

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-SECOND DAY — FRIDAY, MAY 26, 2017

The house met at 11:07 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1853).

Present — Mr. Speaker(C); 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; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Raney.

Absent — Dukes.

The speaker recognized Representative Raymond who introduced Hector Lee Patiño, pastor, Centro Familiar Cristiano, Laredo, who offered the invocation.

The speaker recognized Representative Gonzales 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 temporarily for today to attend a funeral:

Raney on motion of Burkett.

(Holland in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative Burns who presented Dr. Lesca Hadley of Fort Worth as the "Doctor for the Day."

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

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).

RESOLUTIONS ADOPTED

Representative Lucio 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 2390 (by J. Rodriguez), Honoring participants of the Independent Colleges and Universities of Texas Scholars Program during the 85th Legislative Session.

HR 2399 (by J. Johnson), Commending Leanne Kelley for her service as an intern and district liaison in the office of State Representative Jarvis Johnson.

HR 2403 (by J. Johnson), Commending Harris Khowaja for his service as a child welfare policy analyst intern in the office of State Representative Jarvis Johnson.

HR 2404 (by J. Johnson), Commending Evelin Caro Gutierrez for her service as a criminal justice policy intern in the office of State Representative Jarvis Johnson during the 85th Legislative Session.

HR 2409 (by J. Johnson), Commending Alexander Walheim for his service as an educational policy analyst intern in the office of State Representative Jarvis Johnson.

HR 2425 (by Lucio), Honoring Jesse Ancira Jr. for his service to the City of Taylor and the State of Texas.

HR 2527 (by Sheffield), Congratulating Jon Weizenbaum on his retirement as commissioner of the Texas Department of Aging and Disability Services.

The resolutions were adopted.

On motion of Representative Lucio, 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 50 - PREVIOUSLY ADOPTED (by Miller)

The chair laid out the following previously adopted resolution:

HR 50, Honoring the Texas Chapter of the Academic Language Therapy Association and recognizing February 8, 2017, as Dyslexia Awareness Day.

INTRODUCTION OF GUESTS

The chair recognized Representative Miller who introduced representatives of the Texas Chapter of the Academic Language Therapy Association.

LEAVE OF ABSENCE GRANTED

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

Minjarez on motion of Gervin-Hawkins.

INTRODUCTION OF GUESTS

The chair recognized Representative Turner who introduced Jared and Genevieve Padalecki.

HR 2425 - PREVIOUSLY ADOPTED

(by Lucio)

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

HR 2425, Honoring Jesse Ancira Jr. for his service to the City of Taylor and the State of Texas.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 2425** as signers thereof.

HR 2265 - PREVIOUSLY ADOPTED

(by E. Rodriguez)

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

HR 2265, In memory of John Treviño Jr. of Austin.

INTRODUCTION OF GUESTS

The chair recognized Representative E. Rodriguez who introduced family members of John Treviño Jr.

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 No. 33 and Senate List No. 27).

HR 2388 - ADOPTED

(by J. Rodriguez)

Representative J. Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 2388**.

The motion prevailed.

The following resolution was laid before the house:

HR 2388, In memory of San Antonio firefighter Scott Deem.

HR 2388 - REMARKS

REPRESENTATIVE J. RODRIGUEZ: Last week, I stood before you, actually I think it was last Friday, and announced that we had a tragic death in San Antonio with loss of fallen firefighter Scott Deem. Today, back in San Antonio, this morning in fact, hundreds if not thousands of folks are gathering to lay Scott Deem to rest. So I wanted to bring this memorial resolution on behalf of the Bexar County delegation since we couldn't be there to join them in that memorial.

Last Thursday evening, May 18, Scott Deem lost his life in service to this community. In fact, not just all of San Antonio but all of Texas mourns the loss of a hero. Our words cannot express enough our immense gratitude for his service. I know we talk often about ourselves as public servants. The reality is the true public servants are those who are keeping us safe as we sleep at night. Our firefighters, in particular, put their lives on the line every day to ensure the safety of our community.

Let me tell you a little bit about Scott. He is a native San Antonian who graduated from Southwest High School in 2004 and married his high school sweetheart and his first love, Jennifer Deem. His devotion to others was apparent in all aspects of his life, especially though, when it came to his children. Scott had a special place in particular for his daughter, Dakota, and his son, Tyler, and they were eagerly anticipating the birth of their child shortly, whose name is going to be Audrey. Scott was a proud and loving father. Just a normal dad, he attended his daughter's volleyball games and frequently volunteered for functions at his kids' school.

Certainly in our delegation, our hearts are heavy today as they lay him to rest back in San Antonio. We all know, and we talked about this last week, that very many men and women kiss their kids goodbye and their loved ones goodbye as they leave for their shifts, and there's no guarantee that they can return. Our thoughts and prayers go out to the Deem family during what has to be a very difficult time for all of them. Please, members, help me remember the courage that he bestowed not just on that night but throughout his career. He was a six-year firefighter, 31 years old, and now leaves behind a young family. Let's remember his courage and his call to serve. His selfless service to San Antonio and the great State of Texas will never be forgotten.

HR 2388 was unanimously adopted by a rising vote.

On motion of Representative Uresti, the names of all the members of the house were added to **HR 2388** as signers thereof.

REMARKS ORDERED PRINTED

Representative Krause moved to print remarks by Representative J. Rodriguez.

The motion prevailed.

