

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SECOND DAY — TUESDAY, MAY 16, 2017

The house met at 10:04 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1265).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospes; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Johnson, E.

Absent — Ashby; Stickland.

The speaker recognized Representative Shine who introduced Gary DeSalvo, senior pastor, Temple Bible Church, Temple, who offered the invocation as follows:

Father, it is with grateful hearts we convene here today. We are grateful for the privilege of representing those who have placed us in office. We are grateful for the great nation in which we are privileged to live and the freedom we enjoy. We are grateful for those who have secured this freedom for us, many paying the ultimate price that allows us to be here without fear. We are grateful for the great State of Texas that we are privileged to call home and the opportunity to serve her and our fellow citizens. We are grateful for the freedom we have to worship, to pray, and to call upon you to guide us this day as our loving Father. Amen.

The speaker recognized Representative Roberts who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

E. Johnson on motion of Gooden.

CAPITOL PHYSICIAN

The speaker recognized Representative Keough who presented Dr. Marian Allen of Spring as the "Doctor for the Day."

The house welcomed Dr. Allen and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Cyrier in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Raymond requested permission for the Committee on Human Services to meet while the house is in session, at 10:30 a.m. today, in 1W.14, to consider **SB 932, SB 933, SB 1208, SB 1927**, and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Human Services, 10:30 a.m. today, 1W.14, for a formal meeting, to consider **SB 932, SB 933, SB 1208, SB 1927**, and pending business.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Ashby now present)

HR 1928 - PREVIOUSLY ADOPTED (by Minjarez)

The chair laid out and had read the following previously adopted resolution:

HR 1928, Commending Clarissa Milner of Earl Warren High School in San Antonio for enlisting in the U.S. Marine Corps and for her role in inspiring **SB 1152**.

INTRODUCTION OF GUESTS

The chair recognized Representative Minjarez who introduced Clarissa Milner, Albert Duran, members of their families, and representatives of Earl Warren High School.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List Nos. 22 and 23).

RESOLUTIONS ADOPTED

Representative Kacal moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 2007 (by Stucky), Congratulating the Texas Woman's University gymnastics team on winning the 2017 USA Gymnastics Women's Collegiate National Championships.

HR 2109 (by Gonzales), Recognizing May 17, 2017, as Diffuse Intrinsic Pontine Glioma Awareness Day in memory of Brock Hunter Fleming.

The resolutions were adopted.

On motion of Representative Kacal, the names of all the members of the house were added to the resolutions as signers thereof, with the understanding that a member may remove his or her name from any resolution.

HR 2007 - INTRODUCTION OF GUESTS

The chair recognized Representative Stucky who introduced representatives of the Texas Woman's University gymnastics team.

**HR 1645 - PREVIOUSLY ADOPTED
(by C. Anderson)**

The chair laid out and had read the following previously adopted resolution:

HR 1645, In memory of former state representative Thomas Paul Moore Jr. of Waco.

INTRODUCTION OF GUESTS

The chair recognized Representative C. Anderson who introduced family members of the Honorable Thomas Paul Moore Jr.

**HR 2112 - ADOPTED
(by P. King)**

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 2112**.

The motion prevailed.

The following resolution was laid before the house:

HR 2112, In memory of Justin B. Unruh of Austin.

HR 2112 was read and was unanimously adopted by a rising vote.

On motion of Representative Burkett, the names of all the members of the house were added to **HR 2112** as signers thereof.

HCR 143 - ADOPTED
(by Lozano)

Representative Kacal moved to suspend all necessary rules to take up and consider at this time **HCR 143**.

The motion prevailed.

The following resolution was laid before the house:

HCR 143, Recalling **SB 622** from the governor for clerical actions.

HCR 143 was adopted by (Record 1266): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; Keough; King, P.; King, T.; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrier(C).

Absent, Excused — Johnson, E.

Absent — Dukes; Hinojosa; King, K.; Klick; Rinaldi; Schaefer; Stickland; White; Wilson.

STATEMENTS OF VOTE

When Record No. 1266 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1266 was taken, I was in the house but away from my desk. I would have voted yes.

Hinojosa

When Record No. 1266 was taken, I was in the house but away from my desk. I would have voted yes.

Rinaldi

When Record No. 1266 was taken, I was in the house but away from my desk. I would have voted yes.

White

(Speaker in the chair)

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 1467 ON THIRD READING
(Lozano and Guillen - House Sponsors)**

SB 1467, A bill to be entitled An Act relating to the Texas college work-study program and to establishing a program for the off-campus employment of certain students at public or private institutions of higher education.

SB 1467 was passed by (Record 1267): 107 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.; Kacal; King, K.; King, T.; Koop; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Perez; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Bonnen, D.; Bonnen, G.; Burrows; Cain; Craddick; Cyrier; Dale; Faircloth; Fallon; Frank; Hefner; Isaac; Keough; King, P.; Klick; Krause; Landgraf; Lang; Leach; Metcalf; Morrison; Murr; Paul; Phelan; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C); White.

Absent, Excused — Johnson, E.

Absent — Burkett; Dukes; Parker; Raney; Stickland.

STATEMENTS OF VOTE

When Record No. 1267 was taken, I was in the house but away from my desk. I would have voted no.

Burkett

When Record No. 1267 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1267 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1267 was taken, I was shown voting yes. I intended to vote no.

Goldman

When Record No. 1267 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1267 was taken, my vote failed to register. I would have voted yes.

Parker

When Record No. 1267 was taken, I was in the house but away from my desk. I would have voted yes.

Raney

When Record No. 1267 was taken, I was shown voting yes. I intended to vote no.

Simmons

When Record No. 1267 was taken, I was shown voting yes. I intended to vote no.

Springer

When Record No. 1267 was taken, I was in the house but away from my desk. I would have voted no.

Stickland

**SB 28 ON THIRD READING
(Deshotel - House Sponsor)**

SB 28, A bill to be entitled An Act relating to the financing of ports in the state.

SB 28 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Deshotel, Representatives Cain, Paul, and Perez were authorized as house sponsors to **SB 28**.

SB 28 was passed by (Record 1268): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent — Dukes; Stickland.

STATEMENT OF VOTE

When Record No. 1268 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 303 ON THIRD READING (S. Thompson - House Sponsor)

SB 303, A bill to be entitled An Act relating to the continuation and functions of the Board of Law Examiners.

SB 303 was passed by (Record 1269): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert;

Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent — Dukes; Stickland.

STATEMENTS OF VOTE

When Record No. 1269 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1269 was taken, I was in the house but away from my desk. I would have voted yes.

Stickland

SB 286 ON THIRD READING (Gooden - House Sponsor)

SB 286, A bill to be entitled An Act relating to the governing board of the Trinity Valley Community College District.

SB 286 was passed by (Record 1270): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Isaac; Israel; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent — Dukes; Huberty; Murphy; Stickland.

STATEMENTS OF VOTE

When Record No. 1270 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1270 was taken, I was in the house but away from my desk. I would have voted yes.

Murphy

When Record No. 1270 was taken, I was in the house but away from my desk. I would have voted yes.

Stickland

SB 302 ON THIRD READING (S. Thompson - House Sponsor)

SB 302, A bill to be entitled An Act relating to the continuation and functions of the state bar.

SB 302 was passed by (Record 1271): 125 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Huberty; Hunter; Isaac; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bernal; Biedermann; Blanco; Bonnen, D.; Cain; Capriglione; Goldman; Hefner; Howard; Israel; Krause; Lang; Phillips; Rinaldi; Sanford; Simmons; Springer; Swanson; Tinderholt; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent — Dukes; Stickland.

STATEMENTS OF VOTE

When Record No. 1271 was taken, I was shown voting yes. I intended to vote no.

Anchia

When Record No. 1271 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1271 was taken, I was shown voting no. I intended to vote yes.

Krause

When Record No. 1271 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1271 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1271 was taken, I was shown voting yes. I intended to vote no.

Villalba

SB 586 ON THIRD READING
(Geren - House Sponsor)

SB 586, A bill to be entitled An Act relating to the distribution of universal service funds to certain small and rural incumbent local exchange companies.

SB 586 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE Y. DAVIS: So as it relates to this fund, can you tell me any of the programs that might be lost because of this money going back to the co-ops, if any? In particular—

REPRESENTATIVE GEREN: I'm sorry, I didn't understand your question, ma'am. I couldn't hear it well.

Y. DAVIS: So one of the challenges for us when we passed this bill was to create this universal fund that was used for a multiplicity of things, is that correct?

GEREN: Yes, ma'am, back in 1987.

Y. DAVIS: My question is whether or not any programs or are there any programs that we will lose and not have the support for as a result of this bill?

GEREN: If we don't pass this, then a lot of the small rural phone companies will either have to raise their rates extraordinarily high or they will go out of business.

Y. DAVIS: So the Lifeline program that is currently offered, we don't lose that for people in rural areas, do we?

GEREN: No, ma'am, I don't believe we do.

Y. DAVIS: Because that's a phone service for senior citizens and folks on fixed incomes at a lower rate, and so I just want to make sure that this bill doesn't—

GEREN: This does not affect those.

Y. DAVIS: Also, as it relates to the—I think this fund was used also for expansion of broadband in those rural areas, to do connections for the rural areas?

GEREN: It can. Yes, ma'am.

Y. DAVIS: So the question is, in terms of the build-out, we are now giving those funds back. Do we know what the level of build-out is in the rural areas so that we feel like we got it broad enough that citizens are not worried about having connectivity and we don't create a digital divide?

GEREN: No, ma'am, we still have some connectivity issues in the rural areas where the broadband is not yet available. This affects not only hard lines but satellite phone systems as well.

Y. DAVIS: So to the extent that this bill goes into place, does it slow it down, does it eliminate it, or is there something that we're doing so that we can continue to provide the best service for citizens in rural areas?

GEREN: This funding would stop in 2017, September 1, without this. This extends it to 2022.

Y. DAVIS: Okay, so it is an extension of that, is that correct?

GEREN: Yes, ma'am, it is.

Y. DAVIS: And so as it relates to the rural scholarship fund, is it impacted by this bill at all?

GEREN: No, ma'am, it's not.

Y. DAVIS: I have to just make sure it doesn't impact the urban scholarship fund either. Does it?

GEREN: No, ma'am, it does not.

Y. DAVIS: Okay. Lastly, is it your representation that this bill is just going to improve and/or extend the kinds of services we've been trying to offer to the rural areas?

GEREN: Yes, ma'am, that's correct.

REMARKS ORDERED PRINTED

Representative Y. Davis moved to print remarks between Representative Geren and Representative Y. Davis.

The motion prevailed.

SB 586 was passed by (Record 1272): 128 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Bohac; Cain; Canales; Faircloth; Holland; Keough; Krause; Lang; Rinaldi; Sanford; Schaefer; Shaheen; Swanson; Tinderholt; Villalba; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent — Dukes; Stickland.

STATEMENTS OF VOTE

When Record No. 1272 was taken, I was shown voting yes. I intended to vote no.

Anchia

When Record No. 1272 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1272 was taken, I was shown voting yes. I intended to vote no.

Simmons

SB 1782 ON THIRD READING (Clardy and Murphy - House Sponsors)

SB 1782, A bill to be entitled An Act relating to the elimination of certain formula funding and dropped course restrictions for returning adult students at public institutions of higher education and to the tuition rate that may be charged to those students for certain excessive undergraduate hours.

SB 1782 was passed by (Record 1273): 132 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Hefner; Krause; Lang; Leach; Rinaldi; Sanford; Schaefer; Shaheen; Swanson; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent — Bonnen, D.; Dukes; Stickland.

STATEMENTS OF VOTE

When Record No. 1273 was taken, I was in the house but away from my desk. I would have voted no.

D. Bonnen

When Record No. 1273 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1273 was taken, I was shown voting yes. I intended to vote no.

Keough

When Record No. 1273 was taken, I was in the house but away from my desk. I would have voted no.

Stickland

REASON FOR VOTE

I voted no on second reading, and my position remains the same.

Keough

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**SB 319 ON SECOND READING
(Raymond - House Sponsor)**

SB 319, A bill to be entitled An Act relating to the continuation and functions of the State Board of Veterinary Medical Examiners; authorizing a reduction in fees; providing penalties.

Amendment No. 1

Representative Raymond offered the following amendment to **SB 319**:

Amend **SB 319** (house committee report) in SECTION 13 of the bill by striking lines 9-10 and replacing with:

The rules adopted under this section ~~must~~ shall not include a limit on the time a license holder may remain on inactive status.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Gooden offered the following amendment to **SB 319**:

Amend **SB 319** (house committee printing) as follows:

(1) Page 14, line 6, strike "or"

(2) Page 14, line 7, strike "and" and substitute "or"

(3) Page 14, in between line 7 and 8 insert "(E) ractopamine hydrochloride; and"

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Stickland on motion of Tinderholt.

SB 319 - (consideration continued)

Amendment No. 2 was adopted by (Record 1274): 146 Yeas, 0 Nays, 1 Present, not voting. (The vote was reconsidered on May 17, and Amendment No. 2 was withdrawn.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert;

Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.; Stickland.

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 1274 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

Amendment No. 3

On behalf of Representative S. Davis, Representative Raymond offered the following amendment to **SB 319**:

Amend **SB 319** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 801.004, Occupations Code, is amended to read as follows:

Sec. 801.004. APPLICATION OF CHAPTER. This chapter does not apply to:

(1) the treatment or care of an animal in any manner by the owner of the animal, an employee of the owner, or a designated caretaker of the animal, unless the ownership, employment, or designation is established with the intent to violate this chapter;

(2) a person who performs an act prescribed by the board as an accepted livestock management practice, including:

(A) castrating a male animal raised for human consumption;

(B) docking or earmarking an animal raised for human consumption;

(C) dehorning cattle;

(D) aiding in the nonsurgical birth process of a large animal, as defined by board rule;

(E) treating an animal for disease prevention with a nonprescription medicine or vaccine;

(F) branding or identifying an animal in any manner;

(G) artificially inseminating an animal, including training, inseminating, and compensating for services related to artificial insemination; and

- (H) shoeing a horse;
- (3) the performance of a cosmetic or production technique to reduce injury in poultry intended for human consumption;
- (4) the performance of a duty by a veterinarian's employee if:
- (A) the duty involves food production animals;
- (B) the duty does not involve diagnosis, prescription, or surgery;
- (C) the employee is under the direction and general supervision of the veterinarian; and
- (D) the veterinarian is responsible for the employee's performance;
- (5) the performance of an act by a person who is a full-time student of an accredited college of veterinary medicine if the act is performed under the direct supervision of a veterinarian;
- (6) an animal shelter employee who performs euthanasia in the course and scope of the person's employment if the person has successfully completed training in accordance with Chapter 829, Health and Safety Code;
- (7) a person who is engaged in a recognized state-federal cooperative disease eradication or control program or an external parasite control program while the person is performing official duties required by the program;
- (8) a person who, without expectation of compensation, provides emergency care in an emergency or disaster; ~~or~~
- (9) a consultation given to a veterinarian in this state by a person who:
- (A) resides in another state; and
- (B) is lawfully qualified to practice veterinary medicine under the laws of that state; or
- (10) a licensed health care professional who, without expectation of compensation and under the direct supervision of a veterinarian, provides treatment or care to an animal owned by or in the possession, control, or custody of an entity accredited by the Association of Zoos and Aquariums.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Simmons on motion of Springer.

SB 319 - (consideration continued)

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Rinaldi offered the following amendment to **SB 319**:

Amend **SB 319** (house committee report) as follows:

- (1) Strike page 8, line 17, through page 9, line 15.
- (2) Strike page 10, line 26, through page 11, line 15.
- (3) Strike page 17, lines 3 through 10.
- (4) Renumber the SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Burkett offered the following amendment to **SB 319**:

Amend **SB 319** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 826.042, Health and Safety Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) At the time an owner submits for quarantine an animal described by Subsection (b), the veterinarian or local rabies control authority, as applicable, shall:

(1) provide written notification to the animal's owner of the date the animal enters quarantine and the date the animal will be released from quarantine;

(2) obtain and retain with the animal's records a written statement signed by the animal's owner and a supervisor employed by the veterinarian or local rabies control authority acknowledging that the information required by Subdivision (1) has been provided to the animal's owner; and

(3) provide the animal's owner a copy of the signed written statement obtained under Subdivision (2).

(g) A veterinarian or local rabies control authority, as applicable, shall fit each animal quarantined under this section with a yellow collar that is distinct in color from the collars of other animals under the care of the veterinarian or local rabies control authority.

SECTION _____. Section 826.043, Health and Safety Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) Except as provided by Subsection (e), the [The] veterinarian or local rabies control authority may sell the animal and retain the proceeds or keep, grant, or destroy an animal if the owner or custodian does not take possession of the animal before the fourth day following the final day of the quarantine period.

(e) A veterinarian or local rabies control authority may not destroy an animal following the final day of the quarantine period unless the veterinarian or local rabies control authority has:

(1) notified the animal's owner of the animal's scheduled destruction;
and

(2) provided the animal's owner a reasonable opportunity to take possession of the animal after providing the notice required by Subdivision (1).

Amendment No. 6

Representatives C. Anderson, Burkett, and Stucky offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 to **SB 319** by Burkett as follows:

(1) On page 1, line 20, strike "fit" and substitute "identify".

(2) On page 1, strike lines 21-23, and substitute the following:
with a placard or other marking on the animal's kennel that indicates the animal is quarantined under this section.

(3) On page 2, strike lines 5-10 and substitute the following:

unless the veterinarian or local rabies control authority has notified the animal's owner, if available, of the animal's scheduled destruction.

Amendment No. 6 was adopted.

(Kacal in the chair)

Amendment No. 7

Representatives Larson, Gooden, and Bailes offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Burkett to **SB 319** by adding the following at the end of the amendment:

SECTION _____. Subchapter A, Chapter 801, Occupations Code, is amended by adding Section 801.005 to read as follows:

Sec. 801.005. DISEASE CONTROL. (a) In this section, "epidemic" means a disease occurring suddenly in numbers clearly in excess of normal expectancy.

(b) Notwithstanding any other law, the board or any other state agency may not adopt emergency rules or use resources to control an animal disease unless the disease is an epidemic.

Amendment No. 7 was adopted. (The vote was reconsidered on May 17, and Amendment No. 7 was withdrawn.)

Amendment No. 5, as amended, was adopted. (The vote was reconsidered on May 17, and Amendment No. 5, as amended, was adopted.)

Amendment No. 8

Representative S. Davis offered the following amendment to **SB 319**:

Amend **SB 319** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 801.004, Occupations Code, is amended to read as follows:

Sec. 801.004. APPLICATION OF CHAPTER. This chapter does not apply to:

(1) the treatment or care of an animal in any manner by the owner of the animal, an employee of the owner, or a designated caretaker of the animal, unless the ownership, employment, or designation is established with the intent to violate this chapter;

(2) a person who performs an act prescribed by the board as an accepted livestock management practice, including:

(A) castrating a male animal raised for human consumption;

(B) docking or ear-marking an animal raised for human consumption;

(C) dehorning cattle;

(D) aiding in the nonsurgical birth process of a large animal, as defined by board rule;

(E) treating an animal for disease prevention with a nonprescription medicine or vaccine;

- (F) branding or identifying an animal in any manner;
- (G) artificially inseminating an animal, including training, inseminating, and compensating for services related to artificial insemination; and
- (H) shoeing a horse;
- (3) the performance of a cosmetic or production technique to reduce injury in poultry intended for human consumption;
- (4) the performance of a duty by a veterinarian's employee if:
 - (A) the duty involves food production animals;
 - (B) the duty does not involve diagnosis, prescription, or surgery;
 - (C) the employee is under the direction and general supervision of the veterinarian; and
 - (D) the veterinarian is responsible for the employee's performance;
- (5) the performance of an act by a person who is a full-time student of an accredited college of veterinary medicine if the act is performed under the direct supervision of a veterinarian;
- (6) an animal shelter employee who performs euthanasia in the course and scope of the person's employment if the person has successfully completed training in accordance with Chapter 829, Health and Safety Code;
- (7) a person who is engaged in a recognized state-federal cooperative disease eradication or control program or an external parasite control program while the person is performing official duties required by the program;
- (8) a person who, without expectation of compensation, provides emergency care in an emergency or disaster; ~~[or]~~
- (9) a consultation given to a veterinarian in this state by a person who:
 - (A) resides in another state; and
 - (B) is lawfully qualified to practice veterinary medicine under the laws of that state; or
- (10) a licensed health care professional who, without expectation of compensation and under the direct supervision of a veterinarian, provides treatment or care to an animal owned by or in the possession, control, or custody of an entity accredited by the Association of Zoos and Aquariums.

Amendment No. 9

Representative Guillen offered the following amendment to Amendment No. 8:

Amend Amendment No. 8 by S. Davis to **SB 319** by adding the following at the end of the amendment:

SECTION _____. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

- (1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers, officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

(7) each member of an arson investigating unit commissioned by a city, a county, or the state;

(8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;

(9) officers commissioned by the General Services Commission;

(10) law enforcement officers commissioned by the Parks and Wildlife Commission;

(11) airport police officers commissioned by a city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more that operates an airport that serves commercial air carriers;

(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;

(13) municipal park and recreational patrolmen and security officers;

(14) security officers and investigators commissioned as peace officers by the comptroller;

(15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;

(16) officers commissioned by a board of trustees under Chapter 54, Transportation Code;

(17) investigators commissioned by the Texas Medical Board;

(18) officers commissioned by:

(A) the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;

(B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code; and

(C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code;

(19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;

(20) investigators employed by the Texas Racing Commission;

(21) officers commissioned under Chapter 554, Occupations Code;

(22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;

(23) investigators commissioned by the attorney general under Section 402.009, Government Code;

(24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;

(25) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;

(26) officers commissioned by the state fire marshal under Chapter 417, Government Code;

(27) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;

(28) apprehension specialists and inspectors general commissioned by the Texas Juvenile Justice Department as officers under Sections 242.102 and 243.052, Human Resources Code;

(29) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;

(30) investigators commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;

(31) commission investigators commissioned by the Texas Private Security Board under Section 1702.061, Occupations Code;

(32) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;

(33) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;

(34) investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; ~~and~~

(35) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code; and

(36) officers commissioned by the State Board of Veterinary Medical Examiners under Section 801.163, Occupations Code.

