applicable to an ad valorem tax protest.

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 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: Watson.

COMMITTEE SUBSTITUTE SENATE BILL 1428 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 1428** 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)

**COMMITTEE SUBSTITUTE
SENATE BILL 694 ON SECOND READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSSB 694** at this time on its second reading:

CSSB 694, Relating to the regulation of aggregate production operations by the Texas Commission on Environmental Quality; increasing a fee; increasing 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 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: Hughes.

**COMMITTEE SUBSTITUTE
SENATE BILL 694 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 **CSSB 694** 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)

HOUSE BILL 1142 ON SECOND READING

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1142** at this time on its second reading:

HB 1142, Relating to the creation and operations of health care provider participation programs in certain counties.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1142** (senate committee report) by inserting the appropriately numbered sections and renumbering the remaining sections accordingly:

SECTION _____. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 298E to read as follows:

CHAPTER 298E. HEALTH CARE PROVIDER PARTICIPATION PROGRAM IN
CERTAIN HOSPITAL DISTRICTS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 298E.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of hospital managers of a district.

(2) "District" means a hospital district to which this chapter applies.

(3) "Institutional health care provider" means a hospital that is not owned and operated by a federal, state, or local government and provides inpatient hospital services.

(4) "Paying provider" means an institutional health care provider required to make a mandatory payment under this chapter.

(5) "Program" means a health care provider participation program authorized by this chapter.

Sec. 298E.002. APPLICABILITY. This chapter applies only to a hospital district created in a county with a population of more than 800,000 that was not included in the boundaries of a hospital district before September 1, 2003.

Sec. 298E.003. HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM. The board of a district may authorize the district to participate in a health care provider participation program on the affirmative vote of a majority of the board, subject to the provisions of this chapter.

Sec. 298E.004. EXPIRATION. (a) Subject to Section 298E.153(d), the authority of a district to administer and operate a program under this chapter expires December 31, 2023.

(b) This chapter expires December 31, 2023.

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 298E.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY PAYMENT. The board of a district may require a mandatory payment authorized under this chapter by an institutional health care provider located in the district only in the manner provided by this chapter.

Sec. 298E.052. RULES AND PROCEDURES. The board of a district may adopt rules relating to the administration of the program, including collection of the mandatory payments, expenditures, audits, and any other administrative aspects of the program.

Sec. 298E.053. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING. If the board of a district authorizes the district to participate in a program under this chapter, the board shall require each institutional health care provider located in the district to submit to the district a copy of any financial and utilization data required by and reported to the Department of State Health Services under Sections 311.032 and 311.033 and any rules adopted by the executive commissioner of the Health and Human Services Commission to implement those sections.

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 298E.101. HEARING. (a) In each year that the board of a district authorizes a program under this chapter, the board shall hold a public hearing on the amounts of any mandatory payments that the board intends to require during the year and how the revenue derived from those payments is to be spent.

(b) Not later than the fifth day before the date of the hearing required under Subsection (a), the board shall publish notice of the hearing in a newspaper of general circulation in the district and provide written notice of the hearing to each institutional health care provider located in the district.

Sec. 298E.102. DEPOSITORY. (a) If the board of a district requires a mandatory payment authorized under this chapter, the board shall designate one or more banks as a depository for the district's local provider participation fund.

(b) All funds collected by a district under this chapter shall be secured in the manner provided for securing other funds of the district.

Sec. 298E.103. LOCAL PROVIDER PARTICIPATION FUND; AUTHORIZED USES OF MONEY. (a) If a district requires a mandatory payment authorized under this chapter, the district shall create a local provider participation fund.

(b) A district's local provider participation fund consists of:

(1) all revenue received by the district attributable to mandatory payments authorized under this chapter;

(2) money received from the Health and Human Services Commission as a refund of an intergovernmental transfer under the program, provided that the intergovernmental transfer does not receive a federal matching payment; and

(3) the earnings of the fund.

