

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-EIGHTH DAY

(Continued)

(Tuesday, May 21, 2019)

AFTER RECESS

The Senate met at 11:00 a.m. and was called to order by President Pro Tempore Watson.

Bishop Kenneth Spears, First Saint John Cathedral, Fort Worth, was introduced by Senator Powell and offered the invocation as follows:

Dear God, thank You for such a great day. Bless all that we do today, every choice, decision, and direction we provide for this State of Texas. Lord God, love the people from all of the different districts through their representatives who serve. In Jesus' name. 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.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 21, 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 REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 994

House Conferees: Guillen - Chair/Burrows/Muñoz, Jr./Murphy/Noble

HB 1504

House Conferees: Paddie - Chair/Lambert/Nevárez/Schaefer/Toth

HB 2402

House Conferees: Geren - Chair/Darby/Goldman/King, Tracy O./Kuempel

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Menéndez was recognized and presented Dr. Tatiana Cordova of San Antonio, accompanied by Eva Vosta, as the Physician of the Day.

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

**NOMINATION RETURNED
(Motion In Writing)**

Senator Buckingham submitted the following Motion In Writing:

Mr. President:

I move that the nomination of Michael J. Plank to the Texas Higher Education Coordinating Board be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.

BUCKINGHAM

The Motion In Writing was read and prevailed without objection.

GUESTS PRESENTED

Senator Miles was recognized and introduced to the Senate the daughter of Bessie Swindle, Jackie Swindle; her brother-in-law, Charles Swindle; and members of the Southeast Coalition of Civic Clubs.

The Senate welcomed its guests and extended its sympathy.

SENATE BILL 1152 WITH HOUSE AMENDMENT

Senator Hancock called **SB 1152** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 1152** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to the payment of certain fees to municipalities by entities that provide telecommunications and cable or video services.

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

SECTION 1. Section 283.051, Local Government Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) In this subsection, "affiliated group" has the meaning assigned by Section 171.0001, Tax Code. A certificated telecommunications provider is not required to pay any compensation under Subsection (a) for a given calendar year if the provider determines that the sum of the compensation due from the provider and any member of the provider's affiliated group to all municipalities in this state under Subsection (a) is less than the sum of the fees due from the provider and any member of the provider's affiliated group to all municipalities in this state under Section 66.005, Utilities Code. The determination under this subsection for a given year must be based on amounts actually paid, or amounts that would have been paid notwithstanding this subsection, during the 12-month period ending June 30 of the immediately preceding calendar year by the provider and any member of the provider's affiliated group. In the case of a conflict between this subsection and Section 283.055, this subsection prevails.

(e) Notwithstanding the aggregate amount of compensation or fees paid in this state calculated under Subsection (d), Subsection (d) does not exempt a certificated telecommunications provider from paying compensation under Subsection (a) to a municipality if the provider is not required to pay a fee authorized by Section 66.005, Utilities Code, or another fee described in 47 U.S.C. Section 542(g), to that municipality. This subsection applies only to a municipality described in this subsection and does not limit the application of Subsection (d) to any other municipality.

(f) A certificated telecommunications provider shall file, not later than October 1 of each year, an annual written notification with each municipality in which the provider provides telecommunications services of the provider's requirement to pay compensation under Subsection (a) or exemption from the requirement to pay compensation under Subsection (d) for the following calendar year.

SECTION 2. Section 66.005, Utilities Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) In this subsection, "affiliated group" has the meaning assigned by Section 171.0001, Tax Code. A holder of a state-issued certificate of franchise authority is not subject to the fee imposed under Subsection (a) for a given calendar year if the holder determines that the sum of fees due from the holder and any member of the holder's affiliated group to all municipalities in this state under Subsection (a) is less than the sum of the compensation due from the holder and any member of the holder's affiliated group to all municipalities in this state under Section 283.051, Local Government Code. The determination under this subsection for a given year must be based on amounts actually paid, or amounts that would have been paid notwithstanding this subsection, during the 12-month period ending June 30 of the immediately preceding calendar year by the holder and any member of the holder's affiliated group. In the case of a conflict between this subsection and Section 283.055, Local Government Code, this subsection prevails.

(e) Notwithstanding the aggregate amount of compensation or fees paid in this state calculated under Subsection (d), Subsection (d) does not exempt a holder of a state-issued certificate of franchise authority from paying the fee imposed under

Subsection (a) to a municipality if the holder is not required to pay compensation under Section 283.051, Local Government Code, to that municipality. This subsection applies only to a municipality described in this subsection and does not limit the application of Subsection (d) to any other municipality. Nothing in this subsection affects the application of Section 66.006 or 66.009 to any holder of a state-issued certificate of franchise authority.

(f) A holder of a state-issued certificate of franchise authority shall file, not later than October 1 of each year, an annual written notification with each municipality in which the holder provides cable or video services of the holder's requirement to pay the fee under Subsection (a) or exemption from the requirement to pay the fee under Subsection (d) for the following calendar year.

SECTION 3. (a) The change in law made by this Act applies only to a payment made on or after January 1, 2020. A payment made before January 1, 2020, is governed by the law in effect on the date the payment was made, and the former law is continued in effect for that purpose.

(b) A determination of compensation or fees described by Section 283.051(d), Local Government Code, as added by this Act, or Section 66.005(d), Utilities Code, as added by this Act, for the year 2020 must be based on amounts actually paid between July 1, 2018, and June 30, 2019.

SECTION 4. This Act takes effect September 1, 2019.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 1152**.

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

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

Nays: Hinojosa, Rodríguez, Watson.

SENATE BILL 658 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 658** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 658** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 118.025(g), Local Government Code, is amended to read as follows:

(g) Before collecting the fee under this section, the county clerk may ~~shall~~ prepare an annual written plan for funding the preservation and restoration of the county clerk's records archive. If a plan is prepared, the ~~The~~ commissioners court shall publish notice of a public hearing on the plan in a newspaper of general circulation in the county not later than the 15th day before the date of the hearing.

After the public hearing, the plan shall be considered for approval by the commissioners court. If a plan is prepared, funds ~~[Funds]~~ from the records archive account may be expended only as provided by the plan. All expenditures from the records archive account shall comply with Subchapter C, Chapter 262. The hearing may be held during the budget process. After establishing the fee, the plan may be approved annually during the budget process.

Floor Amendment No. 1 on Third Reading

Amend **SB 658** on third reading as follows:

- (1) Strike Amendment No. 1 by Clardy adding a SECTION to the bill amending Section 118.025(g), Local Government Code.
- (2) Renumber subsequent SECTIONS of the bill accordingly.

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 658**.

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

SENATE BILL 235 WITH HOUSE AMENDMENT

Senator Nelson called **SB 235** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 235** (house committee printing) on line 12, between "a" and "campus", by inserting "branch".

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 235**.

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

(Senator Hancock in Chair)

SENATE BILL 607 WITH HOUSE AMENDMENTS

Senator Watson called **SB 607** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 607** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the operations and functions of the Veterans' Land Board and the sunset review date for and programs administered by the board.

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

SECTION 1. Section 161.0111, Natural Resources Code, is amended to read as follows:

Sec. 161.0111. SUNSET PROVISION. The Veterans' Land Board is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2031 are reviewed ~~[2019]~~ and every 12th year after that ~~[2019 are reviewed]~~.

SECTION 2. Subchapter B, Chapter 161, Natural Resources Code, is amended by adding Section 161.0141 to read as follows:

Sec. 161.0141. SEPARATION OF RESPONSIBILITIES. The board shall develop and implement policies that clearly separate the policy-making responsibilities of the board and the management responsibilities of the executive secretary, assistant executive secretary, and staff of the board.

SECTION 3. Section 161.023, Natural Resources Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing board operations ~~[the legislation that created the board]~~;

(2) the programs, functions, rules, and budget of the board;

(3) the scope of and limitations on the rulemaking authority of the board;

(4) the results of the most recent formal audit of the board;

(5) ~~(4)~~ the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

(B) other laws applicable to members of a state policy-making body in performing their duties; and

(6) ~~(5)~~ any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d) The commissioner shall create a training manual that includes the information required by Subsection (b). The commissioner shall distribute a copy of the training manual annually to each member of the board. Each member of the board shall sign and submit to the commissioner a statement acknowledging that the member has received and reviewed the training manual.

SECTION 4. Section 161.031(a), Natural Resources Code, is amended to read as follows:

(a) The executive secretary or his or her designee shall prepare and maintain a written plan to assure implementation of a program of equal employment opportunity whereby all personnel transactions are made without regard to race, color, disability ~~[handicap]~~, sex, religion, age, or national origin. The plan shall include:

(1) a comprehensive analysis which meets federal and state guidelines of all the agency's work force by race, sex, ethnic origin, class of position, and salary or wages;

(2) plans for recruitment, evaluation, selection, appointment, training, promotion, and other personnel policies;

(3) procedures by which a determination can be made of significant underutilization in the agency work force of all persons for whom federal and state guidelines encourage a more equitable balance and steps reasonably designed to overcome any identified underutilization; and

(4) objectives and goals, with appropriate timetables for the achievement of the objectives and goals, assignments of responsibility for their achievement, and an appropriate program for reviewing and maintaining these goals and objectives once achieved.

SECTION 5. Section 161.501, Natural Resources Code, is amended to read as follows:

Sec. 161.501. PURPOSE OF SUBCHAPTER; CONSTRUCTION. The purpose of this subchapter is to authorize the board to provide loans to veterans and certain members of the Texas State Guard for the purchase of land that are secured by a mortgage, deed of trust, or other lien on the land. This subchapter shall be liberally construed to effect that purpose.

SECTION 6. Section 161.502(2), Natural Resources Code, is amended to read as follows:

(2) "Loan" means a [~~veterans~~] land loan made or acquired by the board under this subchapter secured by a mortgage, deed of trust, or other lien on the land purchased with the proceeds of the loan.

SECTION 7. Section 161.504, Natural Resources Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) To qualify for a loan under this subchapter, a person must be:

(1) a veteran at the time the person applies for the loan; or

(2) a member of the Texas State Guard who, at the time the person applies

for the loan:

(A) has completed at least 10 years of service as a member of the Texas State Guard; and

(B) is not considered to have been dishonorably discharged from the Texas State Guard.

(a-1) If an eligible veteran dies after filing an application for a loan, the veteran's surviving spouse may complete the transaction.

SECTION 8. (a) Except as provided by Subsection (b) of this section, Section 161.023, Natural Resources Code, as amended by this Act, applies to a member of the Veterans' Land Board appointed before, on, or after the effective date of this Act.

(b) A member of the Veterans' Land Board who, before the effective date of this Act, completed the training program required by Section 161.023, Natural Resources 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 161.023, Natural Resources Code, as amended by this Act. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2019, until the member completes the additional training.

SECTION 9. This Act takes effect September 1, 2019.

Floor Amendment No. 1

Amend **CSSB 607** (house committee report) by striking SECTIONS 5, 6, and 7 of the bill and renumbering subsequent SECTIONS of the bill accordingly.

The amendments were read.

Senator Watson moved to concur in the House amendments to **SB 607**.

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

SENATE BILL 27 WITH HOUSE AMENDMENT

Senator Hughes called **SB 27** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 27** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to recovery of damages, attorney's fees, and costs related to frivolous claims and regulatory actions by state agencies.

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

SECTION 1. The heading to Chapter 105, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 105. FRIVOLOUS CLAIM OR REGULATORY ACTION BY STATE AGENCY

SECTION 2. Section 105.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 105.002. RECOVERY OF FEES, EXPENSES, AND ATTORNEY'S FEES FOR FRIVOLOUS CLAIM. A party to a civil suit in a court of this state brought by or against a state agency in which the agency asserts a cause of action against the party, either originally or as a counterclaim or cross claim, is entitled to recover, in addition to all other costs allowed by law or rule, a total amount not to exceed \$1 million for fees, expenses, and reasonable attorney's fees incurred by the party in defending the agency's action if:

(1) the court finds that the action is frivolous~~[-unreasonable, or without foundation]~~; and

(2) the action is dismissed or judgment is awarded to the party.

SECTION 3. Section 105.003(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) To recover under Section 105.002 ~~[this chapter]~~, the party must file a written motion alleging that the agency's claim is frivolous~~[-unreasonable, or without foundation]~~. The motion may be filed at any time after the filing of the pleadings in which the agency's cause of action is alleged.

SECTION 4. Chapter 105, Civil Practice and Remedies Code, is amended by adding Section 105.005 to read as follows:

Sec. 105.005. RECOVERY OF ATTORNEY'S FEES AND COSTS IN FRIVOLOUS REGULATORY ACTION. The court reviewing a decision in a contested case under Chapter 2001, Government Code, may award a person, in addition to all other costs allowed by law or rule, an amount not to exceed \$1 million for reasonable attorney's fees and costs incurred in defending against a frivolous regulatory action during the contested case and judicial review of the decision in the contested case if:

(1) the person prevails on review; and

(2) there is a final determination that the regulatory action is frivolous.

SECTION 5. Section 2001.058, Government Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) Notwithstanding Subsection (e), a state agency may not vacate or modify an order of an administrative law judge that awards attorney's fees and costs under Section 2001.903.

SECTION 6. Subchapter Z, Chapter 2001, Government Code, is amended by adding Section 2001.903 to read as follows:

Sec. 2001.903. RECOVERY OF ATTORNEY'S FEES AND COSTS IN CONTESTED CASES INVOLVING FRIVOLOUS REGULATORY ACTION. The administrative law judge in a contested case may award a person, in addition to all other costs allowed by law or rule, an amount not to exceed \$1 million for reasonable attorney's fees and costs incurred in defending against a frivolous regulatory action during the case if there is no judicial review of the decision in the case and:

(1) the person prevails in the case; and

(2) there is a final determination that the regulatory action is frivolous.

SECTION 7. The change in law made by this Act applies only to a claim filed or regulatory action taken on or after the effective date of this Act. A claim filed or regulatory action taken before the effective date of this Act is governed by the law applicable to the claim or regulatory action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

The amendment was read.

Senator Hughes moved to concur in the House amendment to **SB 27**.

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

SENATE BILL 615 WITH HOUSE AMENDMENT

Senator Buckingham called **SB 615** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 615** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

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.

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

SECTION 1. Section 2210.002(b), Insurance Code, is amended to read as follows:

(b) The association is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The association shall be reviewed during the period in which state agencies abolished in 2031 [~~2019~~] are reviewed. The association shall pay the costs incurred by the Sunset Advisory

Commission in performing the review of the association under this subsection. The Sunset Advisory Commission shall determine the costs of the review performed under this subsection, and the association shall pay the amount of those costs promptly on receipt of a statement from the Sunset Advisory Commission regarding those costs. This subsection expires September 1, 2031 ~~[2019]~~.

SECTION 2. Section 2210.008, Insurance Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) The association may propose a rule for adoption by the commissioner. Except as provided by this section, the association's proposal is governed by Subchapter B, Chapter 2001, Government Code. The association is an interested person under that subchapter for purposes of a proceeding initiated under this section.

(e) Notwithstanding Section 2001.021(c), Government Code, not later than the 30th day after the date the commissioner receives a proposed rule from the association, the commissioner shall initiate a rulemaking proceeding under Subchapter B, Chapter 2001, Government Code.

(f) The association may request a public hearing under Section 2001.029, Government Code, in connection with a rule proposed under this section.

SECTION 3. Section 2210.102, Insurance Code, is amended by adding Subsection (g) to read as follows:

(g) Members appointed to the board of directors under Subsections (c) and (d), other than the member appointed under Subsection (c-1), must represent the general public in the regions described by those subsections. A person may not be appointed to represent the general public under Subsection (c) or (d) if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization:

(A) operating in the property and casualty insurance industry in this state;

(B) receiving money from the association, other than insurance claim payments; or

(C) receiving money from association policyholders with respect to the policyholders' claims;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization:

(A) operating in the property and casualty insurance industry in this state;

(B) receiving money from the association, other than insurance claim payments; or

(C) receiving money from association policyholders with respect to the policyholders' claims; or

(3) uses or receives a substantial amount of tangible goods, services, or money from the association, other than:

(A) insurance claim payments; or

(B) compensation or reimbursement authorized by law for the board members' membership, attendance, or expenses.

SECTION 4. Subchapter C, Chapter 2210, Insurance Code, is amended by adding Section 2210.1031 to read as follows:

Sec. 2210.1031. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the board of directors may not vote, deliberate, or be counted as a member in attendance at a meeting of the board of directors until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the law governing the operation of the association;

(2) the programs, functions, rules, and budget of the association;

(3) the scope of and limitations on the rulemaking authority of the board of directors;

(4) the results of the most recent formal audit of the association;

(5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and conflict of interest disclosure; and

(B) other laws applicable to the board of directors in performing the board's duties; and

(6) any applicable ethics policies adopted by the association or the Texas Ethics Commission.

(c) The general manager of the association shall create a training manual that includes the information required by Subsection (b). The general manager shall distribute a copy of the training manual annually to each member of the board of directors. Each member of the board of directors shall sign and submit to the general manager a statement acknowledging that the member received and has reviewed the training manual.

SECTION 5. Subchapter C, Chapter 2210, Insurance Code, is amended by adding Section 2210.109 to read as follows:

Sec. 2210.109. DISCLOSURE OF CONFLICTS. (a) A member of the board of directors, or a member of a subcommittee of the board of directors that relates to underwriting and actuarial matters, shall disclose any potential conflict of interest of the member known by the member with respect to a matter for discussion or vote by the board or subcommittee, as applicable, before the discussion or vote. A potential conflict of interest is an interest that may reasonably be expected to diminish the member's independent judgment with respect to the matter for discussion or vote. Potential conflicts of interest required to be disclosed under this section include:

(1) a financial or personal interest in an entity that may financially benefit from the outcome of the discussion or vote; and

(2) holding an insurance policy issued by the association that may be affected by the discussion or vote.

(b) A disclosure under this section must be made available to the public. A board or subcommittee member satisfies this requirement if:

(1) with respect to an open meeting or meeting broadcast live on the association's Internet website, the member publicly discloses the conflict of interest in the meeting or during the broadcast; or

(2) with respect to a meeting that is not an open meeting or broadcast live on the association's Internet website, the member discloses the conflict of interest in the agenda of the meeting and makes the agenda publicly available on the association's Internet website before the meeting.

SECTION 6. Section 2210.202, Insurance Code, is amended to read as follows:

Sec. 2210.202. APPLICATION FOR COVERAGE; DECLINATION REQUIREMENT. (a) A person who has an insurable interest in insurable property may apply to the association for insurance coverage provided under the plan of operation and an inspection of the property, subject to any rules established by the board of directors and approved by the commissioner. The association shall make insurance available to each applicant in the catastrophe area whose property is insurable property but who, after diligent efforts, is unable to obtain property insurance through the voluntary market, as evidenced by one declination from an insurer authorized to engage in the business of, and writing, property insurance providing windstorm and hail coverage in the first tier coastal counties. For purposes of this section, "declination" has the meaning assigned by the plan of operation and shall include a refusal to offer coverage for the perils of windstorm and hail and the inability to obtain substantially equivalent insurance coverage for the perils of windstorm and hail. Notwithstanding Section 2210.203(c), evidence of one declination every three calendar years is ~~also~~ required before ~~[with an application for]~~ renewal of an association policy.

(b) A property and casualty agent must submit an application for initial insurance coverage on behalf of the applicant on forms prescribed by the association. ~~[The association shall develop a simplified renewal process that allows for the acceptance of an application for renewal coverage, and payment of premiums, from a property and casualty agent or a person insured under this chapter.]~~ An application for initial ~~[or renewal]~~ coverage must contain:

(1) a statement as to whether the applicant has submitted or will submit the required premium payment ~~[in full]~~ from personal funds or, if not, to whom a balance is or will be due; and

(2) a statement that the agent acting on behalf of the applicant possesses proof of the declination described by Subsection (a) and proof of flood insurance coverage or unavailability of that coverage as described by Section 2210.203(a-1).

SECTION 7. Sections 2210.203(a) and (c), Insurance Code, are amended to read as follows:

(a) If the association determines that the property for which an application for initial insurance coverage is made is insurable property, the association, on payment of the premium in full or in part as authorized under Section 2210.2032, shall direct the issuance of an insurance policy as provided by the plan of operation.

(c) A policy may be renewed annually ~~[on application for renewal]~~ as long as the property continues to be insurable property.

SECTION 8. Subchapter E, Chapter 2210, Insurance Code, is amended by adding Sections 2210.2031 and 2210.2032 to read as follows:

Sec. 2210.2031. AUTOMATIC RENEWAL. (a) The association shall establish a process for automatic renewal of a policy in accordance with this section.

(b) The process established under Subsection (a) must:

(1) provide for the association to verify:

(A) the declination required by Section 2210.202;

(B) flood insurance coverage required by Section 2210.203; and

(C) any other information related to insurability of a property, including changes to the condition or value of the property that would affect the availability of coverage or premium cost to insure the property; and

(2) provide an opportunity for the policyholder to elect to cancel the policy before the policy automatically renews.

Sec. 2210.2032. PREMIUM PAYMENT METHODS. (a) The association shall accept payment of premium by credit card. The association may impose a fee on a policyholder for the use of a credit card to pay premium. The fee may not exceed the amount necessary to recoup the cost incurred by the association in connection with the policyholder's use of a credit card.

(b) The association shall provide to policyholders the option to pay premium in installments. A policyholder that pays premium in accordance with an installment payment plan established by the association and remains current on the payments satisfies the obligation for payment of premium under this chapter.

SECTION 9. Section 2210.205(a), Insurance Code, is amended to read as follows:

(a) A windstorm and hail insurance policy issued by the association must:

(1) require an insured to file a claim under the policy not later than the first anniversary of the date on which the damage to property that is the basis of the claim occurs; ~~and~~

(2) contain, in boldface type, a conspicuous notice concerning the resolution of disputes under the policy, including:

(A) the processes and deadlines for appraisal under Section 2210.574 and alternative dispute resolution under Section 2210.575;

(B) the binding effect of appraisal under Section 2210.574; and

(C) the necessity of complying with the requirements of Subchapter L-1 to seek relief, including judicial relief; and

(3) contain a conspicuous notice concerning the availability of supplemental payments under the policy, including:

(A) a description of the process for requesting a supplemental payment;
and

(B) notice of applicable deadlines related to supplemental payments.

SECTION 10. Sections 2210.207(c) and (d), Insurance Code, are amended to read as follows:

(c) If, on the effective date of an association policy ~~[at the time of loss]~~, the total amount of insurance applicable to a dwelling is equal to 80 percent or more of the full replacement cost of the dwelling or equal to the maximum amount of insurance otherwise available through the association, coverage applicable to the dwelling under the policy is extended to include the full cost of repair or replacement, without a deduction for depreciation.

(d) If, on the effective date of an association policy ~~[at the time of loss]~~, the total amount of insurance applicable to a dwelling is equal to less than 80 percent of the full replacement cost of the dwelling and less than the maximum amount of insurance

available through the association, liability for loss under the policy may not exceed the replacement cost of the part of the dwelling that is damaged or destroyed, less depreciation.

SECTION 11. Section 2210.251(g), Insurance Code, is amended to read as follows:

(g) A certificate of compliance issued by the department ~~[or association]~~ under Section 2210.2515 demonstrates compliance with the applicable building code under the plan of operation. The certificate is evidence of insurability of the structure by the association.

SECTION 12. Section 2210.2515, Insurance Code, is amended by amending Subsection (c) and adding Subsections (c-1), (c-2), and (i) to read as follows:

(c) A person may apply to the department [association] on a form prescribed by the department for a certificate of compliance for a completed improvement. The department [association] shall issue a certificate of compliance for a completed improvement if a professional engineer licensed by the Texas Board of Professional Engineers:

(1) has designed the improvement, has affixed the engineer's seal on the design, and submits to the department [association] on a form prescribed by the department an affirmation that the design complies [of compliance] with the applicable building code under the plan of operation and that the improvement was constructed in accordance with the design; or

(2) completes and submits to the department a sealed post-construction evaluation report that:

(A) confirms the improvement's compliance with the applicable building code under the plan of operation; and

(B) includes documentation supporting the engineer's post-construction evaluation report on a form prescribed by the department on which the engineer has affixed the engineer's seal.

(c-1) The department may deny an application for a certificate of compliance under Subsection (c) if the evaluation report is not fully documented as required under Subsection (c).

(c-2) A form prescribed by the department under Subsection (c) may not require a professional engineer to assume liability for the construction of an improvement.

(i) The department is authorized to submit a formal complaint under Chapter 1001, Occupations Code, to the Texas Board of Professional Engineers related to the engineering work of a professional engineer as reflected in materials submitted by an engineer under Subsection (c).

SECTION 13. Subchapter H, Chapter 2210, Insurance Code, is amended by adding Section 2210.3511 to read as follows:

Sec. 2210.3511. PUBLIC ACCESS TO RATE ADEQUACY ANALYSIS.

(a) The association shall make the association's rate adequacy analysis publicly available on its Internet website for at least 14 days before the date the board of directors votes on the submission of a proposed rate filing based on the analysis to the department. The rate adequacy analysis must include:

(1) all user selected hurricane model input assumptions; and

(2) output data:

(A) with the same content and in the same format that is customarily provided to:

- (i) the association by hurricane modelers; and
- (ii) the department by the association; and

(B) in a searchable electronic format that allows for efficient analysis and is sufficiently detailed to allow the historical experience in this state to be compared to results produced by the model.

(b) The association shall accept public comment with respect to the association's rate adequacy analysis at a public meeting of the board of directors before the board of directors votes on the submission of a proposed rate filing to the department.

SECTION 14. Section 2210.573, Insurance Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) In a notice described by Subsection (d)(1) or (2), the association must include additional information concerning the availability of supplemental payments under the policy, including:

- (1) a description of the process for requesting a supplemental payment; and
- (2) applicable deadlines related to supplemental payments.

SECTION 15. Subchapter L-1, Chapter 2210, Insurance Code, is amended by adding Section 2210.5732 to read as follows:

Sec. 2210.5732. SUPPLEMENTAL PAYMENTS. (a) The association is authorized to provide for supplemental payments under a windstorm and hail insurance policy issued by the association.

(b) The commissioner shall adopt rules clarifying the deadlines related to supplemental payments. The commissioner shall solicit and consider comments from the association, association members, and policyholders in adopting rules under this section.

(c) The rules adopted under this section must ensure that a request for supplemental payment will not impair a policyholder's right to appraisal under Section 2210.574.

SECTION 16. Section 2210.705, Insurance Code, is amended to read as follows:

Sec. 2210.705. TRANSFER OF POLICIES. The commissioner shall by rule establish the procedure for the transfer of reinsured policies. The rules may not contain deadlines that require a property and casualty insurer or agent or a policyholder to take action or make a decision on or after June 1 or before December 1 in any year. The rule must provide that a reinsurance agreement include:

- (1) [an offer commencement date of December 1;

[(2)] the opportunity for the policyholder to opt out of the reinsurance agreement not more than 60 days after the policyholder receives notice of the reinsurance agreement [on or before May 31];

(2) [(3)] a transfer of the earned premium on a reinsured policy to a trust account to be held until the expiration of the opt-out period described by Subdivision (1) [(2)] when the earned premium for the final reinsured policy will be transferred to the reinsurer;

(3) [(4)] a period of not less than 60 days for the agent of record to accept an appointment or other written agreement with the reinsurer; and

(4) ~~(5)~~ any other requirements as the commissioner determines necessary for the protection of policyholders and the policyholders' agents.

SECTION 17. Section 2210.107(b), Insurance Code, is repealed.

SECTION 18. (a) Not later than January 1, 2020, the Texas Windstorm Insurance Association shall provide for a training program for members of the association's board of directors as required by Section 2210.1031, Insurance Code, as added by this Act.

(b) A member of the board of directors may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after January 1, 2020, until the member completes the training required by Section 2210.1031, Insurance Code, as added by this Act.

(c) Not later than March 31, 2020, the commissioner of insurance shall adopt or amend rules as required by Section 2210.705, Insurance Code, as amended by this Act.

(d) Not later than June 1, 2020, the commissioner of insurance shall adopt or amend rules as required by Section 2210.5732, Insurance Code, as added by this Act.

SECTION 19. (a) Except as provided by Section 18 of this Act, Sections 2210.102(g) and 2210.1031, Insurance Code, as added by this Act, do not affect the entitlement of a member serving on the board of directors of the Texas Windstorm Insurance Association immediately before the effective date of this Act to continue to serve on the board for the remainder of the term to which the member was appointed.

(b) The Texas Windstorm Insurance Association is not required to comply with Section 2210.2031, Insurance Code, as added by this Act, before January 1, 2020.

(c) The Texas Windstorm Insurance Association is not required to comply with Section 2210.2032, Insurance Code, as added by this Act, before January 1, 2021.

(d) Section 2210.205(a), Insurance Code, as amended by this Act, applies only to an association policy that is delivered, issued for delivery, or renewed on or after July 1, 2020. An association policy delivered, issued for delivery, or renewed before July 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(e) Section 2210.207, Insurance Code, as amended by this Act, applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2020. A policy delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(f) Section 2210.251(g), Insurance Code, as amended by this Act, does not affect the status of a certificate of compliance issued by the Texas Windstorm Insurance Association before June 1, 2020, or after June 1, 2020, in response to an application made before that date for purposes of establishing evidence of insurability.

(g) Section 2210.2515, Insurance Code, as amended by this Act, applies only to an application for a certificate of compliance made on or after June 1, 2020. An application for a certificate of compliance made before June 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(h) Section 2210.3511, Insurance Code, as added by this Act, applies only to a rate adequacy analysis made in relation to a rate filing made on or after the effective date of this Act.

(i) Section 2210.573(f-1), Insurance Code, as added by this Act, applies only to a notice with respect to a claim submitted under an association policy that is delivered, issued for delivery, or renewed on or after July 1, 2020. A notice with respect to a claim submitted under an association policy delivered, issued for delivery, or renewed before July 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 20. This Act takes effect September 1, 2019.

The amendment was read.

Senator Buckingham moved to concur in the House amendment to **SB 615**.

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

SENATE BILL 21 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 21** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 21** (house committee report) on page 2, line 18, by striking "prosecution under" and substituting "the application of".

Floor Amendment No. 2

Amend **SB 21** (house committee printing) as follows:

(1) On page 4, line 3, between "PROHIBITIONS" and "DESCRIBED", insert "ON THE PURCHASE OR ATTEMPT TO PURCHASE".

(2) On page 4, line 9, between "PROHIBITIONS" and "DESCRIBED", insert "ON THE PURCHASE OR ATTEMPT TO PURCHASE".

(3) On page 13, line 26, between "Code," and "do", insert "regarding the prohibitions on purchasing or attempting to purchase cigarettes, e-cigarettes, or tobacco products".

Floor Amendment No. 3

Amend **SB 21** (house committee printing) as follows:

(1) On page 2, line 21, after the underlined semicolon, insert "and".

(2) On page 2, strike lines 22 and 23.

(3) On page 2, line 24, strike "(3)" and substitute "(2)".

Floor Amendment No. 4

Amend **SB 21** (house committee report) as follows:

(1) Strike page 5, line 10, and substitute the following:

SECTION 9. Sections 161.086(a) and (b), Health and Safety Code, are

(2) On page 5, between lines 11 and 12, insert the following:

(a) Except as provided by Subsection (b), a retailer or other person may not:

(1) offer cigarettes, e-cigarettes, or tobacco products for sale in a manner that permits a customer direct access to the cigarettes, e-cigarettes, or tobacco products; ~~[or]~~

(2) install or maintain a vending machine containing cigarettes, e-cigarettes, or tobacco products; or

(3) offer for sale a product containing nicotine for use in an e-cigarette.

Floor Amendment No. 7

Amend **SB 21** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 161.089, Health and Safety Code, is amended to read as follows:

Sec. 161.089. PREEMPTION OF LOCAL LAW. (a) Except as provided by Subsection (b), this ~~[This]~~ subchapter does not preempt a local regulation of the sale, distribution, or use of cigarettes or tobacco products or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the sale, distribution, or use of cigarettes or tobacco products if the regulation, ordinance, or requirement:

(1) is compatible with and equal to or more stringent than a requirement prescribed by this subchapter; or

(2) relates to an issue that is not specifically addressed by this subchapter or Chapter 154 or 155, Tax Code.