HR 2015 - PREVIOUSLY ADOPTED
(by Arévalo)

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

HR 2015, Congratulating mariachi singer Sebastien De La Cruz of San Antonio on his accomplishments.

INTRODUCTION OF GUESTS

The chair recognized Representative Arévalo who introduced Sebastien De La Cruz and members of his family.

HB 1424 - RETURNED TO SENATE
BY THE SPEAKER

Pursuant to Rule 13, Section 5A of the House Rules, the speaker returned **HB 1424** with senate amendments to the senate and submitted the following statement:

Pursuant to Rule 13, Section 5A of the House Rules, 85th Legislature, I am returning the attached house bill to the Texas Senate for further action because the amendments the senate adopted to the bill are not germane for the following reasons:

As **HB 1424** left the house, the sole subject of the bill was relating to the operation of an unmanned aircraft over certain facilities or sports venues. The senate added two amendments to **HB 1424**. Amendment No. 2 was germane to **HB 1424**; however, Amendment No. 1 was not germane to **HB 1424**.

Amendment No. 1 deals with certain images captured by an unmanned aircraft. Specifically, when it is lawful to capture an image using an unmanned aircraft for the purpose of professional or scholarly research, as part of a military exercise, for maintenance of utility facilities, by law enforcement, and for the purpose of delivering consumer goods. This amendment deals with how and when images can be captured by an unmanned aircraft, not where the unmanned aircraft may operate. The amendment is not germane to **HB 1424** and introduces an impermissible second subject.

HR 1524 - PREVIOUSLY ADOPTED
(by Hinojosa)

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

HR 1524, In memory of Dr. Charles Akins of Austin.

INTRODUCTION OF GUESTS

The chair recognized Representative Hinojosa who introduced family members and friends of Dr. Charles Akins.

HB 2962 - RETURNED TO SENATE
BY THE SPEAKER

Pursuant to Rule 13, Section 5A of the House Rules, the speaker returned **HB 2962** with senate amendments to the senate and submitted the following statement:

Pursuant to Rule 13, Section 5A of the House Rules, 85th Legislature, I am returning the attached house bill to the Texas Senate for further action because the amendments the senate adopted to the bill are not germane for the following reasons:

As **HB 2962** left the house, the sole subject of the bill was relating to reporting requirements by certain physicians and health care facilities for abortion complications. Specifically, the bill wanted to improve the collection of abortion complication data. The senate added three amendments to **HB 2962**. Senator Watson's third reading Amendment No. 1 was germane to **HB 2962**; however, second reading Amendment Nos. 1 and 3 were not germane to **HB 2962**.

Amendment No. 1 deals with required reporting requirements for abortions performed on women younger than 18 years of age. This amendment does not deal with collecting abortion complication data. The amendment is not germane to **HB 2962**.

Amendment No. 3 prohibits wrongful birth causes of actions. A cause of action regarding a wrongful birth has nothing to do with collecting abortion complication data. The amendment is not germane to **HB 2962** and introduces an impermissible second subject.

**HR 2527 - PREVIOUSLY ADOPTED
(by Sheffield)**

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

HR 2527, Congratulating Jon Weizenbaum on his retirement as commissioner of the Texas Department of Aging and Disability Services.

(Goldman in the chair)

INTRODUCTION OF GUEST

The chair recognized Representative Sheffield who introduced Jon Weizenbaum.

**HB 2304 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Guillen called up with senate amendments for consideration at this time,

HB 2304, A bill to be entitled An Act relating to the hours of instruction provided in barbering and cosmetology schools.

Representative Guillen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2304**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2304**: Guillen, chair; Kuempel, Clardy, Goldman, and Muñoz.

**HB 2994 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Ashby called up with senate amendments for consideration at this time,

HB 2994, A bill to be entitled An Act relating to workforce continuing education offered by public junior colleges.

Representative Ashby moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2994**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2994**: Ashby, chair; Howard, Lozano, J. Rodriguez, and Phelan.

**HB 1823 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Canales called up with senate amendments for consideration at this time,

HB 1823, A bill to be entitled An Act relating to properly recorded diacritical marks in vital statistics records, driver's licenses, commercial driver's licenses, and personal identification certificates.

Representative Canales moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1823**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1823**: Canales, chair; Lozano, Collier, Raymond, and Longoria.

**HB 3526 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Howard called up with senate amendments for consideration at this time,

HB 3526, A bill to be entitled An Act relating to renaming the instructional materials allotment as the technology and instructional materials allotment and making associated technical changes.

Representative Howard moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3526**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3526**: Howard, chair; Ashby, Bohac, Huberty, and Bernal.

**HB 1081 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Guillen called up with senate amendments for consideration at this time,

HB 1081, A bill to be entitled An Act relating to the new instructional facility allotment under the foundation school program.

Representative Guillen moved to concur in the senate amendments to **HB 1081**.

The motion to concur in the senate amendments to **HB 1081** prevailed by (Record 1854): 101 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bonnen, D.; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospier; Cyrier; Dale; Darby; Davis, S.; Deshotel; Dutton; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Koop; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Moody; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Perez; Phelan; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bell; Biedermann; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Craddick; Dean; Elkins; Faircloth; Fallon; Hefner; Isaac; Keough; Klick; Krause; Landgraf; Lang; Leach; Miller; Murr; Paul; Phillips; Price; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Simmons; Springer; Stickland; Swanson; Thompson, E.; Tinderholt; Zedler.

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

Absent, Excused — Minjarez; Raney.