SECTION _____. Subchapter D, Chapter 801, Occupations Code, is amended by adding Section 801.163 to read as follows:

Sec. 801.163. PEACE OFFICERS. (a) The board may commission as a peace officer to enforce this chapter an employee who has been certified as qualified to be a peace officer by the Texas Commission on Law Enforcement.

(b) An employee commissioned as a peace officer under this chapter has the powers, privileges, and immunities of a peace officer while carrying out duties as a peace officer under this chapter.

Amendment No. 9 was adopted.

Amendment No. 10

Representative Isaac offered the following amendment to Amendment No. 8:

Amend Amendment No. 8 to **SB 319** by S. Davis (prefiled amendment packet) as follows:

(1) On page 3, line 2, between "veterinarian" and the underlined comma, insert "on staff".

(2) On page 3, line 4, between "Aquariums" and the period, insert "or the Zoological Association of America with a veterinarian on staff".

Amendment No. 10 was withdrawn.

Amendment No. 11

Representatives Isaac and Lucio offered the following amendment to Amendment No. 8:

Amend Amendment No. 8 to **SB 319** by S. Davis as follows:

(1) On page 3, line 2, between "veterinarian" and the underlined comma, insert "on staff".

(2) On page 3, line 4, between "Aquariums" and the period, insert: "or one of the following organizations that has a veterinarian on staff:

(A) the Global Federation of Animal Sanctuaries; or

(B) the Zoological Association of America".

Amendment No. 11 was adopted.

Amendment No. 8, as amended, was adopted.

SB 319, as amended, was passed to third reading. (The vote was reconsidered on May 17, and **SB 319**, as amended, was passed to third reading by Record No. 1290.)

**SB 735 ON SECOND READING
(Cook - House Sponsor)**

SB 735, A bill to be entitled An Act relating to periodic rate adjustment by and to certain transactions involving electric utilities.

SB 735 was passed to third reading.

**SB 1895 ON SECOND READING
(Oliveira - House Sponsor)**

SB 1895, A bill to be entitled An Act relating to the assessment of administrative penalties under the Texas Workers' Compensation Act.

SB 1895 was passed to third reading.

**SB 12 ON SECOND READING
(P. King, E. Johnson, Villalba, Burkett, Fallon, et al. - House Sponsors)**

SB 12, A bill to be entitled An Act relating to the creation of a grant program to assist law enforcement agencies with the purchase of bulletproof vests and body armor.

SB 12 was passed to third reading by (Record 1275): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Dutton.

Present, not voting — Mr. Speaker; Kacal(C).

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent — Anchia; Blanco; Dukes; Oliveira.

STATEMENT OF VOTE

When Record No. 1275 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

SB 203 ON SECOND READING

(S. Davis - House Sponsor)

SB 203, A bill to be entitled An Act relating to removing the deadline for the Department of Family and Protective Services to enter into permanency care assistance agreements.

SB 203 was passed to third reading.

SB 752 ON SECOND READING

(Cortez - House Sponsor)

SB 752, A bill to be entitled An Act relating to the overseas military e-mail ballot program.

SB 752 was passed to third reading.

CSSB 312 ON SECOND READING**(Gonzales, Burkett, Flynn, S. Thompson, and Raymond - House Sponsors)**

CSSB 312, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Transportation; authorizing an increase in rates charged for the use of state aircraft to provide for the acquisition of replacement aircraft.

Amendment No. 1

On behalf of Representative Stickland, Representative Tinderholt offered the following amendment to **CSSB 312**:

Floor Packet Page No. 4

Amend **CSSB 312** (house committee report) on page 3, line 14, by striking "2029" and substituting "2023".

Amendment No. 1 failed of adoption.

Amendment No. 2

Representative Muñoz offered the following amendment to **CSSB 312**:

Floor Packet Page No. 19

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 201.051(a) and (b), Transportation Code, are amended to read as follows:

(a) The Texas Transportation Commission consists of seven [~~five~~] members appointed by the governor with the advice and consent of the senate.

(b) The members shall be appointed from [~~to reflect the~~] diverse geographic regions and population groups of this state. One member must reside in a rural area and be a registered voter of a county with a population of less than 150,000.

SECTION _____. Section 201.052, Transportation Code, is amended to read as follows:

Sec. 201.052. TERMS. Members of the commission serve staggered six-year terms, with the terms of either two [~~one~~] or three [~~two~~] members expiring February 1 of each odd-numbered year.

SECTION _____. Promptly after this Act takes effect, the governor shall appoint two additional members to the Texas Transportation Commission. In appointing those members, the governor shall appoint one person to a term expiring February 1, 2021, and one person to a term expiring February 1, 2023.

SECTION _____. The changes in law made by this Act regarding the qualifications of members of the Texas Transportation Commission do not affect the entitlement of a member serving on the commission immediately before the effective date of this Act to continue to serve for the remainder of the member's term. As the terms of commission members expire, the governor shall appoint or reappoint a member who has the qualifications required for a member under Section 201.051, Transportation Code, as amended by this Act.

Amendment No. 2 failed of adoption by (Record 1276): 49 Yeas, 89 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bell; Bernal; Biedermann; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Landgraf; Lozano; Lucio; Martinez; Minjarez; Moody; Muñoz; Murr; Neave; Ortega; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Stephenson; Tinderholt; Turner; Uresti; Walle; White; Wu; Zedler.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Keough; King, K.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Lang; Larson; Laubenberg; Leach; Longoria; Metcalf; Meyer; Miller; Morrison; Murphy; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Springer; Stucky; Swanson; Thompson, E.; Thompson, S.; VanDeaver; Villalba; Vo; Wilson; Workman; Wray.

Present, not voting — Mr. Speaker; Kacal(C).

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent — Burkett; Dukes; King, P.; Nevárez; Oliveira; Thierry; Zerwas.

STATEMENTS OF VOTE

When Record No. 1276 was taken, I was in the house but away from my desk. I would have voted yes.

Burkett

When Record No. 1276 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1276 was taken, I was shown voting no. I intended to vote yes.

Longoria

When Record No. 1276 was taken, I was in the house but away from my desk. I would have voted yes.

Nevárez

When Record No. 1276 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

Amendment No. 3

On behalf of Representative Simmons, Representative Gonzales offered the following amendment to **CSSB 312**:

Floor Packet Page No. 21

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 201, Transportation Code, is amended by adding Section 201.120 to read as follows:

Sec. 201.120. CONTRACTING WITH PERSONS WITH DISABILITIES.
(a) The commission shall adopt rules to provide goals for increasing the contract awards for the purchase of goods or services by the department to businesses that are owned or owned, operated, and controlled, as applicable, wholly or partly by one or more persons with a disability as defined by 42 U.S.C. Section 12102.

(b) The goals established under Subsection (a) are in addition to any goals established under Chapter 2161, Government Code, and the goals established under Chapter 2161, Government Code, may not be reduced as a result of the establishment of goals under this section.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Neave offered the following amendment to **CSSB 312**:

Floor Packet Page No. 24

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter J, Chapter 201, Transportation Code, is amended by adding Section 201.8065 to read as follows:

Sec. 201.8065. ON-THE-JOB FATALITY REPORT. (a) Not later than April 1 of each year, the department shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report that summarizes, for the preceding calendar year, the number of on-the-job fatalities involving an employee of the department or a person under contract with the department that occurred in the course of the employee's work on a highway construction or maintenance project.

(b) The department shall publish on the department's Internet website each report submitted under Subsection (a).

Amendment No. 5

Representative VanDeaver offered the following amendment to Amendment No. 4:

Amend Amendment No. 4 to **CSSB 312** by Neave (page 24, prefiled amendment packet) on line 13, between "project" and the underlined period, insert ", including the number of on-the-job fatalities that involved a distracted driver".

Amendment No. 5 was adopted.

Amendment No. 4, as amended, failed of adoption.

Amendment No. 6

Representative Pickett offered the following amendment to **CSSB 312**:
Floor Packet Page No. 25

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter J, Chapter 201, Transportation Code, is amended by adding Section 201.812 to read as follows:

Sec. 201.812. STATUS REPORT ON HIGHWAY CONSTRUCTION PROJECTS. (a) The department shall semiannually publish on the department's Internet website a status report on all highway construction projects, listed by department district, that have been completed.

(b) The status report required by Subsection (a) must, for each project listed in the report:

(1) specify whether the project is:

(A) on schedule, ahead of schedule, or behind schedule; and

(B) on budget, under budget, or over budget; and

(2) include any pending change orders.

Amendment No. 6 was adopted by (Record 1277): 104 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frullo; Gervin-Hawkins; Giddings; Goldman; González; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Isaac; Israel; Johnson, J.; Keough; King, P.; Klick; Koop; Krause; Landgraf; Lang; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Minjarez; Moody; Muñoz; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Perez; Pickett; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Smithee; Springer; Stephenson; Swanson; Thierry; Thompson, E.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wu; Zedler.

Nays — Arévalo; Ashby; Bell; Bonnen, D.; Clardy; Cook; Cosper; Dale; Darby; Davis, S.; Dutton; Geren; Gonzales; Gooden; Huberty; Hunter; King, T.; Kuempel; Lambert; Larson; Laubenberg; Miller; Morrison; Murphy; Paddie; Parker; Paul; Phelan; Phillips; Price; Rose; Sheffield; Shine; Stucky; Wray.

Present, not voting — Mr. Speaker; Kacal(C).

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent — Anderson, C.; Dukes; Frank; King, K.; Thompson, S.; Zerwas.

STATEMENTS OF VOTE

When Record No. 1277 was taken, I was in the house but away from my desk. I would have voted no.

C. Anderson

When Record No. 1277 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 1277 was taken, I was shown voting no. I intended to vote yes.

Parker

When Record No. 1277 was taken, I was shown voting no. I intended to vote yes.

Phelan

LEAVE OF ABSENCE GRANTED

Pursuant to a previous motion, the following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **SB 1**:

Zerwas on motion of Geren.

CSSB 312 - (consideration continued)

Amendment No. 7

Representative Muñoz offered the following amendment to **CSSB 312**:
Floor Packet Page No. 26

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter J, Chapter 201, Transportation Code, is amended by adding Section 201.812 to read as follows:

Sec. 201.812. REPORT ON CERTAIN ENGINEERING EXPENDITURES. Not later than the 30th day following the end of each calendar quarter, the department shall publish on the department's Internet website, for each department district, the amount of expenditures paid by the department to third parties for engineering services.

Amendment No. 7 failed of adoption by (Record 1278): 54 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Arévalo; Bernal; Biedermann; Blanco; Canales; Coleman; Collier; Cortez; Dean; Deshotel; Faircloth; Farrar; Gervin-Hawkins; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Keough; Longoria; Lucio; Martinez; Meyer; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Raymond; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Schaefer; Schofield; Shaheen; Swanson; Thierry; Tinderholt; Turner; Uresti; Vo; Walle; Wilson; Wu; Zedler.

Nays — Allen; Anchia; Anderson, R.; Ashby; Bailes; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dutton; Elkins; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Johnson, J.; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Reynolds; Roberts; Rose; Sanford; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Thompson, E.; VanDeaver; Villalba; White; Workman; Wray.

Present, not voting — Mr. Speaker; Kacal(C).

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent, Excused, Committee Meeting — Zerwas.

Absent — Anderson, C.; Dukes; Giddings; King, T.; Nevárez; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1278 was taken, I was in the house but away from my desk. I would have voted no.

C. Anderson

When Record No. 1278 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 1278 was taken, I was shown voting yes. I intended to vote no.

Wilson

Amendment No. 8

Representative Martinez offered the following amendment to **CSSB 312**:
Floor Packet Page No. 28

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 203.031, Transportation Code, is amended by amending Subsection (a-1) and adding Subsections (c) and (d) to read as follows:

(a-1) In the exercise of its authority to manage access to or from a controlled access highway under Subsection (a)(2) or (4), the commission by rule shall:

(1) require that a decision by a department district office on [denying] a request for a driveway or other access to a specific location on a controlled access highway;

(A) be made not later than the 60th day after the date of receipt of the request;

(B) be in writing; and

(C) if the decision is denying the request, include the reasons for the denial;

(2) provide procedures for appealing a denial under Subdivision (1), including procedures that:

(A) allow the applicant to appeal the denial to the department's design division before the 31st day after the date written notice of the denial is given to the applicant;

(B) provide that if an appeal under Paragraph (A) is not decided before the 91st day after the date the appeal was filed, the access applied for must be granted; and

(C) allow the applicant to appeal the decision of the design division to the director and, if the decision is affirmed, to a board of variance appointed by the director and composed of at least three persons who may not be below the level of department division director, office director, or district engineer and who were not involved in the original decision to deny access;

(3) provide that properly platted access points to or from a controlled access highway that are located on undeveloped property are subject to the access management standards in effect at the time the points were platted regardless of when the initial request for access was submitted to the department, but only if:

(A) development of the property begins and the request for access at the platted locations is submitted to the department before the fifth anniversary of the date the plat was recorded; and

(B) the design of the highway facility in the vicinity of the platted access points did not materially change after the date the plat was recorded so as to significantly impact traffic patterns to the extent that the platted access points present a threat to public safety;

(4) require that:

(A) owners of land adjacent to a proposed highway construction project be provided written notice of the project at least 60 days before the date construction begins if the project will permanently alter permitted access to or from a controlled access highway at the owners' existing locations; and

(B) the access described by Paragraph (A) be reinstated to the most practicable extent possible after due consideration of the impact on highway safety, mobility, and efficient operation of any changed traffic patterns resulting from the construction;

(5) adopt criteria for determining when a variance to access management standards may be granted, including criteria that, in addition to highway safety, mobility, and efficient operation concerns, takes into consideration any of the following consequences resulting from denial of the owner's request for access to a specific location on a controlled access highway that may impact a property owner:

(A) denial of reasonable access to the property; and

(B) undue hardship on a business located on the property; ~~and~~

(6) provide that a variance to a requirement contained in the access management standards must be approved by the director or director's designee, require the director or the director's designee to make a final determination on a request for a variance to a requirement contained in the access management standards not later than the 60th day after the date of receipt of the request, and require a designee described by this subdivision to be a person who:

(A) is a senior management employee at the department; and

(B) reports directly to the director; and

(7) clarify that the remodeling or demolition and rebuilding of a business does not cause new access management standards to apply unless the department makes an affirmative finding in writing that the remodeled or rebuilt business will significantly impact traffic patterns to the extent that the current access location presents a threat to public safety.

(c) Except as provided by Subsection (d), the person requesting the construction of a driveway or other access to a controlled access highway is responsible for:

(1) the construction of the driveway or other access; and

(2) payment of the costs associated with the construction of the driveway or other access, including design, engineering, and construction costs.

(d) If a driveway or other access is required to be constructed, reconstructed, or modified as a result of construction, expansion, reconstruction, or maintenance of a controlled access highway by the department, the department is responsible for:

(1) the construction, reconstruction, or modification of the driveway or other access; and

(2) payment of the costs associated with the construction, reconstruction, or modification of the driveway or other access, including design, engineering, and construction costs.

SECTION _____. Not later than January 1, 2018, the Texas Transportation Commission shall adopt the rules required by Section 203.031, Transportation Code, as amended by this Act.

Amendment No. 9

Representative Martinez offered the following amendment to Amendment No. 8:

Amend Amendment No. 8 to **CSSB 312** by Martinez (page 28, prefiled amendment packet) by striking page 3, lines 8-20, and substituting the following: property; and

(6) clarify that the remodeling or demolition and

Amendment No. 9 was adopted.

Amendment No. 8, as amended, failed of adoption by (Record 1279): 56 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Biedermann; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dutton; Farrar; Frank; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Thierry; Turner; Uresti; VanDeaver; Vo; Walle; Workman; Wu.

Nays — Anderson, R.; Ashby; Bailes; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cosper; Craddock; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Schaefer; Schubert; Shaheen; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Villalba; White; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker; Kacal(C).

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent, Excused, Committee Meeting — Zerwas.

Absent — Anderson, C.; Dukes; Pickett; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1279 was taken, I was in the house but away from my desk. I would have voted no.

C. Anderson

When Record No. 1279 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

Amendment No. 10

Representative Pickett offered the following amendment to **CSSB 312**:
Floor Packet Page No. 32

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 203.0935, Transportation Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) If the utility fails to enter into an agreement within the 90-day period under Subsection (d), the department may:

(1) relocate the facility at the sole cost and expense of the utility less any reimbursement of costs that would have been payable to the utility under Section 203.092; or

(2) contract with a third party to relocate the facility at the sole cost and expense of the utility.

(e-1) A relocation [by the department] under Subsection (e) [this subsection] shall be conducted in full compliance with applicable law, using standard equipment and construction practices compatible with the utility's existing facilities, and in a manner that minimizes disruption of utility service.

SECTION _____. Section 203.094, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The department may deny a permit application made by a utility or revoke a permit granted by the department to a utility for any of the utility's facilities if the department determines that the utility is delaying, without good cause:

(1) entering into a timely agreement with the department for the relocation of a facility; or

(2) making a timely relocation of a facility.

SECTION _____. Section 203.094(d), Transportation Code, as added by this Act, applies only to a delay associated with the relocation of a facility for which the utility first receives notice of the required relocation on or after the effective date of this Act.

Amendment No. 11

Representative Pickett offered the following amendment to Amendment No. 10:

Amend Amendment No. 10 by Pickett (page 32 of the prefiled amendment packet) as follows:

(1) On page 1, line 13, after "utility" and before ".", add the following: "less any reimbursement of costs that would have been payable to the utility under Section 203.092".

(2) Strike page 1, line 19 through page 2, line 3.

Amendment No. 11 was adopted.

Amendment No. 10, as amended, failed of adoption by (Record 1280): 8 Yeas, 128 Nays, 3 Present, not voting.

Yeas — Craddick; González; Guerra; Hinojosa; Muñoz; Neave; Ortega; Pickett.

Nays — Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gooden; Guillen; Gutierrez;

Hefner; Hernandez; Herrero; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Murphy; Murr; Nevárez; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler.

Present, not voting — Mr. Speaker; Kacal(C); Lambert.

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent, Excused, Committee Meeting — Zerwas.

Absent — Alvarado; Bell; Bernal; Dukes; Oliveira; Rose; Vo.

STATEMENTS OF VOTE

When Record No. 1280 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

When Record No. 1280 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 1280 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

CSSB 312 - (consideration continued)

Amendment No. 12

Representative Pickett offered the following amendment to **CSSB 312**:

Floor Packet Page No. 35

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 222.103(a), Transportation Code, is amended to read as follows:

(a) The department may participate, by spending money from any available source, in the cost of the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission. The commission[=

~~[(1) may require the repayment of any money spent by the department for the cost of a toll facility of a public entity; and~~

~~[(2)] shall require the repayment of any money spent [by the department for the cost of a toll facility of a private entity].~~

(b) Section 366.301(c), Transportation Code, is amended to read as follows:

(c) An obligation or expense incurred by the commission or department under this section is a part of the cost of the turnpike project for which the obligation or expense was incurred. The commission or department shall [may] require money contributed by the commission or department under this section to be repaid. The commission or department may require the money to be repaid from tolls or other revenue of the turnpike project or system on which the money was spent. Money repaid as required by the commission or department shall be deposited to the credit of the fund from which the contribution was made. Money deposited as required by this section is exempt from the application of Section 403.095, Government Code.

(c) Section 370.033(m), Transportation Code, is amended to read as follows:

(m) If an authority receives money from the general revenue fund, the Texas Mobility Fund, or the state highway fund, it:

(1) may use the money only to acquire, design, finance, construct, operate, or maintain a turnpike project under Section 370.003(14)(A) or (D) or a transit system under Section 370.351; and

(2) must repay the money.

(d) Sections 370.301(c) and (f), Transportation Code, are amended to read as follows:

(c) An obligation or expense incurred by the commission or department under this section is a part of the cost of the turnpike project for which the obligation or expense was incurred. The commission or department shall [may] require money contributed by the commission or department under this section to be repaid. The commission or department may require the money to be repaid from tolls or other revenue of the turnpike project on which the money was spent. Money repaid as required by the commission or department shall be deposited to the credit of the fund from which the contribution was made. Money deposited as required by this section is exempt from the application of Section 403.095, Government Code.

(f) The commission may ~~[grant or]~~ loan department money to an authority for the acquisition of land for or the construction, maintenance, or operation of a turnpike project. The commission shall [may] require the authority to repay money loaned [provided] under this section. The commission may require the money to be repaid from toll revenue or other sources on terms established by the commission.