(b) A political subdivision may not adopt or enforce an ordinance or requirement relating to the lawful age to sell, distribute, or use cigarettes, e-cigarettes, or tobacco products that is more stringent than a requirement prescribed by this subchapter.

Floor Amendment No. 2 on Third Reading

Amend **SB 21** on third reading by striking Amendment No. 4 by Dutton that was adopted on second reading.

Floor Amendment No. 3 on Third Reading

Amend **SB 21** on third reading as follows:

(1) In the SECTION of the bill adding Section 161.082(f)(2), Health and Safety Code, between "card" and the underlined period, insert "of the United States military forces or the state military forces".

(2) In the SECTION of the bill amending Section 161.084(b), Health and Safety Code, in the last sentence, strike "ON ACTIVE DUTY".

(3) In the SECTION of the bill amending Section 161.252, Health and Safety Code, strike added Subsection (c-1) and substitute the following:

(c-1) It is an exception to the application of this section that the individual younger than 21 years of age:

(1) is at least 18 years of age; and

(2) presents at the time of purchase a valid military identification card of the United States military forces or the state military forces.

The amendments were read.

Senator Huffman moved to concur in the House amendments to **SB 21**.

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

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

Nays: Birdwell, Buckingham, Fallon, Paxton.

SENATE BILL 1468 WITH HOUSE AMENDMENT

Senator Campbell called **SB 1468** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 2

Amend **SB 1468** (house committee printing) on page 2, by striking lines 10-11.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 1468**.

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, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire.

Nays: Rodríguez, Watson, Zaffirini.

SENATE BILL 670 WITH HOUSE AMENDMENTS

Senator Buckingham called **SB 670** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 670** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to Medicaid telemedicine and telehealth services.

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

SECTION 1. Section 531.001, Government Code, is amended by adding Subdivisions (4-c) and (4-d) to read as follows:

(4-c) "Medicaid managed care organization" means a managed care organization as defined by Section 533.001 that contracts with the commission under Chapter 533 to provide health care services to Medicaid recipients.

(4-d) "Platform" means the technology, system, software, application, modality, or other method through which a health professional remotely interfaces with a patient when providing a health care service or procedure as a telemedicine medical service or telehealth service.

SECTION 2. Section 531.0216, Government Code, is amended by amending Subsections (c) and (c-1) and adding Subsections (g), (h), (i), and (j) to read as follows:

(c) The commission shall encourage health care providers and health care facilities to provide ~~[participate as]~~ telemedicine medical services and ~~[service providers or]~~ telehealth services ~~[service providers]~~ in the health care delivery system. The commission may not require that a service be provided to a patient through telemedicine medical services or telehealth services ~~[when the service can reasonably be provided by a physician through a face to face consultation with the patient in the community in which the patient resides or works. This subsection does not prohibit the authorization of the provision of any service to a patient through telemedicine medical services or telehealth services at the patient's request].~~

(c-1) The commission shall~~[-~~

~~[(+)]~~ explore opportunities to increase STAR Health program providers' use of telemedicine medical services in medically underserved areas of this state~~[- and~~

~~[(2) encourage STAR Health program providers to use telemedicine medical services as appropriate].~~

(g) The commission shall ensure that a Medicaid managed care organization:

(1) does not deny reimbursement for a covered health care service or procedure delivered by a health care provider with whom the managed care organization contracts to a Medicaid recipient as a telemedicine medical service or a telehealth service solely because the covered service or procedure is not provided through an in-person consultation;

(2) does not limit, deny, or reduce reimbursement for a covered health care service or procedure delivered by a health care provider with whom the managed care organization contracts to a Medicaid recipient as a telemedicine medical service or a telehealth service based on the health care provider's choice of platform for providing the health care service or procedure; and

(3) ensures that the use of telemedicine medical services or telehealth services promotes and supports patient-centered medical homes by allowing a Medicaid recipient to receive a telemedicine medical service or telehealth service from a provider other than the recipient's primary care physician or provider, except as provided by Section 531.0217(c-4), only if:

(A) the telemedicine medical service or telehealth service is provided in accordance with the law and contract requirements applicable to the provision of the same health care service in an in-person setting, including requirements regarding care coordination; and

(B) the provider of the telemedicine medical service or telehealth service gives notice to the Medicaid recipient's primary care physician or provider regarding the telemedicine medical service or telehealth service, including a summary of the service, exam findings, a list of prescribed or administered medications, and

patient instructions, for the purpose of sharing medical information, provided that the recipient has a primary care physician or provider and the recipient or, if appropriate, the recipient's parent or legal guardian, consents to the notice.

(h) The commission shall develop, document, and implement a monitoring process to ensure that a Medicaid managed care organization ensures that the use of telemedicine medical services or telehealth services promotes and supports patient-centered medical homes and care coordination in accordance with Subsection (g)(3). The process must include monitoring of the rate at which a telemedicine medical service or telehealth service provider gives notice in accordance with Subsection (g)(3)(B).

(i) The executive commissioner by rule shall ensure that a federally qualified health center as defined by 42 U.S.C. Section 1396d(l)(2)(B) may be reimbursed for the originating site facility fee or the distant site practitioner fee or both, as appropriate, for a covered telemedicine medical service or telehealth service delivered by a health care provider to a Medicaid recipient. The commission is required to implement this subsection 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 this subsection using other money available to the commission for that purpose.

(j) In complying with state and federal requirements to provide access to medically necessary services under the Medicaid managed care program, a Medicaid managed care organization determining whether reimbursement for a telemedicine medical service or telehealth service is appropriate shall continue to consider other factors, including whether reimbursement is cost-effective and whether the provision of the service is clinically effective.

SECTION 3. Sections 531.0217(c-4), (d), and (k), Government Code, are amended to read as follows:

(c-4) The commission shall ensure that Medicaid reimbursement is provided to a physician for a telemedicine medical service provided by the physician, even if the physician is not the patient's primary care physician or provider, if:

- (1) the physician is an authorized health care provider under Medicaid;
- (2) the patient is a child who receives the service in a primary or secondary school-based setting; and
- (3) the parent or legal guardian of the patient provides consent before the service is provided[~~;~~ ~~and~~

~~[(4) a health professional is present with the patient during the treatment].~~

(d) The commission shall require reimbursement for a telemedicine medical service at the same rate as Medicaid reimburses for the same ~~[a comparable]~~ in-person medical service. A request for reimbursement may not be denied solely because an in-person medical service between a physician and a patient did not occur. The commission may not limit a physician's choice of platform for providing a telemedicine medical service or telehealth service by requiring that the physician use a particular platform to receive reimbursement for the service.

(k) This section does not affect any requirement relating to:

- (1) ~~[a federally qualified health center;~~
- ~~[(2)]~~ a rural health clinic; or

(2) [(3)] physician delegation of the authority to carry out or sign prescription drug orders to an advanced practice nurse or physician assistant.

SECTION 4. The following provisions of the Government Code are repealed:

- (1) Sections 531.0216(b) and (e);
- (2) Section 531.02161;
- (3) Sections 531.0217(c-1), (c-2), (c-3), and (f);
- (4) Section 531.02173; and
- (5) Section 531.02176.

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

SECTION 6. This Act takes effect September 1, 2019.

Floor Amendment No. 1

Amend **CSSB 670** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 162.251(2), Occupations Code, is amended to read as follows:

(2) "Direct primary care" means a primary medical care service provided by a physician to a patient in return for payment in accordance with a direct fee. The term includes telemedicine medical services and telehealth services, as those terms are defined by Section 111.001, provided using a technology platform.

Floor Amendment No. 2

Amend **CSSB 670** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 562.110, Occupations Code, is amended by amending Subsections (e) and (f) and adding Subsection (f-1) to read as follows:

(e) The board shall adopt rules regarding the use of a telepharmacy system under this section, including:

(1) the types of health care facilities at which a telepharmacy system may be located under Subsection (d)(1), which must include the following facilities:

(A) a clinic designated as a rural health clinic regulated under 42 U.S.C. Section 1395x(aa); ~~and~~

(B) a health center as defined by 42 U.S.C. Section 254b; and

(C) a federally qualified health center as defined by 42 U.S.C. Section 1396d(1)(2)(B);

(2) the locations eligible to be licensed as remote dispensing sites, which must include locations in medically underserved areas, areas with a medically underserved population, and health professional shortage areas determined by the United States Department of Health and Human Services;

(3) licensing and operating requirements for remote dispensing sites, including:

(A) a requirement that a remote dispensing site license identify the provider pharmacy that will provide pharmacy services at the remote dispensing site;

(B) a requirement that a provider pharmacy be allowed to provide pharmacy services at not more than two remote dispensing sites;

(C) a requirement that a pharmacist employed by a provider pharmacy make at least monthly on-site visits to a remote dispensing site or more frequent visits if specified by board rule;

(D) a requirement that each month the perpetual inventory of controlled substances at the remote dispensing site be reconciled to the on-hand count of those controlled substances at the site by a pharmacist employed by the provider pharmacy;

(E) a requirement that a pharmacist employed by a provider pharmacy be physically present at a remote dispensing site when the pharmacist is providing services requiring the physical presence of the pharmacist, including immunizations;

(F) a requirement that a remote dispensing site be staffed by an on-site pharmacy technician who is under the continuous supervision of a pharmacist employed by the provider pharmacy;

(G) a requirement that all pharmacy technicians at a remote dispensing site be counted for the purpose of establishing the pharmacist-pharmacy technician ratio of the provider pharmacy, which, notwithstanding Section 568.006, may not exceed three pharmacy technicians for each pharmacist providing supervision;

(H) a requirement that, before working at a remote dispensing site, a pharmacy technician must:

(i) have worked at least one year at a retail pharmacy during the three years preceding the date the pharmacy technician begins working at the remote dispensing site; and

(ii) have completed a board-approved training program on the proper use of a telepharmacy system;

(I) a requirement that pharmacy technicians at a remote dispensing site may not perform extemporaneous sterile or nonsterile compounding but may prepare commercially available medications for dispensing, including the reconstitution of orally administered powder antibiotics; and

(J) any additional training or practice experience requirements for pharmacy technicians at a remote dispensing site;

(4) the areas that qualify under Subsection (f);

(5) recordkeeping requirements; and

(6) security requirements.

(f) Except as provided by Subsection (f-1), a [A] telepharmacy system located at a health care facility under Subsection (d)(1) may not be located in a community in which a Class A or Class C pharmacy is located as determined by board rule. If a Class A or Class C pharmacy is established in a community in which a telepharmacy system has been located under this section, the telepharmacy system may continue to operate in that community.

(f-1) A telepharmacy system located at a federally qualified health center as defined by 42 U.S.C. Section 1396d(l)(2)(B) may be located in a community in which a Class A or Class C pharmacy is located as determined by board rule.

The amendments were read.

Senator Buckingham moved to concur in the House amendments to **SB 670**.

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

SENATE BILL 683 WITH HOUSE AMENDMENT

Senator Buckingham called **SB 683** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 683** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 565, Occupations Code, is amended by adding Section 565.0591 to read as follows:

Sec. 565.0591. REVOCATION OF PHARMACY LICENSE FOR FAILURE TO OPERATE. (a) On discovery by the board that a pharmacy licensed under Chapter 560 has ceased to operate for a period of 30 days or longer, the board shall notify the pharmacy that the license will be revoked.

(b) The notice must:

(1) include a statement that the pharmacy license is being revoked for violation of Section 565.002(a)(7); and

(2) inform the license holder of the license holder's right to a hearing to contest the revocation.

(c) Not later than the 20th day after the date the license holder receives the notice of revocation under this section, the license holder may submit a written request for a hearing to contest the revocation.

(d) If the license holder does not request a hearing within the period prescribed by Subsection (c), the board shall:

(1) enter an order revoking the license; and

(2) notify the license holder of the order.

(e) If the license holder requests a hearing within the period prescribed by Subsection (c), a panel of three board members appointed by the president of the board shall conduct the hearing. At the hearing the panel shall determine whether the license holder has violated Section 565.002(a)(7).

(f) If the panel determines that the license holder committed the violation, the board shall promptly:

(1) enter an order revoking the license; and

(2) notify the license holder of the order.

(g) Chapter 2001, Government Code, does not apply to a determination under Subsection (e).

The amendment was read.

Senator Buckingham moved to concur in the House amendment to **SB 683**.

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

SENATE BILL 14 WITH HOUSE AMENDMENTS

Senator Nichols called **SB 14** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 14** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to broadband service or facilities provided by an electric cooperative.

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

SECTION 1. Subchapter C, Chapter 181, Utilities Code, is amended by adding Section 181.048 to read as follows:

Sec. 181.048. ELECTRIC COOPERATIVE BROADBAND FACILITIES.

(a) In this section:

(1) "Broadband service" means Internet service with the capability of providing:

(A) a download speed of 25 megabits per second or faster; and

(B) an upload speed of three megabits per second or faster.

(2) "Electric cooperative" means an electric cooperative organized under Chapter 161 or a predecessor statute to Chapter 161.

(b) An electric cooperative or electric cooperative affiliate may construct, operate, and maintain fiber optic cables and other facilities for providing broadband service over, under, across, on, or along real property, personal property, rights-of-way, easements, and licenses and other property rights owned, held, or used by the cooperative. An easement or other property right owned, held, or used by the electric cooperative to provide electricity or other services may also be used to provide broadband service.

(c) The monetary rates applicable to an electric cooperative or electric cooperative affiliate for attaching broadband facilities on the electric cooperative's poles may not be less than the monetary rates the electric cooperative charges to other broadband service providers for attaching broadband facilities to the electric cooperative's poles. The terms and conditions applicable to an electric cooperative or electric cooperative affiliate for attaching broadband facilities on the electric cooperative's poles must be comparable to the 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.

(d) An electric cooperative or electric cooperative affiliate that provides broadband service shall maintain separate books and records of broadband service operations and the broadband service operations of any subsidiary and shall ensure that the rates charged for provision of electric service do not include any broadband service costs or any other costs not related to the provision of electric service.

(e) Subject to Subsection (f), not later than the 60th day before the date the electric cooperative or electric cooperative affiliate begins construction in an easement or other property right that existed before that date of fiber optic cables and other facilities for providing broadband service, the electric cooperative or electric cooperative affiliate must provide written notice to the owners of property in which the easement or property right is located of the intent to use the easement or other property right for broadband service. The electric cooperative or electric cooperative affiliate shall send the notice by first class mail to the last known address of each person in whose name the property is listed on the most recent tax roll of each county authorized to levy property taxes against the property. The notice must state whether any new fiber optic cables used for broadband service will be located above or below ground in the easement or other property right. Not later than the 60th day after the date notice is mailed by the electric cooperative or electric cooperative affiliate, a property owner entitled to notice under this subsection may submit to the electric cooperative or electric cooperative affiliate a written protest of the intended use of the easement or other property right for broadband service. If an electric cooperative or electric cooperative affiliate receives a timely written protest under this subsection, the electric cooperative or electric cooperative affiliate may not use the easement or other property right for broadband service unless the protestor later agrees in writing to that use or that use is authorized by law.

(f) Subsection (e) does not apply to an electric cooperative's or electric cooperative affiliate's use of an easement or other property right that includes an authorization for the use of the easement or property right for the provision of broadband service or similar communications service.

(g) This section may not be construed to:

- (1) conflict with or limit the provisions of Chapter 43; or
- (2) limit or prohibit an electric cooperative's use of the electric cooperative's fiber optic cables or other facilities to operate and maintain the electric cooperative's electric transmission or distribution system or to provide electric service.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

Floor Amendment No. 1

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

- (1) On page 2, line 5, between "poles" and "may", insert "must be just and reasonable and".
- (2) On page 2, line 11, between "be" and "comparable", insert "just and reasonable and be".

The amendments were read.

Senator Nichols moved to concur in the House amendments to **SB 14**.

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

SENATE BILL 1793 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1793** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 1793** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 44.0331(a), Education Code, is amended to read as follows:

(a) A school district that enters into a purchasing contract valued at \$25,000 or more under Section 44.031(a)(5), under Subchapter F, Chapter 271, Local Government Code, or under any other cooperative purchasing program authorized for school districts by law shall document any contract-related fee, including any management fee, paid by the district and the purpose of each fee under the contract.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1793**.

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

SENATE BILL 1189 WITH HOUSE AMENDMENT

Senator Buckingham called **SB 1189** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 1189** (house committee report) as follows:

(1) On page 1, line 16, strike ""consumer alert,"".

(2) On page 3, line 22, strike "and may be enforced by the attorney general or" and substitute "solely as an enforcement action by the consumer protection division of the attorney general's office or by".

(3) On page 3, following line 27, insert the following:

(c) Notwithstanding Subsection (a), if the advertising review committee of the State Bar of Texas reviews, in accordance with the committee's procedures, an advertisement for compliance with this subchapter before the first dissemination of the advertisement and the committee informs the sponsor of the advertisement that the advertisement is in compliance with this subchapter and the applicable advertising standards in the Texas Disciplinary Rules of Professional Conduct, the consumer protection division of the attorney general's office or a district or county attorney may not pursue an action under Subsection (a) unless:

(1) the consumer protection division or the district or county attorney demanded that the sponsor of the advertisement cease further dissemination of the advertisement;

(2) the sponsor of the advertisement is given a reasonable amount of time to ensure the advertisement is withdrawn from dissemination to the public; and

(3) the sponsor of the advertisement fails to ensure the advertisement is withdrawn from dissemination to the public within the time provided.

The amendment was read.

Senator Buckingham moved to concur in the House amendment to **SB 1189**.

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

SENATE BILL 1337 WITH HOUSE AMENDMENT

Senator Huffman called **SB 1337** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 1337** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to credit in, benefits from, and administration of the Texas Municipal Retirement System.

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

SECTION 1. Section 851.001, Government Code, is amended by adding Subdivision (8-a) and amending Subdivision (15) to read as follows:

(8-a) "Excluded prior service credit" means prior service credit described by Section 853.0015 and:

(A) adopted under Section 853.105(d-1); or

(B) required by Section 853.303(a-1), (a-2), or (a-3).

(15) "Amortization period" means, as to a particular municipality, the expiration of the maximum number of years, not to exceed 30 years, [time ending with the later of:

(A) the expiration of 25 years after the effective date of the municipality's participation in the retirement system;

(B) the expiration of 25 years] after the most recent actuarial valuation date for the municipality[; or

[(C) the period determined under Section 855.407(h)].

SECTION 2. Section 851.004, Government Code, is amended to read as follows:

Sec. 851.004. POWERS, [AND] PRIVILEGES, AND IMMUNITIES. (a) The retirement system has the powers, privileges, and immunities of a corporation, as well as the powers, privileges, and immunities conferred by this subtitle.

(b) The board of trustees, director, members of an advisory committee or medical board appointed by the board of trustees, and staff of the retirement system are not liable for any action taken or omission made or suffered by them in good faith in the performance of any duty in connection with any program, system, or benefit administered by the retirement system.

SECTION 3. The heading to Section 853.003, Government Code, is amended to read as follows:

Sec. 853.003. BUY BACK OF CREDITED SERVICE PREVIOUSLY CANCELED.

SECTION 4. Subchapter A, Chapter 853, Government Code, is amended by adding Sections 853.0015 and 853.004 to read as follows:

Sec. 853.0015. EXCLUDED PRIOR SERVICE CREDIT. If a member is entitled to receive excluded prior service credit under this chapter, the excluded prior service credit certified to the member:

(1) may only be used to satisfy length of service requirements for vesting and retirement eligibility; and

(2) may not be used to determine eligibility for or computation of updated service credits.

Sec. 853.004. RULES FOR CREDITABLE SERVICE. The board of trustees may adopt rules necessary or desirable to implement this chapter.

SECTION 5. Section 853.105, Government Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (d-1) to read as follows:

(a) After receiving a certification of prior service and average prior service compensation under Section 853.104, the retirement system ~~[board of trustees]~~ shall determine the member's prior service credit.

(c) ~~The [For an employee of a municipality having an effective date of participation in the retirement system after December 31, 1975, the]~~ prior service credit is an amount computed as a percentage determined as provided by Subsection (d) or, if applicable, Subsection (d-1), times a base credit equal to the accumulation at three percent interest of a series of monthly amounts for the number of months of approved prior service, times the sum of:

(1) the rate of contributions required of employees of the municipality for current service; plus

(2) the rate described in Subdivision (1) times the municipal current service matching ratio.

(d) The governing body of a municipality ~~[having an effective date of retirement system participation after December 31, 1975,]~~ shall determine in the ordinance providing for participation the percentage to be applied against the base credit in computing a prior service credit under Subsection (c). Except as provided by Subsection (d-1), the [The] percentage adopted may be any multiple of 10 percent that does not exceed 100 percent of the base credit, with 10 percent being the minimum percentage a municipality may adopt. A governing body may not adopt a percentage under this subsection until the actuary first determines, and the retirement system ~~[board of trustees]~~ concurs in the determination, that the municipality is able to fund, before the 30th ~~[25th]~~ anniversary of the effective date of its participation in the retirement system, all prior service obligations that the municipality proposes to assume under this section.

(d-1) The governing body of a municipality shall adopt, by ordinance, a zero percent prior service credit if, before joining the retirement system, the municipality provided retirement benefits to its employees that were funded partly or wholly by the municipality. Prior service credit adopted under this subsection is excluded prior service credit.

SECTION 6. Section 853.106, Government Code, is amended to read as follows:

Sec. 853.106. PRIOR SERVICE CERTIFICATE. (a) After determining a member's prior service credit under Section 853.105, the retirement system [board of trustees] shall issue to the member a prior service certificate stating:

- (1) the number of months of prior service credited;
- (2) the average prior service compensation; and
- (3) the prior service credit.

(b) As long as a person remains a member, the person's prior service certificate is, for purposes of retirement, conclusive evidence of the information it contains, except that a member or participating municipality~~[- before the first anniversary of its issuance or modification,]~~ may request that the retirement system correct an error in the prior service ~~[board of trustees to modify the]~~ certificate in accordance with Section 852.110.

SECTION 7. Section 853.303, Government Code, is amended by adding Subsections (a-1), (a-2), and (a-3) and amending Subsections (c) and (d) to read as follows:

(a-1) This subsection applies to a participating municipality that is required to adopt a zero percent prior service credit under Section 853.105(d-1). If the governing body of a participating municipality subject to this subsection authorizes the granting of prior service credit to an employee under Subsection (a), the employee is only entitled to receive excluded prior service credit.

(a-2) This subsection applies to a participating municipality that, before having a department of the municipality begin participating in the retirement system, provided other retirement benefits to its employees in that department funded partly or wholly by the municipality. If, on or after January 1, 2020, the governing body of a participating municipality subject to this subsection authorizes the granting of prior service credit to an employee under Subsection (a), the employee is only entitled to receive excluded prior service credit.

(a-3) This subsection applies to a participating municipality that elected to discontinue the participation in the retirement system of persons employed or reemployed after the date of an election to discontinue under Section 852.006(a), provided other retirement benefits to those persons funded partly or wholly by the municipality, and subsequently elects, by ordinance, to have those persons resume participating in the retirement system as employees. If, on or after January 1, 2020, the governing body of a participating municipality subject to this subsection authorizes prior service credit under Subsection (a) to an employee described by this subsection, the employee is only entitled to excluded prior service credit.

(c) As soon as practicable after a member has filed a statement of prior service under this section, the municipality shall verify the prior service claimed and certify to the retirement system ~~[board of trustees]~~ the creditable prior service approved and the average monthly compensation paid to the member during the period of the service.

(d) After receiving a certification of prior service and average monthly compensation under this section, the retirement system ~~[board of trustees]~~ shall:

(1) determine the prior service credit allowable to the member in the manner provided by Section 853.105; and

(2) issue to the member a prior service certificate as provided by Section 853.106.

SECTION 8. Section 853.401(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b) and Section 853.0015, the governing body of a participating municipality by ordinance may authorize the crediting in the retirement system of updated service credits for service performed for the municipality by members. Beginning January 1, 2022, a member must be a contributing employee of the municipality on the date prescribed by Section 853.402(e) to be eligible to receive an updated service credit authorized under this section. An updated service credit authorized under this section replaces any updated service credit or prior service credit previously authorized for part of the same service.

SECTION 9. Section 853.402, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The retirement system may recalculate updated service credit for purposes of determining a member's retirement annuity if:

(1) the member reestablishes credited service in accordance with Section 853.003 and retires in the same calendar year; and

(2) any municipality for which the member performed creditable service adopts an ordinance authorizing updated service credits under Section 853.401, 853.404, or 853.601 with an effective date of January 1 of the same calendar year.

SECTION 10. Section 853.601(a), Government Code, is amended to read as follows:

(a) The governing body of a participating municipality in ordinances authorizing updated service credits under Section 853.401 [~~on or after January 1, 1984,~~] may provide that those members who are eligible for such credits on the basis of service with the granting municipality, who have unforfeited credit for prior service or current service with another participating municipality or municipalities by reason of previous employment, and who are contributing members on the date prescribed by Section 853.402(e), shall be credited in the retirement system with updated service credit calculated in the manner prescribed by Sections 853.401 and 853.402, except that in determining the base updated service credit of the member under Section 853.402(c)(1), all unforfeited credited service performed by the member by reason of previous employment in other participating municipalities prior to the date prescribed by Section 853.402(e) shall be treated as if performed in the service of the municipality adopting the ordinance, and that amount shall be reduced by an amount equal to the sum of:

(1) 2 times the amount credited to the member's individual account on the date prescribed in Section 853.402(e), which any participating municipality has undertaken to match on a 1 to 1 ratio; plus

(2) 2.5 times the amount credited to the member's individual account, subject to a 1.5 to 1 matching ratio by any participating municipality; plus

(3) 3 times the amount credited to the member's individual account, subject to a 2 to 1 matching ratio by any participating municipality; and plus

(4) the sum of all updated service credits, prior service credits, special prior service credits, and antecedent service credits allowed to the member by any other participating municipality by which the member was previously employed and to which the member is entitled.

SECTION 11. Section 854.006(f), Government Code, is amended to read as follows:

(f) If a divorce decree or a qualified domestic relations order, as that term is defined by Section 804.001, so provides, the benefit payable to a retiree who is receiving payments of an annuity for the retiree's life with payments to continue after the retiree's death until the death of another person under Section 854.104(c)(1), (2), or (5), 854.305(c)[~~(1), (2), or (5)~~], or 854.410(c)[~~(1), (2), or (5)~~] may be increased to the amount that would have been payable if the retiree had selected an annuity payable only during the retiree's lifetime if:

(1) the proceeding in which the decree or order is entered terminates the marriage between the retiree and the person who was designated to receive the continued payment after the retiree's death;

(2) the decree or order awards the retiree all benefits resulting from the retiree's participation in the retirement system; and

(3) the decree or order is signed after December 31, 1999.

SECTION 12. Section 854.301, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A member may not apply for a disability retirement annuity under this subchapter after the date the member's participating municipality begins participation in the occupational disability benefits program under Subchapter E.

SECTION 13. Sections 854.408(a) and (b), Government Code, are amended to read as follows:

(a) The standard occupational disability retirement annuity payable under this subchapter is the sum of the member's prior service annuity and current service annuity. A prior service annuity is subject to reduction under Section 855.308(f). A standard occupational disability retirement annuity[~~:-~~

[(+)] is payable throughout the life of the retiree except as otherwise provided by this subchapter]; ~~and~~

~~[(2) is reducible as to any month or series of months as provided by this section].~~

(b) The occupational disability retirement annuity of a disability retiree may not be suspended under this subchapter after the date the disability retiree attains 60 years of age [During any month in which a retiree who is less than 60 years old receives earned income subject to taxation under the Federal Insurance Contributions Act or that would be subject to those taxes if the employer were not an exempt organization, the standard occupational disability retirement annuity may not exceed the greater of the following amounts:

[(1) the amount that is required to be added to the retiree's earned income for the month to equal the highest average compensation on which the retiree made membership contributions to the retirement system during any 12 consecutive months during the three calendar years immediately preceding the year in which the retiree retired for disability, when the highest average compensation is multiplied by the

~~percentage increase, if any, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before a computation is made under this subsection; or~~

~~[(2) the monthly annuity attributable to the retiree's accumulated contributions at the time of the person's retirement].~~

SECTION 14. Section 854.409, Government Code, is amended to read as follows:

Sec. 854.409. MEDICAL EXAMINATION ~~[REPORTS REQUIRED]~~ OF RETIREES. (a) The retirement system may require, by written request, a disability retiree under this subchapter who is younger than 60 years of age to undergo a medical examination and provide current medical and other relevant information reaffirming the status of the retiree as meeting the requirements for certification of occupational disability under Section 854.407(b). The retirement system or medical board may designate a physician to perform the examination. The retiree shall pay the cost of the examination, unless the director, at the director's discretion, waives that requirement and has the retirement system pay the cost of the examination ~~[A disability retiree who is less than 60 years old and who accepts employment or during any month receives income that is subject to taxation under the Federal Insurance Contributions Act shall promptly notify the board of trustees in writing if the amount of the earnings, when added to the amount of the standard occupational disability retirement benefit, produces a sum in excess of the average monthly compensation on which the retiree made member contributions during the 12-month period preceding the date of the person's retirement].~~

(b) ~~[Each retiree who is receiving an occupational disability retirement annuity and is less than 60 years old shall make annual reports to the board of trustees on such form as the board may prescribe, concerning receipt by the retiree of income that is subject to taxation under the Federal Insurance Contributions Act or that would be subject to those taxes if the employer were not an exempt organization, along with any supporting information as may be required by the board of trustees.]~~ If a disability retiree refuses to submit to a medical examination or fails to provide current medical or other ~~[the]~~ information requested under Subsection (a) ~~[required under this section]~~, the retirement system ~~[director]~~ may suspend payments of the disability annuity as provided by this section ~~[until the retiree provides the required information].~~

(c) If a disability retiree refuses to submit to a medical examination or fails to provide current medical or other information requested under Subsection (a) by the first anniversary of the date the retirement system requested the medical examination or information, the retirement system may suspend payments of the disability annuity until the earlier of the date the retiree:

(1) attains 60 years of age; or

(2) submits to a medical examination and provides the requested information.

(d) If a disability retiree submits to a medical examination and provides the requested information before the fourth anniversary of the date the retirement system requested the medical examination or information, the retirement system may pay the suspended payments of the disability annuity in a lump sum.

(e) If the medical board finds that a disability retiree under this subchapter has experienced medical improvement to the extent that the disability retiree no longer meets the requirements for certification of occupational disability under Section 854.407(b), the medical board shall certify the medical board's findings and submit the findings to the director. If the director concurs in the medical board's findings under this section, the director may adopt the findings, and the retirement system may suspend payments of the disability annuity and take other action as the retirement system, in the retirement system's discretion, considers equitable and appropriate to address the situation, until the disability retiree attains 60 years of age.

(f) The suspension of a benefit under this section does not suspend payment of a benefit to an alternate payee under a qualified domestic relations order.

SECTION 15. Section 854.410(e), Government Code, is amended to read as follows:

(e) To select an optional occupational disability retirement annuity, a member or retiree must make the selection and designate a beneficiary on a form prescribed by and filed with the retirement system ~~[board of trustees]~~ before the 31st day after the effective date of retirement.

SECTION 16. Subchapter E, Chapter 854, Government Code, is amended by adding Section 854.411 to read as follows:

Sec. 854.411. RULES FOR OPTIONAL DISABILITY RETIREMENT ANNUITIES. The board of trustees may adopt rules necessary or desirable to implement this subchapter.

SECTION 17. Section 855.007, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (e), (f), (g), (h), (i), (j), and (k) to read as follows:

(a) The board of trustees shall hold at least four [regular] meetings ~~[in March, June, September, and December of]~~ each year and additional [special] meetings when called by the director.