(c) Money deposited to the local provider participation fund of a district may be used only to:

(1) fund intergovernmental transfers from the district to the state to provide the nonfederal share of Medicaid payments for:

(A) uncompensated care payments to hospitals in the Medicaid managed care service area in which the district is located, if those payments are authorized under the Texas Healthcare Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315);

(B) uniform rate enhancements for hospitals in the Medicaid managed care service area in which the district is located;

(C) payments available under another waiver program authorizing payments that are substantially similar to Medicaid payments to hospitals described by Paragraph (A) or (B); or

(D) any reimbursement to hospitals for which federal matching funds are available;

(2) subject to Section 298E.151(d), pay the administrative expenses of the district in administering the program, including collateralization of deposits;

(3) refund a mandatory payment collected in error from a paying provider;

(4) refund to paying providers a proportionate share of the money that the district:

(A) receives from the Health and Human Services Commission that is not used to fund the nonfederal share of Medicaid supplemental payment program payments; or

(B) determines cannot be used to fund the nonfederal share of Medicaid supplemental payment program payments;

(5) transfer funds to the Health and Human Services Commission if the district is legally required to transfer the funds to address a disallowance of federal matching funds with respect to programs for which the district made intergovernmental transfers described by Subdivision (1); and

(6) reimburse the district if the district is required by the rules governing the uniform rate enhancement program described by Subdivision (1)(B) to incur an expense or forego Medicaid reimbursements from the state because the balance of the local provider participation fund is not sufficient to fund that rate enhancement program.

(d) Money in the local provider participation fund of a district may not be commingled with other district funds.

(e) Notwithstanding any other provision of this chapter, with respect to an intergovernmental transfer of funds described by Subsection (c)(1) made by a district, any funds received by the state, district, or other entity as a result of that transfer may not be used by the state, district, or any other entity to:

(1) expand Medicaid eligibility under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152); or

(2) fund the nonfederal share of payments to hospitals available through the Medicaid disproportionate share hospital program or the delivery system reform incentive payment program.

SUBCHAPTER D. MANDATORY PAYMENTS

Sec. 298E.151. MANDATORY PAYMENTS BASED ON PAYING PROVIDER NET PATIENT REVENUE. (a) Except as provided by Subsection (e), if the board of a district authorizes a health care provider participation program under this chapter, the board may require an annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the district. The board may provide for the mandatory payment to be assessed quarterly. In the first year in which the mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an institutional health care provider as reported in the provider's Medicare cost report submitted for the most recent fiscal year for which the provider submitted a Medicare cost report. If the mandatory payment is required, the district shall update the amount of the mandatory payment on an annual basis.

(b) The amount of a mandatory payment assessed under this chapter by the board of a district must be uniformly proportionate with the amount of net patient revenue generated by each paying provider in the district as permitted under federal law. A health care provider participation program authorized under this chapter may not hold harmless any institutional health care provider located in the district, as required under 42 U.S.C. Section 1396b(w).

(c) If the board of a district requires a mandatory payment authorized under this chapter, the board shall set the amount of the mandatory payment, subject to the limitations of this chapter. The aggregate amount of the mandatory payments required of all paying providers in the district may not exceed six percent of the aggregate net patient revenue from hospital services provided by all paying providers in the district.

(d) Subject to Subsection (c), if the board of a district requires a mandatory payment authorized under this chapter, the board shall set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the district for activities under this chapter and to fund an intergovernmental transfer described by Section 298E.103(c)(1). The annual amount of revenue from mandatory payments that shall be paid for administrative expenses by the district is \$150,000, plus the cost of collateralization of deposits, regardless of actual expenses.

(e) A paying provider may not add a mandatory payment required under this section as a surcharge to a patient.

(f) A mandatory payment assessed under this chapter is not a tax for hospital purposes for purposes of Section 4, Article IX, Texas Constitution, or Section 281.045 of this code.