Absent — Davis, Y.; Dukes; Morrison; Pickett.

STATEMENTS OF VOTE

When Record No. 1854 was taken, I was shown voting yes. I intended to vote no.

Koop

When Record No. 1854 was taken, I was shown voting yes. I intended to vote no.

Paddie

When Record No. 1854 was taken, I was shown voting yes. I intended to vote no.

Parker

Senate Committee Substitute

CSHB 1081, A bill to be entitled An Act relating to the new instructional facility allotment under the foundation school program.

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

SECTION 1. Sections 42.158(b), (d-1), and (g), Education Code, are amended to read as follows:

(b) For the first school year in which students attend a new instructional facility, a school district is entitled to an allotment of \$1,000 [~~\$250~~] for each student in average daily attendance at the facility. For the second school year in which students attend that instructional facility, a school district is entitled to an allotment of \$1,000 [~~\$250~~] for each additional student in average daily attendance at the facility.

(d-1) In addition to the appropriation amount described by Subsection (d), the amount of \$1 million may be appropriated each school year to supplement the allotment to which a school district is entitled under this section that may be provided using the appropriation amount described by Subsection (d). The commissioner shall first apply the funds appropriated under this subsection to prevent any reduction under Subsection (d) in the allotment for attendance at an eligible high school instructional facility, subject to the maximum amount of \$1,000 [~~\$250~~] for each student in average daily attendance. Any funds remaining after preventing all reductions in amounts due for high school instructional facilities may be applied proportionally to all other eligible instructional facilities, subject to the maximum amount of \$1,000 [~~\$250~~] for each student in average daily attendance.

(g) In this section:

(1) "Instructional [~~instructional~~] facility" has the meaning assigned by Section 46.001.

(2) "New instructional facility" includes:

(A) a newly constructed instructional facility;

(B) a repurposed instructional facility; and

(C) a leased facility operating for the first time as an instructional facility with a minimum lease term of not less than 10 years.

SECTION 2. A school district that is entitled under Section 42.158, Education Code, to receive funding in the 2017-2018 school year for the second year of student attendance at a new instructional facility is entitled for that year to the amount provided for the second year of student attendance as a result of the changes in law made by this Act.

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

**HB 3292 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Klick called up with senate amendments for consideration at this time,

HB 3292, A bill to be entitled An Act relating to the continuation of medical assistance for certain individuals.

Representative Klick moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3292**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3292**: Klick, chair; Collier, C. Anderson, Guillen, and Frank.

**HB 4347 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Wray called up with senate amendments for consideration at this time,

HB 4347, A bill to be entitled An Act relating to the creation of the Midlothian Municipal Management District No. 3; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

Representative Wray moved to concur in the senate amendments to **HB 4347**.

The motion to concur in the senate amendments to **HB 4347** prevailed by (Record 1855): 131 Yeas, 12 Nays, 2 Present, not voting.

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

Nays — Biedermann; Bonnen, D.; Cain; Capriglione; Krause; Rinaldi; Schaefer; Shaheen; Simmons; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Burkett; Dean; Dukes.

STATEMENT OF VOTE

When Record No. 1855 was taken, I was shown voting yes. I intended to vote no.

Leach

Senate Committee Substitute

CSHB 4347, A bill to be entitled An Act relating to the creation of the Midlothian Municipal Management District No. 3; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3952 to read as follows:

CHAPTER 3952. MIDLOTHIAN MUNICIPAL MANAGEMENT DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3952.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Midlothian, Texas.

(3) "County" means Ellis County, Texas.

(4) "Development agreement and consent application" means the Development Agreement made between the city and Hawkins Midlothian Development, LLC, and the Second Amended and Restated Application for Consent to Create a Municipal Management District submitted to the city by Hawkins Midlothian Development, LLC.

(5) "Director" means a board member.

(6) "District" means the Midlothian Municipal Management District

No. 3.

Sec. 3952.002. PRECONDITION. (a) In this section, "finance plan" means a plan that includes a general description of proposed improvement projects that will be financed by the district, an estimate of the costs for the proposed improvement projects, an estimate of the amount of the costs for the proposed improvement projects that the district will pay directly or that will be reimbursed to a developer of property in the district, and the means of financing costs related to the planning, design, construction, improvement, maintenance, and operation of the proposed improvement projects.

(b) The district may not exercise any powers under this chapter until:

(1) the development agreement and consent application are executed and effective; and

(2) the finance plan is approved by the governing body of the city.

Sec. 3952.003. CREATION AND NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3952.004. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

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

Sec. 3952.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment;
- (3) providing quality residential housing; and
- (4) developing or expanding transportation and commerce.

(d) The district will:

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

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

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

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, vehicle parking, and street art objects are parts of and necessary components of a street and are considered to be an improvement project that includes a street or road improvement.

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

Sec. 3952.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) A mistake in the field notes of the district contained in Section 2 of the Act enacting this chapter or in copying the field notes in the legislative process does not in any way affect:

(1) the district's organization, existence, or validity;

(2) the district's right to contract, including the right to issue any type of bond or other obligation for a purpose for which the district is created;

(3) the district's right to impose or collect an assessment, ad valorem taxes, or any other revenue; or

(4) the legality or operation of the board.

Sec. 3952.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. Except as provided by this chapter, Chapter 375, Local Government Code, applies to the district.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3952.051. GOVERNING BODY; TERMS. The district is governed by a board of five voting directors who serve staggered terms of four years, with two or three directors' terms expiring May 31 of each even-numbered year.