(e) Subchapter A, Chapter 372, Transportation Code, is amended by adding Section 372.002 to read as follows:

Sec. 372.002. REPAYMENT OF MONEY CONTRIBUTED BY DEPARTMENT. A toll project entity shall repay to the department any money contributed by the department as participation in the cost of the entity's toll projects, including money from the state highway fund, the Texas Mobility Fund, or other sources available to the department.

(f) The changes in law made by this section apply only to a loan, grant, or other contribution made by the Texas Department of Transportation or the Texas Transportation Commission on or after the effective date of this Act. A loan, grant, or other contribution made before the effective date of this Act is governed by the law in effect on the date the loan, grant, or other contribution is made, and the former law is continued in effect for that purpose.

Amendment No. 13

Representative Pickett offered the following amendment to Amendment No. 12:

Amend Amendment No. 12 by Pickett to **CSSB 312** (prefiled amendment packet page 35) on page 3 as follows:

(1) On lines 3 and 4, between the underlined period and "A", insert "(a)".

(2) Between lines 7 and 8, insert the following:

(b) Each year, the department shall:

(1) for each department district, determine the amount of money repaid to the department under Subsection (a) in the previous year that is attributable to projects located in the district; and

(2) in addition to other amounts, allocate to each department district an amount of money equal to the amount determined for the district under Subdivision (1) to be used for transportation projects located in that district.

(c) If a transportation project that was the subject of repayment of department contributions is located in more than one department district, the department may reasonably allocate the repayments from that project between the districts in which the project is located.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Lucio requested permission for the Committee on Government Transparency and Operation to meet while the house is in session, at 2 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Government Transparency and Operation, 2 p.m. today, 1W.14, for a formal meeting, to consider pending business.

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative S. Thompson moved to set a local, consent, and resolutions calendar for 9 a.m. Friday, May 19.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 3 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 3 p.m. today, 3W.9, for a formal meeting, to set a calendar.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Lucio requested permission for the Committee on Rules and Resolutions to meet while the house is in session, at 3 p.m. today, in 1W.14, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, 3 p.m. today, 1W.14, for a formal meeting, to set a calendar.

FIVE-DAY POSTING RULE SUSPENDED

Representative Lozano moved to suspend the five-day posting rule to allow the Committee on Higher Education to consider **SB 18, SB 19, SB 50, SB 249, SB 331, SB 491, SB 537, SB 576, SB 719, SB 802, SB 803, SB 810, SB 1066, SB 1091, SB 1123, SB 1223, SB 2048, and SB 2122** at 9:30 a.m. tomorrow in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Higher Education, 9:30 a.m. tomorrow, E2.030, for a public hearing, to consider **SB 18, SB 19, SB 50, SB 249, SB 331, SB 491, SB 537, SB 576, SB 719, SB 802, SB 803, SB 810, SB 1066, SB 1091, SB 1123, SB 1223, SB 2048, and SB 2122.**

CSSB 312 - (consideration continued)

Amendment No. 13 was adopted.

Amendment No. 14

Representative E. Thompson offered the following amendment to Amendment No. 12:

Amend Amendment No. 12 by Pickett to **CSSB 312** (page 35 of the prefiled amendment packet) by inserting the following at the end of the amendment:

Notwithstanding the foregoing, a toll project entity shall not be required to repay:

(1) funds held in a subaccount created under Section 228.012, Transportation Code; or

(2) funds approved by the Texas Transportation Commission without the requirement for repayment after the department and the entity negotiate an agreement on the terms of the contribution.

Amendment No. 14 was adopted.

Amendment No. 12, as amended, was adopted by (Record 1281): 73 Yeas, 65 Nays, 3 Present, not voting.

Yeas — Alvarado; Anchia; Anderson, C.; Anderson, R.; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Canales; Capriglione; Cyrier; Dean; Dutton; Faircloth; Fallon; Frullo; Goldman; González; Gooden; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Holland; Keough; Klick; Koop; Krause; Lang; Laubenberg; Leach; Longoria; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Muñoz; Murr; Neave; Nevárez; Oliveira; Ortega; Parker; Paul; Pickett; Raymond; Rinaldi; Roberts; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Springer; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Turner; Walle; White; Wilson; Wu.

Nays — Allen; Alonzo; Arévalo; Ashby; Bailes; Bell; Bernal; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Farrar; Flynn; Frank; Geren; Gervin-Hawkins; Giddings; Gonzales; Guerra; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; King, K.; King, P.; Kuempel; Lambert; Landgraf; Larson; Lozano; Minjarez; Morrison; Murphy; Oliverson; Paddie; Perez; Phelan; Phillips; Price; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield; Shine; Smithee; Thierry; Thompson, S.; Uresti; VanDeaver; Villalba; Vo; Workman; Wray.

Present, not voting — Mr. Speaker; Kacal(C); Zedler.

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent, Excused, Committee Meeting — Zerwas.

Absent — Burkett; Dukes; Elkins; King, T.; Raney.

STATEMENTS OF VOTE

When Record No. 1281 was taken, I was shown voting yes. I intended to vote no.

Anchia

When Record No. 1281 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 1281 was taken, I was shown voting yes. I intended to vote no.

Gutierrez

When Record No. 1281 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

When Record No. 1281 was taken, I was shown voting yes. I intended to vote no.

Martinez

When Record No. 1281 was taken, I was shown voting yes. I intended to vote no.

Turner

When Record No. 1281 was taken, I was shown voting present, not voting. I intended to vote yes.

Zedler

Amendment No. 15

Representative Muñoz offered the following amendment to **CSSB 312**:
Floor Packet Page No. 42

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 223, Transportation Code, is amended by adding Section 223.017 to read as follows:

Sec. 223.017. REQUIREMENTS FOR ENGINEERING FIRM. The department may not enter into a contract with an entity to provide engineering services unless the owner of that entity is a licensed engineer.

Amendment No. 15 was withdrawn.

Amendment No. 16

Representative Rinaldi offered the following amendment to **CSSB 312**:
Floor Packet Page No. 43

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 223, Transportation Code, is amended by adding Section 223.051 to read as follows:

Sec. 223.051. VERIFICATION BY CONTRACTORS. (a) In this section, "E-verify program" has the meaning assigned by Section 673.001, Government Code.

(b) The department may not award a contract for the construction, maintenance, or improvement of a highway in this state to a contractor unless the contractor and any subcontractor register with and participate in the E-verify program to verify employee information. The contractor and any subcontractor must continue to participate in the program during the term of the contract.

(c) Each contract with the department must include the following statement: "_____ (name of contractor) certifies that _____ (name of contractor) is not ineligible to receive this contract under Section 223.051, Transportation Code, and acknowledges that if this certification is inaccurate or becomes inaccurate during the term of the contract, the contractor may be barred from participating in contracts with the Texas Department of Transportation."

(d) If the department determines that a contractor was ineligible to have the contract awarded under Subsection (b), that a contractor has ceased participation in the E-verify program during the term of the contract, or that a subcontractor is not registered with or is not participating in the E-verify program, the department shall refer the matter to the comptroller for action.

(e) The department shall develop procedures for the administration of this section.

(f) Using procedures prescribed under Section 2155.077, Government Code, the comptroller shall bar a contractor from participating in contracts with the department if the department determines that the contractor:

(1) was awarded a contract in violation of this section;

(2) has ceased participation in the E-verify program during the term of the contract; or

(3) hired a subcontractor to perform work under the contract who is not registered with or is not participating in the E-verify program.

(g) Debarment under this section is for a period of up to five years.

(h) A contractor who registers with and participates in the E-verify program as provided by Subsection (b) may not be barred under this section if, as a result of receiving inaccurate verification information from the E-verify program, the contractor hires or employs a person in violation of 8 U.S.C. Section 1324a.

(i) It is an affirmative defense to a civil action for damages or the imposition of a civil penalty for an employer's refusal to hire or employ a person based on the employer's participation in the E-verify program as required by this section that the employer participated in the E-verify program in accordance with the rules and guidelines of the program and received inaccurate information.

(j) Nothing in this section may be construed to allow intentional discrimination of any class protected by law.

SECTION _____. The Texas Department of Transportation shall develop the procedures required under Section 223.051, Transportation Code, as added by this Act, not later than October 1, 2017.

SECTION _____. Section 223.051, Transportation Code, as added by this Act, applies only in relation to a contract for which the request for bids or proposals or other applicable expression of interest is made public on or after the effective date of this Act.

Amendment No. 17

Representative Workman offered the following amendment to Amendment No. 16:

Amend Amendment No. 16 by Rinaldi as follows:

- (1) Strike page 1, line 16 through page 2, line 2.
- (2) On page 2, line 3, strike "(e)" and substitute "(c)".
- (3) On page 2, line 4, between "administration" and "of" insert "and enforcement".
- (4) Strike page 2, lines 5 through 31.

Amendment No. 17 was adopted.

AMENDMENT NO. 16 - REMARKS

REPRESENTATIVE ANCHIA: Representative Rinaldi, I wanted to understand the interplay with your underlying amendment and the Workman amendment to your amendment. It's my understanding, after visiting with Representative Workman, that the five-year bar has been removed as an enforcement tool, because it was perceived that it might be a little bit harsh to hold a prime contractor responsible for a subcontractor. Is that more or less the thought about why it was acceptable to you?

REPRESENTATIVE RINALDI: Let me restate why it was acceptable to me. I think the five-year disbarment rate is smart, and I hope that when the rulemaking is made, they will reinstitute it. The idea was that in **SB 23**, it only applied to contractors. So when we added Subsection (f)(3), which made it a violation and cause for disbarment to hire a subcontractor to perform work under the contract who is not registered or participating, it imposed an additional requirement that didn't have a mens rea requirement that the contractors were worried about.

ANCHIA: So what's the mens rea requirement with your amendment as amended by Representative Workman?

RINALDI: As amended, it would strike out everything under Subsection (f), and it would require that the contractor, in writing in the contract, certify that they are participating in E-verify.

ANCHIA: Mr. Rinaldi, I'm sorry. I didn't catch the last part.

RINALDI: It would require each contract with the department and a contractor to include a specific statement that's detailed that the contractor is not ineligible to receive the contract, and it acknowledges that if the certification that they're using, E-verify, is inaccurate or becomes inaccurate during the term of the contract, the contractor may be barred from participating in contracts with the Texas Department of Transportation.

ANCHIA: And TxDOT will engage in rulemaking related to the penalties, and it's your hope, as you articulated, that they would consider that five-year bar in their rulemaking process?

RINALDI: It is, and this doesn't say a bar, but it clearly contemplates that there is going to be some sort of bar in the text of the remaining amendment. So the rulemaking should contemplate that.

ANCHIA: Distinguish for me, if you might, the difference between the Perry executive order and the reach of your amendment as amended?

RINALDI: Well, the reach of my amendment as amended is the same. The Perry executive order was vague, and this is more specific. So the Perry executive order merely said that all agencies under the direction of the governor must include, as a condition of all state contracts for services—which is my contractual provision—the use of the E-verify system for all persons including subcontractors assigned by the contractor to perform work as well as the contractors themselves.

ANCHIA: This certification or attestation, is that under penalty of perjury or—

RINALDI: No, it would be in the contract, so it would be enforceable by contract.

ANCHIA: So it's a bust of a contractual obligation if, in fact, there is a violation.

RINALDI: Correct.

ANCHIA: E-verify is a tool used prospectively when you hire somebody new. Does your amendment pick up people who may be currently in the employ of a contractor or subcontractor who maybe may not have lawful status?

RINALDI: It does not.

ANCHIA: It does not. So this is exclusively prospective?

RINALDI: It is.

ANCHIA: What are your thoughts on it being only prospective and not retrospective?

RINALDI: You know, I don't know if it would be germane to this sunset bill, but I do agree that it should be retrospective, also. I have another bill that would actually revoke the occupational licenses of companies that knowingly hire illegal immigrants. I agree with you. It's just not dealt with in this amendment.

ANCHIA: If there is a contract that is awarded, and a subcontractor for the first time is making this attestation, then what are they actually attesting to? I mean practically? So you have an RFP for the construction of the road. All of the primes and the subs need to make this attestation all the way down the line. The last subcontractor hires undocumented workers to work on the road. What are they attesting to?

RINALDI: They are attesting that they are eligible to receive the contract under this section of code, which under Subsection (b) means that the contractor and their subcontractors are participating in E-verify and continue to during the contract.

ANCHIA: So they're not making an attestation that they don't use undocumented workers. They are simply making an attestation that they're using E-verify.

RINALDI: That's correct.

ANCHIA: Based on reporting by the *Texas Tribune* and others that shows that upwards of around 40 or 50 percent of workers that do construction of all types throughout the state may be undocumented, then your amendment really doesn't prevent undocumented workers from working on TxDOT contracts, does it?

RINALDI: It does to the extent that they're so-listed in E-verify.

ANCHIA: If they're listed in E-verify and only prospectively and not retrospectively?

RINALDI: I suppose if they're here on a work visa that expires after it's used, no, that wouldn't pick it up.

ANCHIA: Or if they are undocumented workers and they are not picked up by E-verify because it is only prospective in nature, then they wouldn't be covered by your amendment.

RINALDI: Any shortcomings in the E-verify system—no, they would not be picked up.

(Goldman in the chair)

Amendment No. 16, as amended, was adopted by (Record 1282): 83 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriiglione; Cook; Cosper; Craddick; Cyrier; Dale; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gonzales; Gooden; Hefner; Herrero; Holland; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Murr; Oliverson; Parker; Paul; Phelan; Phillips; Pickett; Price; Raymond; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Springer; Stephenson; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Ashby; Bernal; Blanco; Canales; Clardy; Coleman; Collier; Cortez; Darby; Davis, Y.; Deshotel; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Huberty; Israel; Johnson, J.; King, T.; Lambert; Longoria; Lucio; Martinez; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Ortega; Perez; Raney; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Stucky; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker; Goldman(C).

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent, Excused, Committee Meeting — Zerwas.

Absent — Dukes; Paddie.

STATEMENTS OF VOTE

When Record No. 1282 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 1282 was taken, I was shown voting yes. I intended to vote no.

Kacal

When Record No. 1282 was taken, I was shown voting no. I intended to vote yes.

Lambert

When Record No. 1282 was taken, I was shown voting yes. I intended to vote no.

Landgraf

When Record No. 1282 was taken, I was shown voting no. I intended to vote yes.

Morrison

When Record No. 1282 was taken, I was shown voting no. I intended to vote yes.

Stucky

REMARKS ORDERED PRINTED

Representative Romero moved to print remarks between Representative Anchia and Representative Rinaldi on Amendment No. 16.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, at 3 p.m. today, in 1W.14, to consider **SB 78**, **SB 528**, **SB 670**, **SB 1731**, **SB 1910**, **SJR 34**, and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, 3 p.m. today, 1W.14, for a formal meeting, to consider **SB 78**, **SB 528**, **SB 670**, **SB 1731**, **SB 1910**, **SJR 34**, and pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Button moved to suspend the five-day posting rule to allow the Committee on Economic and Small Business Development to consider **SB 400** at 12 p.m. tomorrow in E2.028.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Economic and Small Business Development, 12 p.m. tomorrow, E2.028, for a public hearing, to consider **SB 400**.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 17).

CSSB 312 - (consideration continued)

Amendment No. 18

Representative Minjarez offered the following amendment to **CSSB 312**:
Floor Packet Page No. 47

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 224, Transportation Code, is amended by adding Section 224.034 to read as follows:

Sec. 224.034. HIGHWAY CLOSURES DURING CERTAIN PERIODS. (a) If a proposed improvement of the state highway system requires the closing of a highway, the department shall, before entering into a contract for the proposed improvement, coordinate the highway closure by communicating in person or by telephone call, e-mail, or other direct method of communication with public officials from municipalities affected by the closure to avoid any adverse economic impact on the municipalities during:

(1) periods of increased travel on the state highway system, including major state and federal holidays and school holidays; and

(2) other periods of high commercial activity in the state, including limited periods in which certain items are exempted from the sales tax imposed by Chapter 151, Tax Code.

(b) A contract for the proposed improvement of the state highway system that requires the closing of a highway as described by Subsection (a) must include a provision identifying the days on which the highway may not be closed.

(c) The department shall submit an annual report to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature detailing all highway closures during periods listed in Subsection (a) and the estimated economic impact of those closures.

Amendment No. 18 was adopted.

Amendment No. 19

Representatives Turner and Zedler offered the following amendment to **CSSB 312**:

Floor Packet Page No. 48

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:

Sec. 225.123. ROSA PARKS MEMORIAL PARKWAY. (a) The portion of State Highway 360 from the municipal limits of Mansfield in Tarrant County to its intersection with East Sublett Road/West Camp Wisdom Road in Tarrant County is designated as the Rosa Parks Memorial Parkway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Rosa Parks Memorial Parkway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.124 to read as follows:

Sec. 225.124. SENATOR CHRIS HARRIS MEMORIAL HIGHWAY. (a) The portion of State Highway 360 from its intersection with U.S. Highway 287 in Ellis County to the municipal limits of Mansfield in Tarrant County is designated as the Senator Chris Harris Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Senator Chris Harris Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Amendment No. 20

Representative Stephenson offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 to **CSSB 312** by Turner (page 48, prefiled amendment packet) on page 1, line 20, immediately following the underlined period, by inserting the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:

Sec. 225.123. STATE TROOPER BILL DAVIDSON MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 59 in Jackson County between mile marker 618 and mile marker 620 on the southbound side is designated as the State Trooper Bill Davidson Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the highway number, the designation as the State Trooper Bill Davidson Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Amendment No. 20 was adopted.

Amendment No. 21

Representative Hefner offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 to **CSSB 312** by Turner (page 48, prefiled amendment packet) on page 1, line 29, immediately following the underlined period, by inserting the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. VETERANS MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 271 in Camp County is designated as the Veterans Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Veterans Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Amendment No. 21 was adopted.

Amendment No. 22

Representative Hefner offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 by Turner to **CSSB 312** (prefiled amendments packet page 48) by adding the following on page 1, immediately following line 29:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. TITUS COUNTY VIETNAM VETERANS MEMORIAL HIGHWAY. (a) The portion of Farm-to-Market Road 4000 in Titus County between its intersection with Farm-to-Market Road 1735 and the eastern municipal boundary of Mount Pleasant is designated as the Titus County Vietnam Veterans Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Titus County Vietnam Veterans Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Amendment No. 22 was adopted.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on State Affairs:

Cook on motion of Shine.

Craddick on motion of Shine.

Farrar on motion of Shine.

Geren on motion of Shine.

Giddings on motion of Shine.

Guillen on motion of Shine.

K. King on motion of Shine.

Kuempel on motion of Shine.

Meyer on motion of Shine.

Oliveira on motion of Shine.

Paddie on motion of Shine.

E. Rodriguez on motion of Shine.

Smithee on motion of Shine.

CSSB 312 - (consideration continued)**Amendment No. 23**

Representative Kuempel offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 to **CSSB 312** by Turner (page 48, prefiled amendment packet) on page 1, line 20, immediately following the underlined period, by inserting the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:

Sec. 225.123. TEXAS GAME WARDEN TEYRAN "TY" PATTERSON MEMORIAL HIGHWAY. (a) Business State Highway 123-B in Guadalupe County is designated as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway. This designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Amendment No. 23 was adopted.

Amendment No. 24

Representative Burns offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 to **CSSB 312** by Turner (page 48, prefiled amendment packet) on page 1, line 29, immediately following the underlined period, by inserting the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. DEPUTY CLIFTON TAYLOR MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 35W in Johnson County between its intersection with U.S. Highway 67 and East Hidden Creek Parkway is designated as the Deputy Clifton Taylor Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Deputy Clifton Taylor Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Amendment No. 24 was adopted.

Amendment No. 25

Representative Herrero offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 by Turner to **CSSB 312** (prefiled amendment packet page 48) on page 1, immediately following line 29, by adding the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. KOLLYN BARTON MEMORIAL HIGHWAY. (a) The portion of Farm-to-Market Road 666 in Nueces County between its intersection with State Highway 44 and Farm-to-Market Road 624 is designated as the Kollyn Barton Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Kollyn Barton Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Amendment No. 25 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Rules and Resolutions:

Sheffield on motion of Muñoz.

CSSB 312 - (consideration continued)**Amendment No. 26**

Representative Lang offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 by Turner to **CSSB 312** (page 48 of the prefiled amendment packet) immediately following line 29, by adding the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.126 to read as follows:

Sec. 225.126. BEDFORD-CARMICHAEL BRIDGE. (a) The structure on State Highway 6 located in Eastland County adjacent to Lake Cisco connecting the north and south banks of Sandy Creek is designated as the Bedford-Carmichael Bridge.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Bedford-Carmichael Bridge and any other appropriate information; and

(2) erect a marker at each end of the structure.

Amendment No. 26 was adopted.

Amendment No. 27

Representative Dutton offered the following amendment to Amendment No. 19:

Amend Amendment No. ____ by Walle to **CSSB 312** (page 90, prefiled amendment packet) as follows:

(1) On line 2, in the introductory language of the amendment, strike "SECTION" and substitute "SECTIONS".

(2) Immediately following line 13, add the following:

SECTION _____. Subchapter J, Chapter 201, Transportation Code, is amended by adding Section 201.812 to read as follows:

Sec. 201.812. REPORT REGARDING CERTAIN HISTORICALLY UNDERUTILIZED BUSINESSES. At least quarterly, the department shall publish data and statistics regarding contracts awarded to historically underutilized businesses, as that term is defined by Section 2161.001, Government Code, that are owned or owned, operated, and controlled, as applicable, wholly or partly by a person described by Section 2161.001(3)(A)(i)-(v).