Sec. 298E.152. ASSESSMENT AND COLLECTION OF MANDATORY PAYMENTS. (a) A district may designate an official of the district or contract with another person to assess and collect the mandatory payments authorized under this chapter.

(b) The person charged by the district with the assessment and collection of mandatory payments shall charge and deduct from the mandatory payments collected for the district a collection fee in an amount not to exceed the person's usual and customary charges for like services.

(c) If the person charged with the assessment and collection of mandatory payments is an official of the district, any revenue from a collection fee charged under Subsection (b) shall be deposited in the district general fund and, if appropriate, shall be reported as fees of the district.

Sec. 298E.153. PURPOSE; CORRECTION OF INVALID PROVISION OR PROCEDURE; LIMITATION OF AUTHORITY. (a) The purpose of this chapter is to authorize a district to establish a program to enable the district to collect mandatory payments from institutional health care providers to fund the nonfederal share of a Medicaid supplemental payment program or the Medicaid managed care rate enhancements for hospitals to support the provision of health care by institutional health care providers located in the district to district residents in need of health care.

(b) This chapter does not authorize a district to collect mandatory payments for the purpose of raising general revenue or any amount in excess of the amount reasonably necessary to fund the nonfederal share of a Medicaid supplemental payment program or Medicaid managed care rate enhancements for hospitals and to cover the administrative expenses of the district associated with activities under this chapter.

(c) To the extent any provision or procedure under this chapter causes a mandatory payment authorized under this chapter to be ineligible for federal matching funds, the board of a district may provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services. A rule adopted under this section may not create, impose, or materially expand the legal or financial liability or responsibility of the district or an institutional health care provider in the district beyond the provisions of this chapter. This section does not require the board to adopt a rule.

(d) A district may only assess and collect a mandatory payment authorized under this chapter if a waiver program, uniform rate enhancement, or reimbursement described by Section 298E.103(c)(1) is available to the district.

SECTION _____. As soon as practicable after the expiration of the authority of a hospital district to administer and operate a health care provider participation program under Chapter 298E, Health and Safety Code, as added by this Act, the board of hospital managers of the hospital district shall transfer to each institutional health care provider in the district that provider's proportionate share of any remaining funds in any local provider participation fund created by the district under Section 298E.103, Health and Safety Code, as added by this Act.

The amendment to **HB 1142** was read and was adopted by a viva voce vote.

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

HB 1142 as amended was passed to third reading by a viva voce vote.

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

HOUSE BILL 1142 ON THIRD READING

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1142** 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 RULES SUSPENDED (Posting Rules)

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

(President in Chair)

SENATE RULES SUSPENDED (Posting Rules)

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

HB 406, HB 721, HB 4690.

RECESS

On motion of Senator Whitmire, the Senate at 1:13 p.m. recessed until 4:30 p.m. today.

AFTER RECESS

The Senate met at 4:54 p.m. and was called to order by President Pro Tempore Watson.

BILLS SIGNED

The President Pro Tempore announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

HB 125, HB 145, HB 852, HB 3348.

HOUSE BILL 1476 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **HB 1476** at this time on its second reading:

HB 1476, Relating to the regulation of game rooms in certain counties.

The motion prevailed.

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

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

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

Nays: Hall.

HOUSE BILL 1476 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1476** be placed on its third reading and final passage.

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

Nays: Hall.

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

HOUSE BILL 380 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **HB 380** at this time on its second reading:

HB 380, Relating to the authority of a district court to hear and determine certain ad valorem tax appeals.

The motion prevailed.

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

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

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

Nays: Johnson, Menéndez, Rodríguez, Watson, Whitmire.

HOUSE BILL 380 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 380** 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, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Zaffirini.

Nays: Johnson, Menéndez, Rodríguez, Watson, Whitmire.