Sec. 3952.052. QUALIFICATIONS. (a) To be qualified to serve as a director appointed by the governing body of the city, a person must be:

(1) a resident of the city who is also a registered voter of the city;

(2) an owner of property in the district; or

(3) an agent, employee, or tenant of a person described by Subdivision

(2).

(b) A person who is an agent, employee, or tenant of Hawkins Midlothian Development, LLC, is not qualified to be appointed as a director solely because the person is an agent, employee, or tenant of that corporation if the corporation does not own property in the district.

(c) Section 49.052, Water Code, does not apply to the district.

Sec. 3952.053. APPOINTMENT OF DIRECTORS. The governing body of the city shall appoint directors from a list of names recommended by the board as provided by Section 375.064, Local Government Code.

Sec. 3952.054. EX OFFICIO DIRECTORS. (a) The following persons serve ex officio as nonvoting directors:

(1) the city manager of the city; and

(2) the chief financial officer of the city.

(b) An ex officio director is entitled to notice of board meetings and to speak on a matter before the board.

Sec. 3952.055. VACANCY. The governing body of the city shall fill a vacancy on the board for the remainder of the unexpired term in the same manner as the original appointment.

Sec. 3952.056. DIRECTOR'S OATH OR AFFIRMATION. A director shall file the director's oath or affirmation of office with the district, and the district shall retain the oath or affirmation in the district records.

Sec. 3952.057. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary.

Sec. 3952.058. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses in the manner provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 3952.059. LIABILITY INSURANCE. The district may obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures a director against personal liability and from all claims relating to:

(1) actions taken by the director in the director's capacity as a member of the board;

(2) actions and activities taken by the district; or

(3) the actions of others acting on behalf of the district.

Sec. 3952.060. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public.

Sec. 3952.061. CONFLICTS OF INTEREST. Chapter 171, Local Government Code, governs conflicts of interest of directors.

Sec. 3952.062. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Terrance Jobe</u>
<u>2</u>	<u>Tiffany Jobe</u>
<u>3</u>	<u>Jonathan Jobe</u>
<u>4</u>	<u>Tiffany Roath</u>
<u>5</u>	<u>Travis Hudson</u>

(b) The governing body of the city shall stagger the initial directors' terms, with two or three directors' terms expiring May 31, 2018. The remaining directors' terms must expire May 31, 2020.

(c) Section 3952.052 does not apply to this section.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3952.101. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the improvement projects described by Subchapter D or activities in support of or incidental to those projects.

Sec. 3952.102. WATER DISTRICT POWERS. The district has the powers provided by the general laws relating to conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.

Sec. 3952.103. ROAD DISTRICT POWERS; EXCEPTION. (a) Except as provided by Subsection (b), the district has the powers provided by the general laws relating to road districts and road utility districts created under Section 52(b), Article III, Texas Constitution, including Chapter 441, Transportation Code.

(b) The district may exercise any power granted by this chapter and by Chapter 441, Transportation Code, without regard to any provision or requirement of, or procedure prescribed by, Chapter 441, Transportation Code.

Sec. 3952.104. RULES; ENFORCEMENT. (a) The district may adopt rules:

(1) to administer or operate the district; or

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

(b) The district may enforce its rules by injunctive relief.

Sec. 3952.105. NAME CHANGE; NOTICE. (a) The board by resolution may change the district's name.

(b) The board shall give written notice of a name change to the city.

Sec. 3952.106. TERMS OF EMPLOYMENT; COMPENSATION. The board may employ and establish the terms of employment and compensation of an executive director or general manager and any other district employees the board considers necessary.

Sec. 3952.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. IMPROVEMENT PROJECTS

Sec. 3952.151. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project or service unless the board determines the project or service:

(1) is necessary to accomplish a public purpose of the district;

(2) complies with the development agreement and consent application or the parties to the development agreement and consent application agree to the project or service, in writing; and

(3) is authorized by an ordinance of the city that consents to the creation of the district.

Sec. 3952.152. CITY REQUIREMENTS. (a) An improvement project must comply with any applicable city construction codes and construction ordinances.

(b) The district may not provide, conduct, or authorize any improvement project on the city streets, highways, rights-of-way, or easements without the consent of the governing body of the city.

Sec. 3952.153. ADDITIONAL CITY POWERS REGARDING IMPROVEMENT PROJECTS. (a) Unless the district and the city agree otherwise, the city may:

(1) by ordinance, order, or resolution require that title to all or any portion of an improvement project vest in the city; or

(2) by ordinance, order, or resolution or other directive authorize the district to own, encumber, maintain, and operate an improvement project or convey the project to the city at a later date.

(b) The district shall immediately comply with any city ordinance, order, or resolution adopted under this section.

Sec. 3952.154. LAKE. For the purposes of this subchapter, planning, design, construction, improvement, or maintenance of a lake includes work done for drainage, reclamation, or recreation.

SUBCHAPTER E. CONTRACTS

Sec. 3952.201. GENERAL CONTRACT POWERS. The district may contract with any person to accomplish any district purpose.

Sec. 3952.202. CONTRACT TERMS. A contract the district enters into to carry out a purpose of this chapter may be on any terms and for any period the board determines, including an obligation to issue a negotiable or nonnegotiable note or warrant payable to the city, the county, or any other person.