(b) Before the fifth day preceding the day of a meeting, the director shall give written notice of the ~~[a special]~~ meeting to each trustee unless notice is waived.

(c) Except as otherwise provided by this subtitle, Chapter 551, or other law, all [All] meetings of the board must be open to the public.

(e) Notwithstanding Chapter 551 or any other law, the board of trustees may hold an open or closed meeting by telephone conference call, videoconference, or other similar telecommunication method. The board may use a telephone conference call, videoconference, or other similar telecommunication method for purposes of establishing a quorum or voting or for any other meeting purpose in accordance with Subsection (f) and this subsection. This subsection applies without regard to the subject matter discussed or considered by the board at a meeting.

(f) A meeting of the board of trustees held by telephone conference call, videoconference, or other similar telecommunication method:

(1) is subject to the notice requirements applicable to other board meetings;

(2) may not be held unless notice of the meeting specifies the location of the meeting at which at least one trustee of the board will be physically present; and

(3) must be open and audible to the public at the location specified in the notice under Subdivision (2) during the open portions of the meeting.

(g) Chapter 551 does not require the board of trustees to confer with one or more employees, consultants, or legal counsel of the retirement system or with a third party, including representatives of an issuer of restricted securities or a private investment fund, in an open meeting if the only purpose of the conference is to receive information from or question the employees, consultants, or legal counsel of the retirement system or the third party relating to an investment or a potential investment.

(h) The board of trustees or a committee of the board may conduct a closed meeting in accordance with Subchapter E, Chapter 551, with the retirement system's internal or external auditors to discuss:

(1) governance, risk management or internal control weaknesses, known or suspected compliance violations or fraud, status of regulatory reviews or investigations, or identification of potential fraud risk areas and audits for the annual internal audit plan; or

(2) the auditors' ability to perform duties in accordance with the Internal Audit Charter and relevant auditing standards.

(i) Notwithstanding Chapter 551 or any other law, the board of trustees may conduct a closed meeting to consider and discuss:

(1) evaluations or duties of trustees or board consultants; and

(2) self-evaluations of the board as a whole.

(j) Notwithstanding any other law, Chapter 551 does not apply to an assembly of the board of trustees or one of the board's committees while attending a summit, conference, convention, workshop, or other event held for educational purposes if the assembly or committee does not deliberate, vote, or take action on a specific matter of public business or public policy over which the board of trustees or a committee of the board has supervision or control. This subsection does not apply to a meeting of the board of trustees scheduled or called under the board's bylaws.

(k) The board of trustees may adopt rules necessary or desirable to implement this section.

SECTION 18. Section 855.107, Government Code, is amended to read as follows:

Sec. 855.107. AUDIT. (a) In this section:

(1) "Audit" means an internal or independent external audit authorized or required by this section or initiated or commissioned by the board of trustees or a committee of the board of trustees. The term includes a financial audit, compliance audit, economy and efficiency audit, effectiveness audit, performance audit, security or risk audit, attestation, management-directed engagement, or investigation.

(2) "Audit working paper" includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including:

(A) internal or external communications relating to the audit that are made or received in the course of the audit;

- (B) drafts of an audit report or portions of those drafts;
- (C) drafts of audit plans; and
- (D) records of risk assessments.

(b) Annually, or more often, the board of trustees shall have the accounts of the retirement system audited by a certified public accountant.

(c) In addition to the financial audit required by Subsection (b), the board of trustees may initiate or commission an audit or investigation of activities, functions, or operations of the retirement system as the board determines appropriate.

(d) Audit working papers prepared, maintained, or assembled by the retirement system or an agent of the retirement system are not a record of the board of trustees for purposes of Section 855.112, and are confidential and excepted from the disclosure requirements of Chapter 552.

(e) Unless made confidential under other law, an audit report, when received by the board of trustees in its final form, is public information not excepted from the requirements of Section 552.021.

SECTION 19. Section 855.110(c), Government Code, is amended to read as follows:

(c) The board of trustees, after consultation with the actuary, by rule or by funding policy adopted by the board of trustees, may:

- (1) set open or closed amortization periods not to exceed 30 [25] years;
- (2) change the period for amortizing a municipality's unfunded actuarial accrued liabilities from an open period to a closed period or from a closed period to an open period;
- (3) decrease or increase the amortization period, provided the amortization period may not exceed 30 years; and
- (4) set different amortization periods for unfunded actuarial accrued liabilities arising from different types of events giving rise to liabilities and ladder the amortization of the liabilities.

SECTION 20. Section 855.112, Government Code, is amended to read as follows:

Sec. 855.112. RECORDS [~~OF BOARD OF TRUSTEES~~]. (a) The retirement system [board of trustees] shall keep, in convenient form, data necessary for required computations and valuations by the actuary.

(b) The board of trustees shall keep a permanent record of all of its proceedings.

(c) Records of the board of trustees are open to the public.

SECTION 21. Section 855.114, Government Code, is amended to read as follows:

Sec. 855.114. OBTAINING INFORMATION. (a) In this section, "participant" means a member, former member, retiree, annuitant, beneficiary, or alternate payee of the retirement system.

(b) The board of trustees shall obtain from participants [members] or participating municipalities information necessary for the proper operation of the retirement system.

(c) Each participant and participating municipality shall timely provide, in the form and manner specified by the retirement system, information necessary for the proper operation and administration of the retirement system.

SECTION 22. Section 855.115, Government Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (a-1), (b-1), (e), (f), (g), and (h) to read as follows:

(a) In this section, "participant" has the meaning assigned by Section 855.114.

(a-1) Information contained in records that are in the custody of the retirement system or maintained in the custody of another governmental entity or an administrator or carrier acting in cooperation with or on behalf of the retirement system concerning a participant [an individual member, retiree, annuitant, or beneficiary] is confidential and not subject to public disclosure. Except as otherwise provided by this section, the retirement system is not required to accept or comply with a request for a record or information about a record of a participant, or to seek an opinion from the attorney general because the records of a participant are not public records and are exempt from disclosure and the public information provisions of Chapter 552. Participant information [under Section 552.101, and] may not be disclosed [in a form identifiable with a specific individual] unless:

(1) the information is disclosed to:

(A) the participant [individual] or the participant's [individual's] attorney, guardian, executor, administrator, conservator, or other person who the director determines is acting in the interest of the participant [individual] or the participant's [individual's] estate;

(B) a spouse or former spouse of a participant [the individual] after the director determines that the information is relevant to the spouse's or former spouse's interest in member accounts, benefits, or other amounts payable by the retirement system;

(C) a governmental official or employee after the director determines that disclosure of the information requested is reasonably necessary to:

(i) the performance of the duties of the official or employee; or

(ii) perform the purposes of the retirement system; or

(D) a person authorized by the participant [individual] in writing to receive the information; or

(2) the information is disclosed pursuant to a subpoena and the director determines that the participant [individual] will have a reasonable opportunity to contest the subpoena.

(b-1) This section does not require the retirement system to compile or disclose a list of participants' names, addresses, social security numbers, or other descriptive or demographic information.

(c) The director may designate other employees of the retirement system to make the necessary determinations under Subsection (a-1) ~~[(a)]~~.

(d) A determination and disclosure under Subsection (a-1) ~~[(a)]~~ may be made without notice to the participant [individual member, retiree, annuitant, or beneficiary].

(e) A record released or received by the retirement system under this section may be transmitted electronically, including through the use of an electronic signature or certification in a form acceptable to the retirement system. An unintentional disclosure to, or unauthorized access by, a third party related to the transmission or

receipt of information under this section is not a violation by the retirement system of any law, including any law or rule relating to the protection of confidential information.

(f) The records of a participant remain confidential after release to a person, including a governmental official or employee, as authorized by this section. The records of the participant may become part of a public record of an administrative or judicial proceeding, and the participant waives the confidentiality of the records, including medical records, unless the records are closed to public access by a protective order issued under applicable law.

(g) The retirement system may require a participant to provide the participant's social security number as the retirement system considers necessary to ensure the proper administration of all services, benefits, plans, and programs under the retirement system's administration or as otherwise required by state or federal law.

(h) The retirement system has sole discretion in determining if a record is subject to this section. For purposes of this section, a record includes any record of the retirement system containing information about a participant, living or deceased.

SECTION 23. Section 855.116, Government Code, is amended to read as follows:

Sec. 855.116. ELECTRONIC INFORMATION [~~FILING OF CERTAIN DOCUMENTS~~]. (a) In this section:

(1) "Electronic[~~—electronic~~] filing" means the filing of data by the communication of information by facsimile or in the form of digital electronic signals transformed by computer and stored on microfilm, magnetic tape, magnetic or solid state [optical] disk, or any other electronic storage or other medium.

(2) "Electronic record" means any information that is recorded in a form for computer processing.

(b) The board of trustees may adopt rules and procedures relating to the electronic filing of documents with the retirement system and the delivery of information electronically by the retirement system. A document that is electronically filed in accordance with those rules and procedures is considered to have been properly filed with the retirement system.

(c) The retirement system may provide confidential information electronically to participating municipalities, members, retirees, beneficiaries, annuitants, alternate payees, and other persons authorized to receive the information and may receive information electronically from the individuals or entities, as applicable, including by use of an electronic signature or certification in a form acceptable to the retirement system. An unintentional disclosure to, or unauthorized access by, a third party related to the transmission or receipt of information under this section is not a violation by the retirement system of any law, including a rule relating to the protection of confidential information.

(d) Subject to Subsection (f), the retirement system may provide to a member, retiree, or annuitant any information that is required to be provided, distributed, or furnished under Section 802.106(a), (b), (d), or (e) by:

(1) sending the information to an e-mail address or other electronic address furnished to the retirement system by the member, retiree, or annuitant; or

(2) directing the member, retiree, or annuitant through a written notice, e-mail, or other electronic notice to an Internet website address to access the information.

(e) Subject to Subsection (f), the retirement system may provide to a member, retiree, or annuitant the information that is required to be provided under Section 802.106(c) by directing the member, retiree, or annuitant through a written notice, e-mail, or other electronic notice to an Internet website address to access the information.

(f) Electronic notice sent under this section by e-mail or other electronic means may only be sent to an e-mail address or other electronic address furnished to the retirement system by the member, retiree, or annuitant.

(g) The retirement system may:

(1) photograph, microphotograph, film, or make an electronic record of any record in the retirement system's possession; or

(2) preserve the record through electronic document imaging.

(h) If a record is reproduced under Subsection (g), the retirement system may destroy or dispose of the original record if the system first:

(1) places the reproduction or electronic record in a file that is conveniently accessible to retirement system personnel; and

(2) provides for the preservation, examination, and use of the reproduction or stored electronic record.

(i) A photograph, microphotograph, film, electronic record, or electronic document image of a record received by the retirement system or reproduced under Subsection (g) is equivalent to the original record for all purposes, including introduction as evidence in all courts and administrative agency proceedings. A certified or authenticated copy of the photograph, microphotograph, film, electronic record, or electronic document image is admissible as evidence to the same extent as the original record.

(j) The director or an authorized representative may certify the authenticity of a record reproduced under this section and may charge a fee for the certified copy as provided by law.

(k) Certified records shall be furnished to any person who is authorized by law to receive them.

SECTION 24. The heading to Section 855.202, Government Code, is amended to read as follows:

Sec. 855.202. LEGAL REPRESENTATION [~~ADVISER~~].

SECTION 25. Section 855.202, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The attorney shall act as the legal adviser to the board of trustees [~~and shall represent the system in all litigation~~].

(c) The board of trustees, the director, or the director's designee may employ or obtain the services of other attorneys or outside legal counsel to represent the retirement system in litigation or advise the retirement system on fiduciary or legal matters.

SECTION 26. Section 855.301, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The board of trustees shall invest and reinvest the assets of the retirement system without distinction as to their source in accordance with Section 67, Article XVI, Texas Constitution. For purposes of the investment authority of the board of trustees under Section 67, Article XVI, Texas Constitution, "security" or "securities" means any investment instrument within the meaning of the term as defined by Section 4, The Securities Act (Article 581-4, Vernon's Texas Civil Statutes), 15 U.S.C. Section 77b(a)(1), or 15 U.S.C. Section 78c(a)(10). An interest in a limited partnership or investment contract is considered a security without regard to the number of investors or the control, access to information, or rights granted to or retained by the retirement system. Any instrument or contract intended to manage transaction, currency exchange, or interest rate risk in purchasing, selling, or holding securities, or that derives all or substantially all of its value from the value or performance of one or more securities, including an index or group of securities, is considered to be a security.

(d) The board of trustees may:

(1) delegate discretionary investment authority to and contract with external investment managers to invest and manage the assets held in trust by the retirement system; and

(2) contract with external investment advisors and consultants to assist and advise the board and the staff of the retirement system.

SECTION 27. Section 855.407, Government Code, is amended by amending Subsections (f) and (h) and adding Subsection (i) to read as follows:

(f) The governing body of a municipality that is determined by the actuary to be unable to finance all obligations charged against its account in the benefit accumulation fund within the municipality's current amortization period [25 years after its most recent actuarial valuation date] may elect to have the municipality contribute to its account in the benefit accumulation fund at a rate that does not exceed in any year the sum of two percent and the maximum contribution rate specified by Subsection (a) and by Section 855.501, if applicable, and that the actuary annually may determine as necessary to finance the existing levels of benefits before the expiration of the municipality's current amortization period [25 years after the most recent actuarial valuation date].

(h) Subject to Subsection (i), if [H] the board of trustees adopts any actuarial changes, including changes [change] in actuarial assumptions or in actuarial method, that would result in any municipality having an increase in its combined contribution rate of more than one-half of one percent of the total compensation paid to its employees based on its current amortization period, the board may, after consultation with the actuary, take any or all of the following actions [and if its governing body adopts a resolution requesting a new amortization period, the municipality will be assigned a new amortization period equal to the lesser of]:

(1) phase in the increase in the contribution rate for the municipality over a reasonable period of time;

(2) increase the period for amortizing the municipality's unfunded actuarial accrued liabilities for a period that does not exceed 30 years; or

(3) allow the municipality to request in writing an increase in the municipality's amortization period, provided that the new amortization period the municipality may be assigned equals the lesser of:

(A) the number of years required to limit the increase in the combined rate to one-half of one percent of the total compensation paid to its employees; or

(B) [~~2~~] the maximum number of years, not to exceed 30 [~~40~~] years, specified by the board of trustees.

(i) A municipality may decline to phase in the increase in the municipality's contribution rate or increase the municipality's amortization period under Subsection (h).

SECTION 28. Sections 853.105(b), 854.408(c) and (d), and 854.410(f), Government Code, are repealed.

SECTION 29. The changes in law made to Chapter 854, Government Code, as amended by this Act, apply to a retiree regardless of whether the person retired before, on, or after the effective date of this Act.

SECTION 30. This Act takes effect January 1, 2020.

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 1337**.

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

Nays: Zaffirini

SENATE BILL 1497 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1497** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 1497** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the registration and regulation of brokers by the Public Utility Commission of Texas.

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

SECTION 1. Subchapter H, Chapter 39, Utilities Code, is amended by adding Section 39.3555 to read as follows:

Sec. 39.3555. REGISTRATION OF BROKERS. (a) In this section, "brokerage services" means providing advice or procurement services to, or acting on behalf of, a retail electric customer regarding the selection of a retail electric provider, or a product or service offered by a retail electric provider.

(b) A person may not provide brokerage services, including brokerage services offered online, in this state for compensation or other consideration unless the person is registered with the commission as a broker.

(c) A retail electric provider may not register as a broker. A broker may not sell or take title to electric energy.

(d) A retail electric provider may not knowingly provide bids or offers to a person who:

(1) provides brokerage services in this state for compensation or other consideration; and

(2) has not registered as a broker with the commission.

(e) A person who registers under this section shall comply with customer protection provisions, disclosure requirements, and marketing guidelines established by the commission and by this chapter and Chapter 17.

(f) The commission shall adopt rules as necessary to implement this section.

(g) The commission shall process a person's application for registration as a broker not later than the 60th day after the date the person files the application.

SECTION 2. This Act takes effect September 1, 2019.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1497**.

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

SENATE BILL 1545 WITH HOUSE AMENDMENT

Senator Menéndez called **SB 1545** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 1545** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the creation and operations of a health care provider participation program by the Bexar County Hospital District.

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

SECTION 1. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 298F to read as follows:

CHAPTER 298F. BEXAR COUNTY HOSPITAL DISTRICT HEALTH CARE PROVIDER PARTICIPATION PROGRAM SUBCHAPTER A. GENERAL PROVISIONS

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

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

(2) "District" means the Bexar County Hospital District.

(3) "Institutional health care provider" means a nonpublic hospital located in the district that 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 the health care provider participation program authorized by this chapter.

Sec. 298F.002. APPLICABILITY. This chapter applies only to the Bexar County Hospital District.

Sec. 298F.003. HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM. The board 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. 298F.004. EXPIRATION. (a) Subject to Section 298F.153(d), the authority of the 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. 298F.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY PAYMENT. The board may require a mandatory payment authorized under this chapter by an institutional health care provider in the district only in the manner provided by this chapter.

Sec. 298F.052. RULES AND PROCEDURES. The board 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. 298F.053. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING. If the board authorizes the district to participate in a program under this chapter, the board shall require each institutional health care provider to submit to the district a copy of any financial and utilization data reported in the provider's Medicare cost report submitted for the previous fiscal year or for the closest subsequent fiscal year for which the provider submitted the Medicare cost report.

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 298F.101. HEARING. (a) In each year that the board 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 paying provider in the district.

(c) A representative of a paying provider is entitled to appear at the public hearing and be heard regarding any matter related to the mandatory payments authorized under this chapter.

Sec. 298F.102. DEPOSITORY. (a) If the board 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 under this chapter shall be secured in the manner provided for securing other district funds.

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

(b) The 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 the 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) payments to nonpublic hospitals, 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 nonpublic hospitals in the Medicaid managed care service area in which the district is located;

(C) payments available under another federal waiver program authorizing Medicaid payments to nonpublic hospitals;

(D) any payments to Medicaid managed care organizations for the benefit of nonpublic hospitals and for which federal matching funds are available; or

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

(2) subject to Section 298F.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; and

(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).

(d) Money in the local provider participation fund 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 the 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 nonpublic hospitals available through the Medicaid disproportionate share hospital program.

SUBCHAPTER D. MANDATORY PAYMENTS

Sec. 298F.151. MANDATORY PAYMENTS BASED ON PAYING PROVIDER NET PATIENT REVENUE. (a) If the board authorizes a health care provider participation program under this chapter, for each year the program is authorized, the board may require a 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 periodically throughout the year. The board shall provide an institutional health care provider written notice of each assessment under this subsection, and the provider has 30 calendar days following the date of receipt of the notice to pay the assessment. 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, which is the amount of that revenue as reported in the provider's Medicare cost report submitted for the previous fiscal year or for the closest subsequent fiscal year for which the provider submitted the 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 authorized under this chapter 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, as required under 42 U.S.C. Section 1396b(w).

(c) If the board 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 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 298F.103(c)(1). The amount of revenue from mandatory payments that may be used for administrative expenses by the district in a year for activities under this chapter may not exceed \$184,000, plus the cost of collateralization of deposits. If the board demonstrates to the paying providers that the costs of administering the health care provider participation program under this chapter, excluding those costs associated with the collateralization of deposits, exceed \$184,000 in any year, on consent of all of the paying providers, the district may use additional revenue from mandatory payments received under this chapter to compensate the district for its administrative expenses. A paying provider may not unreasonably withhold consent to compensate the district for administrative 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. 298F.152. ASSESSMENT AND COLLECTION OF MANDATORY PAYMENTS. (a) The 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. 298F.153. PURPOSE; CORRECTION OF INVALID PROVISION OR PROCEDURE; LIMITATION OF AUTHORITY. (a) The purpose of this chapter is to authorize the 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 nonpublic hospitals to support the provision of health care by institutional health care providers to district residents in need of health care.

(b) This chapter does not authorize the 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 nonpublic hospitals and to cover the administrative expenses of the district associated with activities under this chapter and other amounts for which the fund may be used as described by Section 298F.103(c).

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

SECTION 2. As soon as practicable after the expiration of the authority of the Bexar County Hospital District to administer and operate a health care provider participation program under Chapter 298F, Health and Safety Code, as added by this Act, the board of hospital managers of the Bexar County 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 298F.103, Health and Safety Code, as added by this Act.

SECTION 3. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 1545**.

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

SENATE BILL 2018 WITH HOUSE AMENDMENT

Senator West called **SB 2018** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 2018** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to abolishing a dissolution committee established to abolish certain county boards of education or boards of county school trustees and appointing commissioners courts to assume the duties of the dissolution committee.

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

SECTION 1. Section 15.001, Chapter 967 (S.B. 2065), Acts of the 85th Legislature, Regular Session, 2017, is amended by amending Subsections (b), (n), and (s) and adding Subsections (t), (u), (v), (w), (x), (y), and (z) to read as follows:

(b) If on the effective date of this Act there is an existing contract for transportation services to which a county board of education, board of county school trustees, or office of county school superintendent is a party, it shall be wound down in the manner described by Subsections (c)-(z) ~~[(e)-(r)]~~ of this section.

(n) ~~The [in the manner provided by rule of the commissioner of education, the] county shall collect and use any delinquent taxes imposed by or on behalf of the county board of education or board of county school trustees for payment of debt described by Subsection (t) of this section. On completion of payment of all debt described by Subsection (t) of this section, any delinquent taxes collected under this subsection must be distributed on a proportionate basis to the school districts in the county, based on the percentage of each district's number of enrolled students in the county to all students enrolled in the county in the school year immediately preceding the year of the distribution.~~

(s) Any dissolution committee created as provided by this Act is abolished on September 1, 2019, and all duties and obligations of the committee are transferred to the commissioners court of the county in which the county board of education or

board of county school trustees was located. On September 1, 2019, the commissioners court assumes control of and responsibility for administering all assets, liabilities, debts, contracts, and other obligations of the county board of education, board of county school trustees, or dissolution committee and shall take control of any funds of the dissolution committee, including any sinking fund created by the dissolution committee as provided by Subsection (h) of this section. Any liability, debt, contract, or other obligation of the county board of education, board of county school trustees, or dissolution committee transferred to the county as provided by this subsection may only be paid from the tax levied under Subsection (t) of this section, the sinking fund created under Subsection (h) of this section, and any funds transferred from the committee to the commissioners court. County assets, including tax revenue funds, may not be used to pay, and are not subject to, any liability, debt, contract, or other obligation transferred to the commissioners court under this subsection [the date all debt obligations of the county board of education or board of county school trustees are paid in full and all assets distributed to component school districts].

(t) The commissioners court shall continue to assess, levy, and collect any ad valorem tax adopted by the county board of education, board of county school trustees, or dissolution committee. The commissioners court shall continue to levy the tax annually at the rate of one cent per \$100 of ad valorem valuation, as previously adopted by the dissolution committee, only until all debt of the county board of education or board of county school trustees described in a final judgment of a district court in litigation between the dissolution committee and the county is discharged in accordance with the terms of that judgment. Notwithstanding Section 44.004, Education Code, Chapter 26, Tax Code, or any other law, the commissioners court is not required to calculate a rate, publish notice of a budget and tax rate hearing, conduct a hearing, or take any other action each year to assess, levy, and collect the tax authorized by this subsection.

(u) The commissioners court may deduct from the proceeds of the ad valorem tax assessed, levied, and collected by the commissioners court under Subsection (t) of this section a reasonable and proportionate share for the administrative costs of collecting the tax.

(v) The commissioners court shall pay all other debts or claims not described by Subsection (t) of this section, including claims for workers' compensation and unemployment compensation filed on or before September 1, 2019, from funds reserved and retained by the dissolution committee for that purpose.

(w) All claims against the county board of education, board of county school trustees, or dissolution committee not filed on or before September 1, 2019, are barred. A lawsuit may not be filed against the county board of education, board of county school trustees, or dissolution committee after September 1, 2019. This provision takes precedence over any other statute of limitations.

(x) The commissioners court may use funds described by Subsection (v) of this section to perform the duties related to the abolishment of the dissolution committee and the administration of the assets, liabilities, debts, contracts, or other obligations transferred to the commissioners court, including:

(1) paying reasonable administrative expenses, including legal fees and expenses incurred by the county or any third party; and

(2) employing or contracting with any person needed to assist with the abolishment and dissolution of the county board of education, board of county school trustees, or dissolution committee and the administration of the assets, liabilities, debts, contracts, or other obligations transferred to the commissioners court.

(y) On completion of payment of all debt as provided by Subsection (t) of this section and any other debts or claims under Subsection (v) of this section, any remaining money must be distributed on a proportionate basis to the school districts in the county, based on the percentage of each district's number of enrolled students in the county to all students enrolled in the county in the school year immediately preceding the year of the distribution. To the extent this subsection conflicts with Subsection (o) of this section, this subsection prevails.

(z) An ad valorem tax imposed under Subsection (t) of this section is not considered to be an ad valorem tax imposed by the county in which the county board of education, board of county school trustees, or dissolution committee is located for purposes of any constitutional or statutory limit on the ad valorem tax rate of the county.

SECTION 2. Section 18, Chapter 925 (S.B. 1566), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 2018**.

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

SENATE BILL 1835 WITH HOUSE AMENDMENT

Senator Alvarado called **SB 1835** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 1835** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the creation of the Channelview Improvement District; providing authority to issue bonds; providing authority to impose fees and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3943 to read as follows:

CHAPTER 3943. CHANNELVIEW IMPROVEMENT DISTRICT SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3943.0101. DEFINITIONS. In this chapter:

- (1) "Board" means the board of directors of the district.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "County" means Harris County.
- (4) "District" means the Channelview Improvement District.

Sec. 3943.0102. CREATION AND NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3943.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

(c) This chapter and the creation of the district may not be interpreted to relieve the county from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant county services provided in the district.

Sec. 3943.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

(c) The creation of the district is in the public interest and is essential to:
(1) further the public purposes of developing and diversifying the economy of the state;

- (2) eliminate unemployment and underemployment; and
- (3) develop or expand transportation and commerce.

(d) The district shall:

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

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

(3) provide and maintain common areas and facilities in the district to ensure scenic beauty;

(4) provide improvements in the district to promote the welfare of the public in the district; and

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

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

Sec. 3943.0105. INITIAL DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes of the district contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not in any way affect the district's:

(1) organization, existence, or validity;

(2) right to contract;

(3) authority to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(4) right to impose or collect a fee or tax or collect other revenue; or

(5) legality or operation.

Sec. 3943.0106. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 3943.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Chapter 375, Local Government Code, does not apply to the district unless specifically provided otherwise by this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3943.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3943.0204, directors serve staggered terms of four years.

(c) Directors are elected in the manner provided by Subchapter D, Chapter 49, Water Code.

(d) To be qualified to serve as a director, a person must be a resident of the district.

Sec. 3943.0202. LAW GOVERNING ADMINISTRATION OF BOARD. Sections 375.066-375.070, Local Government Code, apply to the board as if it were established under Chapter 375 of that code.

Sec. 3943.0203. VOTING BY BOARD PRESIDENT RESTRICTED. The board president may not vote except to break a tie vote.

Sec. 3943.0204. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) The temporary directors shall hold an election to elect five permanent directors as provided by Section 3943.0106.

(c) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 3943.0106; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(d) If permanent directors have not been elected under Section 3943.0106 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (e) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 3943.0106; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(e) If Subsection (d) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3943.0301. GENERAL POWERS. The district has all of the powers and duties necessary to accomplish the purposes for which the district was created, including the powers and duties provided by:

(1) Subchapter E, Chapter 375, Local Government Code; and

(2) the general laws of this state on conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapter 49, Water Code.

Sec. 3943.0302. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, and pay all or part of the costs of the improvement projects described by Subchapter D or activities in support of or incidental to those projects.

Sec. 3943.0303. FIREFIGHTING AND MEDICAL EMERGENCY SERVICES PROHIBITED. (a) The district may not engage in firefighting activities or provide medical emergency services.

(b) Subchapter L, Chapter 49, Water Code, does not apply to the district.

Sec. 3943.0304. RULES. The district may adopt rules:

(1) to administer and operate the district;

(2) for the use, enjoyment, availability, protection, security, and maintenance of the district's facilities; and

(3) for the provision of public safety and security in the district.

Sec. 3943.0305. LEASE, ACQUISITION, OR CONSTRUCTION OF BUILDING OR FACILITY; ECONOMIC DEVELOPMENT PROGRAMS. The district may, as if the district were a home-rule municipality with a population of more than 100,000:

(1) issue bonds and lease, acquire, or construct a building or facility as provided by Subchapter A, Chapter 1509, Government Code; and

(2) establish and administer a program as provided by Section 380.002, Local Government Code.

Sec. 3943.0306. CONTRACTS; GRANTS; DONATIONS. (a) The district may contract with any person to accomplish the purposes of this chapter on terms and for the period the board determines, including contracting for the payment of costs incurred by the person on behalf of the district, including all or part of the costs of an improvement project, from tax proceeds or any other specified source of money.

(b) The district may contract with a person to receive, administer, and perform the district's duties under a gift, grant, loan, conveyance, transfer, bequest, donation, or other financial arrangement relating to the investigation, planning, analysis, acquisition, construction, completion, implementation, or operation of a proposed or existing improvement project.

(c) Any person, including any type of governmental entity, may contract with the district to carry out the purposes of this chapter.

Sec. 3943.0307. ANNEXATION OR EXCLUSION OF TERRITORY. The district may add or exclude territory in the manner provided by Chapter 375, Local Government Code.

Sec. 3943.0308. NO PEACE OFFICERS. The district may not employ peace officers.

Sec. 3943.0309. NO EMINENT DOMAIN. The district may not exercise the power of eminent domain.

SUBCHAPTER D. IMPROVEMENT PROJECTS

Sec. 3943.0401. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, lease, relocate, repair, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, lease, relocate, repair, operate, maintain, or finance an improvement project or service authorized under this chapter.

Sec. 3943.0402. MISCELLANEOUS DESIGN, CONSTRUCTION, AND MAINTENANCE. An improvement project may include the planning, design, construction, improvement, and maintenance of:

- (1) landscaping;
- (2) highway right-of-way or transit corridor beautification and improvement;
- (3) lighting, banners, and signs;
- (4) a street or sidewalk;
- (5) a hiking and cycling path or trail;
- (6) a pedestrian walkway, skywalk, crosswalk, or tunnel;
- (7) a park, lake, garden, recreational facility, open space, scenic area, or related exhibit or preserve;
- (8) a fountain, plaza, or pedestrian mall; or
- (9) public art or sculpture and related exhibits and facilities and educational or cultural exhibits and facilities, including exhibits, displays, attractions, or facilities for special events, holidays, or seasonal or cultural celebrations.

Sec. 3943.0403. PARKING AND TRANSPORTATION. An improvement project may include the planning, design, construction, improvement, maintenance, and operation of an off-street parking facility, a heliport, a bus terminal, mass transit, and a roadway or water transportation system.

Sec. 3943.0404. DEMOLITION. An improvement project may include the removal, razing, demolition, or clearing of land or improvements in connection with an improvement project.

Sec. 3943.0405. ACQUISITION OF PROPERTY. An improvement project may include the acquisition of property or an interest in property in connection with an improvement project.

Sec. 3943.0406. SPECIAL OR SUPPLEMENTAL SERVICES. An improvement project may include a special or supplemental service for the improvement and promotion of the district or for the protection of public health and safety in the district, including:

- (1) tourism;
- (2) elimination of traffic congestion;
- (3) health, sanitation, public safety, and security;
- (4) recreational, educational, or cultural improvements, enhancements, and services; and
- (5) advertising, promotion, and business recruitment.

Sec. 3943.0407. SIMILAR IMPROVEMENT PROJECTS. An improvement project may include a public improvement, facility, or service similar to a project described by this subchapter.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 3943.0501. NO AD VALOREM TAX. The district may not impose an ad valorem tax.