(Oliveira now present)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Oliveira requested permission for the Committee on Business and Industry to meet while the house is in session, at 3:30 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 3:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

CSSB 312 - (consideration continued)

Amendment No. 27 was withdrawn.

Amendment No. 28

Representative Dutton offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 by Turner to **CSSB 312** by adding the following SECTION to the amendment:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:

Sec. 225.123. EL FRANCO LEE MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 59 between State Highway 288 and Interstate Highway 610 is designated as the El Franco Lee Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the El Franco Lee Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Amendment No. 28 was adopted.

Amendment No. 29

Representative Schubert offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 to **CSSB 312** by Turner (prefiled amendments packet page 48) on page 1, immediately after line 29, by adding the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. SHERIFF RONNIE DODDS MEMORIAL HIGHWAY. (a) The portion of Alternate United States Highway 90 in Lavaca County from the eastern municipal limits of Shiner to the western municipal limits of Hallettsville is designated as the Sheriff Ronnie Dodds Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Sheriff Ronnie Dodds Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Amendment No. 29 was adopted.

Amendment No. 30

Representative Schubert offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 to **CSSB 312** by Turner (prefiled amendments packet page 48) on page 1, immediately after line 29, by adding the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. SERGEANT DAVID M. FURRH MEMORIAL HIGHWAY.

(a) The portion of State Highway 95 in Lavaca County from the northern municipal limits of Shiner to the southern municipal limits of Moulton is designated as the Sergeant David M. Furrh Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Sergeant David M. Furrh Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Amendment No. 30 was adopted.

Amendment No. 31

Representatives Gooden and Burkett offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 to **CSSB 312** by Turner (page 48, prefiled amendment packet) on page 1, line 29, immediately following the underlined period, by inserting the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.128 to read as follows:

Sec. 225.128. STAFF SERGEANT JEREMIE S. BORDER MEMORIAL HIGHWAY. (a) The portion of State Highway 352 in the municipal limits of Mesquite is designated as the Staff Sergeant Jeremie S. Border Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Staff Sergeant Jeremie S. Border Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Amendment No. 31 was adopted.

Amendment No. 19, as amended, was adopted.

Amendment No. 32

Representative Shaheen offered the following amendment to **CSSB 312**:
Floor Packet Page No. 49

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 228.012(a) and (b), Transportation Code, are amended to read as follows:

(a) The department shall create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement [~~and the surplus revenue of a toll project or system~~]. The department shall create subaccounts in the account for each project, system, or region. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount.

(b) The department shall hold money in a subaccount in trust for the benefit of the region in which a project or system is located and may assign the responsibility for allocating money in a subaccount to a metropolitan planning organization in which the region is located for projects approved by the department. At the time the project is approved by the department money shall be allocated and distributed to projects authorized by Section 228.0055 [~~or Section 228.006, as applicable~~].

SECTION _____. Section 228.053(f), Transportation Code, is amended to read as follows:

(f) The revenue and disbursements for each toll project or system shall be kept separately. The revenue from one project may not be used to pay the cost of another project except as authorized by Section [~~Sections~~] 228.0055 [~~and 228.006~~].

SECTION _____. Section 228.104(a), Transportation Code, is amended to read as follows:

(a) The principal of, interest on, and any redemption premium on bonds issued by the commission under this subchapter are payable solely from:

(1) the revenue of the toll project or system for which the bonds are issued, including tolls pledged to pay the bonds;

(2) the proceeds of bonds issued for the project or system;

(3) the amounts deposited in a debt service reserve fund as required by the trust agreement securing bonds issued for the project or system;

(4) amounts received under a credit agreement relating to the project or system for which the bonds are issued; and

(5) [~~surplus revenue of another project or system as authorized by Section 228.006; and~~

[~~(6)~~] amounts received by the department:

(A) as pass-through tolls under Section 222.104;

(B) under an agreement with a local governmental entity entered into under Section 228.254;

(C) under other agreements with a local governmental entity relating to the project or system for which the bonds are issued; and

(D) under a comprehensive development agreement entered into under Section 223.201.

SECTION _____. Section 228.105, Transportation Code, is amended to read as follows:

Sec. 228.105. SOURCES OF PAYMENT OF AND SECURITY FOR TOLL REVENUE BONDS. Notwithstanding any other provisions of this subchapter, toll revenue bonds issued by the commission may:

(1) be payable from and secured by:

(A) payments made under an agreement with a local governmental entity as provided by Section 228.254;

(B) the proceeds of bonds issued for the toll project or system; or

(C) amounts deposited in a debt service reserve fund as required by the trust agreement securing bonds issued for the project or system; ~~or~~

~~[(D) surplus revenue of another toll project or system as authorized by Section 228.006;] and~~

(2) state on their faces any pledge of revenue or taxes and any security for the bonds under the agreement.

SECTION _____. Section 366.113(a), Transportation Code, is amended to read as follows:

(a) The principal of, interest on, and any redemption premium on bonds issued by an authority are payable solely from:

(1) the revenue of the turnpike project or system for which the bonds are issued, including tolls pledged to pay the bonds;

(2) payments made under an agreement with the commission or a local governmental entity as provided by Subchapter G;

(3) money derived from any other source available to the authority, other than money derived from a turnpike project that is not part of the same system or money derived from a different system ~~[-, except to the extent that the surplus revenue of a turnpike project or system has been pledged for that purpose];~~ and

(4) amounts received under a credit agreement relating to the turnpike project or system for which the bonds are issued.

SECTION _____. Section 370.113(a), Transportation Code, is amended to read as follows:

(a) The principal of, interest on, and any redemption premium on bonds issued by an authority are payable solely from:

(1) the revenue of the transportation project for which the bonds are issued;

(2) payments made under an agreement with the commission, the department, or other governmental entity as authorized by this chapter;

(3) money derived from any other source available to the authority, other than money derived from a transportation project that is not part of the same system or money derived from a different system, except to the extent that the surplus revenue of a transportation project or system, other than a turnpike project, has been pledged for that purpose;

(4) amounts received under a credit agreement relating to the transportation project for which the bonds are issued; and

(5) the proceeds of the sale of other bonds.

SECTION _____. Subchapter B, Chapter 372, Transportation Code, is amended by adding Section 372.054 to read as follows:

Sec. 372.054. CESSATION OF TOLLS. (a) A toll project becomes a part of the state highway system and the commission shall maintain the project without tolls when the costs of acquisition and construction of the project have been paid and:

(1) all of the bonds and interest on the bonds that are payable from or secured by revenues of the project have been paid by the issuer of the bonds or another person with the consent or approval of the issuer; or

(2) a sufficient amount for the payment of all bonds and interest on the bonds to maturity has been set aside by the issuer of the bonds or another person with the consent or approval of the issuer in a trust fund held for the benefit of the bondholders.

(b) A toll project entity may not amend a financing or other agreement in a manner that would extend the date by which a toll project would become part of the state highway system under Subsection (a).

SECTION _____. The following provisions of the Transportation Code are repealed:

- (1) Section 228.006;
- (2) Section 228.109(d);
- (3) Sections 284.008(c) and (d);
- (4) Section 366.003(9-a);
- (5) Section 366.037;
- (6) Section 366.071;
- (7) Section 366.072(b); and
- (8) Section 366.175.

Amendment No. 32 failed of adoption by (Record 1283): 53 Yeas, 74 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Cain; Capriglione; Cosper; Cyrier; Dale; Elkins; Fallon; Flynn; Frank; Gooden; Hefner; Holland; Hunter; Isaac; Johnson, J.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Leach; Metcalf; Murr; Paul; Phelan; Pickett; Raymond; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Springer; Stucky; Swanson; Thompson, E.; Tinderholt; White; Wilson; Zedler.

Nays — Allen; Alonzo; Alvarado; Arévalo; Bernal; Blanco; Burkett; Button; Canales; Clardy; Coleman; Collier; Cortez; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Faircloth; Gervin-Hawkins; Gonzales; González; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Israel; Kacal; Keough; King, P.; King, T.; Larson; Longoria; Lozano; Lucio; Martinez; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Perez; Phillips; Price; Raney; Reynolds; Roberts; Rodriguez, J.; Romero; Rose; Shine; Stephenson; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu.

Present, not voting — Mr. Speaker; Goldman(C).

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent, Excused, Committee Meeting — Cook; Craddick; Farrar; Geren; Giddings; Guillen; King, K.; Kuempel; Meyer; Paddie; Rodriguez, E.; Sheffield; Smithee; Zerwas.

Absent — Anderson, C.; Dukes; Frullo; Laubenberg.

STATEMENTS OF VOTE

When Record No. 1283 was taken, I was in the house but away from my desk. I would have voted no.

C. Anderson

When Record No. 1283 was taken, I was excused to attend a meeting of the Committee on State Affairs. I would have voted no.

Craddick

When Record No. 1283 was taken, I was shown voting no. I intended to vote yes.

Dean

When Record No. 1283 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 1283 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

When Record No. 1283 was taken, I was shown voting no. I intended to vote yes.

Gervin-Hawkins

When Record No. 1283 was taken, I was shown voting no. I intended to vote yes.

Keough

When Record No. 1283 was taken, I was shown voting yes. I intended to vote no.

Landgraf

When Record No. 1283 was taken, I was excused to attend a meeting of the Committee on State Affairs. I would have voted yes.

Meyer

When Record No. 1283 was taken, I was shown voting no. I intended to vote yes.

Minjarez

When Record No. 1283 was taken, I was shown voting no. I intended to vote yes.

Parker

When Record No. 1283 was taken, I was shown voting no. I intended to vote yes.

Wray

Amendment No. 33

Representative Raymond offered the following amendment to **CSSB 312**:
Floor Packet Page No. 54

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Subchapter E, Chapter 228, Transportation Code, is amended to read as follows:

**SUBCHAPTER E. LIMITATION ON TOLL FACILITY DESIGNATION
~~DETERMINATION~~; CONVERSION OF NONTOLLED STATE HIGHWAY**

SECTION _____. Section 228.201, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) The department may not operate any part of State Highway 255 in Webb County as a toll project.

(Cook, Meyer, and Sheffield now present)

(Speaker in the chair)

Amendment No. 33 was adopted.

Amendment No. 34

Representative Minjarez offered the following amendment to **CSSB 312**:

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 228.054, Transportation Code, is amended to read as follows:

Sec. 228.054. TOLL PAYMENT REQUIRED [~~FAILURE OR REFUSAL TO PAY TOLL~~]; EMERGENCY VEHICLES EXEMPT [~~OFFENSE~~].

SECTION _____. Section 228.054(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (e) [~~or Section 228.0545~~], the operator of a vehicle, other than an authorized emergency vehicle, as defined by Section 541.201, that is driven or towed through a toll collection facility shall pay the proper toll. The exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is:

- (1) responding to an emergency;
- (2) displaying a flashing light; or
- (3) marked as an emergency vehicle.

SECTION _____. The heading to Section 228.0545, Transportation Code, is amended to read as follows:

Sec. 228.0545. TOLL NOT PAID AT TIME OF USE; INVOICE [~~ALTERNATIVE TOLLING METHODS~~].

SECTION _____. Sections 228.0545(c) and (d), Transportation Code, are amended to read as follows:

(c) The department shall send by first class mail to the registered owner of a ~~the~~ vehicle a written invoice containing an assessment for tolls incurred by the vehicle [~~notice of the total amount due. The notice must specify the date, which may not be earlier than the 30th day after the date the notice is mailed, by which the amount due must be paid. The registered owner shall pay the amount due on or before the date specified in the notice~~].

(d) The department shall send the invoice [~~notice~~] required under Subsection (c) and related communications [~~subsequent notices~~] to:

- (1) the registered owner's address as shown in the vehicle registration records of the Texas Department of Motor Vehicles or the analogous department or agency of another state or country; or
- (2) an alternate address provided by the owner or derived through other reliable means.

SECTION _____. Subchapter B, Chapter 228, Transportation Code, is amended by adding Sections 228.0546 and 228.0547 to read as follows:

Sec. 228.0546. INVOICE REQUIREMENTS; PAYMENT DUE DATE.
An invoice containing an assessment for the use of a toll project must:

- (1) require payment not later than the 30th day after the date the invoice is mailed; and
- (2) conspicuously state:
 - (A) the amount due;
 - (B) the date by which the amount due must be paid; and
 - (C) that failure to pay the amount due in the required period:
 - (i) will result in the assessment of an administrative fee; and
 - (ii) may result in liability for a civil penalty.

Sec. 228.0547. PAYMENT OF TOLL INVOICE; CIVIL PENALTY FOR FAILURE TO PAY AMOUNT OF INVOICE WITHIN 30 DAYS. (a) A person who receives an invoice from the department for the use of a toll project shall, not later than the due date specified in the invoice:

(1) pay the amount owed as stated in the invoice; or

(2) send a written request to the entity for a review of the toll assessments contained in the invoice.

(b) If a person fails to comply with Subsection (a), the department may add an administrative fee, not to exceed \$6, to the amount the person owes. The department:

(1) must set the administrative fee by rule in an amount that does not exceed the cost of collecting the toll; and

(2) may not charge a person more than \$48 in administrative fees in a 12-month period.

(c) A person who receives two or more invoices for unpaid tolls and who has not paid the amount due within 30 days of the date of the invoice is subject to a civil penalty of \$25. Only one civil penalty may be assessed in a six-month period. An appropriate district or county attorney may sue to collect the civil penalty and the underlying toll and administrative fee.

(d) The court in which a person is found liable for a civil penalty under Subsection (c) shall collect the civil penalty, unpaid tolls, administrative fees, and any additional court costs and forward the amounts to the department.

SECTION _____. The heading to Section 228.055, Transportation Code, is amended to read as follows:

Sec. 228.055. EXCEPTIONS FOR LEASED OR TRANSFERRED VEHICLE [ADMINISTRATIVE FEE; NOTICE; OFFENSE].

SECTION _____. Sections 228.055(d), (d-1), (e), and (i), Transportation Code, are amended to read as follows:

(d) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle [the application of Subsection (a) or (c)] if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the invoice containing an assessment of the toll [notice of nonpayment] is mailed provides to the department:

(1) a copy of the rental, lease, or other contract document covering the vehicle on the date the toll was incurred [of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545], with the name and address of the lessee clearly legible; or

(2) electronic data, in a format agreed on by the department and the lessor, other than a photocopy or scan of a rental or lease contract, that contains the information required under Sections 521.460(c)(1), (2), and (3) covering the vehicle on the date the toll was incurred [of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545].

(d-1) If the lessor provides the required information within the period prescribed under Subsection (d), the department may send an invoice ~~[a notice of nonpayment]~~ to the lessee at the address provided under Subsection (d) by first class mail before the 30th day after the date of receipt of the required information from the lessor. ~~[The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The lessee shall pay a separate toll and administrative fee for each event of nonpayment. Each failure to pay a toll or administrative fee under this subsection is a separate offense.]~~

(e) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle ~~[the application of Subsection (a) or (c)]~~ if the registered owner of the vehicle transferred ownership of the vehicle to another person before the toll was incurred ~~[event of nonpayment under Section 228.054 occurred or before the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~, submitted written notice of the transfer to the department in accordance with Section 501.147, and, before the 30th day after the date the invoice ~~[notice of nonpayment]~~ is mailed, provides to the department the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the department may send an invoice ~~[a notice of nonpayment]~~ to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first class mail before the 30th day after the date of receipt of the required information from the former owner. The department may send all subsequent invoices ~~[notices of nonpayment]~~ associated with the vehicle to the person to whom ownership of the vehicle was transferred at the address provided by the former owner or an alternate address provided by the subsequent owner or derived through other reliable means. ~~[The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545. Each failure to pay a toll or administrative fee under this subsection is a separate offense.]~~

(i) The department may contract, in accordance with Section 2107.003, Government Code, with a person to collect the unpaid toll and any applicable administrative fee before referring the matter to a court for collection of a civil penalty under Section 228.0547 ~~[with jurisdiction over the offense]~~.

SECTION _____. Section 228.056, Transportation Code, is amended to read as follows:

Sec. 228.056. PROOF OF LIABILITY FOR TOLL; DEFENSE FOR STOLEN VEHICLE ~~[PRESUMPTIONS; PRIMA FACIE EVIDENCE; DEFENSES]~~. (a) Proof ~~[In the prosecution of an offense under Section 228.054 or 228.055, proof]~~ that a vehicle ~~[the]~~ was driven or towed through a

~~[the]~~ toll collection facility without payment of the proper toll may be shown by a video recording, photograph, electronic recording, or other appropriate evidence, including evidence obtained by automated enforcement technology.

(b) In determining liability for an incurred toll ~~[the prosecution of an offense under Section 228.055(e), (d-1), or (e)]~~:

(1) it is presumed that the invoice containing the assessment for the toll ~~[notice of nonpayment]~~ was received on the fifth day after the date of mailing;

(2) a computer record of the Texas Department of Motor Vehicles of the registered owner of the vehicle is prima facie evidence of its contents and that the person identified in the record as the vehicle's registered owner ~~[defendant]~~ was the registered owner of the vehicle when the toll was incurred ~~[underlying event of nonpayment under Section 228.054 occurred or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~; and

(3) a copy of a ~~[the]~~ rental, lease, or other contract document, or the electronic data provided to the department under Section 228.055(d), covering the vehicle on the date the toll was incurred ~~[of the underlying event of nonpayment under Section 228.054 or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~ is prima facie evidence of its contents and that the person identified in the document ~~[defendant]~~ was the lessee of the vehicle when the toll was incurred ~~[underlying event of nonpayment under Section 228.054 occurred or when the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~.

(c) It is a defense to liability of a vehicle's registered owner for a toll incurred by the vehicle ~~[prosecution under Section 228.055(e), (d-1), or (e)]~~ that the ~~[motor]~~ vehicle ~~[in question]~~ was stolen before the toll was incurred ~~[failure to pay the proper toll occurred]~~ and had not been recovered before the toll was incurred ~~[failure to pay occurred]~~, but only if the theft was reported to the appropriate law enforcement authority before the earlier of:

(1) the time the toll was incurred ~~[the occurrence of the failure to pay]~~;

or

(2) eight hours after the discovery of the theft.

SECTION _____. Section 228.059, Transportation Code, is amended to read as follows:

Sec. 228.059. TOLL COLLECTION AND ENFORCEMENT BY OTHER ENTITY~~[- OFFENSE]~~. An entity operating a toll lane pursuant to Section 228.007(b) has, with regard to toll collection and enforcement for that toll lane, the same powers and duties as the department under this chapter. ~~[A person who fails to pay a toll or administrative fee imposed by the entity commits an offense. Each failure to pay a toll or administrative fee imposed by the entity is a separate offense. An offense under this section is a misdemeanor punishable by a fine not to exceed \$250, and the provisions of Section 228.056 apply to the prosecution of the offense under this section.]~~ The entity may use revenues for improvement, extension, expansion, or maintenance of the toll lane.

SECTION _____. Section 372.101, Transportation Code, is amended to read as follows:

Sec. 372.101. APPLICABILITY. This subchapter does not apply to:

- (1) a county acting under Chapter 284; or
- (2) the department.

SECTION _____. The following sections of the Transportation Code are repealed:

- (1) Sections 228.054(b) and (c); and
- (2) Sections 228.055(a), (b), (c), (f), (g), and (h).

SECTION _____. The changes in law made by this Act to the law regarding toll collection procedures and billing apply only to a toll incurred on or after the effective date of this Act. A toll incurred before the effective date of this Act is governed by the law in effect on the date the toll was incurred, and the former law is continued in effect for that purpose.

Amendment No. 34 was withdrawn.

(K. King now present)

Amendment No. 35

Representative Pickett offered the following amendment to **CSSB 312**:

Floor Packet Page No. 63

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 228.201, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) In determining the number of nontolled lanes required to comply with Subsection (a)(3), the department:

(1) may consider only a general-purpose lane that is part of the highway;
and

(2) may not consider a lane of a frontage road to be a nontolled lane before or after reconstruction of the highway.

SECTION 2. Section 228.201(c), Transportation Code, as added by this Act, applies only to a highway reconstruction in accordance with Section 228.201(a)(3), Transportation Code, that is begun on or after the effective date of this Act. A reconstruction begun before the effective date of this Act is governed by the law in effect when the reconstruction began, and the former law is continued in effect for that purpose.

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

Amendment No. 35 was withdrawn.

(Craddick, Guillen, and E. Rodriguez now present)

Amendment No. 36

Representative Cain offered the following amendment to **CSSB 312**:

Floor Packet Page No. 66

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 228.201, Transportation Code, is amended to read as follows:

Sec. 228.201. LIMITATION ON TOLL FACILITY DESIGNATION. (a) The department may not operate a nontolled state highway or a segment of a nontolled state highway as a toll project, and may not transfer a highway or segment to another entity for operation as a toll project, unless:

(1) the commission by order designated the highway or segment as a toll project before the contract to construct the highway or segment was awarded;

(2) the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005;

(3) the highway or segment is reconstructed so that the number of nontolled lanes on the highway or segment is greater than or equal to the number in existence before the reconstruction; or

(4) a facility is constructed adjacent to the highway or segment so that the number of nontolled lanes on the converted highway or segment and the adjacent facility together is greater than or equal to the number in existence on the converted highway or segment before the conversion[~~;~~ or

~~(5) subject to Subsection (b), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005].~~

(b) In determining the number of nontolled lanes required to comply with Subsection (a)(3), the department:

(1) may consider only a general-purpose lane that is part of the highway; and

(2) may not consider a lane of a frontage road to be a nontolled lane before or after reconstruction of the highway. [The department may operate or transfer a high-occupancy vehicle lane under Subsection (a)(5) as a tolled lane only if the department or other entity operating the lane allows vehicles occupied by a specified number of passengers to use the lane without paying a toll.]