Sec. 3952.203. REIMBURSEMENT OF COSTS. The district may contract with any person for the payment, repayment, or reimbursement of costs incurred by that person on behalf of the district, including all or part of the costs of an improvement project and interest on the reimbursed cost.

Sec. 3952.204. CONTRACT FOR IMPROVEMENT PROJECT. (a) The district may contract with any person for the use, occupancy, lease, rental, operation, maintenance, or management of all or part of a proposed or existing improvement project.

(b) The district may apply for and contract with any person to receive, administer, and perform a duty or obligation of the district under a federal, state, local, or private gift, grant, loan, conveyance, transfer, bequest, or other financial assistance arrangement relating to the investigation, planning, analysis, study, design, acquisition, construction, improvement, completion, implementation, or operation by the district or others of a proposed or existing improvement project.

Sec. 3952.205. NO FURTHER CONTRACT AUTHORIZATION REQUIRED. Any person, including the city, may contract with the district to carry out the purposes of this chapter without further statutory or other kind of authorization.

SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

Sec. 3952.251. DEVELOPMENT AGREEMENT AND CONSENT APPLICATION REQUIRED TO BORROW MONEY OR IMPOSE TAXES OR ASSESSMENTS, INCLUDING BONDS. Before the district may issue bonds, impose taxes or assessments, or borrow money, the district must obtain from the city confirmation that the development agreement and consent application are enforceable and no defaults are known.

Sec. 3952.252. BORROWING MONEY. The district may borrow money for a district purpose by issuing or executing bonds, notes, credit agreements, or other obligations of any kind found by the board to be necessary or appropriate for a district purpose. The bond, note, credit agreement, or other obligation must be secured by and payable from any combination of ad valorem taxes, assessments, or any other district revenue.

Sec. 3952.253. GENERAL POWERS REGARDING PAYMENT OF DISTRICT BONDS, OBLIGATIONS, OR OTHER COSTS. The district may provide or secure the payment or repayment of any bond, note, or other temporary or permanent obligation or reimbursement or other contract with any

person and the costs and expenses of the establishment, administration, and operation of the district and the district's costs or share of the costs or revenue of an improvement project or district contractual obligation or debt by:

(1) a lease, installment purchase contract, or other agreement; or
(2) any other revenue or resources of the district or other revenue authorized by the city, including revenue from a tax increment reinvestment zone created by the city.

Sec. 3952.254. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board in the manner provided by Section 375.114, Local Government Code.

Sec. 3952.255. ASSESSMENTS. (a) The district may impose an assessment on property in the district, if the assessment is authorized by an ordinance of the city, to pay the cost or the cost of maintenance of any authorized district improvement in the manner provided for a district under Subchapters A, E, and F, Chapter 375, Local Government Code.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed; and
(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes.

(c) The lien of an assessment against property runs with the land. The portion of an assessment payment obligation that has not yet come due is not eliminated by the foreclosure of an ad valorem tax lien, and any purchaser of property in a foreclosure of an ad valorem tax lien takes the property subject to the assessment payment obligations that have not yet come due and to the lien and terms of the lien's payment under the applicable assessment ordinance or order.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3952.256. NONPOTABLE WATER USER CHARGES; CITY APPROVAL. The district may establish user charges for the use of nonpotable water for irrigation purposes, subject to approval of the governing body of the city.

Sec. 3952.257. COSTS FOR IMPROVEMENT PROJECTS. The district may undertake separately or jointly with other persons, including the city or county, all or part of the cost of an improvement project, including an improvement project:

(1) for improving, enhancing, and supporting public safety and security, fire protection and emergency medical services, and law enforcement in and adjacent to the district; or

(2) that confers a general benefit on the entire district or a special benefit on a definable part of the district.

SUBCHAPTER G. TAXES AND BONDS

Sec. 3952.301. BONDS AND OTHER OBLIGATIONS. (a) The district may issue, by competitive bid or negotiated sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes or assessments in the manner provided by Subchapter J, Chapter 375, Local Government Code.

(b) In exercising the district's borrowing power, the district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

(c) In addition to the sources of money described by Subchapter J, Chapter 375, Local Government Code, district bonds may be secured and made payable wholly or partly by a pledge of any part of the money the district receives from improvement revenue or from any other source.

Sec. 3952.302. BOND MATURITY. Bonds may mature not more than 40 years from their date of issue.

Sec. 3952.303. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax for each year that all or part of the bonds are outstanding; and

(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due; and

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date.

Sec. 3952.304. ELECTION REQUIRED FOR TAXES OR BONDS. The district must hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

Sec. 3952.305. TAX RATE. The district's ad valorem tax rate may not exceed 40 cents per \$100 valuation.

Sec. 3952.306. ISSUER POWERS FOR CERTAIN PUBLIC IMPROVEMENTS. The district may exercise any power of an issuer under Chapter 1371, Government Code.

SUBCHAPTER H. DISSOLUTION

Sec. 3952.351. DISSOLUTION BY CITY ORDINANCE. (a) The city by ordinance may dissolve the district.

(b) The city may not dissolve the district until the district's outstanding debt or contractual obligations have been repaid or discharged, including the defeasance of any outstanding debt issued by the city.

(c) The city may not dissolve the district until the development agreement and consent application have been executed and the district's performance under the agreement has been fulfilled, including any right or obligation the district has to reimburse a developer or owner for the costs of improvement projects.

Sec. 3952.352. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, the city shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations.