Sec. 3943.0502. FEES; CHARGES. The district may:

- (1) establish and collect user fees, concession fees, admission fees, rental fees, or other similar fees or charges; and
- (2) apply the proceeds from those fees or charges for the enjoyment, sale, rental, or other use of the district's facilities, services, or improvement projects.

Sec. 3943.0503. BORROWING MONEY. The district may borrow money for a district purpose.

Sec. 3943.0504. PAYMENT OF EXPENSES. The district may provide or secure the payment or repayment of any district expense, including:

- (1) a district cost relating to an improvement project;
- (2) a district contractual obligation or indebtedness, because of a lease, installment purchase contract, or other agreement; or
- (3) a tax, user fee, concession fee, rental fee, or other revenue or resources of the district.

Sec. 3943.0505. BONDS. (a) The board may issue bonds as provided by Subchapter J, Chapter 375, Local Government Code.

(b) In addition to the sources described in Subchapter J, Chapter 375, Local Government Code, bonds issued by the district may be secured and made payable, in whole or in part, by a pledge of any part of the net proceeds the district receives from a specified portion of not more than one-half of the district's maximum sales and use tax amount authorized at an election held under Section 3943.0602.

(c) Sections 375.207 and 375.208, Local Government Code, do not apply to bonds issued under this section.

SUBCHAPTER F. SALES AND USE TAX

Sec. 3943.0601. SALES AND USE TAX. (a) For purposes of this section:

- (1) "Taxable items" includes all items subject to a sales and use tax that is imposed by the county.

(2) "Use," with respect to a taxable service, means the derivation in the district of a direct or indirect benefit from the service.

(b) The district may impose a sales and use tax if authorized by a majority vote at an election held for that purpose.

(c) If the district adopts a sales and use tax:

(1) the tax is imposed on the receipts from the sale at retail of taxable items in the district; and

(2) a use tax is imposed on the use, storage, or other consumption in the district of taxable items purchased or rented from a retailer during the period in which the sales and use tax is effective in the district.

(d) The rate of the use tax is the same as the rate of the sales tax portion of the tax applied to the sales price of the taxable items and is included in the sales tax.

(e) The district may not adopt a sales and use tax if as a result of the adoption of the tax the combined rate of all sales and use taxes imposed by the district and other political subdivisions of this state having territory in the district would exceed two percent at any location in the district.

Sec. 3943.0602. TAX ELECTION PROCEDURES. (a) The board may order an election to adopt, change the rate of, or abolish a sales and use tax. The election may be held at the same time and in conjunction with a directors' election.

(b) The election must be held on the first uniform election date that occurs after the time required by Section 3.005, Election Code.

(c) Notice of the election shall be given and the election shall be held in the manner prescribed for a bond election by Subchapter D, Chapter 49, Water Code.

Sec. 3943.0603. BALLOT WORDING. (a) In an election to adopt a sales and use tax, the ballot shall be prepared to permit voting for or against the proposition: "The adoption of a local sales and use tax by the Channelview Improvement District at the rate of (proposed tax rate)."

(b) In an election to change the rate of the sales and use tax, the ballot shall be prepared to permit voting for or against the proposition: "The (increase or decrease, as applicable) in the rate of the local sales and use tax imposed by the Channelview Improvement District from (tax rate on election date) percent to (proposed tax rate) percent."

(c) In an election to abolish the sales and use tax, the ballot shall be prepared to permit voting for or against the proposition: "The abolition of the local sales and use tax imposed by the Channelview Improvement District."

Sec. 3943.0604. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) Chapter 323, Tax Code, governs the imposition, computation, administration, enforcement, and collection of the sales and use tax authorized by this subchapter except to the extent Chapter 323, Tax Code, is inconsistent with this chapter.

(b) A reference in Chapter 323, Tax Code, to a county or the commissioners court of a county is a reference to the district or the board, respectively, for the purposes of this chapter.

(c) Nothing in this chapter alters, increases, decreases, or affects a sales and use tax imposed by a political subdivision other than the district.

Sec. 3943.0605. TAX RATES. The district may impose the sales and use tax in increments of one-eighth of one percent, with a minimum tax of one-half percent and a maximum tax of one percent.

Sec. 3943.0606. ABOLITION OF TAX. The board by order and without an election may abolish the sales and use tax imposed by the district.

Sec. 3943.0607. USE OF TAXES. The district may use the proceeds from the sales and use tax only for the purposes for which the district was created.

Sec. 3943.0608. EFFECTIVE DATE OF TAX OR TAX CHANGE. The adoption of a tax rate or a change in the tax rate takes effect after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives a notice of the results of the election.

SUBCHAPTER I. DISSOLUTION

Sec. 3943.0901. DISSOLUTION BY BOARD ORDER. The board by order may dissolve the district at any time unless the district has outstanding indebtedness or contractual obligations, as provided by Section 375.264, Local Government Code.

Sec. 3943.0902. DISSOLUTION BY ELECTION. (a) The board by order shall dissolve the district if a majority of the voters of the district voting at an election called for that purpose vote to dissolve the district.

(b) After the date the district is dissolved under this section, the district may not impose taxes.

(c) If on the date the district is dissolved the district has outstanding liabilities, the board shall, not later than the 30th day after the date of dissolution, adopt a resolution certifying each outstanding liability. The county shall assume the outstanding liabilities and shall collect the sales and use tax for the district for the remainder of the calendar year. The county may continue to collect the tax for an additional calendar year if the commissioners court of the county finds that the tax revenue is needed to retire the district liabilities that were assumed by the county.

(d) The district may continue to operate for a period not to exceed two months after performing its duties under Subsection (c). The district is continued in effect for the purpose of performing those duties.

(e) If the district is continued in effect under Subsection (d), the district is dissolved entirely on the first day of the month following the month in which the board certifies to the secretary of state that the district has fully performed its duties under Subsection (c).

(f) Section 375.264, Local Government Code, does not apply to the dissolution of the district if the voters of the district vote to dissolve the district under this section.

Sec. 3943.0903. DISSOLUTION BY PETITION. Except as limited by Section 375.264, Local Government Code, the board shall dissolve the district on written petition filed with the board by the owners of:

(1) 66 percent or more of the assessed value of the property subject to assessment by the district based on the most recent certified county property tax rolls;
or

(2) 66 percent or more of the surface area of the district, excluding roads, streets, highways, utility rights-of-way, other public areas, and other property exempt from assessment by the district according to the most recent certified county property tax rolls.

Sec. 3943.0904. ADMINISTRATION OF DISTRICT PROPERTY FOLLOWING DISSOLUTION. (a) After the date the board orders the dissolution of the district, the board shall transfer ownership of all district property to the county, except as provided by Subsection (b).

(b) If, on the date on which the board orders the dissolution, more than 50 percent of the district territory is in a municipality, the board shall transfer ownership of the district's property to the municipality.

Sec. 3943.0905. APPLICABILITY OF OTHER LAW. Sections 375.261 and 375.262, Local Government Code, do not apply to the district.

SECTION 2. The Channelview Improvement District initially includes all the territory contained in the following area:

BEGINNING at the centerline intersection of the East Sam Houston Parkway ("Beltway 8") with the centerline of Wallisville Road, approximately 2 1/2 miles north of Interstate 10 ("East Freeway"), along said "Beltway 8";

THENCE, in a Northeasterly direction, along the centerline of said Wallisville Road, to the intersection of said Wallisville Road with the west bank of the San Jacinto River;

THENCE, in a Southerly direction, along the westerly bank of the said San Jacinto River; inclusive of the body of water known as Bear Lake, to the intersection of the U.P.S. Railroad and the southerly bank of a body of water known as Whites Lake;

THENCE, in an Easterly direction, along the southerly bank of said Whites Lake, to the intersection of said Whites Lake, also being the northerly Right-of-Way line of said Interstate 10 with the westerly bank of the said San Jacinto River;

THENCE, in a Southwesterly direction, along the westerly bank of the said San Jacinto River, crossing the northerly outlet of Old River to the intersection of the northerly City of Houston, City Limit Line;

THENCE, in a Southwesterly direction, with a curve to the left, along said northerly City Limit Line crossing the southerly outlet of Old River to the southerly bank of said Old River;

THENCE, in an Easterly direction with the southerly bank of said Old River and with the said northerly City Limit Line to the west bank of the Houston Ship Channel;

THENCE, in a Southwesterly direction with the northwesterly bank of said Houston Ship Channel and with the northwesterly City Limit Line to an angle point in said City Limit Line northeasterly of the outlet of Carpenters Bayou/Barge Channel;

THENCE, in a Northwesterly direction leaving said Houston Ship Channel with the northeasterly City Limit Line to an angle point of said City Limit Line;

THENCE, in a Southwesterly direction with the northwesterly City Limit Line, being a line parallel to and located approximately 2,500 feet from the centerline of the said Houston Ship Channel, crossing said Carpenters Bayou/Barge Channel to an angle point in said City Limit Line;

THENCE, in a Southeasterly direction with the southwesterly City Limit Line to the westerly bank of the said Houston Ship Channel;

THENCE, in a Southwesterly direction with the northwesterly bank of said Houston Ship Channel with the northwesterly City Limit Line to an angle point of said City Limit Line located near the outlet of the Jacinto Port Slip;

THENCE, in a Northwesterly direction leaving said Houston Ship Channel with the northeasterly City Limit Line to an angle point of said City Limit Line;

THENCE, in a Southwesterly direction with northwesterly City Limit Line, being a line parallel to and located approximately 2,500 feet from the centerline of said Houston Ship Channel, crossing said Jacinto Port Slip to an angle point in said City Limit Line;

THENCE, in a Southeasterly direction with southwesterly City Limit Line to the westerly bank of the said Houston Ship Channel;

THENCE, in a Southeasterly direction with the northerly City Limit Line and generally with the Northerly bank of said Houston Ship Channel, crossing said "Beltway 8" to the intersection of the northerly bank of the said Houston Ship Channel with the extension of the centerline of Penn City Road;

THENCE, in a Northerly direction, along the said centerline extension of said Penn City Road, to the common intersection of Penn City Road, "Beltway 8" and Interstate 10 for corner;

THENCE, in a Northerly direction, along the centerline of said "Beltway 8", approximately 2 1/2 miles to the POINT OF BEGINNING. Save and except for any portion hereof that is included in the municipal or corporate boundaries of the City of Houston.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. If the creation of the district is not confirmed at a confirmation election held under Section 1 of this Act before September 1, 2023, this Act and Chapter 3943, Special District Local Laws Code, as added by this Act, expire on that date.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator Alvarado moved to concur in the House amendment to **SB 1835**.

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

SENATE BILL 493 WITH HOUSE AMENDMENT

Senator Alvarado called **SB 493** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1 on Third Reading

Amend **SB 493** on third reading in SECTION 1 of the bill as follows:

(1) Strike added Section 2306.6711(f-1)(1)(A), Government Code, and substitute the following:

(A) a municipality with a population of two million or more; and

(2) In added Section 2306.6711(f-1)(2), Government Code, strike "or, if located outside a municipality, the county containing the development".

The amendment was read.

Senator Alvarado moved to concur in the House amendment to **SB 493**.

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

SENATE BILL 362 WITH HOUSE AMENDMENT

Senator Huffman called **SB 362** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 362** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to court-ordered mental health services.

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

SECTION 1. Section 137.008(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A physician or other health care provider may subject the principal to mental health treatment in a manner contrary to the principal's wishes as expressed in a declaration for mental health treatment only:

(1) if the principal is under an order for temporary or extended mental health services under Section 574.034, 574.0345, ~~574.035~~, or 574.0355, Health and Safety Code, and treatment is authorized in compliance with Section 574.106, Health and Safety Code; or

(2) in case of an emergency when the principal's instructions have not been effective in reducing the severity of the behavior that has caused the emergency.

SECTION 2. Article 16.22, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b-1) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032 if the defendant is being held in custody;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B ~~[or other proceedings affecting the defendant's receipt of appropriate court ordered mental health or intellectual disability services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code]~~;

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision; ~~[e#]~~

(4) refer the defendant to an appropriate specialty court established or operated under Subtitle K, Title 2, Government Code; or

(5) if the offense charged does not involve an act, attempt, or threat of serious bodily injury to another person, release the defendant on bail while charges against the defendant remain pending and enter an order transferring the defendant to the appropriate court for court-ordered outpatient mental health services under Chapter 574, Health and Safety Code.

(c-1) If an order is entered under Subsection (c)(5), an attorney representing the state shall file the application for court-ordered outpatient services under Chapter 574, Health and Safety Code.

(c-2) On the motion of an attorney representing the state, if the court determines the defendant has complied with appropriate court-ordered outpatient treatment, the court may dismiss the charges pending against the defendant and discharge the defendant.

(c-3) On the motion of an attorney representing the state, if the court determines the defendant has failed to comply with appropriate court-ordered outpatient treatment, the court shall proceed under this chapter or with the trial of the offense.

SECTION 3. Section 55.13(d), Family Code, is amended to read as follows:

(d) After conducting a hearing on an application under this section, the juvenile court shall:

(1) if the criteria under Section 574.034 or 574.0345, Health and Safety Code, are satisfied, order temporary mental health services for the child; or

(2) if the criteria under Section 574.035 or 574.0355, Health and Safety Code, are satisfied, order extended mental health services for the child.

SECTION 4. Section 55.38(b), Family Code, is amended to read as follows:

(b) After conducting a hearing under Subsection (a)(2), the juvenile court shall:

(1) if the criteria under Section 574.034 or 574.0345, Health and Safety Code, are satisfied, order temporary mental health services; or

(2) if the criteria under Section 574.035 or 574.0355, Health and Safety Code, are satisfied, order extended mental health services.

SECTION 5. Section 55.57(b), Family Code, is amended to read as follows:

(b) After conducting a hearing under Subsection (a)(2), the juvenile court shall:

(1) if the criteria under Section 574.034 or 574.0345, Health and Safety Code, are satisfied, order temporary mental health services; or

(2) if the criteria under Section 574.035 or 574.0355, Health and Safety Code, are satisfied, order extended mental health services.

SECTION 6. Subchapter B, Chapter 22, Government Code, is amended by adding Section 22.1106 to read as follows:

Sec. 22.1106. JUDICIAL INSTRUCTION RELATED TO COURT-ORDERED OUTPATIENT MENTAL HEALTH SERVICES. The court of criminal appeals shall ensure that judicial training related to court-ordered outpatient mental health services is provided at least once every year. The instruction may be provided at the annual Judicial Education Conference.

SECTION 7. Section 501.057(b), Government Code, is amended to read as follows:

(b) Not later than the 30th day before the initial parole eligibility date of an inmate identified as mentally ill, an institutional division psychiatrist shall examine the inmate. The psychiatrist shall file a sworn application for court-ordered temporary mental health services under Chapter 574, Health and Safety Code, if the psychiatrist determines that the inmate is mentally ill and as a result of the illness the inmate meets at least one of the criteria listed in Section 574.034 or 574.0345, Health and Safety Code.

SECTION 8. Section 574.002(c), Health and Safety Code, is amended to read as follows:

(c) Any application must contain the following information according to the applicant's information and belief:

(1) the proposed patient's name and address;

(2) the proposed patient's county of residence in this state;

(3) a statement that the proposed patient is a person with mental illness and meets the criteria in Section 574.034, 574.0345, ~~or~~ 574.035, or 574.0355 for court-ordered mental health services; and

(4) whether the proposed patient is charged with a criminal offense.

SECTION 9. Section 574.031, Health and Safety Code, is amended by adding Subsections (d-1) and (d-2) to read as follows:

(d-1) In a hearing for temporary inpatient or outpatient mental health services under Section 574.034 or 574.0345, the proposed patient or the proposed patient's attorney, by a written document filed with the court, may waive the right to cross-examine witnesses, and, if that right is waived, the court may admit, as evidence, the certificates of medical examination for mental illness. The certificates admitted under this subsection constitute competent medical or psychiatric testimony, and the court may make its findings solely from the certificates. If the proposed patient or the proposed patient's attorney does not waive in writing the right to cross-examine witnesses, the court shall proceed to hear testimony. The testimony must include competent medical or psychiatric testimony.

(d-2) In a hearing for extended inpatient or outpatient mental health services under Section 574.035 or 574.0355, the court may not make its findings solely from the certificates of medical examination for mental illness but shall hear testimony. The

court may not enter an order for extended mental health services unless appropriate findings are made and are supported by testimony taken at the hearing. The testimony must include competent medical or psychiatric testimony.

SECTION 10. The heading to Section 574.034, Health and Safety Code, is amended to read as follows:

Sec. 574.034. ORDER FOR TEMPORARY INPATIENT MENTAL HEALTH SERVICES.

SECTION 11. Sections 574.034(g) and (h), Health and Safety Code, are amended to read as follows:

(g) An order for temporary inpatient [~~or outpatient~~] mental health services shall provide for a period of treatment not to exceed [~~state that treatment is authorized for not longer than~~] 45 days, except that the order may specify a period not to exceed 90 days if the judge finds that the longer period is necessary.

(h) A judge may not issue an order for temporary inpatient [~~or outpatient~~] mental health services for a proposed patient who is charged with a criminal offense that involves an act, attempt, or threat of serious bodily injury to another person.

SECTION 12. Subchapter C, Chapter 574, Health and Safety Code, is amended by adding Section 574.0345 to read as follows:

Sec. 574.0345. ORDER FOR TEMPORARY OUTPATIENT MENTAL HEALTH SERVICES. (a) The judge may order a proposed patient to receive court-ordered temporary outpatient mental health services only if:

(1) the judge finds that appropriate mental health services are available to the proposed patient; and

(2) the judge or jury finds, from clear and convincing evidence, that:

(A) the proposed patient is a person with severe and persistent mental illness;

(B) as a result of the mental illness, the proposed patient will, if not treated, experience deterioration of the ability to function independently to the extent that the proposed patient will be unable to live safely in the community without court-ordered outpatient mental health services;

(C) outpatient mental health services are needed to prevent a relapse that would likely result in serious harm to the proposed patient or others; and

(D) the proposed patient has an inability to participate in outpatient treatment services effectively and voluntarily, demonstrated by:

(i) any of the proposed patient's actions occurring within the two-year period that immediately precedes the hearing; or

(ii) specific characteristics of the proposed patient's clinical condition that significantly impair the proposed patient's ability to make a rational and informed decision whether to submit to voluntary outpatient treatment.

(b) To be clear and convincing under Subsection (a)(2), the evidence must include expert testimony and evidence of a recent overt act or a continuing pattern of behavior that tends to confirm:

(1) the deterioration of ability to function independently to the extent that the proposed patient will be unable to live safely in the community;

(2) the need for outpatient mental health services to prevent a relapse that would likely result in serious harm to the proposed patient or others; and

(3) the proposed patient's inability to participate in outpatient treatment services effectively and voluntarily.

(c) An order for temporary outpatient mental health services shall state that treatment is authorized for not longer than 45 days, except that the order may specify a period not to exceed 90 days if the judge finds that the longer period is necessary.

(d) A judge may not issue an order for temporary outpatient mental health services for a proposed patient who is charged with a criminal offense that involves an act, attempt, or threat of serious bodily injury to another person.

SECTION 13. The heading to Section 574.035, Health and Safety Code, is amended to read as follows:

Sec. 574.035. ORDER FOR EXTENDED INPATIENT MENTAL HEALTH SERVICES.

SECTION 14. Sections 574.035(d), (h), and (i), Health and Safety Code, are amended to read as follows:

(d) The jury or judge is not required to make the finding under Subsection (a)(4) [~~or (b)(2)(F)~~] if the proposed patient has already been subject to an order for extended mental health services.

(h) An order for extended inpatient [~~or outpatient~~] mental health services must provide for a period of treatment not to exceed [shall state that treatment is authorized for not longer than] 12 months. [The order may not specify a shorter period.]

(i) A judge may not issue an order for extended inpatient [~~or outpatient~~] mental health services for a proposed patient who is charged with a criminal offense that involves an act, attempt, or threat of serious bodily injury to another person.

SECTION 15. Subchapter C, Chapter 574, Health and Safety Code, is amended by adding Section 574.0355 to read as follows:

Sec. 574.0355. ORDER FOR EXTENDED OUTPATIENT MENTAL HEALTH SERVICES. (a) The judge may order a proposed patient to receive court-ordered extended outpatient mental health services only if:

(1) the judge finds that appropriate mental health services are available to the proposed patient; and

(2) the judge or jury finds, from clear and convincing evidence, that:

(A) the proposed patient is a person with severe and persistent mental illness;

(B) as a result of the mental illness, the proposed patient will, if not treated, experience deterioration of the ability to function independently to the extent that the proposed patient will be unable to live safely in the community without court-ordered outpatient mental health services;

(C) outpatient mental health services are needed to prevent a relapse that would likely result in serious harm to the proposed patient or others;

(D) the proposed patient has an inability to participate in outpatient treatment services effectively and voluntarily, demonstrated by:

(i) any of the proposed patient's actions occurring within the two-year period that immediately precedes the hearing; or

(ii) specific characteristics of the proposed patient's clinical condition that significantly impair the proposed patient's ability to make a rational and informed decision whether to submit to voluntary outpatient treatment;

(E) the proposed patient's condition is expected to continue for more than 90 days; and

(F) the proposed patient has received:

(i) court-ordered inpatient mental health services under this subtitle or under Subchapter D or E, Chapter 46B, Code of Criminal Procedure, for a total of at least 60 days during the preceding 12 months; or

(ii) court-ordered outpatient mental health services under this subtitle or under Subchapter D or E, Chapter 46B, Code of Criminal Procedure, during the preceding 60 days.

(b) The jury or judge is not required to make the finding under Subsection (a)(2)(F) if the proposed patient has already been subject to an order for extended mental health services.

(c) To be clear and convincing under Subsection (a)(2), the evidence must include expert testimony and evidence of a recent overt act or a continuing pattern of behavior that tends to confirm:

(1) the deterioration of the ability to function independently to the extent that the proposed patient will be unable to live safely in the community;

(2) the need for outpatient mental health services to prevent a relapse that would likely result in serious harm to the proposed patient or others; and

(3) the proposed patient's inability to participate in outpatient treatment services effectively and voluntarily.

(d) An order for extended outpatient mental health services must provide for a period of treatment not to exceed 12 months.

(e) A judge may not issue an order for extended outpatient mental health services for a proposed patient who is charged with a criminal offense that involves an act, attempt, or threat of serious bodily injury to another person.

SECTION 16. Section 574.036(e), Health and Safety Code, is amended to read as follows:

(e) The judge may enter an order:

(1) committing the person to a mental health facility for inpatient care if the trier of fact finds that the person meets the commitment criteria prescribed by Section 574.034(a) or 574.035(a); or

(2) committing the person to outpatient mental health services if the trier of fact finds that the person meets the commitment criteria prescribed by Section 574.0345(a) [~~574.034(b)~~] or 574.0355(a) [~~574.035(b)~~].

SECTION 17. Sections 574.037(a), (b-2), and (c-2), Health and Safety Code, are amended to read as follows:

(a) The court, in an order that directs a patient to participate in outpatient mental health services, shall designate the person identified under Section 574.0125 as responsible for those services or may designate a different person if necessary. The person designated must be the facility administrator or an individual involved in providing court-ordered outpatient services. A person may not be designated as responsible for the ordered services without the person's consent unless the person is the facility administrator of a department facility or the facility administrator of a community center that provides mental health services:

(1) in the region in which the committing court is located; or

(2) in a county where a patient has previously received mental health services.

(b-2) The person responsible for the services shall submit the program to the court before the hearing under Section 574.0345 or 574.0355 [~~574.034 or 574.035~~] or before the court modifies an order under Section 574.061, as appropriate.

(c-2) A court may [~~on its own motion,~~] set a status conference in accordance with Section 574.0665 [~~with the person responsible for the services, the patient, and the patient's attorney~~].

SECTION 18. Sections 574.061(a), (b), (c), (d), (e), and (h), Health and Safety Code, are amended to read as follows:

(a) The facility administrator of a facility to which a patient is committed for inpatient mental health services, not later than the 30th day after the date the patient is committed to the facility, shall assess the appropriateness of transferring the patient to outpatient mental health services. The facility administrator may recommend that [~~may request~~] the court that entered the commitment order [~~to~~] modify the order to require the patient to participate in outpatient mental health services.

(b) A [~~The~~] facility administrator's recommendation under Subsection (a) [~~request~~] must explain in detail the reason for the recommendation [~~request~~]. The recommendation [~~request~~] must be accompanied by a supporting certificate of medical examination for mental illness signed by a physician who examined the patient during the seven days preceding the recommendation [~~request~~].

(c) The patient shall be given notice of a facility administrator's recommendation under Subsection (a) [~~the request~~].

(d) On request of the patient or any other interested person, the court shall hold a hearing on a facility administrator's recommendation that the court modify the commitment order [~~the request~~]. The court shall appoint an attorney to represent the patient at the hearing and shall consult with the local mental health authority before issuing a decision. The hearing shall be held before the court without a jury and as prescribed by Section 574.031. The patient shall be represented by an attorney and receive proper notice.

(e) If a hearing is not requested, the court may make a [~~the~~] decision regarding a facility administrator's recommendation based on:

(1) [~~solely from~~] the recommendation;
(2) [~~request and~~] the supporting certificate; and
(3) consultation with the local mental health authority concerning available resources to treat the patient.

(h) A modified order may [~~not~~] extend beyond the term of the original order, but may not exceed the term of the original order by more than 60 days.

SECTION 19. Subchapter E, Chapter 574, Health and Safety Code, is amended by adding Section 574.0665 to read as follows:

Sec. 574.0665. STATUS CONFERENCE. A court on its own motion may set a status conference with the patient, the patient's attorney, and the person designated to be responsible for the patient's court-ordered outpatient services under Section 574.037.

SECTION 20. Section 574.069(e), Health and Safety Code, is amended to read as follows:

(e) The court shall dismiss the request if the court finds from clear and convincing evidence that the patient continues to meet the criteria for court-ordered extended mental health services prescribed by Section 574.035 or 574.0355.

SECTION 21. Section 574.081, Health and Safety Code, is amended by amending Subsections (b) and (c) and adding Subsections (a-1), (c-1), and (c-2) to read as follows:

(a-1) Subject to available resources, Subsections (a), (b), (c), (c-1), and (c-2) apply to a patient scheduled to be furloughed or discharged from:

(1) a state hospital; or

(2) any psychiatric inpatient bed funded under a contract with the Health and Human Services Commission or operated by or funded under a contract with a local mental health authority or a behavioral mental health authority.

(b) The physician shall prepare the plan as prescribed by Health and Human Services Commission [department] rules and shall consult the patient and the local mental health authority in the area in which the patient will reside before preparing the plan. The local mental health authority shall be informed of and must participate in planning the discharge of a patient [is not required to participate in preparing a plan for a patient furloughed or discharged from a private mental health facility].

(c) The plan must address the patient's mental health and physical needs, including, if appropriate:

(1) the need for outpatient mental health services following furlough or discharge; and

(2) the need for sufficient psychoactive medication on furlough or discharge to last until the patient can see a physician[~~and~~

[~~(2) the person or entity that is responsible for providing and paying for the medication].~~

(c-1) Except as otherwise specified in the plan and subject to available funding provided to the Health and Human Services Commission and paid to a private mental health facility for this purpose, a private mental health facility is responsible for providing or paying for psychoactive medication and any other medication prescribed to the patient to counteract adverse side effects of psychoactive medication on furlough or discharge sufficient to last until the patient can see a physician.

(c-2) The Health and Human Services Commission shall adopt rules to determine the quantity and manner of providing psychoactive medication, as required by this section. The executive commissioner may not adopt rules requiring a mental health facility to provide or pay for psychoactive medication for more than seven days after furlough or discharge.

SECTION 22. Sections 574.104(a), (b), and (d), Health and Safety Code, are amended to read as follows:

(a) A physician who is treating a patient may, on behalf of the state, file an application in a probate court or a court with probate jurisdiction for an order to authorize the administration of a psychoactive medication regardless of the patient's refusal if:

(1) the physician believes that the patient lacks the capacity to make a decision regarding the administration of the psychoactive medication;

(2) the physician determines that the medication is the proper course of treatment for the patient;

(3) the patient is under an order for inpatient mental health services under this chapter or other law or an application for court-ordered mental health services under Section 574.034, 574.0345, ~~[or]~~ 574.035, or 574.0355 has been filed for the patient; and

(4) the patient, verbally or by other indication, refuses to take the medication voluntarily.

(b) An application filed under this section must state:

(1) that the physician believes that the patient lacks the capacity to make a decision regarding administration of the psychoactive medication and the reasons for that belief;

(2) each medication the physician wants the court to compel the patient to take;

(3) whether an application for court-ordered mental health services under Section 574.034, 574.0345, ~~[or]~~ 574.035, or 574.0355 has been filed;

(4) whether a court order for inpatient mental health services for the patient has been issued and, if so, under what authority it was issued;

(5) the physician's diagnosis of the patient; and

(6) the proposed method for administering the medication and, if the method is not customary, an explanation justifying the departure from the customary methods.

(d) The hearing on the application may be held on the date of a hearing on an application for court-ordered mental health services under Section 574.034, 574.0345, ~~[or]~~ 574.035, or 574.0355 but shall be held not later than 30 days after the filing of the application for the order to authorize psychoactive medication. If the hearing is not held on the same day as the application for court-ordered mental health services under those sections [~~Section 574.034 or 574.035~~] and the patient is transferred to a mental health facility in another county, the court may transfer the application for an order to authorize psychoactive medication to the county where the patient has been transferred.

SECTION 23. Section 574.151, Health and Safety Code, is amended to read as follows:

Sec. 574.151. APPLICABILITY. This subchapter applies only to a person for whom a motion for court-ordered mental health services is filed under Section 574.001, for whom a final order on that motion has not been entered under Section 574.034, 574.0345, ~~[or]~~ 574.035, or 574.0355 and who requests voluntary admission to an inpatient mental health facility:

(1) while the person is receiving at that facility involuntary inpatient services under Subchapter B or under Chapter 573; or

(2) before the 31st day after the date the person was released from that facility under Section 573.023 or 574.028.

SECTION 24. Section 152.00164(b), Human Resources Code, is amended to read as follows:

(b) Before a child who is identified as having a mental illness is discharged from the custody of the juvenile board or local juvenile probation department under Section 152.00163(b), the juvenile board or local juvenile probation department shall arrange for a psychiatrist to examine the child. The juvenile board or local juvenile probation department shall refer a child requiring outpatient psychiatric treatment to the appropriate mental health authority. For a child requiring inpatient psychiatric treatment, the juvenile board or local juvenile probation department shall file a sworn application for court-ordered mental health services, as provided in Subchapter C, Chapter 574, Health and Safety Code, if:

(1) the child is not receiving court-ordered mental health services; and

(2) the psychiatrist who examined the child determines that the child has a mental illness and the child meets at least one of the criteria listed in Section 574.034 or 574.0345, Health and Safety Code.

SECTION 25. Section 244.012(b), Human Resources Code, is amended to read as follows:

(b) Before a child who is identified as mentally ill is discharged from the department's custody under Section 244.011(b), a department psychiatrist shall examine the child. The department shall refer a child requiring outpatient psychiatric treatment to the appropriate mental health authority. For a child requiring inpatient psychiatric treatment, the department shall file a sworn application for court-ordered mental health services, as provided in Subchapter C, Chapter 574, Health and Safety Code, if:

(1) the child is not receiving court-ordered mental health services; and

(2) the psychiatrist who examined the child determines that the child is mentally ill and the child meets at least one of the criteria listed in Section 574.034 or 574.0345, Health and Safety Code.

SECTION 26. The Supreme Court shall:

(1) adopt rules to streamline and promote the efficiency of court processes under Chapter 573, Health and Safety Code; and

(2) adopt rules or implement other measures to create consistency and increase access to the judicial branch for mental health issues.

SECTION 27. The following provisions of the Health and Safety Code are repealed:

(1) Sections 574.034(b), (e), and (f); and

(2) Sections 574.035(b), (f), and (g).