SECTION _____. Section 228.201, Transportation Code, as amended by this Act, applies only to project to convert a nontolled highway segment to a tolled highway segment for which construction begins on or after the effective date of this Act. A conversion project for which construction begins before the effective date of this Act is governed by the law in effect when the construction began, and the former law is continued in effect for that purpose.

(Farrar, Geren, Giddings, and Paddie now present)

Amendment No. 36 was withdrawn.

Amendment No. 37

Representative Pickett offered the following amendment to **CSSB 312**:

Floor Packet Page No. 64

Amend **CSSB 312** (house committee report) by deleting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 228.201, Transportation Code, is amended to read as follows:

Sec. 228.201. LIMITATION ON TOLL FACILITY DESIGNATION. ~~(a)~~ The department may not operate a nontolled state highway or a segment of a nontolled state highway as a toll project, and may not transfer a highway or segment to another entity for operation as a toll project, unless:

(1) the commission by order designated the highway or segment as a toll project before the contract to construct the highway or segment was awarded;

(2) the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005;

(3) the highway or segment is reconstructed so that the number of nontolled lanes on the highway or segment is greater than or equal to the number in existence before the reconstruction; or

(4) a facility is constructed adjacent to the highway or segment so that the number of nontolled lanes on the converted highway or segment and the adjacent facility together is greater than or equal to the number in existence on the converted highway or segment before the conversion ~~[-or~~

~~[(5) subject to Subsection (b), the highway or segment was open to traffic as a high occupancy vehicle lane on May 1, 2005].~~

~~[(b) The department may operate or transfer a high occupancy vehicle lane under Subsection (a)(5) as a tolled lane only if the department or other entity operating the lane allows vehicles occupied by a specified number of passengers to use the lane without paying a toll.]~~

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Amendment No. 37 was adopted.

Amendment No. 38

Representative Pickett offered the following amendment to **CSSB 312**:

Floor Packet Page No. 63

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 228.201, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) In determining the number of nontolled lanes required to comply with Subsection (a)(3), the department:

(1) may consider only a general-purpose lane that is part of the highway;
and

(2) may not consider a lane of a frontage road to be a nontolled lane before or after reconstruction of the highway.

SECTION 2. Section 228.201(c), Transportation Code, as added by this Act, applies only to a highway reconstruction in accordance with Section 228.201(a)(3), Transportation Code, that is begun on or after the effective date of this Act. A reconstruction begun before the effective date of this Act is governed by the law in effect when the reconstruction began, and the former law is continued in effect for that purpose.

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

Amendment No. 38 was adopted.

Amendment No. 39

Representative Minjarez offered the following amendment to **CSSB 312**:
Floor Packet Page No. 55

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 228.054, Transportation Code, is amended to read as follows:

Sec. 228.054. TOLL PAYMENT REQUIRED [FAILURE OR REFUSAL TO PAY TOLL]; EMERGENCY VEHICLES EXEMPT [OFFENSE].

SECTION _____. Section 228.054(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (e) [~~or Section 228.0545~~], the operator of a vehicle, other than an authorized emergency vehicle, as defined by Section 541.201, that is driven or towed through a toll collection facility shall pay the proper toll. The exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is:

- (1) responding to an emergency;
- (2) displaying a flashing light; or
- (3) marked as an emergency vehicle.

SECTION _____. The heading to Section 228.0545, Transportation Code, is amended to read as follows:

Sec. 228.0545. TOLL NOT PAID AT TIME OF USE; INVOICE [ALTERNATIVE TOLLING METHODS].

SECTION _____. Sections 228.0545(c) and (d), Transportation Code, are amended to read as follows:

(c) The department shall send by first class mail to the registered owner of a [the] vehicle a written invoice containing an assessment for tolls incurred by the vehicle [notice of the total amount due. The notice must specify the date, which

~~may not be earlier than the 30th day after the date the notice is mailed, by which the amount due must be paid. The registered owner shall pay the amount due on or before the date specified in the notice].~~

(d) The department shall send the invoice ~~[notice]~~ required under Subsection (c) and related communications ~~[subsequent notices]~~ to:

(1) the registered owner's address as shown in the vehicle registration records of the Texas Department of Motor Vehicles or the analogous department or agency of another state or country; or

(2) an alternate address provided by the owner or derived through other reliable means.

SECTION _____. Subchapter B, Chapter 228, Transportation Code, is amended by adding Sections 228.0546 and 228.0547 to read as follows:

Sec. 228.0546. INVOICE REQUIREMENTS; PAYMENT DUE DATE.

An invoice containing an assessment for the use of a toll project must:

(1) require payment not later than the 30th day after the date the invoice is mailed; and

(2) conspicuously state:

(A) the amount due;

(B) the date by which the amount due must be paid; and

(C) that failure to pay the amount due in the required period:

(i) will result in the assessment of an administrative fee; and

(ii) may result in liability for a civil penalty.

Sec. 228.0547. PAYMENT OF TOLL INVOICE; CIVIL PENALTY FOR FAILURE TO PAY AMOUNT OF INVOICE WITHIN 30 DAYS. (a) A person who receives an invoice from the department for the use of a toll project shall, not later than the due date specified in the invoice:

(1) pay the amount owed as stated in the invoice; or

(2) send a written request to the entity for a review of the toll assessments contained in the invoice.

(b) If a person fails to comply with Subsection (a), the department may add an administrative fee, not to exceed \$6, to the amount the person owes. The department:

(1) must set the administrative fee by rule in an amount that does not exceed the cost of collecting the toll; and

(2) may not charge a person more than \$48 in administrative fees in a 12-month period.

(c) A person who receives two or more invoices for unpaid tolls and who has not paid the amount due within 30 days of the date of the invoice is subject to a civil penalty of \$25. Only one civil penalty may be assessed in a six-month period. An appropriate district or county attorney may sue to collect the civil penalty and the underlying toll and administrative fee.

(d) The court in which a person is found liable for a civil penalty under Subsection (c) shall collect the civil penalty, unpaid tolls, administrative fees, and any additional court costs and forward the amounts to the department.

SECTION _____. The heading to Section 228.055, Transportation Code, is amended to read as follows:

Sec. 228.055. EXCEPTIONS FOR LEASED OR TRANSFERRED VEHICLE [ADMINISTRATIVE FEE; NOTICE; OFFENSE].

SECTION _____. Sections 228.055(d), (d-1), (e), and (i), Transportation Code, are amended to read as follows:

(d) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle ~~[the application of Subsection (a) or (e)]~~ if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the invoice containing an assessment of the toll ~~[notice of nonpayment]~~ is mailed provides to the department:

(1) a copy of the rental, lease, or other contract document covering the vehicle on the date the toll was incurred ~~[of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~, with the name and address of the lessee clearly legible; or

(2) electronic data, in a format agreed on by the department and the lessor, other than a photocopy or scan of a rental or lease contract, that contains the information required under Sections 521.460(c)(1), (2), and (3) covering the vehicle on the date the toll was incurred ~~[of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~.

(d-1) If the lessor provides the required information within the period prescribed under Subsection (d), the department may send an invoice ~~[a notice of nonpayment]~~ to the lessee at the address provided under Subsection (d) by first class mail before the 30th day after the date of receipt of the required information from the lessor. ~~[The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The lessee shall pay a separate toll and administrative fee for each event of nonpayment. Each failure to pay a toll or administrative fee under this subsection is a separate offense.]~~

(e) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle ~~[the application of Subsection (a) or (e)]~~ if the registered owner of the vehicle transferred ownership of the vehicle to another person before the toll was incurred ~~[event of nonpayment under Section 228.054 occurred or before the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~, submitted written notice of the transfer to the department in accordance with Section 501.147, and, before the 30th day after the date the invoice ~~[notice of nonpayment]~~ is mailed, provides to the department the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the department may send an invoice ~~[a notice of nonpayment]~~ to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first class mail before the 30th day after the date of receipt of the required information from the former owner. The department may send all subsequent invoices ~~[notices of nonpayment]~~ associated with the vehicle to the person to whom

ownership of the vehicle was transferred at the address provided by the former owner or an alternate address provided by the subsequent owner or derived through other reliable means. ~~[The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545. Each failure to pay a toll or administrative fee under this subsection is a separate offense.]~~

(i) The department may contract, in accordance with Section 2107.003, Government Code, with a person to collect the unpaid toll and any applicable administrative fee before referring the matter to a court for collection of a civil penalty under Section 228.0547 ~~[with jurisdiction over the offense].~~

SECTION _____. Section 228.056, Transportation Code, is amended to read as follows:

Sec. 228.056. PROOF OF LIABILITY FOR TOLL; DEFENSE FOR STOLEN VEHICLE ~~[PRESUMPTIONS; PRIMA FACIE EVIDENCE; DEFENSES]~~. (a) Proof ~~[In the prosecution of an offense under Section 228.054 or 228.055, proof]~~ that a ~~[the]~~ vehicle was driven or towed through a ~~[the]~~ toll collection facility without payment of the proper toll may be shown by a video recording, photograph, electronic recording, or other appropriate evidence, including evidence obtained by automated enforcement technology.

(b) In determining liability for an incurred toll ~~[the prosecution of an offense under Section 228.055(e), (d-1), or (e)]~~:

(1) it is presumed that the invoice containing the assessment for the toll ~~[notice of nonpayment]~~ was received on the fifth day after the date of mailing;

(2) a computer record of the Texas Department of Motor Vehicles of the registered owner of the vehicle is prima facie evidence of its contents and that the person identified in the record as the vehicle's registered owner ~~[defendant]~~ was the registered owner of the vehicle when the toll was incurred ~~[underlying event of nonpayment under Section 228.054 occurred or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~; and

(3) a copy of a ~~[the]~~ rental, lease, or other contract document, or the electronic data provided to the department under Section 228.055(d), covering the vehicle on the date the toll was incurred ~~[of the underlying event of nonpayment under Section 228.054 or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~ is prima facie evidence of its contents and that the person identified in the document ~~[defendant]~~ was the lessee of the vehicle when the toll was incurred ~~[underlying event of nonpayment under Section 228.054 occurred or when the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~.

(c) It is a defense to liability of a vehicle's registered owner for a toll incurred by the vehicle ~~[prosecution under Section 228.055(e), (d-1), or (e)]~~ that the ~~[motor]~~ vehicle ~~[in question]~~ was stolen before the toll was incurred ~~[failure~~

~~to pay the proper toll occurred~~] and had not been recovered before the toll was incurred [~~failure to pay occurred~~], but only if the theft was reported to the appropriate law enforcement authority before the earlier of:

(1) the time the toll was incurred [~~the occurrence of the failure to pay~~];

or

(2) eight hours after the discovery of the theft.

SECTION _____. Section 228.059, Transportation Code, is amended to read as follows:

Sec. 228.059. TOLL COLLECTION AND ENFORCEMENT BY OTHER ENTITY [~~;- OFFENSE~~]. An entity operating a toll lane pursuant to Section 228.007(b) has, with regard to toll collection and enforcement for that toll lane, the same powers and duties as the department under this chapter. [~~A person who fails to pay a toll or administrative fee imposed by the entity commits an offense. Each failure to pay a toll or administrative fee imposed by the entity is a separate offense. An offense under this section is a misdemeanor punishable by a fine not to exceed \$250, and the provisions of Section 228.056 apply to the prosecution of the offense under this section.~~] The entity may use revenues for improvement, extension, expansion, or maintenance of the toll lane.

SECTION _____. Section 372.101, Transportation Code, is amended to read as follows:

Sec. 372.101. APPLICABILITY. This subchapter does not apply to:

(1) a county acting under Chapter 284; or

(2) the department.

SECTION _____. The following sections of the Transportation Code are repealed:

(1) Sections 228.054(b) and (c); and

(2) Sections 228.055(a), (b), (c), (f), (g), and (h).

SECTION _____. The changes in law made by this Act to the law regarding toll collection procedures and billing apply only to a toll incurred on or after the effective date of this Act. A toll incurred before the effective date of this Act is governed by the law in effect on the date the toll was incurred, and the former law is continued in effect for that purpose.

Amendment No. 40

Representative E. Thompson offered the following amendment to Amendment No. 39:

Amend Amendment No. 39 by Minjarez to **CSSB 312** (page 55, prefiled amendments packet) on page 1 of the amendment by inserting the following between lines 18 and 19:

SECTION _____. Subchapter B, Chapter 228, Transportation Code, is amended by adding Section 228.0541 to read as follows:

Sec. 228.0541. PUBLIC SCHOOL BUSES. The department may not require a school bus exempt from registration fees under Section 502.453 to pay a toll for use of a toll project.

Amendment No. 40 was adopted.

Amendment No. 41

Representative E. Thompson offered the following amendment to Amendment No. 39:

Amend Amendment No. 39 to **CSSB 312** by Minjarez (page 55, prefiled amendment packet) on page 7, between lines 18 and 19, by inserting the following:

SECTION _____. Section 228.057, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) The department may not issue or renew a transponder or authorize another person to sell a transponder to a person unless the department or the person authorized to sell the transponder first verifies that the person to whom the transponder is being issued, renewed, or sold has established financial responsibility under Section 601.051.

Amendment No. 41 was withdrawn.

(Kuempel and Smithee now present)

Amendment No. 39, as amended, was adopted by (Record 1284): 136 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler.

Nays — Gonzales; Morrison; Sheffield.

Present, not voting — Mr. Speaker(C); Bonnen, D.

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent, Excused, Committee Meeting — Zerwas.

Absent — Davis, Y.; Dukes; Johnson, J.; Laubenberg; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1284 was taken, I was shown voting present, not voting. I intended to vote yes.

D. Bonnen

When Record No. 1284 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 4 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 4 p.m. today, 3W.9, for a formal meeting, to set a calendar.

COMMITTEE GRANTED PERMISSION TO MEET

Representative P. King requested permission for the Committee on Homeland Security and Public Safety to meet while the house is in session, at 4 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Homeland Security and Public Safety, 4 p.m. today, 1W.14, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Moody requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 5 p.m. today, in 3W.9, to consider **SB 1253**, **SB 1913**, and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 5 p.m. today, 3W.9, for a formal meeting, to consider **SB 1253**, **SB 1913**, and pending business.

CSSB 312 - (consideration continued)**Amendment No. 42**

Representative Pickett offered the following amendment to **CSSB 312**:

Floor Packet Page No. 68

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 228, Transportation Code, is amended by adding Section 228.207 to read as follows:

(a) Should the Camino Real Regional Mobility Authority vote to remove the portion of Loop 375 in El Paso County between Interstate Highway 10 and Santa Fe Street as a toll project, also known as Cesar Chavez Freeway,

(b) Any outstanding balances of funds owed to the Department for Cesar Chavez Freeway shall be transferred and added to the obligation on the Loop 375 Border Highway West Project in El Paso County from Race Track Drive to U.S. Highway 54, or any other terms agreeable to the Department.

(c) The Department shall maintain the highway described by Subsection (a) as part of the state highway system without tolls.

SECTION 2. This Act takes effect September 1, 2017.

Amendment No. 42 was adopted.

Amendment No. 43

Representative Wray offered the following amendment to **CSSB 312**:

Floor Packet Page No. 75

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.038 to read as follows:

Sec. 391.038. SIGN HEIGHT. A sign 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.

SECTION _____. Section 391.038, Transportation Code, as added by this Act, applies to a sign erected before, on, or after the effective date of this Act.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Calendars:

Alonzo on motion of Phillips.

Ashby on motion of Phillips.

Cook on motion of Phillips.

Geren on motion of Phillips.

Giddings on motion of Phillips.

Howard on motion of Phillips.

Kacal on motion of Phillips.

K. King on motion of Phillips.

Koop on motion of Phillips.

Nevárez on motion of Phillips.

Paddie on motion of Phillips.

Phelan on motion of Phillips.

Rose on motion of Phillips.

The following members were granted leaves of absence for the remainder of today to attend a meeting of the Committee on Calendars:

S. Davis on motion of Phillips.

Hunter on motion of Phillips.

CSSB 312 - (consideration continued)

Amendment No. 43 was adopted.

(Kuempel in the chair)

Amendment No. 44

Representative Raymond offered the following amendment to **CSSB 312**:
Floor Packet Page No. 76

Amend **CSSB 312** (house committee report) 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 391.038 to read as follows:

Sec. 391.038. SPACING REQUIREMENTS IN CERTAIN MUNICIPALITIES. (a) In this section, "electronic sign" means a sign that changes its message or copy by programmable electronic or mechanical processes.

(b) The department, in regulating outdoor advertising located in the corporate boundaries of a municipality with a population of more than 200,000 located in a county on the Texas-Mexico border with a population of less than 300,000, may not require an electronic sign owned by the municipality to be more than 500 feet from another sign.

Amendment No. 44 was adopted.

Amendment No. 45

Representative Landgraf offered the following amendment to **CSSB 312**:
Floor Packet Page No. 87

Amend **CSSB 312**, (committee report printing) to include the appropriately numbered SECTION below:

SECTION ____ . The Texas Department of Transportation may enter into agreements with local governments, convention and visitors bureaus, chambers of commerce, or other governmental or non-governmental entities for the purpose of purchasing supplies and materials to be used for aesthetic entrances to cities or census designated places along interstate or highway corridors and ornamental decorations along overpasses, however the Department of Transportation shall not expend appropriated funds to plan, design, or construct solely aesthetic entrances to cities or census designated places along interstate or highway corridors and ornamental decorations along overpasses.

Amendment No. 45 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Homeland Security and Public Safety:

Schaefer on motion of Tinderholt.

CSSB 312 - (consideration continued)**Amendment No. 46**

Representative Neave offered the following amendment to **CSSB 312**:
Floor Packet Page No. 88

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Not later than March 1, 2018, the Texas Department of Transportation shall implement the recommended management actions contained in Issue 4 of the Sunset Advisory Commission Staff Report for the Texas Department of Transportation, 85th Legislature, that:

- (1) were approved by the Sunset Advisory Commission; and
- (2) relate to increasing the department's use of women-owned businesses in public works contracting.

Amendment No. 46 was withdrawn.

Amendment No. 12 - Motion To Reconsider

Representative Martinez moved to reconsider the vote by which Amendment No. 12, as amended, was adopted by Record No. 1281.

The motion to reconsider was lost by (Record 1285): 36 Yeas, 87 Nays, 2 Present, not voting.

Yeas — Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Collier; Cortez; Darby; Davis, Y.; Dutton; Farrar; Gervin-Hawkins; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Israel; Larson; Longoria; Lucio; Martinez; Minjarez; Morrison; Perez; Raney; Reynolds; Rodriguez, E.; Rodriguez, J.; Thierry; Turner; Uresti; Vo; Walle; Wu.

Nays — Allen; Anderson, C.; Anderson, R.; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cospers; Craddick; Cyrier; Dale; Dean; Deshotel; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Goldman; Gonzales; González; Gooden; Gutierrez; Hefner; Holland; Huberty; Isaac; Johnson, J.; Keough; King, T.; Klick; Krause; Lambert; Landgraf; Lang; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Moody; Muñoz; Murphy; Murr; Neave; Oliveira; Oliverson; Parker; Paul; Pickett; Price; Raymond; Rinaldi; Roberts; Romero; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent, Excused, Committee Meeting — Alonzo; Ashby; Cook; Davis, S.; Geren; Giddings; Howard; Hunter; Kacal; King, K.; Koop; Nevárez; Paddie; Phelan; Rose; Schaefer; Zerwas.

Absent — Coleman; Dukes; King, P.; Ortega; Phillips.

STATEMENTS OF VOTE

When Record No. 1285 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1285 was taken, I was shown voting no. I intended to vote yes.

Gonzales

Amendment No. 47

Representative Walle offered the following amendment to **CSSB 312**:

Floor Packet Page No. 89

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Not later than March 1, 2018, the Texas Department of Transportation shall implement the recommended management actions contained in Issue 4 of the Sunset Advisory Commission Staff Report for the Texas Department of Transportation, 85th Legislature, that were approved by the Sunset Advisory Commission.

(Geren and Howard now present)

Amendment No. 48

Representative Dutton offered the following amendment to Amendment No. 47:

Amend Amendment No. 47 by Walle to **CSSB 312** (page 90, prefiled amendment packet) as follows:

(1) On line 2, in the introductory language of the amendment, strike "SECTION" and substitute "SECTIONS".

(2) Immediately following line 13, add the following:

SECTION _____. Subchapter J, Chapter 201, Transportation Code, is amended by adding Section 201.812 to read as follows:

Sec. 201.812. REPORT REGARDING CERTAIN HISTORICALLY UNDERUTILIZED BUSINESSES. At least quarterly, the department shall publish data and statistics regarding contracts awarded to historically underutilized businesses, as that term is defined by Section 2161.001, Government Code, that are owned or owned, operated, and controlled, as applicable, wholly or partly by a person described by Section 2161.001(3)(A)(i)-(v).

Amendment No. 48 was withdrawn.