Sec. 3952.353. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

SECTION 2. The Midlothian Municipal Management District No. 3 initially includes all the territory contained in the following area:

LEGAL LAND DESCRIPTION

BEING 175.834 acres (7,659,336 square feet) in the William W. Rawls Survey, Abstract No. 915, Benjamin F. Hawkins Survey, Abstract Number 464, Marcellus T. Hawkins Survey, Abstract No. 463, and John M. Garvin Survey, Abstract No. 424, Ellis County, Texas; being a 175.834 acres (7,659,336 square feet) of land being all of that certain tract of land described in a Special Warranty Deed to Hawkins Midlothian Development, LLC (hereinafter referred to as Hawkins Midlothian Development tract), as recorded in Instrument Number 1521607, Official Public Records, Ellis County, Texas (O.P.R.E.C.T.); said 175.834 acres (7,659,336 square feet) being more particularly described, by metes and bounds, as follows:

BEGINNING at a 60D nail found for the Westerly Southwest corner of said Hawkins Midlothian Development tract, same being the existing Easterly right-of-way line of F.M. Road 663 (80' right-of-way), as recorded in Volume 387, Page 161, Deed Records, Ellis County, Texas (D.R.E.C.T.), same also being the North line of Lawson Farms - Phase One (hereinafter referred to as Lawson Farms - Phase One), an addition to the City of Midlothian, Ellis County, Texas, according to the plat recorded in Cabinet G, Slide 388, Plat Records, Ellis County, Texas, from which the Northwest corner of Lot 20, Block 1 of said Lawson Farms - Phase One bears North 89 degrees 45 minutes 57 seconds East, a distance of 13.69 feet;

THENCE North 05 degrees 16 minutes 20 seconds East, departing the North line of said Lawson Farms - Phase One and with the common line between said Hawkins Midlothian Development tract and the existing Easterly right-of-way line of said F.M. Road 663, a distance of 575.72 feet to a five-eighths inch iron rod found for the Southerly corner of that certain tract of land described in a Deed to the State of Texas for right-of-way of said F.M. Road 663, as recorded in Volume 1465, Page 1208, D.R.E.C.T.;

THENCE with the common line between the remainder of said Hawkins Midlothian Development tract and the existing Easterly right-of-way line of said F.M. Road 663 for the following 7 courses:

1. North 08 degrees 21 minutes 23 seconds East, a distance of 200.25 feet to a fence post found for corner;
2. North 06 degrees 48 minutes 13 seconds East, a distance of 85.00 feet to a five-eighths inch iron rod found for corner;
3. North 09 degrees 25 minutes 21 seconds East, a distance of 85.00 feet to a five-eighths inch iron rod found for corner;
4. North 12 degrees 02 minutes 28 seconds East, a distance of 85.00 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for corner;
5. North 14 degrees 39 minutes 36 seconds East, at a distance of 6.91 feet, pass a TxDOT monument found for the Southeast corner that certain tract of land described in a Deed to the State of Texas for right-of-way of said F.M. Road 663, as recorded in Volume 1747, Page 1109, D.R.E.C.T, and continue a total distance of 85.00 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for corner;
6. North 17 degrees 16 minutes 43 seconds East, a distance of 85.00 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for corner;
7. North 19 degrees 53 minutes 51 seconds East, a distance of 52.97 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for corner, same being the Westerly Northwest corner of said Hawkins Midlothian Development tract and the Southwest corner of the remainder of that certain tract of land described in a deed to Wilbur L. Stephenson and Wife Jo. M. Stephenson (hereinafter referred to as Stephenson tract), as recorded in Volume 1866, Page 2280, D.R.E.C.T.;

THENCE South 68 degrees 03 minutes 05 seconds East, departing the existing Easterly right-of-way line of said F.M. Road 663 and with the common line between said Hawkins Midlothian Development tract and the remainder of said Stephenson tract, a distance of 337.59 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for the beginning of a curve to the left, whose long chord bears South 79 degrees 19 minutes 22 seconds East, a distance of 390.93 feet;

THENCE Easterly continue with the common line between said Hawkins Midlothian Development tract and the remainder of said Stephenson tract and with said curve to the left having a radius of 1000.00 feet, through a central angle of 22 degrees 32 minutes 39 seconds, for an arc distance of 393.47 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for the end of said curve; THENCE North 89 degrees 24 minutes 17 seconds East continue with the common line between said Hawkins Midlothian Development tract and the remainder of said Stephenson tract and generally with a fence line, a distance of 1149.39 feet to a fence post for an inner-ell corner of said Hawkins Midlothian Development tract;

THENCE North 01 degree 48 minutes 16 seconds West with the common line between said Hawkins Midlothian Development tract and said Stephenson tract, a distance of 45.01 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for the Southwest corner of that certain tract of land described in a Special Warranty Deed to The Board of Trustees of the Midlothian Independent School District (hereinafter referred to as MISD tract), as recorded in Instrument Number 1522030, O.P.R.E.C.T.;

THENCE North 89 degrees 23 minutes 54 seconds East, departing the Easterly line of said Stephenson tract and with the common line between said Hawkins Midlothian Development tract and said MISD tract, a distance of 474.84 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the Southerly Southeast corner of said MISD tract;

THENCE North 44 degrees 18 minutes 23 seconds East continue with the common line between said Hawkins Midlothian Development tract and said Hawkins Meadow tract, a distance of 63.58 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the Easterly Southeast corner of said Hawkins Meadow tract;