SECTION 28. 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 Health and Human Services Commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 29. The changes in law made by this Act to Chapter 574, Health and Safety Code, apply to a commitment proceeding under that chapter that occurs on or after the effective date of this Act, regardless of whether conduct of a proposed patient being evaluated for that purpose occurred before, on, or after the effective date of this Act.

SECTION 30. The changes in law made by this Act to Article 16.22, Code of Criminal Procedure, and Chapter 574, Health and Safety Code, apply to a proceeding for court-ordered mental health services that occurs on or after the effective date of this Act, regardless of when an offense with which the defendant is charged was committed.

SECTION 31. This Act takes effect September 1, 2019.

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 362**.

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

SENATE BILL 2200 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 2200** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 2200** (house committee report) on page 16, line 24, by striking "(7)(C)" and substituting "(7)(B), (C)".

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 2200**.

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

SENATE BILL 2137 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 2137** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 2137** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 352.002, Tax Code, is amended by adding Subsection (s) to read as follows:

(s) The commissioners court of a county with a population of less than 17,000 that borders the Red River and in which at least two United States highways cross into Oklahoma may impose a tax as provided by Subsection (a).

SECTION _____. Section 352.003, Tax Code, is amended by adding Subsection (x) to read as follows:

(x) The tax rate in a county authorized to impose the tax under Section 352.002(s) may not exceed two percent of the price paid for a room in a hotel.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 2137**.

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, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Hall, Perry.

SENATE BILL 2286 WITH HOUSE AMENDMENT

Senator Fallon called **SB 2286** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 2286** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the creation and operations of health care provider participation programs in certain counties.

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

SECTION 1. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 292C to read as follows:

CHAPTER 292C. COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM IN CERTAIN COUNTIES WITH HOSPITAL DISTRICT BORDERING OKLAHOMA SUBCHAPTER A. GENERAL PROVISIONS

Sec. 292C.001. DEFINITIONS. In this chapter:

(1) "Institutional health care provider" means a nonpublic hospital that provides inpatient hospital services and that is not located within the boundaries of a hospital district.

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

(3) "Program" means the county health care provider participation program authorized by this chapter.

Sec. 292C.002. APPLICABILITY. This chapter applies only to a county that:

(1) contains a hospital district that is not countywide;

(2) has a population of more than 125,000; and

(3) borders Oklahoma.

Sec. 292C.003. COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM. (a) A county health care provider participation program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Money in the fund may be used by the county to fund certain intergovernmental transfers as provided by this chapter.

(b) The commissioners court of a county may adopt an order authorizing the county to participate in the program, subject to the limitations provided by this chapter.

Sec. 292C.004. EXPIRATION. The authority of a county to administer and operate a program under this chapter expires December 31, 2023.

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSIONERS COURT

Sec. 292C.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY PAYMENT. The commissioners court of a county may require a mandatory payment authorized under this chapter by an institutional health care provider in the county only in the manner provided by this chapter.

Sec. 292C.052. MAJORITY VOTE REQUIRED. The commissioners court of a county may not authorize the county to collect a mandatory payment authorized under this chapter without an affirmative vote of a majority of the members of the commissioners court.

Sec. 292C.053. RULES AND PROCEDURES. After the commissioners court of a county has voted to require a mandatory payment authorized under this chapter, the commissioners court may adopt rules relating to the administration of the mandatory payment.

Sec. 292C.054. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING; INSPECTION OF RECORDS. (a) The commissioners court of a county that collects a mandatory payment authorized under this chapter shall require each institutional health care provider located in the county to submit to the county 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.

(b) The commissioners court of a county that collects a mandatory payment authorized under this chapter may inspect the records of an institutional health care provider to the extent necessary to ensure compliance with the requirements of Subsection (a).

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 292C.101. HEARING. (a) Each year, the commissioners court of a county that collects a mandatory payment authorized under this chapter shall hold a public hearing on the amounts of any mandatory payments that the commissioners court intends to require during the year.

(b) Not later than the fifth day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county.

(c) A representative of a paying hospital is entitled to appear at the time and place designated in the public notice and to be heard regarding any matter related to the mandatory payments authorized under this chapter.

Sec. 292C.102. DEPOSITORY. (a) The commissioners court of each county that collects a mandatory payment authorized under this chapter by resolution shall designate one or more banks located in the county as the depository for mandatory payments received by the county.

(b) All income received by a county under this chapter, including the revenue from mandatory payments remaining after discounts and fees for assessing and collecting the payments are deducted, shall be deposited with the county depository in the county's local provider participation fund and may be withdrawn only as provided by this chapter.

(c) All funds under this chapter shall be secured in the manner provided for securing county funds.

Sec. 292C.103. LOCAL PROVIDER PARTICIPATION FUND; AUTHORIZED USES OF MONEY. (a) Each county that collects a mandatory payment authorized under this chapter shall create a local provider participation fund.

(b) The local provider participation fund of a county consists of:

(1) all revenue received by the county attributable to mandatory payments authorized under this chapter, including any penalties and interest attributable to delinquent payments;

(2) money received from the Health and Human Services Commission as a refund of an intergovernmental transfer from the county to the state for the purpose of providing the nonfederal share of Medicaid supplemental payment program payments, 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 may be used only to:

(1) fund intergovernmental transfers from the county to the state to provide:

(A) the nonfederal share of a Medicaid supplemental payment program authorized under the state Medicaid plan, 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), or a successor waiver program authorizing similar Medicaid supplemental payment programs; or

(B) payments to Medicaid managed care organizations that are dedicated for payment to hospitals;

(2) pay the administrative expenses of the county solely for activities under this chapter;

(3) refund a portion of a mandatory payment collected in error from a paying hospital; and

(4) refund to paying hospitals the proportionate share of money received by the county that is not used to fund the nonfederal share of Medicaid supplemental payment program payments.

(d) Money deposited to the local provider participation fund may not be used to pay for the services of a consultant or a person required to register under Chapter 305, Government Code.

(e) Money in the local provider participation fund may not be commingled with other county funds.

(f) An intergovernmental transfer of funds described by Subsection (c)(1) and any funds received by the county as a result of an intergovernmental transfer described by that subsection may not be used by the county or any other entity to

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).

SUBCHAPTER D. MANDATORY PAYMENTS

Sec. 292C.151. MANDATORY PAYMENTS BASED ON PAYING HOSPITAL NET PATIENT REVENUE. (a) Except as provided by Subsection (e), the commissioners court of a county that collects a mandatory payment authorized under this chapter may require an annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the county. The commissioners court 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 determined by the data reported to the Department of State Health Services under Sections 311.032 and 311.033 in the fiscal year ending in 2017 or, if the institutional health care provider did not report any data under those sections in that fiscal year, as determined by the institutional health care provider's Medicare cost report submitted for the 2017 fiscal year or for the closest subsequent fiscal year for which the provider submitted the Medicare cost report. The county shall update the amount of the mandatory payment on an annual basis.

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

(c) The commissioners court of a county that collects a mandatory payment authorized under this chapter shall set the amount of the mandatory payment. The amount of the mandatory payment required of each paying hospital may not exceed six percent of the paying hospital's net patient revenue.

(d) Subject to the maximum amount prescribed by Subsection (c), the commissioners court of a county that collects a mandatory payment authorized under this chapter shall set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the county for activities under this chapter and to fund an intergovernmental transfer described by Section 292C.103(c)(1), except that the amount of revenue from mandatory payments used for administrative expenses of the county for activities under this chapter in a year may not exceed \$20,000, plus the cost of collateralization of deposits. If the county demonstrates to the paying hospitals that the costs of administering the program under this chapter, excluding those costs associated with the collateralization of deposits, exceed \$20,000 in any year, on consent of a majority of the paying hospitals, the county may use additional revenue from mandatory payments received under this chapter to compensate the county for its administrative expenses. A paying hospital may not unreasonably withhold consent to compensate the county for administrative expenses.

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

Sec. 292C.152. ASSESSMENT AND COLLECTION OF MANDATORY PAYMENTS. The county may collect or contract for the assessment and collection of mandatory payments authorized under this chapter.

Sec. 292C.153. INTEREST, PENALTIES, AND DISCOUNTS. Interest, penalties, and discounts on mandatory payments required under this chapter are governed by the law applicable to county ad valorem taxes.

Sec. 292C.154. PURPOSE; CORRECTION OF INVALID PROVISION OR PROCEDURE. (a) The purpose of this chapter is to generate revenue by collecting from institutional health care providers a mandatory payment to be used to provide the nonfederal share of a Medicaid supplemental payment program.

(b) 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 county may provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services.

SECTION 2. As soon as practicable after the expiration of the authority of a county to administer and operate a health care provider participation program under Chapter 292C, Health and Safety Code, as added by this Act, the commissioners court of the county shall transfer to the institutional health care providers in the county a proportionate share of any remaining funds in any local provider participation fund created by the county under Section 292C.103, Health and Safety Code, as added by this Act.

SECTION 3. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator Fallon moved to concur in the House amendment to **SB 2286**.

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

SENATE BILL 1582 WITH HOUSE AMENDMENT

Senator Lucio called **SB 1582** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1 on Third Reading

Amend **SB 1582** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 409.022(d), Labor Code, is amended to read as follows:

(d) In this subsection, the terms "emergency medical technician," "firefighter," and "peace officer" [~~technician" and "firefighter"~~] have the meanings assigned by Section 607.051, Government Code. In addition to the other requirements of this section, if an insurance carrier's notice of refusal to pay benefits under Section 409.021 is sent in response to a claim for compensation resulting from an emergency medical technician's, ~~or~~ a firefighter's, or a peace officer's disability or death for which a presumption is claimed to be applicable under Subchapter B, Chapter 607, Government Code, the notice must include a statement by the carrier that:

(1) explains why the carrier determined a presumption under that subchapter does not apply to the claim for compensation; and

(2) describes the evidence that the carrier reviewed in making the determination described by Subdivision (1).

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 1582**.

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

SENATE BILL 285 WITH HOUSE AMENDMENT

Senator Miles called **SB 285** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 285** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to information, outreach, and other actions regarding hurricane preparedness and mitigation.

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

SECTION 1. Subchapter F, Chapter 418, Government Code, is amended by adding Sections 418.127, 418.128, and 418.129 to read as follows:

Sec. 418.127. HURRICANE PREPAREDNESS. The governor shall issue a proclamation each year before hurricane season instructing:

(1) individuals, including residential and commercial property owners, to prepare their property and communities for the upcoming hurricane season;

(2) state agencies to review and update their hurricane preparedness plans;
and

(3) the following entities, to the extent practicable, to conduct community outreach and education activities on hurricane preparedness between May 25 and May 31 of each year:

(A) municipalities and counties;

(B) the division;

(C) the Texas Education Agency;

(D) the office of the comptroller;

(E) the Texas Department of Insurance; and

(F) the Department of State Health Services.

Sec. 418.128. STATE AGENCY HURRICANE PREPAREDNESS. (a) Not later than the 30th day after the date the governor issues a proclamation under Section 418.127, the governor, in consultation with the division and each appropriate state agency as determined by the governor, shall publish on the office of the governor's Internet website a report on the preparedness of state agencies for hurricane response. The report must include:

(1) a list of each state agency involved in this state's response to a hurricane;

(2) contact information for each state agency in the event of a hurricane, including the name, e-mail address, and telephone number of the officer or employee who manages the state agency's response to a hurricane; and

(3) whether the officer or employee under Subdivision (2) has completed the emergency management training course described by Section 418.005.

(b) Notwithstanding any other law, the governor may, by executive order, take any action necessary to ensure each state agency listed under Subsection (a)(1) is able to respond to a hurricane. An executive order issued under this subsection must be published in the Texas Register and expires on the last day of the first regular session of the legislature to convene after the date the order is issued unless the governor specifies an earlier expiration date in the order.

(c) In this section, "response" includes any activity related to the prevention or discovery of, response to, or recovery from a hurricane.

Sec. 418.129. HOUSING ASSISTANCE INFORMATION. The General Land Office shall conduct a public information campaign each year before and during hurricane season to provide local officials and the public with information regarding housing assistance that may be available under state and federal law in the event of a major hurricane or flooding event, including information about types of assistance unavailable under that law.

SECTION 2. This Act takes effect September 1, 2019.

The amendment was read.

Senator Miles moved to concur in the House amendment to **SB 285**.

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

SENATE BILL 300 WITH HOUSE AMENDMENT

Senator Miles called **SB 300** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 300** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to indefinite quantity contracts for the provision of certain services to declared disaster areas following a natural disaster.

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

SECTION 1. Subchapter C, Chapter 31, Natural Resources Code, is amended by adding Section 31.069 to read as follows:

Sec. 31.069. INDEFINITE QUANTITY CONTRACTS FOR SERVICES AFTER DECLARED NATURAL DISASTER. (a) The land office shall enter into indefinite quantity contracts with vendors to provide information management services, construction services, including engineering services, and other services the land office determines may be necessary to construct, repair, or rebuild property or infrastructure in the event of a natural disaster.

(b) A contract entered into under Subsection (a) may not expire after May 1 of a calendar year. The terms of a contract under Subsection (a) must:

(1) provide that the contract is contingent on:

(A) the availability of funds;

(B) the occurrence of a natural disaster not later than 48 months after the effective date of the contract; and

(C) delivery of the services to an area of this state declared by the governor or president of the United States under law to be a disaster area as a result of the natural disaster; and

(2) have a term of four years.

(c) The land office shall ensure that it has contracts in place under this section with vendors to provide the services described by Subsection (a) that take effect immediately on the expiration of a contract under this section.

(d) A contract under this section may be funded by multiple sources including local, state, and federal agencies and the disaster contingency fund established under Section 418.073, Government Code.

(e) If the land office determines that federal funds may be used for a contract under Subsection (a), the land office shall ensure that the contract complies with the requirements of the Federal Acquisition Regulation (48 C.F.R. Chapter 1), or a successor regulation.

(f) In awarding a contract under this section, the land office shall consider and apply any applicable state law and rules of the land office relating to contracting with historically underutilized businesses.

(g) If on September 1, 2019, the land office has indefinite quantity contracts with vendors for the provision of the types of services specified by Subsection (a), the land office is not required to enter into new indefinite quantity contracts that meet the requirements of this section until those existing contracts expire. This subsection expires September 1, 2023.

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

SECTION 2. Except as provided by Section 31.069(g), Natural Resources Code, as added by this Act, the General Land Office shall enter into indefinite quantity contracts required by Section 31.069, Natural Resources Code, as added by this Act, not later than May 1, 2020.

SECTION 3. This Act takes effect September 1, 2019.

The amendment was read.

Senator Miles moved to concur in the House amendment to **SB 300**.

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

SENATE BILL 1510 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 1510** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 1510** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the apportionment of infrastructure costs in regard to certain property development projects.

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

SECTION 1. Section 212.904(a), Local Government Code, is amended to read as follows:

(a) If a municipality requires, including under an agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality. The municipality's determination shall be completed within thirty days following the submission of the developer's application for determination under this subsection.

SECTION 2. Subchapter E, Chapter 232, Local Government Code, is amended by adding Section 232.110 to read as follows:

Sec. 232.110. APPORTIONMENT OF COUNTY INFRASTRUCTURE COSTS. (a) If, under any authority expressly authorized by this chapter, a county requires, including under an agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of county infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the county. The county's determination shall be completed within thirty days following the submission of the developer's application for determination under this subsection.

(b) A developer who disputes the determination made under Subsection (a) may appeal to the commissioners court of the county. At the appeal, the developer may present evidence and testimony under procedures adopted by the commissioners court. After hearing any testimony and reviewing the evidence, the commissioners court shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.

(c) A developer may appeal the determination of the commissioners court to a county or district court of the county in which the development project is located within 30 days of the final determination by the commissioners court.

(d) A county may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

(e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.

(f) This section does not diminish the authority or modify the procedures specified by Chapter 395.

(g) This section does not increase or expand, and shall not be interpreted to increase or expand, the authority of a county to regulate plats or subdivisions under this chapter.

SECTION 3. The change in law made by this Act applies to the approval of a development project that is not finally adjudicated before the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 1510**.

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

SENATE BILL 700 WITH HOUSE AMENDMENT

Senator Nichols called **SB 700** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 700** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 5.501(c), Water Code, is amended to read as follows:

(c) The commission by order or rule may delegate to the executive director the authority to:

(1) receive applications and issue emergency orders under this subchapter and Section 13.041(h); and

(2) authorize, in writing, a representative or representatives to act on the executive director's behalf under this subchapter and Section 13.041(h).

The amendment was read.

Senator Nichols moved to concur in the House amendment to **SB 700**.

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

SENATE BILL 1575 WITH HOUSE AMENDMENT

Senator Alvarado called **SB 1575** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 1575** (house committee printing) as follows:

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

(2) On page 1, between lines 23 and 24, insert the following:

(2) is not for nonresidential engineering, architectural, or construction services or goods related to those services; and

(3) On page 1, line 24, strike "(2)" and substitute "(3)".

The amendment was read.

Senator Alvarado moved to concur in the House amendment to **SB 1575**.

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

SENATE JOINT RESOLUTION 24 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SJR 24** from the President's table for consideration of the House amendment to the resolution.

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

Floor Amendment No. 1

Amend **SJR 24** (house committee printing) as follows:

(1) On page 1, line 8, strike "For" and substitute "Subject to Subsection (b) of this section, for".

(2) On page 1, between lines 17 and 18, insert the following:

(b) The legislature by adoption of a resolution approved by a record vote of two-thirds of the members of each house of the legislature may direct the comptroller of public accounts to reduce the amount of money appropriated to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, under Subsection (a) of this section. The comptroller may be directed to make that reduction only:

(1) in the state fiscal year in which the resolution is adopted, or in either of the following two state fiscal years; and

(2) by an amount that does not result in a reduction of more than 50 percent of the amount that would otherwise be appropriated to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, in the affected state fiscal year under Subsection (a) of this section.

(c) Money appropriated to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, under Subsection (a) of this section may not be considered available for certification by the comptroller of public accounts under Section 49a(b), Article III, of this constitution.

(3) On page 1, line 18, strike "(b)" and substitute "(d)".

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SJR 24**.

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

Nays: Zaffirini.

(Senator Flores in Chair)

SENATE BILL 475 WITH HOUSE AMENDMENT

Senator Hancock called **SB 475** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 475** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to an advisory body on the security of the electric grid.

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

SECTION 1. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.917 to read as follows:

Sec. 39.917. TEXAS ELECTRIC GRID SECURITY COUNCIL. (a) The legislature finds that there is a public interest in mitigating the risk of cyber and physical attacks that may affect the reliability of electric systems operating in Texas. The Texas Electric Grid Security Council is established as an advisory body to facilitate the creation, aggregation, coordination, and dissemination of best security practices for the electric industry, including the generation, transmission, and delivery of electricity.

(b) The Texas Electric Grid Security Council is composed of:

(1) the commissioner designated as presiding officer of the commission under Section 12.052 or a representative designated by the commissioner;

(2) the chief executive officer of the independent organization certified under Section 39.151 for the ERCOT power region or a representative designated by the chief executive officer; and

(3) the governor or a representative designated by the governor.

(c) The member of the council designated by Subsection (b)(1) shall serve as presiding officer.

(d) The council shall convene at the call of the presiding officer.

(e) A member of the council is not entitled to compensation. Members are entitled to reimbursement for travel and other necessary expenses related to the activities of the council as provided by the General Appropriations Act.

(f) A member of the council may apply for a secret security clearance or an interim security clearance granted by the United States government. A member of the council may not access classified information or participate in a briefing or meeting involving classified information unless the member has a secret security clearance.

(g) The independent organization certified under Section 39.151 shall:

(1) provide information and resources requested by the council; and

(2) maintain nonclassified information obtained or created by the council, provide members of the council with access to the information, and retain the information for five years after the date that the council obtains or creates the information.

(h) In carrying out its functions, the council may consult and coordinate with:

- (1) the Texas Division of Emergency Management;
- (2) the United States Department of Energy;
- (3) the United States Department of Homeland Security;
- (4) the North American Electric Reliability Corporation;
- (5) the Texas Reliability Entity;
- (6) federal and state agencies;
- (7) members of the electric industry; and
- (8) grid security experts.

(i) On a request by the governor, the lieutenant governor, the chair of the house of representatives committee having jurisdiction over energy utility regulation, or the chair of the senate committee having jurisdiction over energy utility regulation, the council shall issue to the requestor recommendations regarding:

(1) the development of educational programs or marketing materials to promote the development of a grid security workforce;

(2) the development of grid security best practices;

(3) preparation for events that threaten grid security; and

(4) amendments to the state emergency management plan to ensure coordinated and adaptable response and recovery efforts after events that threaten grid security.

(j) The council may prepare a report outlining grid security response efforts that do not involve classified or highly sensitive, company-specific information. If the council prepares the report, the council shall deliver the report to the governor, lieutenant governor, and legislature on or before the December 1 immediately preceding a regular session of the legislature.

(k) The meetings of the council and information obtained or created by the council are not subject to the requirements of Chapter 551 or 552, Government Code.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 475**.

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

SENATE BILL 936 WITH HOUSE AMENDMENT

Senator Hancock called **SB 936** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 936** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to a cybersecurity monitor for certain electric utilities.

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

SECTION 1. Subchapter E, Chapter 36, Utilities Code, is amended by adding Section 36.213 to read as follows:

Sec. 36.213. ADJUSTMENT FOR CYBERSECURITY MONITOR COSTS FOR CERTAIN UTILITIES. (a) This section does not apply to an electric utility that operates solely outside of ERCOT and has not elected to participate in the cybersecurity monitor program under Section 39.1516.

(b) The commission, on its own motion or on the petition of an electric utility, shall allow the electric utility to recover reasonable and necessary costs incurred in connection with activities under Section 39.1516.

SECTION 2. Section 39.002, Utilities Code, is amended to read as follows:

Sec. 39.002. APPLICABILITY. This chapter, other than Sections 39.1516, 39.155, 39.157(e), 39.203, ~~39.903,~~ 39.904, 39.9051, 39.9052, and 39.914(e), does not apply to a municipally owned utility or an electric cooperative. Sections 39.157(e), 39.203, and 39.904, however, apply only to a municipally owned utility or an electric cooperative that is offering customer choice. If there is a conflict between the specific provisions of this chapter and any other provisions of this title, except for Chapters 40 and 41, the provisions of this chapter control.

SECTION 3. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.1516 to read as follows:

Sec. 39.1516. CYBERSECURITY MONITOR. (a) In this section, "monitored utility" means:

(1) a transmission and distribution utility;
(2) a corporation described in Section 32.053;
(3) a municipally owned utility or electric cooperative that owns or operates equipment or facilities in the ERCOT power region to transmit electricity at 60 or more kilovolts; or

(4) an electric utility, municipally owned utility, or electric cooperative that operates solely outside the ERCOT power region that has elected to participate under Subsection (d).

(b) The commission and the independent organization certified under Section 39.151 shall contract with an entity selected by the commission to act as the commission's cybersecurity monitor to:

(1) manage a comprehensive cybersecurity outreach program for monitored utilities;

(2) meet regularly with monitored utilities to discuss emerging threats, best business practices, and training opportunities;

(3) review self-assessments voluntarily disclosed by monitored utilities of cybersecurity efforts;

(4) research and develop best business practices regarding cybersecurity;
and

(5) report to the commission on monitored utility cybersecurity preparedness.

(c) The independent organization certified under Section 39.151 shall provide to the cybersecurity monitor any access, information, support, and cooperation that the commission determines is necessary for the monitor to perform the functions described by Subsection (b). The independent organization shall use funds from the fee authorized by Section 39.151(e) to pay for the cybersecurity monitor's activities.

(d) An electric utility, municipally owned utility, or electric cooperative that operates solely outside the ERCOT power region may elect to participate in the cybersecurity monitor program or to discontinue participation. The commission shall adopt rules establishing:

(1) procedures for an electric utility, municipally owned utility, or electric cooperative to notify the commission, the independent organization certified under Section 39.151, and the cybersecurity monitor that the utility or cooperative elects to participate or to discontinue participation; and

(2) a mechanism to require an electric utility, municipally owned utility, or electric cooperative that elects to participate to contribute to the costs incurred by the independent organization under this section.

(e) The cybersecurity monitor shall operate under the supervision and oversight of the commission.

(f) The commission shall adopt rules as necessary to implement this section and may enforce the provisions of this section in the manner provided by this title. This section does not grant enforcement authority to the cybersecurity monitor or authorize the commission to delegate the commission's enforcement authority to the cybersecurity monitor. This section does not grant enforcement authority to the commission beyond authority explicitly provided for in this title.

(g) The staff of the cybersecurity monitor may communicate with commission staff about any cybersecurity information without restriction. Commission staff shall maintain the confidentiality of the cybersecurity information. Notwithstanding any other law, commission staff may not disclose information obtained under this section in an open meeting or through a response to a public information request.

(h) Information written, produced, collected, assembled, or maintained under Subsection (b), (c), or (g) is confidential and not subject to disclosure under Chapter 552, Government Code. A governmental body is not required to conduct an open meeting under Chapter 551, Government Code, to deliberate a matter described by Subsection (b), (c), or (g).

SECTION 4. Section 39.402(a), Utilities Code, is amended to read as follows:

(a) Until the date on which an electric utility subject to this subchapter is authorized by the commission to implement customer choice, the rates of the utility shall be regulated under traditional cost of service regulation and the utility is subject to all applicable regulatory authority prescribed by this subtitle and Subtitle A, including Chapters 14, 32, 33, 36, and 37. Until the date on which an electric utility subject to this subchapter implements customer choice, the provisions of this chapter, other than this subchapter, Sections 39.1516, 39.904, and 39.905, and the provisions relating to the duty to obtain a permit from the Texas Commission on Environmental Quality for an electric generating facility and to reduce emissions from an electric

generating facility, shall not apply to that utility. That portion of any commission order entered before September 1, 2001, to comply with this subchapter shall be null and void.

SECTION 5. Section 39.452(d), Utilities Code, is amended to read as follows:

(d) Until the date on which an electric utility subject to this subchapter implements customer choice:

(1) the provisions of this chapter do not apply to that electric utility, other than this subchapter, Sections 39.1516, 39.904, and 39.905, the provisions relating to the duty to obtain a permit from the Texas Commission on Environmental Quality for an electric generating facility and to reduce emissions from an electric generating facility, and the provisions of Subchapter G that pertain to the recovery and securitization of hurricane reconstruction costs authorized by Sections 39.458-39.463; and

(2) the electric utility is not subject to a rate freeze and, subject to the limitation provided by Subsection (b), may file for rate changes under Chapter 36 and for approval of one or more of the rate rider mechanisms authorized by Sections 39.454 and 39.455.

SECTION 6. Section 39.502(b), Utilities Code, is amended to read as follows:

(b) Until the date on which an electric utility subject to this subchapter implements customer choice, the provisions of this chapter, other than this subchapter and Sections 39.1516, 39.904, and 39.905, do not apply to that utility.

SECTION 7. Section 39.552(b), Utilities Code, is amended to read as follows:

(b) Until the date on which an electric utility subject to this subchapter implements customer choice, the provisions of this chapter, other than this subchapter and Sections 39.1516, 39.904, and 39.905, do not apply to that utility.

SECTION 8. Section 40.001(b), Utilities Code, is amended to read as follows:

(b) Except as specifically provided in this subsection, Chapter 39 does not apply to a river authority operating a steam generating plant on or before January 1, 1999, or a corporation authorized by Chapter 152, Water Code, or Section 32.053. A river authority operating a steam generating plant on or before January 1, 1999, is subject to Sections 39.051(a)-(c), 39.108, 39.1516, 39.155, 39.157(e), and 39.203.

SECTION 9. Section 40.004, Utilities Code, is amended to read as follows:

Sec. 40.004. JURISDICTION OF COMMISSION. Except as specifically otherwise provided in this chapter, the commission has jurisdiction over municipally owned utilities only for the following purposes:

(1) to regulate wholesale transmission rates and service, including terms of access, to the extent provided by Subchapter A, Chapter 35;

(2) to regulate certification of retail service areas to the extent provided by Chapter 37;

(3) to regulate rates on appeal under Subchapters D and E, Chapter 33, subject to Section 40.051(c);

(4) to establish a code of conduct as provided by Section 39.157(e) applicable to anticompetitive activities and to affiliate activities limited to structurally unbundled affiliates of municipally owned utilities, subject to Section 40.054;

(5) to establish terms and conditions for open access to transmission and distribution facilities for municipally owned utilities providing customer choice, as provided by Section 39.203;

(6) ~~[to require collection of the nonbypassable fee established under Section 39.903(b) and]~~ to administer the renewable energy credits program under Section 39.904(b) and the natural gas energy credits program under Section 39.9044(b); ~~[and]~~

(7) to require reports of municipally owned utility operations only to the extent necessary to:

(A) enable the commission to determine the aggregate load and energy requirements of the state and the resources available to serve that load; or

(B) enable the commission to determine information relating to market power as provided by Section 39.155; and

(8) to evaluate and monitor the cybersecurity preparedness of a municipally owned utility described by Section 39.1516(a)(3) or (4).

SECTION 10. Section 41.004, Utilities Code, is amended to read as follows:

Sec. 41.004. JURISDICTION OF COMMISSION. Except as specifically provided otherwise in this chapter, the commission has jurisdiction over electric cooperatives only as follows:

(1) to regulate wholesale transmission rates and service, including terms of access, to the extent provided in Subchapter A, Chapter 35;

(2) to regulate certification to the extent provided in Chapter 37;

(3) to establish a code of conduct as provided in Section 39.157(e) subject to Section 41.054;

(4) to establish terms and conditions, but not rates, for open access to distribution facilities for electric cooperatives providing customer choice, as provided in Section 39.203; ~~[and]~~

(5) to require reports of electric cooperative operations only to the extent necessary to:

(A) ensure the public safety;

(B) enable the commission to satisfy its responsibilities relating to electric cooperatives under this chapter;

(C) enable the commission to determine the aggregate electric load and energy requirements in the state and the resources available to serve that load; or

(D) enable the commission to determine information relating to market power as provided in Section 39.155; and

(6) to evaluate and monitor the cybersecurity preparedness of an electric cooperative described by Section 39.1516(a)(3) or (4).

SECTION 11. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 12. This Act takes effect September 1, 2019.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 936**.

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

SENATE BILL 969 WITH HOUSE AMENDMENT

Senator Hancock called **SB 969** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 969** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the operation of personal delivery and mobile carrying devices.

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

SECTION 1. Section 502.001(26), Transportation Code, is amended to read as follows:

(26) "Motorized mobility device" has the meaning assigned by Section 552A.0101 [~~542.009~~].

SECTION 2. Subtitle C, Title 7, Transportation Code, is amended by adding Chapter 552A to read as follows:

CHAPTER 552A. DEVICES SUBJECT TO PEDESTRIAN LAWS
SUBCHAPTER A. PERSONAL DELIVERY AND MOBILE CARRYING
DEVICES

Sec. 552A.0001. DEFINITIONS. In this subchapter:

(1) "Agent" has the meaning assigned by Section 7.21, Penal Code.
(2) "Business entity" means a legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit.

(3) "Mobile carrying device" means a device that:
(A) transports cargo while remaining within 25 feet of a human operator; and
(B) is equipped with technology that allows the operator to actively monitor the device.

(4) "Pedestrian area" includes a sidewalk, crosswalk, school crosswalk, school crossing zone, or safety zone.

(5) "Personal delivery device" means a device that:
(A) is manufactured primarily for transporting cargo in a pedestrian area or on the side or shoulder of a highway; and
(B) is equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a human.

Sec. 552A.0002. APPLICABLE LAW. (a) The operation of a personal delivery or mobile carrying device in a pedestrian area or on the side or shoulder of a highway is governed exclusively by:

(1) this subchapter; and
(2) any applicable regulations adopted by a local authority that are not inconsistent with this subchapter, as authorized under Section 552A.0009.

(b) For the purposes of this title, including Section 545.422, a personal delivery or mobile carrying device operated in compliance with this subchapter is not considered to be a vehicle.