(Ashby, Giddings, and Kacal now present)

Amendment No. 47 was adopted by (Record 1286): 74 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Arévalo; Bailes; Bernal; Blanco; Burkett; Button; Canales; Clardy; Collier; Cortez; Craddick; Darby; Davis, Y.; Deshotel; Dutton; Farrar; Flynn; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Isaac; Israel; Johnson, J.; Kacal; King, P.; King, T.; Lambert; Larson; Longoria; Lucio; Martinez; Minjarez; Moody; Morrison; Muñoz; Neave; Oliveira; Oliverson; Ortega; Parker; Perez; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Walle; Workman; Wray; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Cain; Capriglione; Cospier; Cyrier; Dale; Dean; Elkins; Faircloth; Fallon; Frank; Frullo; Geren; Goldman; Hefner; Holland; Huberty; Keough; Klick; Krause; Landgraf; Lang; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Murphy; Murr; Paul; Phillips; Rinaldi; Roberts; Sanford; Schofield; Schubert; Shaheen; Springer; Swanson; Thompson, E.; Tinderholt; Villalba; White; Wilson; Zedler.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent, Excused, Committee Meeting — Alonzo; Cook; Davis, S.; Hunter; King, K.; Koop; Nevárez; Paddie; Phelan; Rose; Schaefer; Zerwas.

Absent — Coleman; Dukes; Guerra; Vo.

STATEMENTS OF VOTE

When Record No. 1286 was taken, I was shown voting yes. I intended to vote no.

Clardy

When Record No. 1286 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1286 was taken, I was shown voting yes. I intended to vote no.

Oliverson

When Record No. 1286 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1286 was taken, I was shown voting yes. I intended to vote no.

VanDeaver

(Cook and Koop now present)

Amendment No. 49

Representative Y. Davis offered the following amendment to **CSSB 312**:
Floor Packet Page No. 94

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Chapter 455, Transportation Code, is amended to read as follows:

CHAPTER 455. ~~GENERAL~~ POWERS AND DUTIES OF DEPARTMENT OF TRANSPORTATION REGARDING MASS TRANSPORTATION

SECTION _____. Chapter 455, Transportation Code, is amended by designating Sections 455.001 through 455.004 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. GENERAL POWERS AND DUTIES

SECTION _____. Section 455.002, Transportation Code, is amended to read as follows:

Sec. 455.002. DEPARTMENT POWERS REGARDING MASS TRANSPORTATION. The Texas Department of Transportation may:

(1) purchase, construct, lease, and contract for public transportation systems;

(2) use the expertise of recognized private authorities or consultants to plan and design public and mass transportation systems;

(3) represent this state in each public and mass transportation matter before a state or federal agency;

(4) subject to Section 455.052, apply for and receive a gift or grant from a governmental or private source for use in performing the department's functions under this chapter;

(5) contract as necessary to perform a function under this chapter; and

(6) recommend legislation necessary to advance this state's interest in public and mass transportation.

SECTION _____. Chapter 455, Transportation Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. STATE SAFETY OVERSIGHT PROGRAM

Sec. 455.051. DEFINITION. In this subchapter, "rail fixed guideway public transportation system" has the meaning assigned by 49 C.F.R. Section 674.7.

Sec. 455.052. DESIGNATION OF STATE SAFETY OVERSIGHT AGENCY; REQUIREMENTS AND PROHIBITIONS. (a) The department is designated as the agency responsible for implementing a state safety oversight program that satisfies the requirements of 49 U.S.C. Section 5329(e).

(b) Unless waived under 49 U.S.C Section 5329(e), the department:

(1) shall be financially and legally independent from any rail fixed guideway public transportation system under the oversight of the department; and

(2) may not employ an individual who is also employed by a rail fixed guideway public transportation system under the oversight of the department.

(c) The department may not directly provide public transportation services in an area with a rail fixed guideway public transportation system under the oversight of the department.

(d) A public transportation entity may not provide funds to the department.

Sec. 455.053. OVERSIGHT. The department shall oversee all safety aspects of rail fixed guideway public transportation systems in accordance with 49 U.S.C. Section 5329, including the development, implementation, and application of the public transportation agency safety plan.

Sec. 455.054. ENFORCEMENT. The department shall:

(1) enforce federal and state laws on rail fixed guideway public transportation safety;

(2) review, revise, approve, oversee, and enforce the public transportation agency safety plan required under 49 U.S.C. Section 5329(d), including the implementation by a rail fixed guideway public transportation system of the system's plan;

(3) investigate and enforce the safety of rail fixed guideway public transportation systems; and

(4) coordinate all enforcement responsibilities with other governmental entities as needed.

Sec. 455.055. STAFFING LEVELS; TRAINING. (a) The department, in consultation with the Federal Transit Administration, shall determine an appropriate staffing level for the state safety oversight program that is commensurate with the number, size, and complexity of rail fixed guideway public transportation systems in this state.

(b) The department shall ensure that the personnel who are responsible for rail fixed guideway public transportation safety oversight are qualified to perform oversight functions through appropriate training, including the successful completion of the public transportation safety certification training program established under 49 U.S.C. Section 5329(c).

Sec. 455.056. AUDIT OF COMPLIANCE WITH PUBLIC TRANSPORTATION AGENCY SAFETY PLAN. At least once very three years, the department shall audit the compliance of the rail fixed guideway public transportation systems in this state with the public transportation agency safety plan required by 49 U.S.C. Section 5329(d).

Sec. 455.057. ANNUAL STATUS REPORT. The department shall provide an annual status report on the safety of the state's rail fixed guideway public transportation systems to the governor, the lieutenant governor, the speaker of the house of representatives, the Federal Transit Administration, and the governing body of each rail fixed guideway public transportation system under the oversight of the department.

Sec. 455.058. USE OF CONTRACTOR. (a) The department may enter into an agreement with a contractor to act on behalf of the department in carrying out the duties of the department under this subchapter.

(b) A contractor may not provide services to both the department and a rail fixed guideway public transportation system under the oversight of the department unless the provision of those services is authorized by a waiver issued by the Federal Transit Administrator or the administrator's designee.

Sec. 455.059. CONFIDENTIAL INFORMATION. The data collected for and the report of an investigation conducted under this subchapter by the department or a contractor acting on behalf of the department and any part of a rail fixed guideway public transportation system safety plan that concerns security for the system are confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 455.060. RULES. The commission shall adopt rules necessary to implement this subchapter.

SECTION _____. Section 455.005, Transportation Code, is repealed.

SECTION _____. Not later than March 1, 2019, the Texas Transportation Commission shall adopt rules to implement Subchapter B, Chapter 455, Transportation Code, as added by this Act.

(K. King and Phelan now present)

Amendment No. 49 was adopted.

CSSB 312, as amended, was passed to third reading.

**SB 877 ON SECOND READING
(Oliveira - House Sponsor)**

SB 877, A bill to be entitled An Act relating to liability of certain political subdivisions in certain workers' compensation actions.

SB 877 was passed to third reading.

SB 1954 ON SECOND READING
(Lozano - House Sponsor)

SB 1954, A bill to be entitled An Act relating to participation in and contributions to the optional retirement program for certain employees of institutions of higher education.

SB 1954 was passed to third reading.

FIVE-DAY POSTING RULE SUSPENDED

Representative Herrero moved to suspend the five-day posting rule to allow the Committee on Land and Resource Management to consider **SB 379**, **SB 626**, **SB 627**, **SB 655**, **SB 822**, **SB 979**, **SB 1597**, **SB 1729**, and **SB 1931** at 7:30 a.m. tomorrow in E2.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Land and Resource Management, 7:30 a.m. tomorrow, E2.026, for a public hearing, to consider **SB 379**, **SB 626**, **SB 627**, **SB 655**, **SB 822**, **SB 979**, **SB 1597**, **SB 1729**, and **SB 1931**.

FIVE-DAY POSTING RULE SUSPENDED

Representative Huberty moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 801**, **SB 1177**, **SB 1278**, **SB 1659**, **SB 1981**, and **SB 2095** at 8 a.m. Thursday, May 18 in E2.036.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, 8 a.m. Thursday, May 18, E2.036, for a public hearing, to consider **SB 801**, **SB 1177**, **SB 1278**, **SB 1659**, **SB 1981**, and **SB 2095**.

SB 1834 - RECOMMITTED

Representative Morrison moved to recommit **SB 1834** from the Committee on Calendars to the Committee on Transportation.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative Huberty requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

CSSB 826 ON SECOND READING
(Huberty - House Sponsor)

CSSB 826, A bill to be entitled An Act relating to the sequencing of required English language arts courses and mathematics courses in schools and conforming changes.

CSSB 826 was passed to third reading.

(Alonzo, Nevárez, Paddie, and Rose now present)

SB 291 ON SECOND READING
(Alvarado - House Sponsor)

SB 291, A bill to be entitled An Act relating to the issuance of a writ of attachment for certain witnesses.

(Kacal in the chair)

(Schaefer now present)

Amendment No. 1

Representative Dutton offered the following amendment to **SB 291**:

Amend **SB 291** (house committee report) on page 5, line 18, by striking "five or more days" and substituting "at least 24 hours".

Amendment No. 1 was adopted.

SB 291, as amended, was passed to third reading.

SB 1305 ON SECOND READING
(Darby - House Sponsor)

SB 1305, A bill to be entitled An Act relating to the grant program using money from the transportation infrastructure fund.

SB 1305 was passed to third reading.

CSSB 42 ON SECOND READING
(Smithee - House Sponsor)

CSSB 42, A bill to be entitled An Act relating to the security of courts and judges in the state; establishing a fee.

CSSB 42 was passed to third reading by (Record 1287): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Isaac; Israel; Johnson, J.; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg;

Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler.

Present, not voting — Mr. Speaker; Kacal(C).

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent, Excused, Committee Meeting — Davis, S.; Hunter; Zerwas.

Absent — Dukes; Kuempel.

STATEMENT OF VOTE

When Record No. 1287 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 533 ON SECOND READING (Geren - House Sponsor)

SB 533, A bill to be entitled An Act relating to state agency contracting and procurement.

Amendment No. 1

Representative Geren offered the following amendment to **SB 533**:

Amend **SB 533** (house committee printing) on page 5, line 13, (in added Sec. 2155.205 in SECTION 6 of the bill) by striking the word "Notwithstanding" and replacing with the words "Subject to".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Geren offered the following amendment to **SB 533**:

Amend **SB 533** (house committee report) as follows:

(1) On page 6, line 15, strike "and (e)" and substitute ", (e), and (f)".

(2) On page 6, between lines 26 and 27, insert the following:

(f) Section 51.923, Education Code, governs the conflicts of interest of the members of the governing board of an institution of higher education, as those terms are defined by Section 61.003, Education Code, and this section does not apply to those members.

(3) On page 7, strike lines 1 through 6 and substitute the following:
adding Subsections (e), (f), (g), and (h) to read as follows:

(4) On page 7, between lines 13 and 14, insert the following:

(f) The redaction of information under Subsection (e) does not exempt the information from the requirements of Section 552.021 or 552.221.

(g) Subsection (a) does not apply to:

(1) a contract posted on the major contracts database established under Section 322.020; or

(2) a contract of an institution of higher education that is valued at less than \$15,000 and paid with money other than funds appropriated to the institution by this state.

(h) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code, except that the term does not include a public junior college.

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

SECTION _____. Section 51.923(e), Education Code, is amended to read as follows:

(e) For purposes of this section, a member of a governing board has a substantial interest in a business entity if:

(1) the member owns one [~~40~~] percent or more of the voting stock or shares of the business entity or owns either one [~~40~~] percent or more or \$15,000 or more of the fair market value of the business entity;

(2) funds received by the member from the business entity exceed one [~~40~~] percent of the member's gross income for the previous year;

(3) the member is an officer of the business entity or a member of the governing board of the business entity; or

(4) an individual related to the member in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has an interest in the business entity as described by Subdivision (1), (2), or (3).

SECTION _____. The change in law made by this Act to Section 51.923, Education Code, applies only to a contract or other transaction entered into on or after the effective date of this Act. A contract or other transaction entered into before the effective date of this Act is governed by the law in effect on the date on which the contract or other transaction was entered into, and the former law is continued in effect for that purpose.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Geren offered the following amendment to **SB 533**:

Amend **SB 533** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 572.069, Government Code, is amended to read as follows:

Sec. 572.069. CERTAIN EMPLOYMENT FOR FORMER STATE OFFICER OR EMPLOYEE RESTRICTED. A former state officer or employee of a state agency who during the period of state service or employment participated on behalf of a state agency in a procurement or contract negotiation involving a person may not accept employment from that person before the

second anniversary of the date the contract is signed or the procurement is terminated or withdrawn ~~[officer's or employee's service or employment with the state agency ceased]~~.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Capriglione offered the following amendment to **SB 533**:

Amend **SB 533** (house committee report) as follows:

(1) Strike page 6, line 27, through page 7, line 13, and substitute the following appropriately numbered SECTION:

SECTION _____. Section 2261.253, Government Code, is amended to read as follows:

Sec. 2261.253. REQUIRED POSTING OF [CERTAIN CONTRACTS; ENHANCED] CONTRACT INFORMATION AND PERFORMANCE MONITORING. (a) Each [For each contract for the purchase of goods or services from a private vendor, each] state agency shall post on its Internet website's home page a link to the Legislative Budget Board's contracts database established under Section 322.020. [website:

(1) each contract the agency enters into, including contracts entered into without inviting, advertising for, or otherwise requiring competitive bidding before selection of the contractor, until the contract expires or is completed;

(2) the statutory or other authority under which a contract that is not competitively bid under Subdivision (1) is entered into without compliance with competitive bidding procedures; and

(3) the request for proposals related to a competitively bid contract included under Subdivision (1) until the contract expires or is completed.]

(b) For each contract in an amount of \$15,000 or more for the purchase of goods or services from a private vendor that is paid for solely with institutional funds or hospital and clinic fees, as described by Section 51.009, Education Code, an institution of higher education, as defined by Section 61.003, Education Code, shall post on the institution's Internet website:

(1) the contract, including a contract that does not require competitive bidding before selection of the contractor, until the contract expires or is completed;

(2) for a contract that does not require competitive bidding, the statutory or other authority that allows the contract to be entered into without compliance with competitive bidding procedures; and

(3) the request for proposals related to a competitively bid contract posted under Subdivision (1), until the contract is completed [A state agency monthly may post contracts described by Subsection (a) that are valued at less than \$15,000].

(c) Each state agency by rule shall establish a procedure to identify each contract that requires enhanced contract or performance monitoring and submit information on the contract to the agency's governing body or, if the agency is not governed by a multimember governing body, the officer who governs the agency. The agency's contract management office or procurement director shall

immediately notify the agency's governing body or governing official, as appropriate, of any serious issue or risk that is identified with respect to a contract monitored under this subsection.

~~[(d) This section does not apply to a memorandum of understanding, interagency contract, interlocal agreement, or contract for which there is not a cost.]~~

(2) On page 7, strike lines 14 and 15 and substitute the following:

SECTION _____. Section 2262.101, Government Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(3) On page 8, between lines 15 and 16, insert the following:

(g) The team shall provide to the Legislative Budget Board a copy of:

(1) each recommendation made under Subsection (a)(1) on a solicitation or contract document not later than the 10th calendar day after the date the team makes the recommendation; and

(2) any written explanation submitted by a state agency under Subsection (d)(2) stating the reason a recommendation is not applicable to the contract under review not later than the 10th calendar day after the date the team receives the explanation.

(4) On page 9, strike lines 16 through 19, and substitute the following:

(c) The changes in law made by this Act apply only to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the effective date of this Act or that is amended, modified, renewed, or extended on or after the effective date of this Act.

(5) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. The heading to Section 322.020, Government Code, is amended to read as follows:

Sec. 322.020. ~~[MAJOR]~~ CONTRACTS DATABASE.

SECTION _____. Section 322.020, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1), (b-2), (b-3), and (b-4) to read as follows:

(a) In this section, ~~["major contract" means]:~~

(1) "Contract" means a contract, grant, or agreement for the purchase or sale of goods or services that is entered into or paid for, wholly or partly, by a state agency or an amendment, modification, renewal, or extension of the contract, grant, or agreement. The term includes a revenue generating contract, an interagency or interlocal grant or agreement, a purchase order, or other written expression of terms of agreement. [a contract for which notice is required under one of the following sections:

~~[(A) Section 2054.008;~~

~~[(B) Section 2166.2551;~~

~~[(C) Section 2254.006; or~~

~~[(D) Section 2254.0301; or]~~

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(3) "State agency" has the meaning assigned by Section 2054.003 [a contract, including an amendment, modification, renewal, or extension:

~~[(A) for which notice is not required under a section listed in Subdivision (1);~~

~~[(B) that is not a purchase order, an interagency contract, or a contract paid only with funds not appropriated by the General Appropriations Act; and~~

~~[(C) with a value that exceeds \$50,000].~~

(b) This section applies only to:

(1) a major consulting services contract, as defined by Section 2254.021; and

(2) a contract, including any amendment, modification, renewal, or extension of the contract, that has a value that exceeds or is reasonably expected to exceed \$50,000, other than a contract of an institution of higher education that:

(A) is paid for solely with institutional funds or hospital and clinic fees, as described by Section 51.009, Education Code; or

(B) is for sponsored research.

(b-1) Not later than the 30th calendar day after the date a contract is awarded, amended, modified, renewed, or extended, a ~~Each~~ state agency shall provide written notice of the contract to the Legislative Budget Board. The written notice must include copies of the following documents:

(1) each ~~major~~ contract entered into by the agency, including each amendment, modification, renewal, or extension of the contract; and

(2) each request for proposal, invitation to bid, or comparable solicitation related to the ~~major~~ contract.

(b-2) The requirement to provide copies of documents under Subsection (b-1) does not apply to:

(1) an enrollment contract described by 1 T.A.C. Section 391.183 as that section existed on September 1, 2015; or

(2) a contract of the Texas Department of Transportation that:

(A) relates to highway construction or engineering; or

(B) is subject to Section 201.112, Transportation Code.

(b-3) A state agency may redact from the written notice provided under Subsection (b-1) information excepted from disclosure under Chapter 552, including information that may be used to perpetrate fraud on the agency, such as:

(1) certain commercial or financial information;

(2) credit card, debit card, charge card, and access device numbers; and

(3) government information related to security or infrastructure issues for computers.

(b-4) An institution of higher education shall report to the board a contract paid with appropriated funds for:

(1) a purchase of a major information system, as defined by Section 2054.0965, in an amount that exceeds \$1 million;

(2) a construction project in an amount, including an amount included in any amendment, modification, renewal, or extension of the contract, that exceeds \$50,000; and

(3) professional services, other than a physician or optometric services, in an amount, including an amount included in any amendment, modification, renewal, or extension of the contract, that exceeds \$50,000.

(c) The Legislative Budget Board shall post on the Internet a copy of:

(1) each [major] contract, including each amendment, modification, renewal, or extension of the contract [of a state agency]; and

(2) each request for proposal, invitation to bid, or comparable solicitation related to the [major] contract.

SECTION _____. Chapter 322, Government Code, is amended by adding Sections 322.021, 322.0211, and 322.0212 to read as follows:

Sec. 322.021. STATE AGENCY CONTRACT OVERSIGHT. (a) In this section:

(1) "Board" means the Legislative Budget Board.

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(3) "State agency" has the meaning assigned by Section 2054.003.

(b) Subject to Subsection (c), the board may review state agency contracts to determine compliance with the contract management guide developed under Section 2054.554, the comptroller's procurement policy manuals, and each applicable state contracting law, rule, policy, and procedure. The authority to review a state agency contract under this subsection applies regardless of the source of funds or method of financing for the contract.

(c) This section does not apply to a contract of an institution of higher education that is paid for solely with institutional funds or hospital and clinic fees, as described by Section 51.009, Education Code. The board shall review the contract management handbook developed by an institution of higher education as required by Section 51.9337(b)(3), Education Code, when determining the institution's compliance with contracting rules and procedures.

(d) Board staff may request, and are entitled to obtain, any document related to a contract reviewed under this section or to a purchase under the contract.

(e) Each state agency shall cooperate with the board in conducting a contract review under this section and in resolving any issue resulting from the contract review.

Sec. 322.0211. NOTICE OF VIOLATION OF STATE CONTRACTING LAW; CORRECTIVE ACTION PLAN. (a) If the Legislative Budget Board determines under Section 322.021 that a state agency contract violates the contract management guide, the comptroller's procurement policy manuals, or a state contracting law, rule, policy, or procedure, the board's director shall provide notice of the violation to the agency.

(b) A state agency shall provide a written response to the notice provided under Subsection (a) not later than the 10th business day after the date the agency receives the notice.

(c) If the board determines that the response provided by a state agency under Subsection (b) does not adequately address or resolve the violation determined under Subsection (a), the board's director may provide to the board and the state agency, comptroller, and governor written notice of the violation. A violation notice provided under this subsection must:

- (1) detail the specific provision violated by the contract;
- (2) recommend actions to be taken to address the violation and any identified risks related to the contract;
- (3) list potential remedies for the violation; and
- (4) state any enforcement mechanism that may be assessed under Section 322.0212 for the violation.

(d) A state agency that receives notice of a violation under Subsection (c) shall develop a written corrective action plan consistent with the board's recommendations and provide the plan to the board not later than the 30th calendar day after the date the agency receives the notice.

(e) The board may monitor a state agency's implementation of the corrective action plan.

Sec. 322.0212. ENFORCEMENT. (a) The Legislative Budget Board may assess an enforcement mechanism against a state agency that the board determines under Section 322.021 is in violation of the contract management guide, the comptroller's procurement policy manuals, or a state contracting law, rule, policy, or procedure. The enforcement mechanism must be assessed in accordance with the schedule developed under Subsection (b).