THENCE North 00 degrees 47 minutes 14 seconds West, continue with the common line between said Hawkins Midlothian Development tract and said MISD tract, a distance of 1004.02 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the Northeast corner of said MISD tract;

THENCE South 88 degrees 44 minutes 42 seconds West continue with the common line between said Midlothian Development tract and said MISD tract, a distance of 30.26 feet to a three-quarter inch iron rod found for an angle point on the West line of said Hawkins Midlothian Development tract;

THENCE North 01 degree 36 minutes 49 seconds West, departing the North line of said MISD tract and with the West line of said Hawkins Midlothian Development tract, a distance of 574.65 feet to a three-quarters inch pipe found for the Northwest corner of said Hawkins Midlothian Development tract;

THENCE South 89 degrees 25 minutes 31 seconds East with a Nand the existing South right-of-way line of said Mt. Zion Road, a distance of 56.72 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the beginning of a non-tangent curve to the left, whose long chord bears South 14 degrees 42 minutes 34 seconds East, a distance of 103.35 feet;

THENCE with a Northerly line of said Hawkins Midlothian Development tract for the following 6 courses:

1. Southerly, departing the existing South right-of-way line of said Mt. Zion Road and with said non-tangent curve to the left having a radius of 1000.00 feet, through a central angle of 5 degrees 55 minutes 26 seconds, for an arc distance of 103.39 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the beginning of a reverse curve whose long chord bears South 09 degrees 34 minutes 03 seconds East, a distance of 307.31 feet;
2. Southerly with said reverse curve having a radius of 1090.00 feet, through a central angle of 16 degrees 12 minutes 28 seconds, for an arc distance of 308.34 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for corner;
3. North 88 degrees 57 minutes 58 seconds East, a distance of 170.22 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for corner;
4. North 00 degrees 18 minutes 59 seconds West, a distance of 255.12 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for corner;
5. South 89 degrees 41 minutes 01 second West, a distance of 113.27 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for corner;
6. North 00 degrees 18 minutes 59 seconds West, a distance of 139.90 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the existing South right-of-way line of said Mt. Zion Road, same being the beginning of a non-tangent curve to the right, whose long chord bears South 74 degrees 38 minutes 51 seconds East, a distance of 227.69 feet;

THENCE Easterly with the common line between said Hawkins Midlothian Development tract and the existing South right-of-way line of Mt. Zion Road and with said non-tangent curve to the right having a radius of 755.00 feet, through a central angle of 17 degrees 20 minutes 43 seconds, for an arc distance of 228.56 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

THENCE South 67 degrees 58 minutes 31 seconds East continue with the common line between said Hawkins Midlothian Development tract and the existing South right-of-way line of Mt. Zion Road, a distance of 460.94 feet to a five-eighths inch iron rod with plastic cap stamped

"RPLS 4838" set for the beginning of a curve to the left, whose long chord bears South 68 degrees 55 minutes 06 seconds East, a distance of 86.66 feet;

THENCE Southeasterly continue with the common line between said Hawkins Midlothian Development tract and the existing South right-of-way line of Mt. Zion Road and with said curve to the left having a radius of 842.75 feet, through a central angle of 5 degrees 53 minutes 40 seconds, for an arc distance of 86.70 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Northerly Northeast corner of said Hawkins Midlothian Development tract;

THENCE South 00 degrees 13 minutes 36 seconds West with an Easterly line of said Hawkins Midlothian Development tract, passing at a distance of 9.50 feet, the Northwest corner of that certain tract of land described in a General Warranty Deed to Midlothian Economic Development (hereinafter referred to as Midlothian Economic Development tract), as recorded in Instrument Number 1517886, O.P.R.E.C.T. and continue with said course and the common line between said Hawkins Midlothian Development tract and Midlothian Economic Development tract for a total distance of 241.18 feet to a one inch iron pipe found for an inner-ell corner of said Hawkins Midlothian Development tract, same being the Southwest corner of said Midlothian Economic Development tract;

THENCE South 89 degrees 55 minutes 29 seconds East continue with the common line between said Hawkins Midlothian Development tract and said Midlothian Economic Development tract, a distance of 188.11 feet to a five-eighths inch iron rod found for an angle point in a Northerly line of said Hawkins Midlothian Development tract, same being the Southeasterly corner of said Midlothian Economic Development tract;

THENCE North 89 degrees 29 minutes 47 seconds East with a Northerly line of said Hawkins Midlothian Development tract, passing at a distance of 93.18 feet, the Southwest corner of that certain tract of land described in a deed to Christina Marie Luther (hereinafter referred to as Luther tract), as recorded in Volume 1652, Page 287, O.P.R.E.C.T. and continue with said course and the common line between said Hawkins Midlothian Development tract and said Luther tract for a total distance of 380.22 feet to a fence post found for the Easterly Northeast corner of said Hawkins Midlothian Development tract, same being the Southeast corner of said Luther tract;

THENCE South 02 degrees 37 minutes 04 seconds East with the East line of said Hawkins Midlothian Development tract, passing at a distance of 155.04 feet, the Northwest corner of that certain tract of land described in a General Warranty Deed with Third Party Vendor's Lien to Lee Morgan Whitehead and wife, Deborah Lei Whitehead (hereinafter referred to as Whitehead tract), as recorded in Volume