Sec. 552A.0003. OPERATOR OF PERSONAL DELIVERY DEVICE. (a) A person may operate a personal delivery device under this subchapter only if:

(1) the person is a business entity; and

(2) a human who is an agent of the business entity has the capability to monitor or exercise physical control over the navigation and operation of the device.

(b) Except as provided by Subsection (c), when a personal delivery device operated by a business entity is engaged, the business entity is considered to be the operator of the device solely for the purpose of assessing compliance with applicable traffic laws.

(c) When a personal delivery device operated by a business entity is engaged and an agent of the entity controls the device in a manner that is outside the scope of the agent's office or employment, the agent is considered to be the operator of the device.

(d) A person is not considered to be the operator of a personal delivery device solely because the person:

(1) requests a delivery or service provided by the device; or

(2) dispatches the device.

Sec. 552A.0004. OPERATOR OF MOBILE CARRYING DEVICE. A person operating a mobile carrying device is considered to be the operator of the device for the purpose of assessing compliance with applicable traffic laws.

Sec. 552A.0005. DEVICE OPERATION. (a) A personal delivery or mobile carrying device operated under this subchapter must:

(1) operate in a manner that complies with the provisions of this subtitle applicable to pedestrians, unless the provision cannot by its nature apply to the device;

(2) yield the right-of-way to all other traffic, including pedestrians;

(3) not unreasonably interfere with or obstruct other traffic, including pedestrians;

(4) if operated at nighttime, display the lights required by Section 552A.0007 or 552A.0008, as applicable;

(5) comply with any applicable regulations adopted by a local authority under Section 552A.0009;

(6) not transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 et seq.); and

(7) be monitored or controlled as provided by Section 552A.0003(a) for a personal delivery device or by the operator for a mobile carrying device.

(b) A mobile carrying device operated under this subchapter must remain within 25 feet of the operator while the device is in motion.

Sec. 552A.0006. AREAS AND SPEEDS OF OPERATION. (a) A personal delivery or mobile carrying device operated under this subchapter may be operated only:

(1) in a pedestrian area at a speed of not more than 10 miles per hour; or

(2) on the side of a roadway or the shoulder of a highway at a speed of not more than 20 miles per hour.

(b) Notwithstanding Subsection (a)(1), a local authority may establish a maximum speed of less than 10 miles per hour in a pedestrian area in the jurisdiction of the local authority if the local authority determines that a maximum speed of 10 miles per hour is unreasonable or unsafe for that area. A maximum speed established under this subsection may not be less than seven miles per hour.

Sec. 552A.0007. PERSONAL DELIVERY DEVICE EQUIPMENT. (a) A personal delivery device operated under this subchapter must:

(1) be equipped with a marker that clearly states the name and contact information of the owner and a unique identification number; and

(2) be equipped with a braking system that enables the device to come to a controlled stop.

(b) A personal delivery device operated under this subchapter at nighttime must be equipped with lights on the front and rear of the device that are visible and recognizable under normal atmospheric conditions on all sides of the device from 1 to 500 feet from the device when the light is directly in front of lawful lower beams of headlamps.

Sec. 552A.0008. MOBILE CARRYING DEVICE EQUIPMENT. (a) A mobile carrying device operated under this subchapter must be equipped with a braking system that enables the device to come to a controlled stop.

(b) A mobile carrying device operated under this subchapter at nighttime must be equipped with lights that are visible and recognizable under normal atmospheric conditions from 1 to 50 feet from the device when the light is directly in front of lawful lower beams of headlamps.

Sec. 552A.0009. LOCAL AUTHORITY REGULATION. (a) A local authority may regulate the operation of a personal delivery or mobile carrying device on a highway or in a pedestrian area in a manner not inconsistent with this subchapter.

(b) This section does not affect the authority of a local authority's peace officers to enforce the laws of this state relating to the operation of a personal delivery or mobile carrying device.

Sec. 552A.0010. INSURANCE. A business entity that operates a personal delivery device operated under this subchapter must maintain an insurance policy that includes general liability coverage of not less than \$100,000 for damages arising from the operation of the device.

SECTION 3. Chapter 552A, Transportation Code, as added by this Act, is amended by adding Subchapter B, and a heading is added to that subchapter to read as follows:

SUBCHAPTER B. MOBILITY DEVICES

SECTION 4. Section 542.009, Transportation Code, is transferred to Subchapter B, Chapter 552A, Transportation Code, as added by this Act, and redesignated as Section 552A.0101, Transportation Code, to read as follows:

Sec. 552A.0101 [~~542.009~~]. OPERATORS OF CERTAIN MOBILITY DEVICES. (a) In this section, "motorized mobility device" means a device designed for transportation of persons with physical disabilities that:

(1) has three or more wheels;

- (2) is propelled by a battery-powered motor;
- (3) has not more than one forward gear; and
- (4) is not capable of speeds exceeding eight miles per hour.

(b) For the purposes of this subtitle, a person operating a nonmotorized wheelchair or motorized mobility device is considered to be a pedestrian.

SECTION 5. Section 551.351(2), Transportation Code, is amended to read as follows:

(2) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include:

- (A) a moped or motorcycle;
- (B) an electric bicycle or motor-driven cycle, as defined by Section

541.201;

(C) a motorized mobility device, as defined by Section 552A.0101 [~~542.009~~];

(D) an electric personal assistive mobility device, as defined by Section 551.201; or

- (E) a neighborhood electric vehicle, as defined by Section 551.301.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 969**.

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

SENATE BILL 26 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 26** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 26** (house committee report) on page 5 as follows:

- (1) On line 14, strike "93.4 [~~94~~]" and substitute "94".
- (2) On line 19, strike "6.6 [~~six~~]" and substitute "six".

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 26**.

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

SENATE BILL 357 WITH HOUSE AMENDMENTS

Senator Nichols called **SB 357** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 357** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to outdoor advertising signs regulated by the Texas Department of Transportation.

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

SECTION 1. Section 391.038, Transportation Code, is amended to read as follows:

Sec. 391.038. SIGN HEIGHT. (a) Except as otherwise provided by this section, a sign may not be higher than 60 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

(1) from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or

(2) if the main-traveled way is below grade, from the base of the sign structure [~~This section applies only to a sign existing on March 1, 2017, that was erected before that date.~~].

(a-1) Subsection (a) does not apply to a sign regulated by a municipality certified for local control under an agreement with the department as provided by department rule.

(b) A sign existing on March 1, 2017, that was erected before that date [~~described by Subsection (a)~~] may not be higher than 85 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

(1) from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or

(2) if the main-traveled way is below grade, from the base of the sign structure.

(c) A person may rebuild a sign existing on March 1, 2017, that was erected before that date [~~described by Subsection (a)~~] without obtaining a new or amended permit from the department, provided that the sign is rebuilt at the same location where the sign existed on March 1, 2017, and at a height that does not exceed the height of the sign on that date.

SECTION 2. This Act takes effect September 1, 2019.

Floor Amendment No. 1

Amend **CSSB 357** (house committee printing), on page 2, by striking lines 7-12 and substituting the following:

(c) A person who holds a permit for a sign existing on March 1, 2017, that was erected before that date may rebuild the [a] sign [~~described by Subsection (a) without obtaining a new or amended permit from the department~~], provided that the sign is rebuilt at the same location where the sign existed on that date [~~March 1, 2017, and~~] at a height that does not exceed the lesser of:

(1) the height of the sign on March 1, 2017; or

(2) 85 feet [~~that date~~].

(c-1) Except as provided by Subsection (c-2), before rebuilding a sign under Subsection (c), the person who holds the permit for the sign must obtain a new or amended permit if required by:

(1) a provision of this chapter; or

(2) a rule adopted to implement a provision of this chapter.

(c-2) Subsection (c-1) does not apply to the rebuilding of a sign under Subsection (c) if the person who holds the permit for the sign rebuilds because of damage to the sign caused by:

(1) wind or a natural disaster;

(2) a motor vehicle accident; or

(3) an act of God.

Floor Amendment No. 2

Amend **CSSB 357** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.0381 to read as follows:

Sec. 391.0381. VIOLATIONS BY CERTAIN PERSONS OF SIGN HEIGHT PROVISION: PERMIT DENIAL. (a) This section applies only to a person who has permits for 100 or more signs.

(b) If a sign for which a person has a permit violates Section 391.038 or a rule adopted to implement that section, the commission may, after notice and an opportunity for a hearing before the commission, deny an application for a permit requested by the person on or after the date of the violation.

(c) The commission may deny an application for a permit or permit renewal for a sign if another sign for which the person has a permit is in violation of Section 391.038. The commission is not required to issue a permit to or renew a permit of the person for a sign until all signs for which the person has a permit comply with Section 391.038.

Floor Amendment No. 1 on Third Reading

Amend **SB 357** on third reading, in added Section 391.0381(c), Transportation Code, as added by Amendment No. 2 by Morrison, by striking "The commission may deny an application" and substituting "After notice and an opportunity for hearing before the commission, the commission may deny an application".

The amendments were read.

Senator Nichols moved to concur in the House amendments to **SB 357**.

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

SENATE BILL 198 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 198** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 198** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to payment for the use of a highway toll project.

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

SECTION 1. Section 228.057, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) The department shall provide electronic toll collection customers with an option to authorize automatic payment of tolls through the withdrawal of funds from the customer's bank account.

SECTION 2. Subchapter B, Chapter 372, Transportation Code, is amended by adding Sections 372.054, 372.055, 372.056, 372.057, and 372.058 to read as follows:

Sec. 372.054. USE OF TRANSPONDER BY ELECTRONIC TOLL COLLECTION CUSTOMER. An electronic toll collection customer using a transponder must:

(1) activate and mount the transponder in accordance with the procedures provided by the toll project entity;

(2) provide to the toll project entity accurate license plate and customer contact information; and

(3) update as necessary the information provided under Subdivision (2).

Sec. 372.055. DETERMINATION OF ELECTRONIC TOLL COLLECTION CUSTOMER ACCOUNT BEFORE PAYMENT SOLICITATION. (a) A toll project entity may not send an invoice or a notice of unpaid tolls to the registered owner of a vehicle soliciting payment of a toll or any related administrative fee unless the entity first determines, for a toll collection customer using a transponder, whether there is an active electronic toll collection customer account that corresponds to the transponder.

(b) A toll project entity shall satisfy an unpaid toll, at the standard electronic collection rate and without the imposition of administrative or late fees, from an active electronic toll collection customer account discovered under Subsection (a) if:

(1) the account:

(A) corresponds to a transponder issued by the entity; and

(B) is sufficiently funded; and

(2) the customer to whom the transponder was issued has complied with Section 372.054.

(c) Regardless of whether an active electronic toll collection customer account is discovered under Subsection (a), a toll project entity may send an invoice or notice for payment to collect an unpaid toll and related costs if:

(1) the account is insufficiently funded; or

(2) the electronic toll collection customer's failure to comply with Section 372.054 prevents satisfaction of the unpaid toll from the electronic toll collection customer account.

(d) If in complying with Subsection (a) a toll project entity discovers that a transponder issued by the entity did not work correctly more than 10 times in a 30-day period and must be replaced, the entity shall send to the customer to whom the transponder was issued a notice stating that the transponder is not working correctly and must be replaced.

(e) A toll project entity is not required to send additional notice to an electronic toll collection customer under Subsection (d) if the toll project entity has sent notice to the customer under that subsection and the customer does not replace the transponder.

Sec. 372.056. INFORMATION REQUIRED ON NOTICE OR INVOICE. A notice or an invoice of unpaid tolls sent by a toll project entity must clearly state that the document is a bill and the recipient is expected to pay the amount indicated.

Sec. 372.057. METHOD OF SENDING INVOICE OR NOTICE. (a) An invoice or notice provided to a person by a toll project entity may be provided by:

(1) first class mail; or

(2) e-mail if the person has provided an e-mail address to the entity and has elected to receive notice electronically.

(b) A toll project entity is not required to send an invoice or notice as required by Subsection (a) if the entity does not have access to the contact information provided in the electronic toll collection customer account.

Sec. 372.058. INFORMATION SHARING AND CONTRACTS BETWEEN TOLL PROJECT ENTITIES. (a) Notwithstanding the confidentiality of electronic toll collection customer account information, including confidentiality under Sections 228.057(e), 366.179(d), 370.177(m), 370.178(d), and 372.051(a), a toll project entity with an electronic toll collection customer may provide to another toll project entity electronic toll collection customer account information for the purposes of customer service, toll collection, enforcement, or reporting requirements.

(b) The provision of electronic toll collection customer account information under Subsection (a) must ensure the confidentiality of all account information.

(c) A contract between toll project entities for the collection of tolls must:

(1) specify which entity is responsible for making the determinations, sending notices, and taking other actions, as applicable, under Section 372.055; and

(2) include terms to ensure that customers do not receive invoices from more than one entity for the same transaction.

SECTION 3. The change in law made by this Act applies only to the collection of a toll incurred on or after the effective date of this Act. The collection of a toll incurred before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2020.

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 198**.

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

ACKNOWLEDGMENT

The Presiding Officer acknowledged the presence of students in the gallery.

The Senate welcomed its guests.

HOUSE BILL 3601 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3601** at this time on its second reading:

HB 3601, Relating to the recognition by the Texas Higher Education Coordinating Board of competency-based education degree plans for members of the Texas military forces.

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

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

HOUSE BILL 3601 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3601** 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 Hancock in Chair)

COMMITTEE SUBSTITUTE

HOUSE BILL 3148 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3148** at this time on its second reading:

CSHB 3148, Relating to the administration and oversight of investigational adult stem cell treatments administered to certain patients.

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

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

COMMITTEE SUBSTITUTE

HOUSE BILL 3148 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 **CSHB 3148** 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 RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

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

COMMITTEE SUBSTITUTE
HOUSE BILL 4347 ON SECOND READING

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

CSHB 4347, Relating to the authority of certain municipalities to use certain tax revenue for hotel and convention center projects and other qualified projects.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-not voting 1.

Yeas: Alvarado, Buckingham, Fallon, Flores, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Hall, Hughes.

Present-not voting: Hancock.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4347** by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.10712 to read as follows:

Sec. 351.10712. ALLOCATION OF REVENUE FOR CONSTRUCTION AND MAINTENANCE OF SPORTS-RELATED FACILITIES BY CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of at least 95,000 that is located in a county that is bisected by United States Highway 385 and has a population of not more than 140,000.

(b) Notwithstanding any other provision of this chapter, a municipality to which this section applies may use revenue derived from the tax imposed under this chapter to construct and maintain:

(1) a sports facility located in the municipality; or

(2) a multipurpose convocation center capable of hosting intercollegiate athletic events on land owned by a state university if the municipality leases the land on which the center will be located from the university for a term of at least 25 years.

(c) A municipality that uses revenue derived from the tax imposed under this chapter for a purpose described by Subsection (b):

(1) shall determine the amount of area hotel revenue attributable to the sports events and tournaments held at the sports facility or multipurpose convocation center for seven years after the date the municipality first uses hotel occupancy tax revenue for the purpose described by Subsection (b);

(2) shall at the end of the seven-year period described by Subdivision (1) reimburse from the municipality's general fund to the municipality's hotel occupancy tax revenue fund any hotel occupancy tax revenue expended on the sports facility or multipurpose convocation center during that period in excess of the amount determined under Subdivision (1); and

(3) may not during the seven-year period described by Subdivision (1) reduce the percentage of revenue from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of that revenue allocated by the municipality for that purpose during the 36-month period preceding the date the municipality first uses hotel occupancy tax revenue for the purpose described by Subsection (b).

The amendment to **CSHB 4347** was read and was adopted by a viva voce vote.

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

Present-not voting: Hancock.

CSHB 4347 as amended was passed to third reading by the following vote: Yeas 24, Nays 6, Present-not voting 1.

Yeas: Alvarado, Buckingham, Fallon, Flores, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Hall, Hughes.

Present-not voting: Hancock.

COMMITTEE SUBSTITUTE HOUSE BILL 4347 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4347** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-not voting 1.

Yeas: Alvarado, Buckingham, Fallon, Flores, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Hall, Hughes.

Present-not voting: Hancock.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6, Present-not voting 1. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 4181 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSHB 4181** at this time on its second reading:

CSHB 4181, Relating to the organization and efficient operation of the legislative branch of state government.

The motion prevailed.

Senators Creighton, Hughes, Paxton, and Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4181** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill as appropriate:

SECTION _____. Subchapter F, Chapter 301, Government Code, as added by this Act, is amended by adding Section 301.072 to read as follows:

Sec. 301.072. STATE BUILDINGS OCCUPIED BY LEGISLATIVE OFFICES AND AGENCIES. (a) This section applies to a state building that is:

- (1) occupied by a legislative office or agency;
- (2) located in the Capitol complex, as defined by Section 443.0071; and
- (3) not described by Section 2165.007(b)(6).

(b) The presiding officers of each house of the legislature, in consultation with the legislative offices or agencies occupying a state building, shall jointly decide the following with respect to a state building to which this section applies, the building's facilities, and the grounds used by occupants of the building:

(1) the use of space by and allocation of space to a legislative office or agency;

(2) security and building access for a legislative office or agency;

(3) the manner in which a legislative office or agency contracts for a construction or remodeling project involving space allocated to the office or agency;
and

(4) the timing and logistics of a maintenance or construction activity involving the building, facilities, or grounds that affects a legislative office or agency.

The amendment to **CSHB 4181** was read and was adopted by a viva voce vote.

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

CSHB 4181 as amended was passed to third reading by a viva voce vote.

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

Nays: Creighton, Hughes, Paxton, Watson.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4181 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 **CSHB 4181** be placed on its third reading and final passage.

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

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

Nays: Creighton, Hughes, Paxton, Watson.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 4749 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSHB 4749** at this time on its second reading:

CSHB 4749, Relating to the creation of the Rose City Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments and fees.

The motion prevailed.

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

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

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

Nays: Bettencourt, Hall.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4749 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 **CSHB 4749** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Hall.

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

HOUSE BILL 1888 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **HB 1888** at this time on its second reading:

HB 1888, Relating to temporary branch polling place hours of operation.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

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

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

HOUSE BILL 1888 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1888** be placed on its third reading and final passage.

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

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

Nays: Johnson, Lucio, Rodríguez, Watson, West, Zaffirini.

The bill was read third time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **HB 1888** (senate committee printing) on third reading as follows:

(1) Strike the recital to SECTION 3 of the bill, amending Section 85.062(e), Election Code (page 1, lines 31 and 32), and substitute the following:

SECTION 3. Section 85.062, Election Code, is amended by amending Subsections (c) and (e) and adding Subsection (c-1) to read as follows:

(2) In SECTION 3 of the bill, immediately before amended Section 85.062(e), Election Code (page 1, between lines 32 and 33), insert the following:

(c) Except as provided by Subsection (c-1), in [H] any election, the location of a polling place established under this section shall be fixed at one place for the duration of the period that voting is required to be conducted at the polling place.

(c-1) The early voting clerk may establish temporary branch polling places that may be changed not more than once each day during the early voting period, if the polling places:

(1) are established only for the primary election and the general election for state and county officers;

(2) are adopted by the commissioners court not later than January 15 of the election year; and

(3) are located to ensure access to early voting:

(A) for residents of places that are geographically situated outside the city in which the main early voting polling place is located;

(B) for residents of nursing homes or other long-term care facilities, or retirement centers or similar residences; or

(C) for students enrolled in institutions of higher education.

The amendment to **HB 1888** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

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

HB 1888 was finally passed by the following vote: Yeas 20, Nays 11.

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

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

COMMITTEE SUBSTITUTE HOUSE BILL 2463 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSHB 2463** at this time on its second reading:

CSHB 2463, Relating to the deposit and allocation of certain funds to the horse industry escrow account and to the maximum balance of that account.

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

Yeas: Alvarado, Buckingham, Flores, Hancock, Hinojosa, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Fallon, Hall, Huffman, Hughes, Paxton.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2463** (senate committee printing) as follows:

(1) In SECTION 7 of the bill, in added Section 151.801(c-3), Tax Code (page 2, line 60), strike "and horse tack" and substitute "horse tack, horse bedding and grooming supplies, and other taxable expenditures directly related to horse ownership, riding, or boarding".

(2) In SECTION 7 of the bill, in amended Section 151.801(d), Tax Code (page 3, line 11), strike "and horse tack" and substitute "horse tack, horse bedding and grooming supplies, and other taxable expenditures directly related to horse ownership, riding, or boarding".

(3) In SECTION 7 of the bill, in amended Section 151.801(d), Tax Code (page 3, line 14), strike "or horse tack" and substitute "horse tack, horse bedding and grooming supplies, or other taxable expenditures directly related to horse ownership, riding, or boarding".

The amendment to **CSHB 2463** was read and was adopted by a viva voce vote.

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

CSHB 2463 as amended was passed to third reading by the following vote: Yeas 22, Nays 9.

Yeas: Alvarado, Buckingham, Flores, Hancock, Hinojosa, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Fallon, Hall, Huffman, Hughes, Paxton.

COMMITTEE SUBSTITUTE HOUSE BILL 2463 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 **CSHB 2463** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Campbell, Fallon, Hall, Hughes, Paxton.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Alvarado, Buckingham, Flores, Hancock, Hinojosa, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Fallon, Hall, Huffman, Hughes, Paxton.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 21, 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:

SB 69 Nelson Sponsor: Capriglione
Relating to the allocations of money for transfer to the state highway fund and the economic stabilization fund and the investment of money in the economic stabilization fund.

(Committee Substitute/Amended)

SB 289 Lucio Sponsor: Morrison
Relating to disaster housing recovery.

(Committee Substitute/Amended)

SB 748 Kolkhorst Sponsor: Davis, Sarah
Relating to newborn screening and the newborn screening preservation account.

(Amended)

SB 1214 Schwertner Sponsor: Wilson
Relating to the sales and use tax exemption for certain aircraft.

(Committee Substitute)

SB 1264 Hancock Sponsor: Oliverson
Relating to consumer protections against certain medical and health care billing by certain out-of-network providers.

(Committee Substitute/Amended)

SB 1978 Hughes Sponsor: Krause
Relating to the protection of membership in, affiliation with, and support provided to religious organizations.

(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 21, 2019 - 3

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- SB 24** Lucio Sponsor: Paddie
Relating to the provision of informational materials and certain other information to a pregnant woman before an abortion.
- SB 37** Zaffirini Sponsor: Krause
Relating to a prohibition on the use of student loan default or breach of a student loan repayment or scholarship contract as a ground for refusal to grant or renew an occupational license or other disciplinary action in relation to an occupational license.
- SB 40** Zaffirini Sponsor: Leach
Relating to locations, terms, sessions, and procedures for conducting court proceedings.
- SB 139** Rodríguez Sponsor: Moody
Relating to a notice of educational rights for certain student evaluations.
- SB 437** Nelson Sponsor: Price
Relating to prohibited practices by a life insurance company relating to an individual's prescription for or obtainment of an opioid antagonist.
- SB 530** Birdwell Sponsor: Wray
Relating to civil and administrative penalties assessed or imposed for violations of laws protecting drinking water, public water supplies, and bodies of water.
- SB 633** Kolkhorst Sponsor: Lambert
Relating to an initiative to increase the capacity of local mental health authorities to provide access to mental health services in certain counties.
- SB 711** Hinojosa Sponsor: Leach
Relating to allowing safety recall information to be included in a vehicle inspection report.
- SB 1474** Lucio Sponsor: Murphy
Relating to private activity bonds.
- SB 1525** Watson Sponsor: Sanford
Relating to the application of the sales and use tax to certain property and services.
- SB 1861** Menéndez Sponsor: Flynn
Relating to certain public facilities financed, owned, and operated by a public facility corporation.

SB 1940 Hancock Sponsor: Oliverson
Relating to the administration of a temporary health insurance risk pool.

SB 2111 Watson Sponsor: Price
Relating to the Health and Human Services Commission developing a plan to contract with a public institution of higher education to operate a certain state hospital.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 496 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSHB 496** at this time on its second reading:

CSHB 496, Relating to traumatic injury response protocol and the use of bleeding control kits in public schools.

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

Yeas: Alvarado, Buckingham, Campbell, Fallon, Flores, Hall, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Perry, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Creighton, Hancock, Hughes, Nichols, Paxton, Schwertner.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 496** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 38.030, Education Code (page 2, between lines 22 and 23), insert the following:

(h) A school district or open-enrollment charter school shall, subject to Subsection (i), require each student enrolled at a campus of the district or school to complete, at least once before the student's graduation and not earlier than during the student's seventh grade year, an agency-approved course of instruction on the use of a bleeding control kit. The course of instruction required under this subsection may be included as a part of the instruction in another course.

(i) A student is not required to complete the course of instruction under Subsection (h) if:

(1) the student has a disability that makes participating in the instruction impractical; or

(2) the student's parent or guardian does not consent to the student receiving the instruction.

(j) For purposes of Subsection (h), the agency must approve a course of instruction that:

(1) has been developed or endorsed by the American College of Surgeons or a similar organization; or

(2) uses nationally recognized, evidence-based guidelines for bleeding control and incorporates instruction on the psychomotor skills necessary to use a bleeding control kit in the event of an injury to another person.

(k) A course of instruction approved by the agency under Subsection (j) may be provided by emergency medical technicians, paramedics, law enforcement officers, firefighters, representatives of the organization or institution that developed or endorsed the training, educators, other public school employees or other similarly qualified individuals. A course of instruction approved by the agency under Subsection (j) is not required to provide for certification in bleeding control. If the course of instruction does provide for certification in bleeding control, the instructor must be authorized to provide the instruction for the purpose of certification by the organization or institution that developed or endorsed the course of instruction.

(2) In SECTION 2 of the bill (page 2, line 23), between "SECTION 2." and "As soon", insert the following:

(a) Not later than October 1, 2019, the Texas Education Agency shall approve a course of instruction on the use of a bleeding control kit that is appropriate to satisfy the requirement under Section 38.030, Education Code, as added by this Act.

(b)

The amendment to **CSHB 496** was read.

Senator Fallon offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSHB 496** as follows:

(1) On page 1, line 6, strike "shall" and substitute "may".

The amendment to Floor Amendment No. 1 to **CSHB 496** 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.

Question recurring on the adoption of Floor Amendment No. 1 to **CSHB 496**, the amendment as amended was adopted by a viva voce vote.

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

CSHB 496 as amended was passed to third reading by the following vote: Yeas 23, Nays 8.

Yeas: Alvarado, Buckingham, Campbell, Fallon, Flores, Hall, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Perry, Powell, Rodriguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Creighton, Hancock, Hughes, Nichols, Paxton, Schwertner.

**COMMITTEE SUBSTITUTE
HOUSE BILL 496 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 496** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Creighton, Hancock, Hughes, Paxton, Schwertner.

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

Yeas: Alvarado, Buckingham, Campbell, Fallon, Flores, Hall, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Perry, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Creighton, Hancock, Hughes, Nichols, Paxton, Schwertner.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1053 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSHB 1053** at this time on its second reading:

CSHB 1053, Relating to the disposition of real property interests by the Willacy County Navigation District.

The motion prevailed.

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

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1053** (senate committee report) in SECTION 1 of the bill, by striking added Sections 11(d) and (e), Chapter 404, Acts of the 53rd Legislature, Regular Session, 1953 (page 1, lines 51 through 60), and relettering subsequent subsections of that section.

The amendment to **CSHB 1053** was read and was adopted by a viva voce vote.

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

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1053** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 5013, Special District Local Laws Code, is amended by designating Sections 5013.001 and 5013.002 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION _____. Section 5013.001, Special District Local Laws Code, is amended to read as follows:

Sec. 5013.001. DEFINITIONS [DEFINITION]. In this chapter:

- (1) "Authority" [,"authority"] means the Port of Harlingen Authority.
- (2) "Port commission" means the governing body of the authority.
- (3) "Port commissioner" means a member of the port commission.
- (4) "Treasurer" means the treasurer of the authority.

SECTION _____. Chapter 5013, Special District Local Laws Code, is amended by adding Subchapter B, and a heading is added to that subchapter to read as follows:

SUBCHAPTER B. PORT COMMISSION

SECTION _____. Section 5013.003, Special District Local Laws Code, is transferred to Subchapter B, Chapter 5013, Special District Local Laws Code, as added by this Act, redesignated as Section 5013.051, and amended to read as follows:

Sec. 5013.051 [~~5013.003~~]. GOVERNING BODY. (a) The navigation and canal commission of the authority is called the port commission and is composed of port commissioners.

(b) The port commission shall divide the territory of the authority into four numbered single-member districts for electing port commissioners.

(c) The port commission may revise the single-member districts as necessary or appropriate.

(d) The port commission consists of five port commissioners. One port commissioner is elected from each single-member district, and one port commissioner is elected from the authority at large.

(e) Port commissioners serve staggered four-year terms.

(f) The port commissioner elected from the authority at large serves as the presiding officer of the port commission.

(g) The port commission shall hold an election to elect the appropriate number of port commissioners on the uniform election date in November of each odd-numbered year.

SECTION _____. Chapter 5013, Special District Local Laws Code, is amended by adding Subchapters C and D to read as follows:

SUBCHAPTER C. POWERS AND DUTIES

Sec. 5013.101. TREASURER. (a) The port commission:

(1) shall hire or appoint a treasurer; and

(2) may terminate or suspend the employment or appointment of the treasurer.

(b) The treasurer has the power and duties of a treasurer under Chapters 60 and 62, Water Code.

(c) Notwithstanding Section 62.152, Water Code, the treasurer shall pay all authority expenses from authority funds.

Sec. 5013.102. SALES AND LEASES. (a) Except as provided by this section, the provisions of Subchapter C, Chapter 60, Water Code, apply to all sales and leases entered into by the authority.

(b) Notwithstanding Section 60.039, Water Code, the authority may enter into a surface lease for a period of not more than 99 years.

(c) Notwithstanding Section 60.040, Water Code, the authority is not required to publish notice for a sale, easement, or lease for a period of not more than 99 years.

(d) Sections 60.041 and 60.042, Water Code, do not apply to a bid on real property to be sold by the authority.

SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 5013.151. MAINTENANCE AND OPERATION TAX; TAX RATE. (a) The authority may impose an ad valorem tax at a rate not to exceed 10 cents on each \$100 valuation of all taxable property in the authority for the maintenance, operation, and upkeep of the authority and the improvements constructed by the authority.

(b) The authority may change the rate or suspend collection of the tax authorized by this section in the manner provided by law for official action by the authority, subject to the limitation prescribed by Subsection (a).

(c) Section 62.160, Water Code, does not apply to the authority.

Sec. 5013.152. SELECTION OF DEPOSITORY. (a) Except as provided by this section, the authority shall select a depository for the authority in the manner provided by Section 60.271, Water Code.

(b) The authority shall select a depository in a manner to ensure that authority funds are fully insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.

(c) The authority may select more than one institution to serve as a depository in order to comply with the requirement under Subsection (b).

SECTION _____. (a) In this section, "authority," "port commission," and "port commissioner" have the meanings assigned by Section 5013.001, Special District Local Laws Code, as amended by this Act.

(b) Not later than June 1, 2021, the port commission shall divide the territory of the authority into four numbered single-member districts as required by Section 5013.051, Special District Local Laws Code, as redesignated and amended by this Act.

(c) A port commissioner of the authority who is serving on the day before the effective date of this Act shall serve until a successor qualifies following an election under Subsection (d) of this section.

(d) On the uniform election date in November 2021, the port commission shall hold an election to elect one at-large port commissioner and four port commissioners from single-member districts.

(e) The five port commissioners elected under Subsection (d) of this section shall draw lots to determine which two port commissioners shall serve a term expiring December 1, 2023, and which three port commissioners shall serve a term expiring December 1, 2025.

(f) On the uniform election date in November 2023, the port commission shall hold an election to elect two port commissioners to terms of four years.

(g) On the uniform election date in 2025, the port commission shall hold an election to elect three port commissioners to terms of four years.