(b) The board may establish a schedule of enforcement mechanisms that may be assessed against a state agency for a violation described by Subsection (a). The enforcement mechanisms may include:

- (1) enhanced monitoring of the state agency's contracts by board personnel;
- (2) required consultation with the Contract Advisory Team established under Section 2262.101 or the quality assurance team established under Section 2054.158 before issuance of a contract by the state agency;
- (3) targeted audits by the State Auditor's Office at the request of the board; and
- (4) recommended cancellation of a contract determined to contain a violation described by Section 322.0211(a).

(c) The board's director may recommend to the board an enforcement mechanism to be assessed against a state agency for a contract violation.

(d) The board may increase the severity of an enforcement mechanism assessed against a state agency for repeated contract violations described by Section 322.0211(a).

(e) The board may dismiss an enforcement mechanism assessed against a state agency by the board for a contract violation described by Section 322.0211(a) on successful implementation of a corrective action plan by the agency under Section 322.0211(d).

SECTION _____. Section 2054.0965, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as otherwise modified by rules adopted by the department, the review must include:

(1) an inventory of the agency's major information systems~~[-as defined by Section 2054.008;]~~ and other operational or logistical components related to deployment of information resources as prescribed by the department;

(2) an inventory of the agency's major databases and applications;

(3) a description of the agency's existing and planned telecommunications network configuration;

(4) an analysis of how information systems, components, databases, applications, and other information resources have been deployed by the agency in support of:

(A) applicable achievement goals established under Section 2056.006 and the state strategic plan adopted under Section 2056.009;

(B) the state strategic plan for information resources; and

(C) the agency's business objectives, mission, and goals;

(5) agency information necessary to support the state goals for interoperability and reuse; and

(6) confirmation by the agency of compliance with state statutes, rules, and standards relating to information resources.

(c) In this section, "major information system" includes:

(1) one or more computers that in the aggregate cost more than \$100,000;

(2) a service related to computers, including computer software, that costs more than \$100,000; and

(3) a telecommunications apparatus or device that serves as a voice, data, or video communications network for transmitting, switching, routing, multiplexing, modulating, amplifying, or receiving signals on the network and costs more than \$100,000.

SECTION _____. The following sections of the Government Code are repealed:

(1) Section 322.020(f);

(2) Section 2054.008;

(3) Section 2166.2551;

(4) Section 2254.006; and

(5) Section 2254.0301.

(6) Renumber the SECTIONS of the bill appropriately.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Capriglione offered the following amendment to **SB 533**:

Amend **SB 533** (house committee report) as follows:

(1) On page 9, strike lines 16-19.

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

SECTION _____. Subchapter C, Chapter 316, Government Code, is amended by adding Section 316.025 to read as follows:

Sec. 316.025. CONTRACTS TO CONFORM WITH LIMITATIONS OF GENERAL APPROPRIATIONS ACT. Notwithstanding any other law, a contract obligation of a state agency, as defined by Section 2103.001, including an institution of higher education, as defined by Section 61.003, Education Code, may be limited or amended by the General Appropriations Act.

SECTION _____. Section 321.013, Government Code, is amended by adding Subsections (m) and (n) to read as follows:

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

(1) have not recently received audit coverage; and

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

(n) In devising the audit plan under Subsection (c), the State Auditor shall consider the performance of audits of programs operated by the Texas Alcoholic Beverage Commission that have not recently received audit coverage.

SECTION _____. Chapter 2115, Government Code, is amended by adding Section 2115.006 to read as follows:

Sec. 2115.006. OVERPAYMENTS BY STATE AGENCY. (a) If a state agency makes an overpayment to a vendor, the vendor must return the amount overpaid by the agency before the 121st calendar day after the date the vendor receives written notice of the overpayment. If the amount overpaid by the state agency is not returned before the 121st calendar day, the vendor is subject to late payment interest of 10 percent per year on the amount of the overpayment that has not been returned, which begins to accrue on the date the overpayment becomes overdue.

(b) If the vendor disputes that an overpayment has been made by a state agency, the vendor shall provide the state agency written notice of the dispute not later than the 30th day after the receipt of the notice required in Subsection (a). On resolution of the dispute, if the vendor is required to return an overpayment to the state agency, the vendor shall return the agreed overpayment before the 121st calendar day after the date the parties resolve the dispute. If the agreed overpayment is not returned before the 121st calendar day, the vendor is subject to late payment interest of 10 percent per year on the amount of the agreed overpayment that has not been returned, which begins to accrue on the date the agreed overpayment becomes overdue.

(c) This section does not apply to the return of any amount overpaid by a state agency to a vendor because of an incorrect contract, invoice, or other documentation.

SECTION _____. Section 2155.074(c), Government Code, is amended to read as follows:

(c) A state agency shall consult with and receive approval from the comptroller in an open meeting [~~commission~~] before considering factors other than price and meeting specifications when the agency procures through competitive bidding goods or services with a value that exceeds \$100 million [~~\$100,000~~]. The state agency shall retain in the agency's records a copy of the meeting minutes with the final executed contract.

SECTION _____. Subchapter B, Chapter 2251, Government Code, is amended by adding Section 2251.031 to read as follows:

Sec. 2251.031. PAYMENT TO VENDOR. (a) A state agency may not:

(1) pay an invoice from a vendor unless the invoice directly correlates to a corresponding contract with the vendor; or

(2) make a payment to a vendor more than once per month under a contract, unless the contract specifically requires more than one payment per month.

(b) A payment by a state agency to a vendor under a contract must receive:

(1) the approval and signature of two employees of the state agency; or

(2) if a contract manager, as defined by Section 2262.001, has been assigned to the contract by the state agency, the approval and signature of the contract manager and one other employee of the state agency.

(c) If a finding is made that a payment was made without the signatures required under Subsection (b), the state agency may revoke the payment at any time but remains obligated to pay the vendor all amounts due under and as required by the contract regardless of whether the state agency complied with Subsection (b).

SECTION _____. Subchapter C, Chapter 2261, Government Code, is amended by adding Section 2261.103 to read as follows:

Sec. 2261.103. REQUIRED CONTRACT PROVISIONS. (a) An attorney representing a state agency shall assist in the drafting of a contract to be entered into by the agency in order to include at a minimum the provisions listed in Subsection (b) and other applicable provisions recommended in the contract management guide developed under Section 2262.051.

(b) The following are required provisions in each contract to which the provisions are applicable:

(1) amendments;

(2) antitrust;

(3) applicable law and venue;

(4) applicable law and conforming amendments;

(5) assignments;

(6) confidentiality and public information act;

(7) equal opportunity;

(8) federal, state, and local law requirements;

(9) felony criminal convictions;

(10) financial interests and gifts;

(11) immigration;

(12) no conflicts; and

(13) right to audit.

SECTION _____. Subchapter D, Chapter 2261, Government Code, is amended by adding Section 2261.152 to read as follows:

Sec. 2261.152. DOCUMENTATION REQUIRED FOR PAYMENT. (a) A state agency may not make a payment to a vendor without a contract, invoice, or other documentation that clearly demonstrates the agency's obligation to make a payment.

(b) This section does not apply to the return of any amount overpaid by a state agency to a vendor because of an incorrect contract, invoice, or other documentation.

SECTION _____. Subchapter B, Chapter 2262, Government Code, is amended by adding Section 2262.056 to read as follows:

Sec. 2262.056. CONTRACT MANAGERS REQUIRED FOR MAJOR CONTRACTS. A state agency, at a minimum, shall assign a contract manager for each major contract of the agency to manage the oversight of the contract.

SECTION _____. Chapter 2262, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. CONTRACT OUTSIDE TACTICAL TEAM

Sec. 2262.201. DEFINITIONS. In this subchapter:

(1) "Information resources" has the meaning assigned by Section 2054.003.

(2) "Team" means a contract outside tactical team established under authority provided by this subchapter.

Sec. 2262.202. CONTRACT OUTSIDE TACTICAL TEAM. (a) From appropriated funds, a state agency shall enter into a contract with a team for assistance in improving information resources contract management practices for contracts that have a value of at least \$100 million. The team shall review and make recommendations on the solicitation documents, contract documents, scope of work, project timeline and management, documentation requirements, audit schedule and audit scope, and technical issues for the contract.

(b) A team consists of the following members selected by the state agency:

(1) outside legal counsel; or

(2) providers of professional consulting services with expertise in the subject matter of the contract.

(c) A state agency may not select a provider of professional consulting services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award:

(1) on the basis of demonstrated competence and qualifications to perform the services; and

(2) for a fair and reasonable price.

(d) A state agency shall:

(1) comply with a recommendation made under Subsection (a); or

(2) submit a written explanation regarding why the recommendation is not applicable to the contract under review.

SECTION _____. (a) The comptroller of public accounts shall conduct an interim study on the effectiveness of the process of barring vendors from participation in state contracts under Section 2155.077, Government Code. The study must include an evaluation of the risk to the state posed by vendors who receive low performance grades under Section 2262.055, Government Code, but who are not barred under Section 2155.077, Government Code.

(b) Not later than December 1, 2018, the comptroller of public accounts shall submit a report on the findings of the study to the governor, lieutenant governor, and members of the legislature.

SECTION _____. Except as otherwise provided by this Act, this Act applies only in relation to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the effective date of this Act, and to a payment made under a contract described by this section.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Alvarado offered the following amendment to **SB 533**:

Amend **SB 533** (house committee report) as follows:

(1) On page 9, between lines 19 and 20, insert the following appropriately lettered subsection:

(_____) Notwithstanding the other provisions of this Act, Section 269.361(a), Government Code, as amended by this Act, applies to a contract entered into on or after the effective date of this Act and for which a bid or other solicitation was submitted after June 21, 2017.

(2) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 2269.361(a), Government Code, is amended to read as follows:

(a) A governmental entity shall request proposals from design-build firms identified under Section 2269.359(c). A response to a request for detailed proposals must be submitted on or before the earlier of the time for submission requested by the governmental entity or [firm must submit a proposal not later than] the 180th day after the date the governmental entity makes a public request for the proposals from the selected firms. The request for proposals must include:

- (1) a design criteria package;
- (2) if the project site is identified, a geotechnical baseline report or other information that provides the design-build firm minimum geotechnical design parameters to submit a proposal;
- (3) detailed instructions for preparing the technical proposal and the items to be included, including a description of the form and level of completeness of drawings expected; and
- (4) the relative weighting of the technical and price proposals and the formula by which the proposals will be evaluated and ranked.

(3) Renumber the SECTIONS of the bill appropriately.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Cyrier offered the following amendment to **SB 533**:

Amend **SB 533** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION _____. Section 114.001, Civil Practice and Remedies Code, is amended by amending Subsection (2) to read as follows:

Sec. 114.001. DEFINITIONS. In this chapter: (2) "Contract subject to this chapter" means a written contract stating the essential terms of the agreement for providing goods or services to the state agency that is properly executed on behalf of the state agency. The term does not include a contract ~~[that is subject to Section 201.112, Transportation Code]~~ to which the Texas Department of Transportation is a party.

SECTION _____. Section 114.004, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 114.004. LIMITATIONS ON ADJUDICATION AWARDS. (a) The total amount of money awarded in an adjudication brought against a state agency for breach of an express provision of a contract subject to this chapter is limited to the following:

(1) the balance due and owed by the state agency under the contract as it may have been amended, including any amount owed as compensation for the increased cost to perform the work as a direct result of owner-caused delays or acceleration if the contract expressly provides for that compensation;

(2) the amount owed for written change orders;

(3) reasonable and necessary attorney's fees that are equitable and just ~~[based on an hourly rate that are equitable and just if the contract expressly provides that recovery of attorney's fees is available to all parties to the contract];~~ and

(4) interest at the rate specified by the contract or, if a rate is not specified, the rate for postjudgment interest under Section 304.003(c), Finance Code, but not to exceed 10 percent.

(b) Damages awarded in an adjudication brought against a state agency arising under a contract subject to this chapter may not include:

(1) consequential damages, except as expressly allowed under Subsection (a)(1);

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

SECTION _____. Chapter 114, Civil Practice and Remedies Code, as amended by this Act, applies only to a claim arising under a contract executed on or after the effective date of this Act. A claim that arises under a contract executed before the effective date of this Act is governed by the law applicable to the claim immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. Section 2260.003, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (c), an award of damages under this chapter may include attorney's fees if:

(1) the claim is for breach of a written contract for:

(A) engineering, architectural, or construction services; or

(B) materials related to the services described by Paragraph (A); and

(2) the amount in controversy is less than \$250,000, excluding penalties, costs, expenses, prejudgment interest, and attorney's fees.

SECTION _____. Section 2260.003, Government Code, as amended by this Act, applies only to an action filed on or after the effective date of this Act. An action filed before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Shaheen offered the following amendment to **SB 533**:

Amend **SB 533** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Sections 2262.102(a) and (d), Government Code, are amended to read as follows:

(a) The team consists of the following [~~six~~] members:

- (1) one member from the Health and Human Services Commission;
- (2) one member from the comptroller's office;
- (3) one member from the Department of Information Resources;
- (4) one member from the Texas Facilities Commission;
- (5) one member from the governor's office; and

(6) one or more members [~~member~~] from any other [~~a small~~] state agencies, as designated by the comptroller as the comptroller considers necessary [~~agency~~].

(d) The comptroller may adopt rules regarding the membership of the team, as appropriate, to implement this section [~~In this section, "small state agency" means a state agency with fewer than 100 employees.~~].

(b) As soon as practicable after the effective date of this Act, the comptroller shall designate one or more members to the Contract Advisory Team as provided by Section 2262.102, Government Code, as amended by this Act.

Amendment No. 8 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Herrero requested permission for the Committee on Land and Resource Management to meet while the house is in session, at 5:05 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Land and Resource Management, 5:05 p.m. today, 3W.15, for a formal meeting, to consider pending business.

Elections, 10:30 a.m. tomorrow, 1W.14, for a formal meeting, to consider **SJR 54** and pending business.

SB 533 - (consideration continued)

SB 533, as amended, was passed to third reading.

**SB 667 ON SECOND READING
(Smithee - House Sponsor)**

SB 667, A bill to be entitled An Act relating to establishing a guardianship compliance program.

SB 667 was passed to third reading.

SB 1367 ON SECOND READING

(Howard, Cortez, Flynn, Klick, and Sheffield - House Sponsors)

SB 1367, A bill to be entitled An Act relating to policies and training regarding the use of epinephrine auto-injectors by public institutions of higher education; providing immunity.

SB 1367 was passed to third reading.

SB 2082 ON SECOND READING

(Clardy and J. Johnson - House Sponsors)

SB 2082, A bill to be entitled An Act relating to the work-study student mentorship program administered by the Texas Higher Education Coordinating Board.

SB 2082 was passed to third reading.

SB 2087 ON SECOND READING

(Phillips - House Sponsor)

SB 2087, A bill to be entitled An Act relating to the creation of a temporary health insurance risk pool.

Amendment No. 1

Representative Phillips offered the following amendment to **SB 2087**:

Amend **SB 2087** (house committee printing) as follows:

(1) On page 4, line 4, between "services" and "under", insert ":(1)".

(2) On page 4, lines 7-9, strike "with respect to health insurance coverage in this state for a plan year beginning on or after January 1, 2017" and substitute the following:

; or

(2) under any applicable provision of federal law enacted on or after May 1, 2017, for a waiver of applicable provisions of any federal law, regulations, or guidance with respect to health insurance coverage

Amendment No. 1 was adopted.

SB 2087, as amended, was passed to third reading by (Record 1288): 131 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman;

Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Isaac; Israel; Johnson, J.; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu.

Nays — Biedermann; Cain; Lang; Leach; Rinaldi; Schaefer; Shaheen; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker; Kacal(C).

Absent, Excused — Johnson, E.; Simmons; Stickland.

Absent, Excused, Committee Meeting — Davis, S.; Hunter; Zerwas.

Absent — White.

STATEMENT OF VOTE

When Record No. 1288 was taken, I was in the house but away from my desk. I would have voted yes.

White

SB 74 ON SECOND READING (Price - House Sponsor)

SB 74, A bill to be entitled An Act relating to the provision of certain behavioral health services to children, adolescents, and their families under a contract with a managed care organization.

Amendment No. 1

Representative Price offered the following amendment to **SB 74**:

Amend **SB 74** (house committee report) as follows:

(1) On page 1, line 7, strike "Section 533.002552" and substitute "Sections 533.002552 and 533.002553".

(2) Between page 2, line 27, and page 3, line 1, insert the following:

Sec. 533.002553. BEHAVIORAL HEALTH SERVICES PROVIDED THROUGH THIRD PARTY OR SUBSIDIARY. (a) In this section, "behavioral health services" has the meaning assigned by Section 533.00255.

(b) For a managed care organization that contracts with the commission under this chapter and that provides behavioral health services through a contract with a third party or an arrangement with a subsidiary of the managed care organization, the commission shall:

(1) require the effective sharing and integration of care coordination, service authorization, and utilization management data between the managed care organization and the third party or subsidiary;

(2) encourage, to the extent feasible, the colocation of physical health and behavioral health care coordination staff;

(3) require warm call transfers between physical health and behavioral health care coordination staff;

(4) require the managed care organization and the third party or subsidiary to implement joint rounds for physical health and behavioral health services network providers or some other effective means for sharing clinical information; and

(5) ensure that the managed care organization makes available a seamless provider portal for both physical health and behavioral health services network providers, to the extent allowed by federal law.

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

SECTION _____. 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.

Amendment No. 1 was adopted.

SB 74, as amended, was passed to third reading.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting of the Committee on Criminal Jurisprudence:

Canales on motion of Wray.

Gervin-Hawkins on motion of Wray.

Hefner on motion of Wray.

Lang on motion of Wray.

Wilson on motion of Wray.

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Criminal Jurisprudence:

Moody on motion of Wray.

SB 511 ON SECOND READING (Wray - House Sponsor)

SB 511, A bill to be entitled An Act relating to a written declaration to designate a guardian before the need for a guardian arises.

SB 511 was passed to third reading. (Rinaldi recorded voting no.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative D. Bonnen requested permission for the Committee on Ways and Means to meet while the house is in session, at 5:30 p.m. today, in 1W.14, to consider **SB 731, SB 942, SB 1006, SB 1047, SB 1727, SB 2204**, and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, 5:30 p.m. today, 1W.14, for a formal meeting, to consider **SB 731, SB 942, SB 1006, SB 1047, SB 1727, SB 2204**, and pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Larson moved to suspend the five-day posting rule to allow the Committee on Natural Resources to consider **SB 696, SB 749, SB 862, SB 1239, SB 1268, SB 1269, SB 1511, SB 1525, SB 1870, and SB 2186** at 11:30 a.m. tomorrow in E2.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Natural Resources, 11:30 a.m. tomorrow, E2.010, for a public hearing, to consider **SB 696, SB 749, SB 862, SB 1239, SB 1268, SB 1269, SB 1511, SB 1525, SB 1870, and SB 2186**.

**SB 301 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Flynn, the house granted the request of the senate for the appointment of a Conference Committee on **SB 301**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 301**: Flynn, chair; Alonzo, Capriglione, Paul, and Gonzales.

**SB 2190 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Flynn, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2190**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2190**: Flynn, chair; Murphy, Coleman, Walle, and Metcalf.

FIVE-DAY POSTING RULE SUSPENDED

Representative Morrison moved to suspend the five-day posting rule to allow the Committee on Transportation to consider **SB 399**, **SB 1251**, **SB 1644**, **SB 1834**, and **SCR 37** at 1 p.m. tomorrow in E2.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, 1 p.m. tomorrow, E2.014, for a public hearing, to consider **SB 399**, **SB 1251**, **SB 1644**, **SB 1834**, **SCR 37**, and pending business.

(Moody now present)

SB 12 - HOUSE SPONSORS AUTHORIZED

On motion of Representative P. King, Representatives Goldman, Sanford, and Biedermann were authorized as house sponsors to **SB 12**.

PROVIDING FOR ADJOURNMENT

At 5:13 p.m., Representative P. King moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 2:30 p.m. tomorrow in memory of Justin B. Unruh of Austin.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Moody in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 5:35 p.m., adjourned until 2:30 p.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 130 (By Hefner), Commemorating the 100th anniversary of the first aircraft landing at Mineola-Wisener Field Airport in Wood County.

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

HCR 140 (By Hunter), Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study regarding the confidentiality of emergency calls.

To Homeland Security and Public Safety.

HR 1997 (By K. King), Recognizing the Texas Medical Association for its Ernest and Sarah Butler Awards for Excellence in Science Teaching program.

To Rules and Resolutions.

HR 1998 (By Krause), Congratulating Paul and Charla Vinyard on their receipt of the Tom Landry Leadership Award from Dallas Baptist University.

To Rules and Resolutions.

HR 1999 (By White), Commending Brock Joseph Barbay on his graduation as salutatorian of the Newton High School Class of 2017 and on his perfect attendance record.

To Rules and Resolutions.

HR 2000 (By Burrows), In memory of Tommy J. Turner of Lubbock.

To Rules and Resolutions.

HR 2001 (By C. Anderson), In memory of J. B. Owen Jr. of Waco.

To Rules and Resolutions.

HR 2002 (By Farrar), In memory of Hattie Marshall of Houston.

To Rules and Resolutions.

HR 2003 (By Clardy), Congratulating Matthew David Wurst on his graduation from Stephen F. Austin State University.

To Rules and Resolutions.

HR 2004 (By Wu), In memory of Richard "Racehorse" Haynes.

To Rules and Resolutions.

HR 2005 (By Murr), In memory of John William Zerr of Hondo.

To Rules and Resolutions.

HR 2006 (By Herrero), Congratulating John Barrera on winning two first-place medals at the 2017 Pan Jiu-Jitsu International Brazilian Jiu-Jitsu Federation Championship.