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

COMMITTEE SUBSTITUTE HOUSE BILL 303 ON SECOND READING

Senator Taylor moved to suspend the regular order of business to take up for consideration **CSHB 303** at this time on its second reading:

CSHB 303, Relating to entities eligible to authorize the creation of spaceport development corporations and to the powers of those corporations.

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 and was passed to third reading by a viva voce vote.

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

Nays: Hughes.

COMMITTEE SUBSTITUTE HOUSE BILL 303 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 303** 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, May 9, 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 29 Minjarez

Relating to the regulation of the practice of physical therapy.

HB 201 Stephenson

Relating to the composition of the combative sports advisory board.

HB 362 Israel

Relating to the creation of a fund to assist local governments with the acquisition of voting system equipment.

HB 388 Murphy

Relating to the exemption from ad valorem taxation of real property leased to and used by certain schools.

HB 760 Wu

Relating to the punishment for the criminal offense of theft involving a package delivered to or collected from a residential or commercial property; increasing a criminal penalty.

HB 831 Huberty

Relating to the residency requirement to be eligible for public office.

HB 838 Deshotel

Relating to an agreement between the Department of Public Safety and a county, municipality, or private vendor for the issuance of renewal and duplicate driver's licenses and other identification certificate services; increasing a fee.

HB 993 Coleman

Relating to notice to a prospective residential tenant regarding flooding and flood insurance.

HB 1113 Davis, Sarah

Relating to state contract limitations and programs for sex trafficking prevention and victim treatment.

HB 1380 Murr

Relating to the jurisdiction of certain courts and fees collected by a justice court; increasing a fee.

- HB 1457** Dominguez
Relating to attorneys representing indigent defendants in certain criminal proceedings.
- HB 1469** Thierry
Relating to certain public school workforce training programs funded by the skills development fund and to authorizing school districts to reimburse under the Foundation School Program private employers for paid internships provided to certain students in career and technology education programs in the district.
- HB 1635** Miller
Relating to health benefit plan coverage for early childhood intervention services.
- HB 1662** Herrero
Relating to grants awarded to reimburse counties for the cost of monitoring defendants and victims in criminal cases involving family violence.
- HB 1686** Smith
Relating to the application for and duration of a protective order for victims of certain offenses; enhancing a criminal penalty.
- HB 1739** Geren
Relating to recovery under uninsured and underinsured motorist insurance coverage.
- HB 1748** Oliverson
Relating to continuing education requirements for surgical technologists.
- HB 1770** Martinez
Relating to regulation and liability of certain vehicles on a highway; increasing a criminal penalty.
- HB 1873** Dominguez
Relating to a report by the Texas Division of Emergency Management regarding building trade services following disasters.
- HB 1914** Moody
Relating to the relationship between health maintenance organizations and preferred provider benefit plans and physicians and health care providers, including prompt payment of the claims of certain physicians and health care providers.
- HB 1916** Miller
Relating to requiring trauma training for certain attorneys.
- HB 1936** Rose
Relating to the applicability of the death penalty to a capital offense committed by a person with severe mental illness.
- HB 1992** Leman
Relating to prohibiting telemarketers from transmitting misleading caller identification information or otherwise misrepresenting the origin of a telemarketing call.
- HB 2013** Gervin-Hawkins
Relating to the implementation of certain rules regarding public school accountability adopted by the commissioner of education or the Texas Education Agency.
- HB 2062** Guerra
Relating to reimbursement for home telemonitoring services under Medicaid.