SECTION _____. (a) The legal notice of the intention to introduce a bill relating to the administration, powers, and duties of the Port of Harlingen Authority, setting forth the general substance of a bill relating to the administration, powers, and duties of the Port of Harlingen Authority, has been published as provided by law, and the notice and a copy of a bill relating to the administration, powers, and duties of the Port of Harlingen Authority have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and a copy of a bill relating to the administration, powers, and duties of the Port of Harlingen Authority to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to a bill relating to the administration, powers, and duties of the Port of Harlingen Authority with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of a bill relating to the administration, powers, and duties of the Port of Harlingen Authority are fulfilled and accomplished.

The amendment to **CSHB 1053** was read and was adopted by a viva voce vote.

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

CSHB 1053 as amended was passed to third reading by a viva voce vote.

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

Nays: Creighton, Hall, Hancock, Perry.

COMMITTEE SUBSTITUTE HOUSE BILL 1053 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1053** be placed on its third reading and final passage.

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

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

Nays: Creighton, Hall, Hancock, Perry.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2155 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSHB 2155** at this time on its second reading:

CSHB 2155, Relating to a grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border.

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

Yeas: Alvarado, Buckingham, Creighton, Fallon, Flores, Hinojosa, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Powell, Rodríguez, Schwertner, Seliger, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Hall, Hancock, Huffman, Hughes, Nelson, Nichols, Paxton, Perry, Taylor.

The bill was read second time and was passed to third reading by the following vote: Yeas 18, Nays 13.

Yeas: Alvarado, Buckingham, Creighton, Flores, Hinojosa, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Powell, Rodríguez, Schwertner, Seliger, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Fallon, Hall, Hancock, Huffman, Hughes, Nelson, Nichols, Paxton, Perry, Taylor.

HOUSE BILL 3420 ON SECOND READING

Senator Menéndez moved to suspend the regular order of business to take up for consideration **HB 3420** at this time on its second reading:

HB 3420, Relating to liability coverage for certain vehicles provided by certain automobile repair facilities.

The motion prevailed.

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

The bill was read second time.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3420** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 1952.060(a)(3), Insurance Code (page 1, line 39), strike "or another reason" and substitute "maintenance, or damage or to obtain an estimate".

(2) In SECTION 1 of the bill, in added Section 1952.060(c)(2), Insurance Code (page 1, line 57), strike "25,000" and substitute "14,000".

The amendment to **HB 3420** 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 3420 as amended was passed to third reading by a viva voce vote.

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

Nays: Fallon, Hall, Hughes.

HOUSE BILL 3420 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3420** 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, Flores, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Fallon, Hall, Hughes.

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

SENATE BILL 608 WITH HOUSE AMENDMENT

Senator Watson called **SB 608** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 608** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the continuation and functions of the School Land Board.

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

SECTION 1. Section 32.003, Natural Resources Code, is amended to read as follows:

Sec. 32.003. APPLICATION OF SUNSET ACT. The School Land Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2031 [~~2019~~].

SECTION 2. Section 32.012, Natural Resources Code, is amended to read as follows:

Sec. 32.012. MEMBERS OF THE BOARD. (a) The board is composed of:

- (1) the commissioner; and
- (2) four citizens [~~a citizen~~] of the state appointed by the governor with the advice and consent of the senate; ~~and~~

~~[(3) a citizen of the state appointed by the attorney general with the advice and consent of the senate].~~

(b) Two citizens appointed by the governor must be selected from lists of nominees submitted by the State Board of Education. The State Board of Education shall submit to the governor a list of six nominees for a vacant position described by this subsection. The governor may request that the State Board of Education submit a second list of six nominees if the governor does not choose to appoint a nominee from the first list.

(c) At least one of the citizens appointed under Subsection (a) must be a resident of a county with a population of less than 200,000. The governor and the State Board of Education shall collaborate to ensure that the membership of the board complies with this subsection.

~~(d) [The authority of the attorney general to appoint one of the members of the board, including the authority to make appointments during the recess of the senate, is the same as the authority of the governor to fill vacancies in state offices under the Texas Constitution.~~

~~(e)~~ Each appointment made by the governor ~~[and the attorney general]~~ shall be made in accordance with and subject to the provisions of the Texas Constitution authorizing the filling of vacancies in state offices by appointment of the governor.

SECTION 3. Section 32.013, Natural Resources Code, is amended to read as follows:

Sec. 32.013. TERMS OF APPOINTED MEMBERS. The appointed members of ~~[appointed to]~~ the board ~~[by the governor and the attorney general]~~ serve for terms of two years.

SECTION 4. Subchapter B, Chapter 32, Natural Resources Code, is amended by adding Section 32.0161 to read as follows:

Sec. 32.0161. ANNUAL JOINT MEETING. (a) The board and the State Board of Education shall hold an annual joint public meeting to discuss the allocation of the assets of the permanent school fund and the investment of the money in the fund.

(b) Each member of the board must attend the annual joint public meeting, unless the member's absence is excused by majority vote of the board.

(c) Each member of the State Board of Education must attend the annual joint public meeting, unless the member's absence is excused by majority vote of the State Board of Education. If the State Board of Education delegates powers and duties relating to the investment of the permanent school fund to a committee of the State Board of Education, only a majority of the committee members must attend the meeting.

SECTION 5. Subchapter B, Chapter 32, Natural Resources Code, is amended by adding Section 32.0191 to read as follows:

Sec. 32.0191. SEPARATION OF RESPONSIBILITIES. The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the commissioner and the staff of the land office.

SECTION 6. Subchapter B, Chapter 32, Natural Resources Code, is amended by adding Section 32.027 to read as follows:

Sec. 32.027. MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the law governing board operations;

(2) the programs, functions, rules, and budget of the board;

(3) the board's investment programs and strategies;

(4) the permanent school fund, including a comprehensive overview of the

law governing the fund;

(5) the scope of and limitations on the rulemaking authority of the board;

(6) the results of the most recent formal audit of the board;

(7) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

(B) other laws applicable to members of a state policymaking body in performing their duties; and

(8) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) The commissioner shall create a training manual that includes the information required by Subsection (b).

(e) The commissioner shall distribute a copy of the training manual annually to each appointed member of the board. Each of those members shall sign and submit to the commissioner a statement acknowledging that the member received and has reviewed the training manual.

SECTION 7. Subchapter B, Chapter 32, Natural Resources Code, is amended by adding Section 32.028 to read as follows:

Sec. 32.028. COMPLAINTS. (a) The board shall maintain a system to promptly and efficiently act on complaints filed with the board. The board shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The board shall make information available describing its procedures for complaint investigation and resolution.

(c) The board shall periodically notify the complaint parties of the status of the complaint until final disposition.

SECTION 8. Sections 51.402(a) and (c), Natural Resources Code, are amended to read as follows:

(a) Except as provided by Subsection (c), the [The] board may use funds [the money] designated under Section 51.401 for any of the following purposes:

(1) to add to a tract of public school land to form a tract of sufficient size to be manageable;

- (2) to add contiguous land to public school land;
- (3) to acquire, as public school land, interests in real property for biological, commercial, geological, cultural, or recreational purposes;
- (4) to acquire mineral and royalty interests for the use and benefit of the permanent school fund;
- (5) to protect, maintain, or enhance the value of public school land;
- (6) to acquire interests in real estate;
- (7) to pay reasonable fees for professional services related to a permanent school fund investment; or
- (8) to acquire, sell, lease, trade, improve, maintain, protect, or use land, mineral and royalty interests, or real estate investments, an investment or interest in public infrastructure, or other interests, at such prices and under such terms and conditions the board determines to be in the best interest of the permanent school fund.

(c) On January 1 of each even-numbered year ~~[Notwithstanding Subsection (a)],~~ the market value of the investments made ~~[in real estate]~~ under Subsections (a)(6) and (8) ~~[this section on January 1 of each even-numbered year]~~ may not exceed an amount that is equal to 15 percent of the market value of the assets held by the board and the State Board of Education as part of the permanent school fund [on that date].

SECTION 9. Sections 51.4021(a) and (b), Natural Resources Code, are amended to read as follows:

(a) The board may appoint investment managers, consultants, or advisors to invest or assist the board in investing funds ~~[the money]~~ designated under Section 51.401 by contracting for professional investment management or investment advisory services with one or more organizations that are in the business of managing or advising on the management of real estate investments.

(b) To be eligible for appointment under this section, an investment manager, consultant, or advisor shall agree to abide by the policies, requirements, or restrictions, including ethical standards and disclosure policies and criteria for determining the quality of investments and for the use of standard rating services, that the board adopts for real estate investments of the permanent school fund. Funds ~~[Money]~~ designated under Section 51.401 may not be invested in a real estate investment trust, as defined by Section 200.001, Business Organizations Code.

SECTION 10. Section 51.412, Natural Resources Code, is amended to read as follows:

Sec. 51.412. REPORTS TO LEGISLATURE. (a) Not later than September 1 of each even-numbered year, the board shall submit to the legislature a report that, specifically and in detail, assesses the direct and indirect economic impact, as anticipated by the board, of the investment of funds designated under Section 51.401 for deposit in the real estate special fund account of the permanent school fund.

(b) The board may not disclose information under this section that is confidential under applicable state or federal law.

(c) The report must include the following information:

(1) the total amount of the funds ~~[money]~~ designated by Section 51.401 for deposit in the real estate special fund account of the permanent school fund that the board intends to invest;

- (2) the rate of return the board expects to attain on the investment;
- (3) the amount of the funds ~~[money]~~ the board expects to distribute to the available school fund or the State Board of Education for investment in the permanent school fund after making the investments;
- (4) the distribution of the board's investments by county;
- (5) the effect of the board's investments on the level of employment, personal income, and capital investment in the state; ~~[and]~~
- (6) the amounts of all fees or other compensation paid by the board to investment managers, consultants, or advisors appointed or organizations contracted with under Section 51.4021; and
- (7) any other information the board considers necessary to include in the report.

~~[(b) Not later than January 1 of each odd numbered year, the board shall submit to the legislature a report that assesses the return and economic impact of the investments reported to the legislature before the preceding regular legislative session.]~~

SECTION 11. Section 51.413(b), Natural Resources Code, is amended to read as follows:

(b) The board shall adopt rules to establish the procedure that will be used by the board to determine the date a transfer will be made and the amount of the funds ~~[money]~~ that will be transferred to the available school fund or to the State Board of Education for investment in the permanent school fund from the real estate special fund account as provided by Subsection (a).

SECTION 12. Section 51.4131, Natural Resources Code, is amended to read as follows:

Sec. 51.4131. REPORT ON ANTICIPATED TRANSFER OF FUNDS. Not later than September 1 of each even-numbered year, the board shall submit to the legislature, comptroller, State Board of Education, and Legislative Budget Board a report that, specifically and in detail, states the date a transfer will be made and the amount of the funds ~~[money]~~ the board will transfer during the subsequent state fiscal biennium from the real estate special fund account of the permanent school fund established under Section 51.401 to the available school fund or the State Board of Education for investment in the permanent school fund.

SECTION 13. (a) The changes in law made by this Act to Section 32.012, Natural Resources Code, relating to the membership of the School Land Board do not affect the eligibility of a member of the board serving immediately before the effective date of this Act to continue to serve on the board for the term to which the member was appointed.

(b) As soon as possible after the effective date of this Act, the governor and the State Board of Education shall collaborate to appoint members of the board as necessary to ensure that the composition of the board complies with Section 32.012, Natural Resources Code, as amended by this Act.

SECTION 14. Section 32.027, Natural Resources Code, as added by this Act, applies to a member of the School Land Board appointed before, on, or after the effective date of this Act. A member of the School Land Board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2019, until the member completes the training.

SECTION 15. This Act takes effect September 1, 2019.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 608**.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2155 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2155** be placed on its third reading and final passage:

CSHB 2155, Relating to a grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border.

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

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

Nays: Bettencourt, Campbell, Hall, Hancock, Paxton, Taylor.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13.

Yeas: Alvarado, Buckingham, Creighton, Flores, Hinojosa, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Powell, Rodríguez, Schwertner, Seliger, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Fallon, Hall, Hancock, Huffman, Hughes, Nelson, Nichols, Paxton, Perry, Taylor.

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 7:00 p.m. today.

RECESS

On motion of Senator Whitmire, the Senate at 2:33 p.m. recessed until 3:00 p.m. today.

AFTER RECESS

The Senate met at 3:19 p.m. and was called to order by Senator Fallon.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3809 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3809** at this time on its second reading:

CSHB 3809, Relating to the limitations period for personal injury claims that arise from certain offenses involving child sexual abuse.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3809 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3809** be placed on its third reading and final passage.

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

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

HOUSE BILL 449 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 449** at this time on its second reading:

HB 449, Relating to a requirement that a public or private institution of higher education include a notation on a student's transcript under certain circumstances.

The motion prevailed.

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

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

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

Nays: Bettencourt, Fallon, Hall, Paxton, Schwertner.

HOUSE BILL 449 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 449** 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, Flores, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Fallon, Hall, Paxton, Schwertner.

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 475 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 475** at this time on its second reading:

CSHB 475, Relating to information for foster children who are pregnant or minor parents.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 475 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 475** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3704 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 3704** at this time on its second reading:

CSHB 3704, Relating to certain public health data maintained by the Department of State Health Services and shared with certain local health entities.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3704 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3704** be placed on its third reading and final passage.

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

Nays: Hall.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3301 ON SECOND READING**

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3301** at this time on its second reading:

CSHB 3301, Relating to merger agreements among certain hospitals; authorizing fees.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3301 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 **CSHB 3301** be placed on its third reading and final passage.

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

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

(President in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 3803 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3803** at this time on its second reading:

CSHB 3803, Relating to the maximum amount of an administrative penalty assessed on certain long-term care facilities.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3803 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3803** 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)

HOUSE BILL 4179 ON SECOND READING

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4179** at this time on its second reading:

HB 4179, Relating to the cemeteries in certain counties.

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

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

HOUSE BILL 4179 ON THIRD READING

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4179** be placed on its third reading and final passage.

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

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

HOUSE BILL 4542 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4542** at this time on its second reading:

HB 4542, Relating to reports by persons involved in the manufacture and distribution of alcoholic beverages for purposes of sales and use taxes.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 4542** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 111.006, Tax Code, is amended by amending Subsection (h) and adding Subsection (j) to read as follows:

(h) The comptroller shall disclose information to a person regarding net sales by quantity, brand, and size that is submitted in a report required under Section 151.462 if:

(1) the person requesting the information holds a permit or license under Chapter 19, 20, 21, 37, 64, 65, or 66, Alcoholic Beverage Code; ~~and~~

(2) the request relates only to information regarding the sale of a product distributed by the person making the request; and

(3) the comptroller determines that the information reported under Section 151.462 or in accordance with rules adopted under Subsection (j) is sufficiently detailed to protect the confidentiality of sales information relating to products not distributed by the person requesting the information.

(j) The comptroller may adopt rules to administer this section, including rules requiring a person requesting information under Subsection (h) to file reports on distributions of the person's products made to other persons.

The amendment to **HB 4542** 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 4542 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 4542 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4542** be placed on its third reading and final passage.

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

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

HOUSE BILL 3440 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3440** at this time on its second reading:

HB 3440, Relating to the electronic submission of forms, data, and documents to the Commission on Jail Standards; imposing a fee.

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

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

HOUSE BILL 3440 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 **HB 3440** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 4703 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSHB 4703** at this time on its second reading:

CSHB 4703, Relating to the creation of the Harris County Improvement District No. 28; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

The motion prevailed.

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

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4703** (senate committee printing) in SECTION 1 of the bill, in added Section 3987.0505(a)(3), Special District Local Laws Code (page 5, line 63), between "improvements" and the underlined period, by inserting "in aid of a facility or improvement described by Subdivision (1) or (2)".

The amendment to **CSHB 4703** was read and was adopted by a viva voce vote.

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

CSHB 4703 as amended was passed to third reading by a viva voce vote.

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

Nays: Bettencourt, Creighton, Hall.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4703 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 **CSHB 4703** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Creighton, Hall.

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

HOUSE BILL 3040 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **HB 3040** at this time on its second reading:

HB 3040, Relating to an interim study by the Texas Commission on Judicial Selection regarding the method by which certain trial and appellate judges are selected.

The motion prevailed.

Senators Bettencourt, Birdwell, Creighton, Fallon, Nichols, and Paxton asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Bettencourt, Birdwell, Creighton, Fallon, Nichols, Paxton.

HOUSE BILL 3040 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3040** be placed on its third reading and final passage.

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

Yeas: Alvarado, Buckingham, Campbell, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Creighton, Fallon, Nichols, Paxton.

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

REASON FOR VOTE

Senator Birdwell submitted the following reason for vote on **HB 3040**:

I cast a "No" vote on House Bill 3040 by Rep. Hunter, establishing The Texas Commission on Judicial Selection to study and review the method by which the following judges and justices are selected for office in this state. It is my belief the seats of the judiciary belong to the people of Texas. They determine who sits in those seats and therefore I strongly oppose any action that would remove the citizens from the selection of those who will serve them. Further, given the areas of study assigned to this Commission, it creates the possibility, if not the probability, of turning the Texas judiciary into the model demonstrated by our unaccountable federal judiciary, which I believe is a dangerous and unwise course of action. If the citizens of Texas deem a certain judicial official is no longer carrying out the duties of his or hers office in an acceptable manner, they should have the ability to replace this official through our elections process.

BIRDWELL

HOUSE BILL 2858 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2858** at this time on its second reading:

HB 2858, Relating to adoption of a uniform swimming pool and spa code for use in municipalities in this state.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2858** (senate committee printing) in SECTION 3 of the bill adding effective date language (page 1, line 47) by striking "2019" and substituting "2021".

The amendment to **HB 2858** 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 2858 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 2858 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2858** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 4730 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSHB 4730** at this time on its second reading:

CSHB 4730, Relating to the creation of the City of El Paso Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The motion prevailed.

Senators Bettencourt, Hall, and Paxton 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 on the passage to third reading except as follows:

Nays: Bettencourt, Hall, Paxton.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4730 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4730** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Hall, Paxton.

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

HOUSE BILL 3082 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3082** at this time on its second reading:

HB 3082, Relating to investigating and prosecuting the criminal offense of operating an unmanned aircraft over or near certain facilities.

The bill was read second time.

Senator Powell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3082** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 423.0045(a)(1), Government Code, as amended by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(1) "Correctional facility" means:

(A) a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice;

(B) a municipal or county jail;

(C) a confinement facility operated by or under contract with the Federal Bureau of Prisons; or

(D) a secure correctional facility or secure detention facility, as defined by Section 51.02, Family Code.

SECTION _____. Section 423.0045(a)(1-a), Government Code, is reenacted to conform to the changes made to Section 423.0045(a)(1), Government Code, by Chapter 824 (H.B. 1643), Acts of the 85th Legislature, Regular Session, 2017, and is further amended to read as follows:

(1-a) "Critical infrastructure facility" means:

(A) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

- (i) a petroleum or alumina refinery;
- (ii) an electrical power generating facility, substation, switching station, or electrical control center;
- (iii) a chemical, polymer, or rubber manufacturing facility;
- (iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- (v) a natural gas compressor station;
- (vi) a liquid natural gas terminal or storage facility;
- (vii) a telecommunications central switching office or any structure used as part of a system to provide wired or wireless telecommunications services;
- (viii) a port, railroad switching yard, trucking terminal, or other freight transportation facility;
- (ix) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;
- (x) a transmission facility used by a federally licensed radio or television station;
- (xi) a steelmaking facility that uses an electric arc furnace to make steel;
- (xii) a dam that is classified as a high hazard by the Texas Commission on Environmental Quality; ~~or~~
- (xiii) a concentrated animal feeding operation, as defined by Section 26.048, Water Code; or
- (xiv) a military installation owned or operated by or for the federal government, the state, or another governmental entity; or

(B) if enclosed by a fence or other physical barrier obviously designed to exclude intruders:

- (i) any portion of an aboveground oil, gas, or chemical pipeline;
- (ii) an oil or gas drilling site;
- (iii) a group of tanks used to store crude oil, such as a tank battery;
- (iv) an oil, gas, or chemical production facility;
- (v) an oil or gas wellhead; or
- (vi) any oil and gas facility that has an active flare.

SECTION ____ . Section 423.0045(c), Government Code, as amended by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(c) This section does not apply to:

(1) conduct described by Subsection (b) that involves a correctional facility, detention facility, or critical infrastructure facility and is committed by:

- (A) the federal government, the state, or a governmental entity;
- (B) a person under contract with or otherwise acting under the direction or on behalf of the federal government, the state, or a governmental entity;
- (C) a law enforcement agency;

(D) a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency; or

(E) an operator of an unmanned aircraft that is being used for a commercial purpose, if the operation is conducted in compliance with:

(i) each applicable Federal Aviation Administration rule, restriction, or exemption; and

(ii) all required Federal Aviation Administration authorizations; or

(2) conduct described by Subsection (b) that involves a critical infrastructure facility and is committed by:

(A) an owner or operator of the critical infrastructure facility;

(B) a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the critical infrastructure facility;

(C) a person who has the prior written consent of the owner or operator of the critical infrastructure facility; or

(D) the owner or occupant of the property on which the critical infrastructure facility is located or a person who has the prior written consent of the owner or occupant of that property.

SECTION _____. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

The amendment to **HB 3082** 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 3082 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 3082 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 3082** be placed on its third reading and final passage.

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

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

HOUSE BILL 1791 ON SECOND READING

Senator Fallon moved to suspend the regular order of business to take up for consideration **HB 1791** at this time on its second reading:

HB 1791, Relating to the carrying of handguns by license holders on property owned or leased by a governmental entity.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

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

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

HOUSE BILL 2111 ON SECOND READING

Senator Flores moved to suspend the regular order of business to take up for consideration **HB 2111** at this time on its second reading:

HB 2111, Relating to the period for which a school district's participation in certain tax increment financing reinvestment zones may be taken into account in determining the total taxable value of property in the school district.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-not voting 1.

Yeas: Alvarado, Buckingham, Campbell, Creighton, Flores, Hinojosa, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Fallon, Hall, Hancock, Huffman, Hughes.

Present-not voting: Bettencourt.

The bill was read second time and was passed to third reading by the following vote: Yeas 24, Nays 6, Present-not voting 1. (Same as previous roll call)

HOUSE BILL 2111 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 **HB 2111** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-not voting 1.

Yeas: Alvarado, Buckingham, Campbell, Creighton, Flores, Hinojosa, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Fallon, Hall, Hancock, Huffman, Hughes.

Present-not voting: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6, Present-not voting 1. (Same as previous roll call)

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate Andrea McWilliams and her husband, Dean McWilliams, and their children, Madison, Max, and Marcus.

The Senate welcomed its guests.

HOUSE BILL 1791 ON THIRD READING

Senator Fallon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1791** be placed on its third reading and final passage:

HB 1791, Relating to the carrying of handguns by license holders on property owned or leased by a governmental entity.

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

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

Nays: Alvarado, Powell, Rodríguez, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 410 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 410** at this time on its second reading:

CSHB 410, Relating to the regulation of meat and other food products.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 410 ON THIRD READING**

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 410** be placed on its third reading and final passage.

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

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

HOUSE BILL 3006 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3006** at this time on its second reading:

HB 3006, Relating to the administration of the mixed beverage sales tax.

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

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

HOUSE BILL 3006 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3006** be placed on its third reading and final passage.

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

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

HOUSE BILL 4706 ON SECOND READING

Senator Fallon moved to suspend the regular order of business to take up for consideration **HB 4706** at this time on its second reading:

HB 4706, Relating to the creation of the North Celina Municipal Management District No. 3; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

The motion prevailed.

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

The bill was read second time.

Senator Fallon offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 4706** (senate committee printing) in SECTION 1 of the bill as follows:

(1) Strike added Section 3986.0203(a), Special District Local Laws Code (page 3, lines 12-19), and substitute the following:

(a) The initial board consists of the following directors:

Pos. No. Name of Director

1 John Peavy

2 Charles Taylor

3 Steve Cook

4 Paul Schlosberg

5 Russell Miller

(2) In added Subchapter C, Chapter 3986, Special District Local Laws Code, strike added Section 3986.0311 (page 5, lines 4 and 5) and substitute the following:

Sec. 3986.0311. RESIDENTIAL PROPERTY NOT EXEMPT FROM CERTAIN REQUIREMENTS. Sections 375.161 and 375.164, Local Government Code, do not apply to the district.

Sec. 3986.0312. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(3) In added Section 3986.0402, Special District Local Laws Code (page 5, line 17), strike "Section 3986.0503(c)" and substitute "Section 3986.0504(b)".

(4) In added Subchapter E, Chapter 3986, Special District Local Laws Code, strike added Sections 3986.0502 and 3986.0503 (page 5, line 46, through page 6, line 8) and substitute the following:

Sec. 3986.0502. TAX LIMITATION. An ad valorem tax imposed by the district may be used only for a purpose authorized under:

- (1) Chapter 49 or 54, Water Code;
- (2) Section 52, Article III, Texas Constitution; or
- (3) Section 59, Article XVI, Texas Constitution.

Sec. 3986.0503. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3986.0501, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code.

(b) The board shall determine the operation and maintenance tax rate. The rate may not exceed the rate approved at the election.

Sec. 3986.0504. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district may issue bonds, notes, or other obligations payable wholly or partly from:

(1) impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose;

- (2) ad valorem taxes for a purpose authorized under Section 3986.0502; and
- (3) assessments only to finance a major public infrastructure improvement project that serves a majority of the district.

(c) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from assessments in the manner provided by Subchapter A, Chapter 372, Local Government Code, if the improvement financed by an obligation issued under this section will be conveyed to or operated and maintained by a municipality or other retail utility provider pursuant to an agreement with the district entered into before the issuance of the obligation.

(5) In added Subchapter E, Chapter 3986, Special District Local Laws Code (page 6, line 9), strike "3986.0504" and substitute "3986.0505".

(6) In added Subchapter E, Chapter 3986, Special District Local Laws Code (page 6, line 16), strike "3986.0505" and substitute "3986.0506".

(7) In added Subchapter E, Chapter 3986, Special District Local Laws Code (page 6, line 30), strike "3986.0506" and substitute "3986.0507".

(8) In added Section 3986.0901, Special District Local Laws Code (page 6, line 64), strike "(d)" and substitute "(c)".

The amendment to **HB 4706** 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 4706 as amended was passed to third reading by a viva voce vote.

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

Nays: Bettencourt, Creighton, Hall.

HOUSE BILL 4706 ON THIRD READING

Senator Fallon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4706** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Creighton, Hall.

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

COMMITTEE SUBSTITUTE HOUSE BILL 3754 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSHB 3754** at this time on its second reading:

CSHB 3754, Relating to the collection of local permit and license fees authorized under the Alcoholic Beverage Code; authorizing a fee.

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.

COMMITTEE SUBSTITUTE HOUSE BILL 3754 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3754** be placed on its third reading and final passage.

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

Nays: Hall.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 4429 ON SECOND READING**

Senator Menéndez moved to suspend the regular order of business to take up for consideration **CSHB 4429** at this time on its second reading:

CSHB 4429, Relating to mental health first aid training for veterans and immediate family members of veterans.

The motion prevailed.

Senator Fallon 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: Fallon.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4429 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4429** be placed on its third reading and final passage.

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

Nays: Fallon.

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

HOUSE BILL 2174 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 2174** at this time on its second reading:

HB 2174, Relating to controlled substance prescriptions and reimbursement for treatment for certain substance use disorders; authorizing a fee.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2174** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) In this section, "qualifying practitioner" has the meaning assigned by 21 U.S.C. Section 823(g)(2)(G)(iii).

(b) Not later than November 1, 2019, the Health and Human Services Commission shall amend the commission's Medicaid Substance Use Disorder Services Medical Policy and any other provider or claims payment policy or manual necessary to authorize Medicaid medical benefits reimbursement for the prescribing of buprenorphine for the treatment of an opioid use disorder by an advanced practice registered nurse recognized by the Texas Board of Nursing as a clinical nurse specialist, nurse anesthetist, or nurse midwife, provided that the advanced practice registered nurse:

(1) is a qualifying practitioner;

(2) has obtained a waiver from registration requirements as provided by 21 U.S.C. Section 823(g); and

(3) is acting under adequate physician supervision and a physician's delegation under Section 157.0512 or 157.054, Occupations Code.

The amendment to **HB 2174** 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 2174 as amended was passed to third reading by a viva voce vote.

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

Nays: Birdwell, Hall, Seliger.

HOUSE BILL 2174 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2174** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Hall, Seliger.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 21, 2019 - 4

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 25 West Sponsor: Turner, Chris
Relating to measures to facilitate the transfer, academic progress, and timely graduation of students in public higher education.
(Committee Substitute/Amended)

SB 346 Zaffirini Sponsor: Leach
Relating to the consolidation, allocation, classification, and repeal of certain criminal court costs and other court-related costs, fines, and fees; imposing certain court costs and fees and increasing and decreasing the amounts of certain other court costs and fees.
(Committee Substitute/Amended)

SB 531 Birdwell Sponsor: Lozano
Relating to the sources of funding for the Texas emissions reduction plan.
(Committee Substitute/Amended)

SB 568 Huffman Sponsor: Bonnen, Greg
Relating to the regulation of child-care facilities and family homes; providing administrative penalties.
(Amended)

SB 572 Kolkhorst Sponsor: Rodriguez
Relating to the regulation of cottage food production operations.
(Committee Substitute/Amended)

SB 583 Hinojosa Sponsor: Rose
Relating to the appointment of a local public defender's office to represent indigent defendants in criminal cases.
(Amended)

SB 632 Kolkhorst Sponsor: Price
Relating to the composition of the governing bodies and the consultation policies of local mental health authorities with respect to sheriffs, their representatives, and local law enforcement agencies.
(Committee Substitute/Amended)

SB 667 Zaffirini Sponsor: Thompson, Senfronia
Relating to guardianships, management trusts, and certain other procedures and proceedings for persons who are incapacitated.
(Amended)

SB 719 Fallon Sponsor: Frank
Relating to increasing the punishment for certain conduct constituting the offense of murder and providing for the prosecution of that conduct as capital murder.
(Committee Substitute)

- SB 749** Kolkhorst Sponsor: Price
Relating to level of care designations for hospitals that provide neonatal and maternal care.
(Committee Substitute/Amended)
- SB 750** Kolkhorst Sponsor: Button
Relating to maternal and newborn health care and the quality of services provided to women in this state under certain health care programs.
(Amended)
- SB 1091** Nichols Sponsor: Ashby
Relating to vehicles eligible for veteran toll discount programs.
(Committee Substitute/Amended)
- SB 1238** Johnson Sponsor: Rose
Relating to the admission, examination, and discharge of a person for voluntary mental health services.
(Amended)
- SB 1319** Birdwell Sponsor: Murphy
Relating to an annual report submitted to the comptroller by a county that imposes certain hotel occupancy taxes.
(Amended)
- SB 1414** Hancock Sponsor: Phelan
Relating to fees regarding a residential tenant's failure to timely pay rent.
(Amended)
- SB 1621** Kolkhorst Sponsor: Price
Relating to creating a license for certain rural medical facilities; requiring a license; authorizing fees.
(Amended)
- SB 2182** Nelson Sponsor: Parker
Relating to the eligibility of certain events for funding under the Major Events Reimbursement Program.
(Committee Substitute/Amended)
- SB 2212** Taylor Sponsor: Paul
Relating to the maintenance and operation of certain projects by certain drainage districts.
(Amended)
- SB 2293** Fallon Sponsor: Dutton
Relating to the applicability of certain laws to open-enrollment charter schools.
(Amended)
- SB 2432** Taylor Sponsor: Sanford
Relating to the removal of a public school student from the classroom following certain conduct.
(Amended)

SB 2551 Hinojosa Sponsor: Burrows
Relating to liability, payment, and death benefits for certain workers' compensation claims.
(Committee Substitute/Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 21, 2019 - 5

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 535 Campbell Sponsor: Flynn
Relating to the carrying of a handgun by a license holder on the premises of certain places of religious worship.