To Rules and Resolutions.

HR 2008 (By Wu), Congratulating Elsie Chen, valedictorian of the Sharpstown International School Class of 2017.

To Rules and Resolutions.

HR 2009 (By Wu), Congratulating Jelani Kelley on his designation as a co-salutatorian of the Class of 2017 at Sharpstown International School in Houston.

To Rules and Resolutions.

HR 2010 (By Wu), Congratulating Loi Lao on his designation as a co-salutatorian of the Class of 2017 at Sharpstown International School in Houston.

To Rules and Resolutions.

HR 2011 (By Wu), Congratulating Tianming Deng on graduating as the salutatorian of the Sharpstown High School Class of 2017.

To Rules and Resolutions.

HR 2012 (By Wu), Congratulating Jasmine Cervantes on graduating as the valedictorian of the Sharpstown High School Class of 2017.

To Rules and Resolutions.

HR 2013 (By D. Bonnen), Congratulating Aaron and Randi Pate on the birth of their daughter, Quinn Elise Pate, and recognizing Quinn as an honorary Texan.

To Rules and Resolutions.

HR 2014 (By Arévalo), Recognizing Isabel Marie Sánchez of San Antonio for her accomplishments as a musical artist.

To Rules and Resolutions.

HR 2015 (By Arévalo), Congratulating mariachi singer Sebastien De La Cruz of San Antonio on his accomplishments.

To Rules and Resolutions.

HR 2016 (By Morrison), In memory of Robert Gaylan Duncan of Victoria.

To Rules and Resolutions.

HR 2017 (By Wu), Congratulating Dave Ward on the occasion of his retirement from KTRK-TV in Houston.

To Rules and Resolutions.

HR 2021 (By Wilson), Recognizing July 1 through 4, 2017, as American Family Reunion Days.

To Rules and Resolutions.

HR 2022 (By Alonzo), Congratulating William Hardin Adamson High School in Dallas on being named a 2017 Gold Ribbon High School by Children at Risk.

To Rules and Resolutions.

HR 2023 (By Alonzo), Congratulating Sunset High School in Dallas on being named a 2017 Gold Ribbon High School by Children at Risk.

To Rules and Resolutions.

HR 2024 (By Alonzo), Congratulating Moisés E. Molina High School in Dallas on being named a 2017 Gold Ribbon High School by Children at Risk.

To Rules and Resolutions.

HR 2025 (By Shine), Commending Maxwell Newton on his service as a legislative intern in the office of State Representative Hugh D. Shine.

To Rules and Resolutions.

HR 2026 (By Shine), Commending Allison Joy for her service as a legislative intern.

To Rules and Resolutions.

HR 2027 (By Shine), Commending Connor Leigh for his service as a legislative intern.

To Rules and Resolutions.

HR 2028 (By Shine), Commending Jade Cabrero Doss for her service as an intern in the office of State Representative Hugh D. Shine.

To Rules and Resolutions.

HR 2029 (By Shine), Commending Ashton Thomas for her service as a legislative intern in the office of State Representative Hugh D. Shine.

To Rules and Resolutions.

HR 2030 (By Frullo), Congratulating Rise Academy in Lubbock on being named a National Title I Distinguished School.

To Rules and Resolutions.

HR 2031 (By Klick), Paying tribute to the life of Aubrey Keith Wilson and honoring Nona Long Wilson for the couple's contributions to Birdville ISD.

To Rules and Resolutions.

HR 2032 (By Klick), Honoring the Haltom City Senior Center on its 40th anniversary.

To Rules and Resolutions.

HR 2033 (By Klick), Commemorating the grand opening of The Link Event and Recreation Center in Richland Hills on April 29, 2017.

To Rules and Resolutions.

HR 2034 (By Reynolds), Commending Carl David Evans for his service as president of Fort Bend Houston Super Neighborhood Council-41.

To Rules and Resolutions.

HR 2035 (By Reynolds), Commending Evelyn Barnett for her 42 years of service as the Fort Bend County Democratic Party Precinct Chair for Precinct 2050.

To Rules and Resolutions.

HR 2036 (By Reynolds), Congratulating Gary Majors on his appointment as constable of Fort Bend County, Precinct 2.

To Rules and Resolutions.

HR 2037 (By Reynolds), Congratulating Rudolph White Jr. on his selection as the 2017 president of the Fort Bend County Pastors Association.

To Rules and Resolutions.

HR 2038 (By Reynolds), Commemorating the 15th anniversary of the Missouri City Juneteenth Celebration Foundation.

To Rules and Resolutions.

HR 2039 (By Reynolds), Congratulating the Thurgood Marshall High School boys' basketball team on its success during the 2016-2017 season.

To Rules and Resolutions.

HR 2040 (By Reynolds), In memory of Cayla Symone Simple of Fresno.

To Rules and Resolutions.

HR 2041 (By Laubenberg), Honoring the Texas Podiatric Medical Association on its 100th anniversary.

To Rules and Resolutions.

HR 2042 (By T. King), Requesting the speaker to direct the House Agriculture and Livestock Committee to conduct an interim study reviewing the rules, regulations, and enforcement authority of the Texas Department of Agriculture's Structural Pest Control Service.

To Agriculture and Livestock.

HR 2044 (By Kacal), Congratulating James W. Elliott of Waco on his 80th birthday.

To Rules and Resolutions.

HR 2045 (By Romero), Commending Eva Sandoval Bonilla for her record of community service in Fort Worth.

To Rules and Resolutions.

HR 2046 (By Romero), Commemorating the 15th anniversary of Cesar Chavez Elementary School in Fort Worth.

To Rules and Resolutions.

HR 2047 (By Romero), Congratulating Nannette Underwood of Fort Worth on her retirement from Rosemont Middle School.

To Rules and Resolutions.

HR 2048 (By Canales), Commending Carlos Pimentel for his service as a legislative intern in the office of State Representative Terry Canales.

To Rules and Resolutions.

HR 2049 (By Canales), Commending Julissa Cantu on her service as a legislative aide in the office of State Representative Terry Canales.

To Rules and Resolutions.

HR 2050 (By Cain), Recognizing the third week of September 2017 as Towing Industry Awareness Week.

To Rules and Resolutions.

HR 2051 (By Hunter), In memory of Willard Howard Hammonds Sr. of Corpus Christi.

To Rules and Resolutions.

HR 2052 (By Hunter), In memory of Robert David Fields of Sandia.

To Rules and Resolutions.

HR 2053 (By Hunter), In memory of Sandra Valls of Port Aransas.

To Rules and Resolutions.

HR 2054 (By Hunter), Commemorating the 2017 Fiesta de la Flor in Corpus Christi.

To Rules and Resolutions.

HR 2055 (By Herrero), Congratulating Justin Clinton Holt on his receipt of a Rising Star Award from the Student Support Services Teacher Prep program at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2056 (By Herrero), Congratulating Marissa Danielle Marciel on her receipt of a Rising Star Award from the Student Support Services Teacher Prep program at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2057 (By Ashby), In memory of Delbert Walker of Grapeland.

To Rules and Resolutions.

HR 2058 (By Oliveira), In memory of Rachel Greenspan Perelman of Brownsville.

To Rules and Resolutions.

HR 2059 (By Herrero), Congratulating William Andrew Scanlon II on his receipt of a Rising Star Award from the TRIO Islanders Organization at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2060 (By Minjarez), Recognizing Umberto's Italian Grill in San Antonio and its owners, Raul and Rita Segura.

To Rules and Resolutions.

HR 2061 (By R. Anderson), Congratulating Jack and Janice Lobb of Irving on their 70th wedding anniversary.

To Rules and Resolutions.

HR 2062 (By Goldman), In memory of Rickey Clay Turner Sr. of Fort Worth.

To Rules and Resolutions.

HR 2063 (By Herrero), Congratulating Devonta McDade on his receipt of a Community Service Award from the TRIO Islanders Organization at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2064 (By Herrero), Congratulating Iyobo Elegon on her receipt of two awards from the Project GRAD program at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2065 (By Herrero), Congratulating Lauren Davila on her receipt of a Rising Star Award from the Student Support Services-STEM program at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2066 (By Herrero), Congratulating Orquidia Medina on her receipt of an Outstanding Award from the Student Support Services–STEM program at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2067 (By Herrero), Congratulating Ivan Martinez on his receipt of an Outstanding Award from the Student Support Services–STEM program at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2068 (By Herrero), Congratulating Micah Bachner on his receipt of an Outstanding Award from the Student Support Services–STEM program at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2070 (By Howard), In memory of Barbara Ruud of Austin.

To Rules and Resolutions.

HR 2071 (By White), Recognizing July 19, 2017, as Back the Badge Day in Hardin County.

To Rules and Resolutions.

HR 2072 (By Wilson), Congratulating Colonel Craig Hunter on his retirement as director of law enforcement for the Texas Parks and Wildlife Department.

To Rules and Resolutions.

HR 2073 (By Herrero), Congratulating Michael Fitch on his receipt of a Community Service Award from the TRIO Islanders Organization at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2074 (By Herrero), Congratulating Pedro Damián González on his receipt of both an SSS–STEM Outstanding Award and a TRIO Islanders Community Service Award at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2075 (By Herrero), Congratulating Laura Sylvia Cardenas on her receipt of Superstar and Outstanding Awards from the Student Support Services Teacher Prep program at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2076 (By Herrero), Congratulating Reymundo Barrera on his receipt of a Key Spouse Award from the TRIO Islanders Organization at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2077 (By Herrero), Congratulating Clyde Avalos on receiving an Outstanding Award from the McNair Scholars Program at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2078 (By Herrero), Congratulating April Emmett on her receipt of an Outstanding Award from the Student Support Services program at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2079 (By Herrero), Congratulating Trent Harris on his receipt of an Outstanding Award from the Student Support Services program at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2081 (By Anchia), Commending Laurie Burnham Roberts for her service as a legislative aide in the office of State Representative Rafael Anchia.

To Rules and Resolutions.

HR 2082 (By Roberts), Congratulating the Cypress Creek High School girls' water polo team on winning the 2017 Texas Interscholastic Swimming Coaches Association state championship.

To Rules and Resolutions.

HR 2083 (By Herrero), Congratulating Kianna Sills on her receipt of two awards from the TRIO Islanders Organization at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2084 (By Lucio), Congratulating Port of Brownsville Police Officer Jose Luis Ramirez on his receipt of the Fire Chief Life Saving Award from the Brownsville Fire Department.

To Rules and Resolutions.

HR 2085 (By Craddick), Honoring the former Midland County judges being recognized at the 2017 Judicial Heritage Ceremony.

To Rules and Resolutions.

HR 2086 (By Dutton), Congratulating Ja'Nae Elyse Hammond of Missouri City on attaining the Girl Scout Gold Award.

To Rules and Resolutions.

HR 2088 (By Kacal), Congratulating Messina Hof Winery on its 40th anniversary.

To Rules and Resolutions.

HR 2089 (By Lucio), Honoring Officer Eric Park of The University of Texas at Austin Police Department for intervening in an attack on students on May 1, 2017.

To Rules and Resolutions.

HR 2090 (By Lozano), Expressing support for green schools.

To Public Education.

HR 2091 (By Minjarez), Congratulating Warren High School in San Antonio on receiving a silver medal from U.S. News & World Report in the publication's 2017 Best High Schools feature.

To Rules and Resolutions.

HR 2093 (By Morrison), Honoring Michael Cloud for his service as chair of the Victoria County Republican Party.

To Rules and Resolutions.

HR 2094 (By Herrero), Congratulating Cristina Arriola on her selection as the Paralegal Student of the Year by Del Mar College.

To Rules and Resolutions.

HR 2095 (By Sanford), Commending Genet Kendrick for her service as a legislative intern in the office of State Representative Scott Sanford.

To Rules and Resolutions.

HR 2096 (By G. Bonnen), Congratulating Trish Hanks on her retirement as superintendent of Friendswood ISD.

To Rules and Resolutions.

HR 2098 (By Isaac), Congratulating Lindsey and Evan Autry on the birth of their daughter, Cameron Lynn Autry.

To Rules and Resolutions.

HR 2099 (By Isaac), Commemorating the 50th anniversary of the Hays Consolidated Independent School District.

To Rules and Resolutions.

HR 2100 (By Springer), Congratulating Connor Wolfe of Graham High School on placing third in the 2017 StellarXplorers III National High School Space Challenge as a member of the Rocketeer Steers team.

To Rules and Resolutions.

HR 2101 (By Springer), Congratulating Smith Graham of Graham High School on placing third in the 2017 StellarXplorers III National High School Space Challenge as a member of the Rocketeer Steers team.

To Rules and Resolutions.

HR 2102 (By Springer), Congratulating Garrett Gatlin of Graham High School on placing third in the 2017 StellarXplorers III National High School Space Challenge as a member of the Rocketeer Steers team.

To Rules and Resolutions.

HR 2103 (By Springer), Congratulating Jonah Qualls of Graham High School on placing third in the 2017 StellarXplorers III National High School Space Challenge as a member of the Rocketeer Steers team.

To Rules and Resolutions.

HR 2104 (By Springer), Congratulating Nicolas Saunders of Graham High School on placing third in the 2017 StellarXplorers III National High School Space Challenge as a member of the Rocketeer Steers team.

To Rules and Resolutions.

HR 2105 (By Springer), Congratulating the Graham High School Rocketeer Steers team on placing third in the 2017 StellarXplorers III National High School Space Challenge.

To Rules and Resolutions.

HR 2106 (By Springer), Commending Nick Garcia of Childress High School for recognizing first responders with a commemorative bench in Fair Park.

To Rules and Resolutions.

HR 2107 (By Herrero), Congratulating Renita Newton on her receipt of a Community Service Award from the TRIO Islanders Organization at Texas A&M University–Corpus Christi.

To Rules and Resolutions.

HR 2108 (By Hinojosa), Commending the Sigma chapter of Delta Epsilon Mu at The University of Texas at Austin for its community service.

To Rules and Resolutions.

HR 2110 (By Canales), Commending Alfred Breuer for his service as legislative director in the office of State Representative Terry Canales.

To Rules and Resolutions.

HR 2111 (By Gooden), Congratulating Detective Ronald L. Iscaro on his retirement from the Dallas Police Department.

To Rules and Resolutions.

HR 2113 (By Howard), Congratulating Sharon Pierce on her retirement as state advisor for the Texas Association of Family, Career and Community Leaders of America.

To Rules and Resolutions.

HR 2114 (By E. Johnson), Congratulating the James Madison High School boys' basketball team on winning the 2017 UIL 3A state championship.

To Rules and Resolutions.

HR 2115 (By E. Johnson), Congratulating the Lincoln High School boys' basketball team on winning the 2016 UIL 4A state championship.

To Rules and Resolutions.

HR 2116 (By E. Johnson), Commending Helene Barnes, Andres Cerecero, Brianna Dominguez, Aidan O'Neil, Alejandro Izaguirre, Amahree Archie, Jacob Kowalski, Andi Leacock-Williams, and Louisa Xie for their service as legislative interns in the office of State Representative Eric Johnson.

To Rules and Resolutions.

HR 2117 (By Herrero), Honoring the Joe A. Gonzalez (JAG) Education Is Our Freedom GED College Scholarship Program on the occasion of its annual banquet on July 25, 2017.

To Rules and Resolutions.

HR 2118 (By Wu), Congratulating Tesfamichael Negussie, salutatorian of the Class of 2017 at Margaret Long Wisdom High School in Houston.

To Rules and Resolutions.

HR 2119 (By Wu), Congratulating Russell Maranan, valedictorian of the Class of 2017 at Margaret Long Wisdom High School in Houston.

To Rules and Resolutions.

HR 2120 (By Wu), Congratulating Kabita Adhikari, valedictorian of the Class of 2017 at Jane Long Academy.

To Rules and Resolutions.

HR 2121 (By Wu), Congratulating Kleyder Sanchez, salutatorian of the Class of 2017 at Jane Long Academy.

To Rules and Resolutions.

HR 2122 (By Wu), Congratulating Christian Ramos, valedictorian of the Class of 2017 at Liberty High School.

To Rules and Resolutions.

HR 2123 (By Wu), Congratulating Mardia Idris, salutatorian of the Class of 2017 at Liberty High School.

To Rules and Resolutions.

SB 459 to Homeland Security and Public Safety.

SB 521 to Ways and Means.

SB 812 to Transportation.

SB 824 to Judiciary and Civil Jurisprudence.

SB 965 to Natural Resources.

SB 1185 to Business and Industry.

SB 1322 to Criminal Jurisprudence.

SB 1353 to Public Education.

SB 1443 to Human Services.

SB 1514 to Ways and Means.

SB 1553 to Public Education.

SB 1561 to Public Education.

SB 1605 to Public Education.
SB 1670 to Urban Affairs.
SB 1683 to Public Health.
SB 1695 to Public Health.
SB 1713 to Ways and Means.
SB 1790 to Criminal Jurisprudence.
SB 1855 to Defense and Veterans' Affairs.
SB 1963 to Public Education.
SB 1980 to Business and Industry.
SB 1994 to Investments and Financial Institutions.
SB 2026 to Natural Resources.
SB 2084 to Public Education.
SB 2141 to Public Education.
SB 2168 to Public Education.
SB 2283 to Urban Affairs.
SB 2284 to Special Purpose Districts.
SB 2285 to Natural Resources.
SB 2286 to Special Purpose Districts.
SB 2287 to Special Purpose Districts.
SCR 47 to Select State and Federal Power and Responsibility.
SJR 51 to Ways and Means.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 22

HB 101, HB 394, HB 947, HB 1001, HB 1346, HB 1434, HB 1495, HB 1559, HB 1638, HB 1829, HB 1963, HB 2332, HCR 53

House List No. 23

HCR 143

Senate List No. 17

SB 7, SB 252, SB 1171, SCR 52

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 16, 2017

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1353 Taylor, Larry
Relating to state financial assistance for a school district to which an academically unacceptable school district is annexed.

SB 1561 Taylor, Van
Relating to a study by the State Board of Education on the instructional day and academic year requirements necessary to complete the required curriculum in public schools.

SB 1605 Creighton
Relating to the availability of certain school district financial information on certain districts' Internet websites.

SB 1683 Lucio
Relating to food allergen awareness in food service establishments.

SB 1994 Zaffirini
Relating to residential mortgage loans, including the financing of residential real estate purchases by means of a wrap mortgage loan; providing licensing requirements; authorizing an administrative penalty.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 16, 2017 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 216 Springer SPONSOR: Estes
Relating to the designation of a portion of U.S. Highway 380 in Young and Jack Counties as the Henry H. King Memorial Highway.

HB 256 Hernandez SPONSOR: Whitmire
Relating to the authority of a city attorney to seek an injunction to abate a common nuisance under the Alcoholic Beverage Code.

HB 263 Lozano SPONSOR: Zaffirini
Relating to the issuance of "Back the Blue" specialty license plates.

HB 791 Lozano SPONSOR: Hinojosa
Relating to allowing individuals appointed to state office to file required financial statements by certified mail.
(Committee Substitute)

HB 1116 Kacal SPONSOR: Buckingham
Relating to the repeal of certain state procurement advisory and approval procedures.

HB 1655 King, Phil SPONSOR: Huffines
Relating to the reporting of certain offenses committed by members of the Texas military forces.

HB 1691 Smithee SPONSOR: Seliger
Relating to the designation of certain rest areas on Interstate Highway 27 in Hale County as the Nelda M. Laney Safety Rest Areas.
(Committee Substitute)

HB 2964 Meyer SPONSOR: Hancock
Relating to abandonment of shares of a mutual fund.
(Amended)

HCR 143 Lozano SPONSOR: Burton
Recalling S.B. No. 622 from the governor for clerical actions.

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

SB 44 (30 Yeas, 0 Nays)

SB 495 (30 Yeas, 0 Nays)

SB 549 (30 Yeas, 0 Nays)

SB 559 (30 Yeas, 0 Nays)

SB 680 (30 Yeas, 0 Nays)

SB 1516 (30 Yeas, 0 Nays)

SB 1524 (30 Yeas, 0 Nays)

SB 1541 (30 Yeas, 0 Nays)

SB 1630 (30 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 15

Criminal Jurisprudence - **SB 343, SB 1214, SB 1399**

Defense and Veterans' Affairs - **HCR 136**

Human Services - **SB 497, SB 687, SB 879, SB 1063, SB 1220, SB 1565, SB 1680, SB 1693**

Licensing and Administrative Procedures - **SB 1089, SB 2212**

Natural Resources - **SB 814, SB 1014, SB 2243**

Public Education - **SB 22, SB 725**

Public Health - **SB 81, SB 790, SB 922**

Special Purpose Districts - **HB 4341, HB 4343, HB 4349, SB 1198**

Transportation - **SB 82, SB 402, SB 928, SB 975, SB 977, SB 1001, SB 1023, SB 1037, SB 1099, SB 1102, SB 1129, SB 1179, SB 1187, SB 1291, SB 1327, SB 1383, SB 1384, SB 1386, SB 1395, SB 1522, SB 1654, SB 1834, SB 2006, SB 2075, SB 2205, SB 2227**

Ways and Means - **SB 2**

ENROLLED

May 15 - HB 101, HB 394, HB 947, HB 1001, HB 1346, HB 1434, HB 1495, HB 1559, HB 1638, HB 1829, HB 1963, HB 2332, HCR 53

SENT TO THE GOVERNOR

May 15 - HB 455, HB 630, HB 641, HB 777, HB 799, HB 1020, HB 1288, HB 2194, HCR 126