- HB 2131** Walle
Relating to a public defender's investigation into a defendant's finances.
- HB 2151** Muñoz, Jr.
Relating to the use of extrapolation by a health maintenance organization or an insurer to audit claims.
- HB 2155** Guerra
Relating to a grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border.
- HB 2159** Meyer
Relating to the correction of an ad valorem tax appraisal roll.
- HB 2163** Bernal
Relating to the types of vehicles regulated as neighborhood electric vehicles.
- HB 2168** Allen
Relating to a trauma history screening for certain defendants and inmates.
- HB 2366** Darby
Relating to the regulation of motor fuel quality and motor fuel metering devices.
- HB 2367** Bonnen, Greg
Relating to a prohibition on bids by certain insurance and health benefit providers to administer or provide coverage under certain group benefit plans for governmental employees.
- HB 2401** Deshotel
Relating to the requirement that state agency employees complete cybersecurity awareness training.
- HB 2490** Wu
Relating to the system for maintaining records relating to children in the conservatorship of the Department of Family and Protective Services.
- HB 2613** Frullo
Relating to the offense of operation of a stash house and to funding certain crime victim services through the use of money derived from a civil asset forfeiture of contraband related to that offense, human smuggling and trafficking offenses, and certain prostitution offenses; creating a criminal offense.
- HB 2689** Dean
Relating to the designation of a cybersecurity coordinator by each school district.
- HB 2786** Button
Relating to employee turnover reporting during a day-care center's, group day-care home's, or registered family home's license or registration renewal.
- HB 2858** Toth
Relating to adoption of a uniform swimming pool and spa code for use in municipalities in this state.
- HB 2879** Raney
Relating to a competitive grant program to fund promotion of early literacy programs in certain communities in this state.

- HB 2894** Collier
Relating to the prosecution of health care fraud; creating a criminal offense.
- HB 2929** Leach
Relating to hospital liens.
- HB 3000** Talarico
Relating to student data security in public schools.
- HB 3040** Hunter
Relating to an interim study by the Texas Commission on Judicial Selection regarding the method by which certain trial and appellate judges are selected.
- HB 3148** Parker
Relating to the administration and oversight of investigational adult stem cell treatments administered to certain patients.
- HB 3266** Raney
Relating to fees charged to students enrolled at component institutions of The Texas A&M University System.
- HB 3301** Darby
Relating to merger agreements among certain hospitals; imposing fees.
- HB 3384** Shine
Relating to the authority of the comptroller to conduct a limited-scope review of an appraisal district located in an area declared by the governor to be a disaster area.
- HB 3460** Thompson, Ed
Relating to the route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.
- HB 3511** VanDeaver
Relating to the creation of the Commission on Texas Workforce of the Future.
- HB 3631** Bailes
Relating to the confidentiality of the e-mail address of an applicant for or holder of a license issued by certain state agencies.
- HB 3635** Turner, John
Relating to financial assistance paid to the survivors of certain law enforcement officers, firefighters, and other public employees killed in the line of duty.
- HB 3824** Sherman, Sr.
Relating to an affirmative finding of family violence entered in the trial of certain offenses and to service of a notice of a temporary ex parte family violence protective order.
- HB 3850** Deshotel
Relating to the funding of certain ship channel improvements; authorizing the Texas Transportation Commission to issue revenue bonds.
- HB 3906** Huberty
Relating to the administration of assessment instruments used to assess the performance of public school students.

- HB 4152** Nevárez
Relating to use of hotel occupancy tax by certain counties.
- HB 4165** Pacheco
Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.
- HB 4186** Sanford
Relating to the creation of a committee to recommend a framework to incorporate digital teaching and learning in public schools.
- HB 4202** Smithee
Relating to the authority of a court to grant a motion for a new trial in certain criminal cases.
- HB 4228** Nevárez
Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.
- HB 4413** Buckley
Relating to state occupational licensing of certain military veterans and military spouses.
- HB 4726** Dominguez
Relating to the creation of the Cameron County Flood Control District; granting a limited power of eminent domain; providing authority to impose assessments, fees, and taxes and to issue bonds.
- SB 493** Alvarado **Sponsor: Thompson, Senfronia**
Relating to the allocation of housing tax credits to developments within proximate geographical areas.
(Amended)
- SB 636** Kolkhorst **Sponsor: Calanni**
Relating to the enforcement of commercial motor vehicle safety standards in certain municipalities.
- SB 1152** Hancock **Sponsor: Phelan**
Relating to the payment of certain fees to municipalities by entities that provide telecommunications and cable or video services.
(Committee Substitute)
- SB 1959** Creighton **Sponsor: Deshotel**
Relating to the maritime port plans, reports, and programs prepared by the Port Authority Advisory Committee.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**SENATE RULES SUSPENDED
(Posting Rules)**

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

HB 304, HB 837, HB 1136, HB 1973, HB 2461.