SB 772 Hughes Sponsor: Springer
Relating to evidence in certain civil actions of a person's failure to forbid handguns on certain property.

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

SB 1834 Alvarado Sponsor: Rose
Relating to a study and pilot program regarding the use of incentives to purchase certain fruits or vegetables under the supplemental nutrition assistance program.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 3193 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3193** at this time on its second reading:

CSHB 3193, Relating to the licensing of, the executive commissioner of the Health and Human Services Commission's duties with respect to, and the administrative penalties for home and community support services agencies.

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

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

COMMITTEE SUBSTITUTE
HOUSE BILL 3193 ON THIRD READING

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3193** be placed on its third reading and final passage.

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

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

HOUSE BILL 1143 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 1143** at this time on its second reading:

HB 1143, Relating to the transportation or storage of a handgun or other firearm or ammunition by a handgun license holder in a school parking area.

The motion prevailed by the following vote: Yeas 20, Nays 11.

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

HOUSE BILL 1387 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 1387** at this time on its second reading:

HB 1387, 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 20, Nays 11.

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

HOUSE BILL 1143 ON THIRD READING

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1143** be placed on its third reading and final passage:

HB 1143, Relating to the transportation or storage of a handgun or other firearm or ammunition by a handgun license holder in a school parking area.

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

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

Nays: Alvarado, Menéndez, Rodríguez, Watson, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

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

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

HOUSE BILL 3910 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **HB 3910** at this time on its second reading:

HB 3910, Relating to the establishment of one or more supplemental county civil service commissions in certain counties.

The motion prevailed.

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

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

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

Nays: Buckingham, Fallon, Hall.

HOUSE BILL 3910 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3910** be placed on its third reading and final passage.

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

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

Nays: Buckingham, Fallon, Hall.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2363 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 2363** at this time on its second reading:

CSHB 2363, Relating to permitting certain foster homes to store firearms and ammunition in the same locked location.

The motion prevailed by the following vote: Yeas 24, Nays 7.

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2363 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2363** be placed on its third reading and final passage.

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

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

Nays: Alvarado, Johnson, Menéndez, Powell, Rodríguez, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

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

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

HOUSE BILL 2587 ON SECOND READING

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 2587** at this time on its second reading:

HB 2587, Relating to the business of travel insurance.

The motion prevailed.

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

The bill was read second time.

Senator Paxton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2587** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 3504.0001(1), Insurance Code (page 1, line 25), strike "a website" and substitute "an Internet website".

(2) In SECTION 1 of the bill, in added Section 3504.0001(4)(K), Insurance Code (page 2, line 25), strike "daycare institution" and substitute "day-care facility".

(3) In SECTION 1 of the bill, in added Section 3504.0001(10), Insurance Code (page 2, line 68), between "insurance and" and "not related", insert "are".

(4) In SECTION 1 of the bill, strike added Section 3504.0003, Insurance Code (page 3, lines 32-33).

(5) In SECTION 1 of the bill, strike added Section 3504.0004(a), Insurance Code (page 3, lines 34-37), and substitute the following:

(a) Except as provided by Subsection (b) and notwithstanding any other provision of this code, travel insurance is classified and filed for purposes of rates and forms under an inland marine line of insurance.

(6) In SECTION 1 of the bill, in added Section 3504.0005(a), Insurance Code (page 3, lines 59-68), strike Subdivision (3) and substitute the following:

(3) a blanket travel insurance policyholder who buys a blanket travel insurance policy for members of an eligible group if:

(A) the policyholder is a resident of this state; or

(B) the policyholder's principal place of business is located in this state.

(7) In SECTION 1 of the bill, in added Section 3504.0005(b), Insurance Code (page 4, lines 4-6), strike Subdivision (2) and substitute the following:

(2) report as premium:

(A) only the amount allocable to travel insurance and not amounts received for travel assistance services or cancellation fee waivers; and

(B) only the amount allocable to residents of this state.

(8) In SECTION 1 of the bill, strike added Section 3504.0006(1), Insurance Code (page 4, lines 15-20), and substitute the following:

(1) at the time or before the consumer buys the travel protection plan it is clearly disclosed to the consumer that the plan includes travel insurance, travel assistance services, and cancellation fee waivers, as applicable, and provides information and an opportunity for the consumer to obtain additional information regarding the features and the pricing of each feature;

(9) In SECTION 1 of the bill, in added Section 3504.0007(g), Insurance Code (page 4, line 67), strike "insurer's website" and substitute "insurer's Internet website".

(10) In SECTION 1 of the bill, in added Section 3504.0007(g)(1), Insurance Code (page 5, line 2), strike "the website" and substitute "the Internet website".

(11) In SECTION 1 of the bill, in added Section 3504.0007(h), Insurance Code (page 5, line 7), strike "using negative option" and substitute "using a negative option".

(12) In SECTION 1 of the bill, in added Section 3504.0008, Insurance Code (page 5, line 23), strike "The commissioner shall adopt" and substitute "(a) The commissioner may adopt".

(13) In SECTION 1 of the bill, in added Section 3504.0008, Insurance Code (page 5, between lines 26 and 27), insert the following:

(b) The comptroller, in consultation with the commissioner, may adopt rules to implement this chapter.

(14) In SECTION 2 of the bill, in added Section 4055.151(1-c), Insurance Code (page 5, lines 37-40), strike "a person who, directly or indirectly, underwrites, collects a charge, collateral, or premium from, or adjusts or settles a claim of a resident of this state" and substitute "a person who directly or indirectly underwrites, collects a charge, collateral, or premium from, or adjusts or settles a claim of, a resident of this state".

(15) In SECTION 3 of the bill, strike amended Section 4055.154(b), Insurance Code (page 6, lines 59-61), and substitute the following:

(b) Travel insurance coverage may be provided under an individual [~~policy~~] or [~~a~~] group insurance policy or a blanket travel insurance [~~master~~] policy, as defined by Section 3504.0001.

(16) Renumber the sections of and the cross-references within added Chapter 3504, Insurance Code, accordingly.

The amendment to **HB 2587** 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 2587 as amended was passed to third reading by a viva voce vote.

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

Nays: Hall.

HOUSE BILL 2587 ON THIRD READING

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2587** 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)

(Senator Hancock in Chair)

HOUSE BILL 1140 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 1140** at this time on its second reading:

HB 1140, Relating to fees for vehicles stored at vehicle storage facilities; authorizing fee increases and decreases; eliminating a fee; eliminating a minimum fee.

The motion prevailed.

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

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1140** (senate committee printing) by striking added Sections 2303.1552(b) and (c), Occupations Code (page 2, lines 1-13), and substituting the following:

(b) Each odd-numbered year, the commission, not later than November 1:

(1) by rule may adjust the impoundment fee under Section 2303.155(b)(2) and the storage fees under Section 2303.155(b)(3) by an amount equal to the amount of the applicable fee in effect on December 31 of the preceding year multiplied by the percentage increase or decrease in the consumer price index during the preceding state fiscal biennium; and

(2) if the fees are adjusted under Subdivision (1), shall publish the adjusted fees on the department's Internet website.

(c) A fee adjusted under Subsection (b) is effective beginning the January 1 following the adoption of a rule under that subsection.

The amendment to **HB 1140** 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 1140 as amended was passed to third reading by a viva voce vote.

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

Nays: Hall.

HOUSE BILL 1140 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1140** 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 1891 ON SECOND READING

On motion of Senator Powell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1891** at this time on its second reading:

HB 1891, Relating to an exemption from the assessment requirements of the Texas Success Initiative for students who achieve a certain score on a high school equivalency examination.

The bill was read second time.

Senator Powell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1891** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill, amending Section 51.338, Education Code (page 1, line 24), strike "Subsection (h)" and substitute "Subsections (h) and (i)".

(2) On page 1, between lines 29 and 30, insert the following:

(i) The board shall:

(1) collect and analyze data regarding the effectiveness of high school equivalency examinations administered under Section 7.111 in assisting students to become ready to perform freshman-level academic coursework, as measured by the performance on freshman-level academic coursework of students receiving an exemption under Subsection (h); and

(2) include the analysis under Subdivision (1) in the board's evaluation of the effectiveness of the success initiative under Section 51.343.

The amendment to **HB 1891** was read.

Senator Powell withdrew Floor Amendment No. 1.

HB 1891 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 1891 ON THIRD READING

Senator Powell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1891** be placed on its third reading and final passage.

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

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

HOUSE BILL 2944 ON SECOND READING

On motion of Senator Flores and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2944** at this time on its second reading:

HB 2944, Relating to authorizing the sale or transfer of the G. J. Sutton Building Complex in San Antonio.

The bill was read second time.

Senator Flores offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2944** (senate committee printing), in SECTION 1 of the bill, by adding the following appropriately lettered subsection to that section and redesignating subsections of that section and cross-references to those subsections accordingly:

() The sale of the real property authorized by this section must comply with 26 C.F.R. Sections 1.141-12(a), (b), (c), and (e). This subsection prevails to the extent of any conflict between this subsection and any provision of this Act or any other law.

The amendment to **HB 2944** 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 2944 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 2944 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 **HB 2944** be placed on its third reading and final passage.

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

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

HOUSE BILL 4130 ON SECOND READING

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4130** at this time on its second reading:

HB 4130, Relating to use of an electronic device for accepting voters; authorizing a fee.

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

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

HOUSE BILL 4130 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4130** be placed on its third reading and final passage.

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

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

HOUSE BILL 4372 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4372** at this time on its second reading:

HB 4372, Relating to youth camp abuse complaints and compliance orders.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 4372** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 141.0051, Health and Safety Code (page 1, lines 23 through 29), and substitute the following:

Sec. 141.0051. LICENSE; CONSIDERATION OF CERTAIN CONVICTIONS. In making a determination on issuance, renewal, or revocation of a youth camp operator's license, the department shall consider whether the youth camp employs an individual who was convicted of an act of sexual abuse, as defined by Section 21.02, Penal Code.

(2) In SECTION 1 of the bill, strike added Section 141.0085(b), Health and Safety Code (page 1, lines 35 through 45), and substitute the following:

(b) If a law enforcement agency notifies a youth camp operator of the investigation or conviction of an individual who is employed by the camp for an act of sexual abuse, as defined by Section 21.02, Penal Code, that occurred at the camp, the operator shall:

(1) immediately notify the department of the investigation or conviction;
and

(2) retain all records related to the investigation or conviction until the department notifies the camp that the record retention is no longer required.

(3) In SECTION 2 of the bill, strike added Section 141.0111, Health and Safety Code (page 1, lines 48 through 61), and substitute the following:

Sec. 141.0111. REQUIRED INFORMATION ABOUT ABUSE REPORTING. A youth camp operator shall develop and maintain a written policy regarding the method for reporting to the department suspected abuse occurring at the camp. The operator on request of any person shall provide a copy of the policy to the person.

(4) In SECTION 2 of the bill, strike added Section 141.0112(b), Health and Safety Code (page 2, lines 6 through 10), and substitute the following:

(b) A youth camp operator shall include on the camp's publicly accessible Internet website a clearly marked link to the youth camp program web page on the department's Internet website.

(5) Strike SECTION 3 of the bill (page 2, lines 11 through 14) and renumber subsequent SECTIONS of the bill accordingly.

The amendment to **HB 4372** was read.

Senator Whitmire offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **HB 4372** as follows:

(1) Strike line 10 and insert the following "Penal Code, that occurred at the camp."

The amendment to Floor Amendment No. 1 to **HB 4372** 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.

Question recurring on the adoption of Floor Amendment No. 1 to **HB 4372**, the amendment as amended was adopted by a viva voce vote.

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

HB 4372 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 4372 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 **HB 4372** 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.

RECESS

On motion of Senator Whitmire, the Senate at 6:05 p.m. recessed until 6:30 p.m. today.

AFTER RECESS

The Senate met at 7:06 p.m. and was called to order by the President.

BILLS AND RESOLUTIONS SIGNED

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

HB 98, HB 295, HB 714, HB 823, HB 866, HB 961, HB 1002, HB 1130, HB 1351, HB 1386, HB 1435, HB 1455, HB 1526, HB 1633, HB 1694, HB 1743, HB 1884, HB 2299, HB 2441, HB 2699, HB 2755, HB 2778, HB 2859, HB 3100, HB 3233, HB 3365, HB 3753, HB 4548, HB 4611, HB 4723, HJR 72, HJR 151.

SENATE RULE 5.14(a) SUSPENDED (Intent Calendar)

On motion of Senator Hughes and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 9:00 p.m. today.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2747 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSHB 2747** at this time on its second reading:

CSHB 2747, Relating to certain notice requirements applicable to massage therapy.

The motion prevailed.

Senator Fallon 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: Fallon.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2747 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2747** be placed on its third reading and final passage.

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

Nays: Fallon.

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

HOUSE BILL 3511 ON SECOND READING

Senator Alvarado moved to suspend the regular order of business to take up for consideration **HB 3511** at this time on its second reading:

HB 3511, Relating to the creation of the Commission on Texas Workforce of the Future.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Alvarado, Birdwell, Campbell, Flores, Hinojosa, Huffman, Hughes, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Buckingham, Creighton, Fallon, Hall, Hancock, Kolkhorst.

The bill was read second time and was passed to third reading by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

HOUSE BILL 3511 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 **HB 3511** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Buckingham, Creighton, Fallon, Hall, Kolkhorst.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Alvarado, Birdwell, Campbell, Flores, Hinojosa, Huffman, Hughes, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Buckingham, Creighton, Fallon, Hall, Hancock, Kolkhorst.

COMMITTEE SUBSTITUTE HOUSE BILL 1051 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSHB 1051** at this time on its second reading:

CSHB 1051, Relating to an adult education program provided under an adult high school diploma and industry certification charter school program and reporting requirements regarding certain students.

The motion prevailed.

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

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

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

Nays: Creighton.

COMMITTEE SUBSTITUTE HOUSE BILL 1051 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1051** be placed on its third reading and final passage.

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

Nays: Creighton.

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

HOUSE BILL 3490 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **HB 3490** at this time on its second reading:

HB 3490, Relating to the prosecution and punishment of the criminal offense of harassment; creating a criminal offense.

The motion prevailed.

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

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

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

Nays: Creighton, Fallon.

HOUSE BILL 3490 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3490** 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, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Creighton, Fallon.

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

HOUSE BILL 1099 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 1099** at this time on its second reading:

HB 1099, Relating to peace officers commissioned by the State Board of Veterinary Medical Examiners.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Alvarado, Buckingham, Flores, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Perry, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Fallon, Hall, Hancock, Hughes, Nelson, Paxton, Schwertner.

The bill was read second time and was passed to third reading by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

HOUSE BILL 2909 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 2909** at this time on its second reading:

HB 2909, Relating to election practices and procedures; creating a criminal offense.

The motion prevailed.

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

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2909** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____. Subchapter A, Chapter 129, Election Code, is amended by adding Section 129.003 to read as follows:

Sec. 129.003. PAPER AUDIT TRAIL REQUIRED. (a) In this section, "auditable voting system" means a voting system that is certified by the United States Election Assistance Commission and the secretary of state on the date it is acquired and that uses or produces a paper ballot by which a voter can verify that the voter's selections are accurately reflected.

(b) Except as otherwise provided by this section, a voting system used in an election must be an auditable voting system.

(c) The paper record is the official record of the vote cast for a recount under Title 13.

(d) An authority that purchased a voting system other than an auditable voting system after September 1, 2014, and before September 1, 2019, may use available federal funding and, if federal funding is not available, available state funding to convert the purchased voting system into an auditable voting system in accordance with the following schedule:

(1) if the voting system was converted into an auditable voting system not later than the election taking place November 3, 2020, the authority is eligible to have 100 percent of the cost of conversion reimbursed under this section; and

(2) if the authority is not eligible for a 100 percent reimbursement of cost under Subdivision (1) and the voting system was converted into an auditable voting system not later than the election taking place November 5, 2024, the authority is eligible to have 50 percent of the cost of conversion reimbursed under this section.

(e) The secretary of state may use any available funds to assist an authority with the purchase of an auditable voting system if the funds have been appropriated for that purpose.

(f) Subsections (b) and (c) do not apply to an election held before September 1, 2024.

(g) A paper record generated by an auditable voting system may be used only for the purposes described by this section and may not be retained by the voter.

(h) Notwithstanding Subsection (b), a voter voting under Section 64.009 may use a voting machine that is not part of an auditable voting system as necessary to comply with that section.

HUGHES
HALL
WEST

The amendment to **HB 2909** was read and was adopted by the following vote: Yeas 28, Nays 3.

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

Nays: Bettencourt, Huffman, Whitmire.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 2909** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 61.032, Election Code, is amended to read as follows:

Sec. 61.032. INTERPRETER PERMITTED. If an election officer who attempts to communicate with a voter does not understand the language used by the voter, the voter may communicate through an interpreter selected by the voter or, if the voter has not selected an interpreter, any interpreter an election officer may appoint.

SECTION _____. Section 61.033, Election Code, is amended to read as follows:

Sec. 61.033. ELIGIBILITY TO SERVE AS INTERPRETER. To be eligible to serve as an interpreter, a person:

(1) if selected by the voter, may be any person other than the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs; or

(2) if appointed to serve as an interpreter by an election officer:

(A) may not be the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs; and

(B) must be a registered voter of the county in which the voter needing the interpreter resides or a registered voter of an adjacent county.

SECTION _____. Section 61.034, Election Code, is amended to read as follows:

Sec. 61.034. TRANSLATING BALLOT. If a voter cannot comprehend the language in which the ballot is printed, the voter may receive assistance in accordance with Subchapter B, Chapter 64 [an interpreter may accompany the voter to the voting station for the purpose of translating the ballot to the voter].

SECTION _____. Section 61.035, Election Code, is amended to read as follows:

Sec. 61.035. OATH. (a) Before serving as an interpreter, the person selected as interpreter must take the following oath administered by an election officer:

"I swear (or affirm) that, to the best of my ability, I will correctly interpret and translate each question, answer, or statement addressed either to the voter by any election officer or to an election officer by the voter."

(b) A person who will be providing ballot assistance under Section 61.034 must also take the oath required by Subchapter B, Chapter 64, and meet all other requirements of that subchapter.

The amendment to **HB 2909** was read and was adopted by a viva voce vote.

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

HB 2909 as amended was passed to third reading by a viva voce vote.

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

Nays: Bettencourt, Huffman.

HOUSE BILL 2909 ON THIRD READING

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2909** be placed on its third reading and final passage:

Relating to election practices and procedures; creating a criminal offense.

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

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

Nays: Bettencourt, Huffman.

The bill was read third time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **HB 2909** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly: SECTION _____. Section 67.007(b), Election Code, is amended to read as follows:

(b) The county election returns shall state, for each candidate and for and against each measure:

(1)[7] the total number of votes received in the county
as stated by the local canvassing authority's tabulation of votes;

(2) the total number of early voting votes cast by personal appearance received in the county; and

(3) the total number of early voting votes cast by mail received in the county.

SECTION _____. Section 68.004(b), Election Code, is amended to read as follows:

- (b) The periodic reports may include:
- (1) vote totals for all contested races being tabulated;
 - (2) vote totals by county for federal offices and statewide offices of the state government;
 - (3) vote totals for federal offices and statewide offices of the state government in each of the six most populous counties, the total for the next 19 most populous counties, and the total for the remaining 229 counties; ~~and~~
 - (4) the total number of early voting votes cast by personal appearance and the total number of early voting votes cast by mail for all contested races being tabulated; and
 - (5) any other information the secretary of state determines to be relevant.

SECTION _____. Section 87.027, Election Code, is amended by adding Subsection (i-1) to read as follows:

(i-1) The signature verification committee may compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signatures on other carrier envelope certificates received for the same election to determine whether the same voter cast more than one ballot by mail. A determination under this subsection that the same voter cast more than one ballot by mail must be made by a majority vote of the committee's membership. The committee must report a determination under this subsection that the same voter cast more than one ballot by mail in the same election to the attorney general and the attorney general shall investigate the allegations. The secretary of state may adopt rules relating to the information included in a report to the attorney general under this subsection.

SECTION _____. Section 87.042(b), Election Code, is amended to read as follows:

(b) ~~The [Except as provided by Subsection (c), the]~~ board shall place the ballot envelope containing an accepted ballot in a separate ballot box from the ballot box containing the early voting ballots voted by personal appearance.

SECTION _____. Section 87.103, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The early voting returns prepared at the central counting station must include any early voting results obtained by the early voting ballot board under Subchapter [Subchapters] D [and E].

(c) The early voting votes cast by personal appearance shall be tabulated separately from the early voting votes cast by mail and shall be separately reported on the returns.

SECTION _____. Section 87.124, Election Code, is amended to read as follows:

Sec. 87.124. PRESERVATION OF EARLY VOTING ELECTION RECORDS GENERALLY. The early voting election returns, voted early voting ballots, and other early voting election records shall be preserved after the election in the same manner as the corresponding precinct election records except that early voting ballots voted by mail shall be preserved in a separate container from early voting ballots cast by personal appearance.

SECTION _____. Section 87.042(c), Election Code, is repealed.

Tax Code, is amended by adding Section 26.0442 to read as follows:

The amendment to **HB 2909** was read and was adopted by a viva voce vote.

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

HB 2909 as amended was finally passed by the following vote: Yeas 29, Nays 2.

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

Nays: Bettencourt, Huffman.

RECESS

On motion of Senator Whitmire, the Senate at 8:29 p.m. recessed until 9:00 p.m. today.

AFTER RECESS

The Senate met at 9:45 p.m. and was called to order by the President.

HOUSE BILL 1099 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1099** be placed on its third reading and final passage:

HB 1099, Relating to peace officers commissioned by the State Board of Veterinary Medical Examiners.

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

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

Nays: Fallon, Hall, Hancock, Hughes, Nelson, Paxton.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

Yeas: Alvarado, Buckingham, Flores, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Perry, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Fallon, Hall, Hancock, Hughes, Nelson, Paxton, Schwertner.

SENATE RULE 5.14(a) SUSPENDED (Intent Calendar)

On motion of Senator Hughes and by unanimous consent, Senate Rule 5.14(a) was suspended to allow the suspension of the regular order of business tomorrow on any bills that were on the Intent Calendar for today.

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 10:15 p.m. today.

CO-SPONSOR OF HOUSE BILL 37

On motion of Senator Perry, Senator West will be shown as Co-sponsor of **HB 37**.

CO-SPONSOR OF HOUSE BILL 53

On motion of Senator Powell, Senator Alvarado will be shown as Co-sponsor of **HB 53**.

CO-SPONSOR OF HOUSE BILL 170

On motion of Senator Alvarado, Senator Miles will be shown as Co-sponsor of **HB 170**.

CO-SPONSOR OF HOUSE BILL 492

On motion of Senator Taylor, Senator Bettencourt will be shown as Co-sponsor of **HB 492**.

CO-SPONSOR OF HOUSE BILL 496

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-sponsor of **HB 496**.

CO-SPONSORS OF HOUSE BILL 616

On motion of Senator Nelson, Senators Alvarado and Fallon will be shown as Co-sponsors of **HB 616**.

CO-SPONSOR OF HOUSE BILL 696

On motion of Senator Powell, Senator Alvarado will be shown as Co-sponsor of **HB 696**.

CO-SPONSOR OF HOUSE BILL 808

On motion of Senator Miles, Senator Alvarado will be shown as Co-sponsor of **HB 808**.

CO-SPONSOR OF HOUSE BILL 996

On motion of Senator Paxton, Senator Alvarado will be shown as Co-sponsor of **HB 996**.

CO-SPONSOR OF HOUSE BILL 1051

On motion of Senator Watson, Senator Bettencourt will be shown as Co-sponsor of **HB 1051**.

CO-SPONSOR OF HOUSE BILL 1063

On motion of Senator Buckingham, Senator Alvarado will be shown as Co-sponsor of **HB 1063**.

CO-SPONSOR OF HOUSE BILL 1064

On motion of Senator Birdwell, Senator Alvarado will be shown as Co-sponsor of **HB 1064**.

CO-SPONSOR OF HOUSE BILL 1099

On motion of Senator Hinojosa, Senator Flores will be shown as Co-sponsor of **HB 1099**.

CO-SPONSOR OF HOUSE BILL 1111

On motion of Senator Kolkhorst, Senator Miles will be shown as Co-sponsor of **HB 1111**.

CO-SPONSOR OF HOUSE BILL 1139

On motion of Senator Miles, Senator Hinojosa will be shown as Co-sponsor of **HB 1139**.

CO-SPONSOR OF HOUSE BILL 1143

On motion of Senator Hughes, Senator Hall will be shown as Co-sponsor of **HB 1143**.

CO-SPONSOR OF HOUSE BILL 1318

On motion of Senator Rodríguez, Senator Miles will be shown as Co-sponsor of **HB 1318**.

CO-SPONSOR OF HOUSE BILL 1387

On motion of Senator Creighton, Senator Bettencourt will be shown as Co-sponsor of **HB 1387**.

CO-SPONSORS OF HOUSE BILL 1399

On motion of Senator Creighton, Senators Bettencourt and Fallon will be shown as Co-sponsors of **HB 1399**.

CO-SPONSOR OF HOUSE BILL 1576

On motion of Senator Buckingham, Senator Schwertner will be shown as Co-sponsor of **HB 1576**.

CO-SPONSOR OF HOUSE BILL 1655

On motion of Senator Johnson, Senator Watson will be shown as Co-sponsor of **HB 1655**.

CO-SPONSOR OF HOUSE BILL 1888

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-sponsor of **HB 1888**.

CO-SPONSOR OF HOUSE BILL 2345

On motion of Senator Hinojosa, Senator Miles will be shown as Co-sponsor of **HB 2345**.

CO-SPONSOR OF HOUSE BILL 2384

On motion of Senator Huffman, Senator Hinojosa will be shown as Co-sponsor of **HB 2384**.

CO-SPONSOR OF HOUSE BILL 2817

On motion of Senator Hughes, Senator Bettencourt will be shown as Co-sponsor of **HB 2817**.

CO-SPONSORS OF HOUSE BILL 2909

On motion of Senator Hughes, Senators Hall and Lucio will be shown as Co-sponsors of **HB 2909**.

CO-SPONSOR OF HOUSE BILL 2944

On motion of Senator Flores, Senator West will be shown as Co-sponsor of **HB 2944**.

CO-SPONSORS OF HOUSE BILL 3148

On motion of Senator Bettencourt, Senators Lucio and Zaffirini will be shown as Co-sponsors of **HB 3148**.

CO-SPONSOR OF HOUSE BILL 3193

On motion of Senator Johnson, Senator Watson will be shown as Co-sponsor of **HB 3193**.

CO-SPONSOR OF HOUSE BILL 3284

On motion of Senator Nelson, Senator Schwertner will be shown as Co-sponsor of **HB 3284**.

CO-SPONSOR OF HOUSE BILL 3388

On motion of Senator Kolkhorst, Senator Johnson will be shown as Co-sponsor of **HB 3388**.

CO-SPONSOR OF HOUSE BILL 3420

On motion of Senator Menéndez, Senator Creighton will be shown as Co-sponsor of **HB 3420**.

CO-SPONSORS OF HOUSE BILL 3490

On motion of Senator Huffman, Senators Alvarado and Menéndez will be shown as Co-sponsors of **HB 3490**.

CO-SPONSOR OF HOUSE BILL 3601

On motion of Senator Menéndez, Senator Lucio will be shown as Co-sponsor of **HB 3601**.

CO-SPONSOR OF HOUSE BILL 3703

On motion of Senator Campbell, Senator West will be shown as Co-sponsor of **HB 3703**.

CO-SPONSOR OF HOUSE BILL 3809

On motion of Senator Watson, Senator Creighton will be shown as Co-sponsor of **HB 3809**.

CO-SPONSOR OF HOUSE BILL 3950

On motion of Senator Kolkhorst, Senator Schwertner will be shown as Co-sponsor of **HB 3950**.

CO-SPONSOR OF HOUSE BILL 4179

On motion of Senator Miles, Senator Huffman will be shown as Co-sponsor of **HB 4179**.

CO-SPONSORS OF HOUSE BILL 4347

On motion of Senator Nelson, Senators Hinojosa and Schwertner will be shown as Co-sponsors of **HB 4347**.

CO-SPONSOR OF HOUSE BILL 4429

On motion of Senator Menéndez, Senator Lucio will be shown as Co-sponsor of **HB 4429**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 133

On motion of Senator West, Senator Miles will be shown as Co-sponsor of **HCR 133**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 783 by Miles, In memory of Waun Ki Hong.

SR 787 by Nelson, In memory of Charles Patterson "Pat" Worrell.

SR 793 by Lucio, In memory of the life of Jose M. Lopez.

Congratulatory Resolutions

SR 780 by Birdwell, Recognizing Stephen Carroll on the occasion of his high school graduation.

SR 781 by Flores and Menéndez, Recognizing the Trinity University Police Department on its accreditation by the International Association of Campus Law Enforcement Administrators.

SR 782 by Menéndez, Recognizing Vicente Ramirez for his career in law enforcement.

SR 784 by Watson, Recognizing Laura Cagle-Hinojosa on the occasion of her retirement.

SR 785 by Watson, Commending Marcel Oliver López Reed for achieving the rank of Eagle Scout.

SR 786 by Watson, Commending Maximillian Sheng-Li Irby for achieving the rank of Eagle Scout.

SR 788 by Campbell, Recognizing Cruz Montemayor on the occasion of his retirement.

SR 789 by Schwertner, Recognizing the Milano High School boys track team for winning a state championship.

SR 790 by Lucio, Recognizing Glenn Hill on the occasion of his retirement.

SR 791 by Lucio, Recognizing René Torres for his service to Rio Grande Valley communities.

SR 792 by Lucio, Recognizing Rose Marie Lehmann for her service with the Girl Scouts of the United States of America.

SR 794 by Lucio, Recognizing Frank Torres for his service with the Texas Emergency Services Retirement System Board of Trustees.

SR 795 by Lucio, Recognizing the Harlingen Police Department BBQ Cook-off.

SR 796 by Lucio, Recognizing Gracie L. Paredes for her contributions to Cameron County.

SR 797 by Hinojosa, Recognizing Aida Ramirez for her civic leadership.

SR 798 by Flores, Recognizing the Big Bend Regional Medical Center for receiving a Trauma Designation Award.

SR 799 by Nelson, Recognizing Kay K. Sanders for receiving the Helen Lamb Outstanding Educator Award.

SR 800 by Hinojosa and Lucio, Recognizing Aida Ramirez for her civic leadership.

RECESS

On motion of Senator Whitmire, the Senate at 9:55 p.m. recessed 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 21, 2019

ADMINISTRATION — **HB 3029, SCR 63**

PROPERTY TAX — **CSHB 492, HB 388, HB 3384, HB 2159, HB 1883, HB 1885**

HIGHER EDUCATION — **HCR 133**

BUSINESS AND COMMERCE — **HB 3041**

ADMINISTRATION — **HB 4765**

BUSINESS AND COMMERCE — CSHB 2817**BILLS ENGROSSED**May 20, 2019**SB 978, SB 1874, SB 2312****RESOLUTIONS ENROLLED**May 20, 2019**SR 774, SR 775, SR 776, SR 777, SR 778, SR 779****SENT TO GOVERNOR**May 21, 2019**SB 31, SB 73, SB 170, SB 195, SB 201, SB 282, SB 386, SB 401, SB 430, SB 436, SB 443, SB 476, SB 494, SB 496, SB 522, SB 733, SB 935, SB 942, SB 962, SB 1024, SB 1082, SB 1092, SB 1153, SB 1211, SB 1232, SB 1239, SB 1259, SB 1262, SB 1268, SB 1324, SB 1376, SB 1415, SB 1450, SB 1584, SB 1679, SB 1680, SB 1682, SB 1822, SB 1824, SB 1840, SB 1856, SB 1947, SB 2075, SB 2135, SB 2151, SB 2208, SB 2224, SB 2448, SB 2502, SCR 61, SCR 62****SIGNED BY GOVERNOR**May 21, 2019**SB 636, SB 1959, SCR 21, SCR 60**