**SENATE RULES SUSPENDED
(Posting Rules)**

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

**SENATE RULES SUSPENDED
(Posting Rules)**

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

SPONSOR WITHDRAWN

The following letter was received by the Secretary of the Senate:

THE SENATE OF TEXAS
May 8, 2019

The Honorable Eddie Lucio, Jr.
PO Box 12068
Austin, TX 78711

Dear Chairman Lucio:

Please remove Senator Hughes as Senate sponsor of **HB 892** related to county regulation of game rooms and show Senator Nichols as serving in this capacity.

Thank you and best wishes.

Sincerely,

/s/Bryan Hughes

/s/Robert Lee Nichols

CO-AUTHOR OF SENATE BILL 139

On motion of Senator Rodríguez, Senator Menéndez will be shown as Co-author of **SB 139**.

CO-AUTHOR OF SENATE BILL 293

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 293**.

CO-AUTHOR OF SENATE BILL 732

On motion of Senator Hughes, Senator Menéndez will be shown as Co-author of **SB 732**.

CO-AUTHOR OF SENATE BILL 937

On motion of Senator Zaffirini, Senator Miles will be shown as Co-author of **SB 937**.

CO-AUTHOR OF SENATE BILL 1738

On motion of Senator Menéndez, Senator Zaffirini will be shown as Co-author of **SB 1738**.

CO-SPONSOR OF HOUSE BILL 8

On motion of Senator Nelson, Senator Alvarado will be shown as Co-sponsor of **HB 8**.

CO-SPONSOR OF HOUSE BILL 303

On motion of Senator Taylor, Senator Miles will be shown as Co-sponsor of **HB 303**.

CO-SPONSOR OF HOUSE BILL 638

On motion of Senator Powell, Senator Zaffirini will be shown as Co-sponsor of **HB 638**.

CO-SPONSOR OF HOUSE BILL 2048

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-sponsor of **HB 2048**.

CO-SPONSOR OF HOUSE BILL 2188

On motion of Senator Alvarado, Senator Taylor will be shown as Co-sponsor of **HB 2188**.

CO-SPONSOR OF HOUSE BILL 2570

On motion of Senator Nelson, Senator Zaffirini will be shown as Co-sponsor of **HB 2570**.

CO-SPONSOR OF HOUSE BILL 3106

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-sponsor of **HB 3106**.

CO-SPONSOR OF HOUSE BILL 3582

On motion of Senator Menéndez, Senator Zaffirini will be shown as Co-sponsor of **HB 3582**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 722 by Hughes and Paxton, In memory of Jessica Rae Saathoff.

SR 723 by Hughes, In memory of Mary Kelly Woodard.

Congratulatory Resolutions

SR 562 by West, Recognizing U. Reneé Hall for her leadership as Chief of the Dallas Police Department.

SR 725 by Flores, Recognizing the 6th Gregorio and Ana Esparza Family Reunion.

HCR 47 (Kolkhorst), Paying tribute to the history of the Texas Prison Rodeo.

RECESS AND MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 5:32 p.m. agreed to recess until 9:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Kelby Dawson Jasinski, upon conclusion of the Local and Uncontested Calendar Session, until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

May 9, 2019

INTERGOVERNMENTAL RELATIONS — **SB 2548**

CRIMINAL JUSTICE — **HB 156, HB 381, HB 427, HB 446, SB 804, HB 869, HB 979, HB 1374, HB 1528, HB 2502, HB 3195, HB 2623, HB 2624**

ADMINISTRATION — **CSHB 692**

HIGHER EDUCATION — **CSHB 1065**

HEALTH AND HUMAN SERVICES — **CSSB 2086, CSHB 25**

INTERGOVERNMENTAL RELATIONS — **CSHB 4673, CSHB 4674, CSHB 234, CSHB 293, CSHB 294**

AGRICULTURE — **HB 70**

CRIMINAL JUSTICE — **HB 1279**

INTERGOVERNMENTAL RELATIONS — **HB 468, HB 886, HB 1031, HB 1038, HB 1417, HB 1488, HB 1820, HB 2329, HB 2380, HB 2529, HB 2634, HB 2755, HB 3442, HB 4638, HB 4641, HB 4649**

HEALTH AND HUMAN SERVICES — **CSSB 2236**

TRANSPORTATION — **CSHB 511**

ADMINISTRATION — **CSHB 1251**

HEALTH AND HUMAN SERVICES — **CSHB 1501**

TRANSPORTATION — **CSHB 2775, CSHB 1262, CSHB 2386, CSHB 2837, CSHB 3171**

CRIMINAL JUSTICE — **CSHB 1651, CSHB 2169**

TRANSPORTATION — **CSHB 1079**

CRIMINAL JUSTICE — **CSHB 8**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **HB 2203, HB 4174, HB 2496, HB 621, HB 1074, HB 700**

HIGHER EDUCATION — **HB 3655**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSHB 1346, CSHB 2771, HB 2240, SB 1355, CSHB 1767**

BUSINESS AND COMMERCE — **CSHB 1535, CSHB 1894, CSHB 2694, CSSB 808, HB 2246, HB 2945**

BILLS AND RESOLUTIONS ENGROSSED

May 8, 2019

SB 550, SB 1217, SB 1719, SB 1758, SB 2093, SB 2101, SB 2343, SB 2445, SB 2452, SB 2552, SB 2553, SJR 67, SJR 79

BILLS AND RESOLUTIONS ENROLLED

May 8, 2019

SB 2521, SB 2524, SB 2525, SB 2526, SR 708, SR 709, SR 710, SR 711, SR 712, SR 713, SR 714, SR 715, SR 716, SR 717, SR 718, SR 720, SR 721, SR 724

SENT TO GOVERNOR

May 9, 2019

SB 2521, SB 2524, SB 2525, SB 2526

In Memory
of
Kelby Dawson Jasinski
Senate Resolution 603

WHEREAS, The Senate of the State of Texas joins the citizens of Burton in mourning the loss of Kelby Dawson Jasinski, who died July 19, 2018, at the age of 15; and

WHEREAS, Kelby Jasinski was an exemplary young man whose captivating smile, commitment to helping others, and enthusiasm for living each day to the fullest will not be forgotten by those who were privileged to share in his life; and

WHEREAS, Kelby was born May 9, 2003, in Bryan, to Billy Jo and Amy Lynn Jasinski; he was a devoted son and grandson and a loving brother; and

WHEREAS, Kelby was active in a number of community organizations; he showed livestock at the Washington County Fair as a member of the Burton 4-H Club, and he was a member of Saint John's United Church of Christ of Burton; and

WHEREAS, Kelby took great pleasure in working alongside his father, and he was a member of the Burton Volunteer Fire Department; he was skilled in the operation of the city's firefighting equipment, and he was noted for his passion for firefighting; he was selected to serve a term as the mascot for the State Firefighters' and Fire Marshals' Association of Texas; and

WHEREAS, A young man of courage, strength, and generous spirit, he gave unselfishly to others, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 86th Legislature, hereby extend sincere condolences to the bereaved family of Kelby Dawson Jasinski; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Kelby Jasinski.

KOLKHORST