2555, Page 1721, O.P.R.E.C.T. and continue with said course and the common line between said Hawkins Midlothian Development tract and said Whitehead tract for a total distance of 675.55 feet to a five-eighths inch pipe found for the Easterly Southeast corner of said Hawkins Midlothian Development tract, same being the Southwest corner of said Whitehead tract, same being the North line of that certain tract of land described in a deed to Billy Ray Brandon (hereinafter referred to as Brandon tract), as recorded in Volume 548, Page 79, Deed Records, Ellis County, Texas (D.R.E.C.T.);

THENCE South 89 degrees 36 minutes 52 seconds West with the common line between said Hawkins Midlothian Development tract and said Brandon tract, a distance of 571.25 feet to a five-eighths inch iron pipe found for an inner-ell corner of said Hawkins Midlothian Development tract, same being the Northwest corner of said Brandon tract;

THENCE South 01 degree 30 minutes 18 seconds East continue with the common line between said Hawkins Midlothian Development tract and said Brandon tract, passing at a distance of 660.17 feet, the Southwest corner of said Brandon tract, same being the Northwest corner of that certain tract of land described in a Warranty Deed to City of Midlothian (hereinafter referred to as City of Midlothian tract), as recorded in Volume 2540, Page 2088, D.R.E.C.T. and continue with said course and the common line between said Hawkins Midlothian Development tract and said City of Midlothian tract, passing at a distance of 1980.54 feet, the Southwest corner of said City of Midlothian tract, same being the Northerly Northwest corner of that certain tract of land described as Lakegrove (hereinafter referred to as Lakegrove), an addition to Ellis County, Texas, according to the plat recorded in Cabinet A, Page 753, P.R.E.C.T. and continue with said course for a total distance of 3388.12 feet to a fence post found for the Southeast corner of said Hawkins Midlothian Development tract, same being an inner-ell corner of said Lakegrove;

THENCE South 88 degrees 56 minutes 48 seconds West continue with the common line between said Hawkins Midlothian Development tract and said Lakegrove, passing at a distance of 361.12 feet, the Westerly Northwest corner of said Lakegrove, same being the Northeast corner of that certain tract of land described in a deed to the City of Midlothian (hereinafter referred to as City of Midlothian 2 tract), as recorded in Volume 2540, Page 1952, D.R.E.C.T., and continue with said course and the common line between said Hawkins Midlothian Development tract and said City of Midlothian 2 tract for a total distance of 452.58 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

THENCE South 86 degrees 33 minutes 50 seconds West, continue with the common line between said Hawkins Midlothian Development tract and said City of Midlothian 2 tract, a distance of 380.52 feet to a one-half inch iron rod found for the Southerly Southwest corner of said Hawkins Midlothian Development tract;

THENCE North 01 degree 50 minutes 27 seconds East, continue with the common line between said Hawkins Midlothian Development tract and said City of Midlothian 2 tract, a distance of 562.86 feet to a one-half inch iron rod found for corner;

THENCE South 89 degrees 50 minutes 48 seconds West, continue with the common line between said Hawkins Midlothian Development tract and said City of Midlothian 2 tract, passing at a distance of 456.78 feet, the Northeast corner of Lot 32, Block 2 of that certain tract of land described as Lawson Farms - Phase 2A (hereinafter referred to as Lawson Farms - Phase 2A), an addition to the City of Midlothian, Ellis County, Texas, according to the plat recorded in Cabinet H, Page 252, P.R.E.C.T., and continue with said course and with the common line between said Hawkins Midlothian Development tract and said Lawson Farms - Phase 2A, a total distance of 620.49 feet to a one-half inch iron rod found for corner;

THENCE North 00 degrees 20 minutes 17 seconds West continue with the common line between said Hawkins Midlothian Development tract and said Lawson Farms - Phase 2A, passing at a distance of 154.34 feet, a Northerly corner of said Lawson Farms - Phase 2A, same being the Southeast corner of the remainder of that certain tract of land described in a deed to SKJ Lawson Farms Development, L.P., (hereinafter referred to as SKJ Lawson Farms Development tract), as recorded in Volume 2005, Page 2309, O.P.R.E.C.T. and continue with said course and the common line between said Hawkins Midlothian Development tract and the remainder of said SKJ Lawson Farms Development tract for a total distance of 1330.40 feet to a one-half inch iron rod found for an inner-ell corner of said Hawkins Midlothian Development tract, same being the Northeast corner of said SKJ Lawson Farms Development tract;

THENCE South 89 degrees 45 minutes 57 seconds West with the common line between said Hawkins Midlothian Development tract and said SKJ Lawson Farms Development tract, passing at a distance of 1209.51 feet, a one-half inch iron rod found for the Northeast corner of the aforesaid Lawson Farms - Phase One and continue with said course and the common line between said Hawkins Midlothian Development tract and said Lawson Farms - Phase One, for a total distance of 2082.59 feet to the PLACE OF BEGINNING, and containing a calculated area of 175.834 acres (7,659,336 square feet) of land.

SAVE AND EXCEPT
LEGAL LAND DESCRIPTION:

BEING 4.339 acres or (188,987 square feet) in the Marcellus T. Hawkins Survey, Abstract No. 463 and Benjamin F. Hawkins Survey, Abstract No. 464, Ellis County, Texas; said 4.339 acres or (188,987 square feet) of land being all of that certain tract of land described in a Correction Warranty Deed to James Marcus Pitts, as recorded in Volume 2132, Page 442, Official Public Records, Ellis County, Texas (O.P.R.E.C.T.); said 4.339 acres or (188,987 square feet) of land being all of that certain tract of land described as SAVE AND EXCEPT TRACT in a Special Warranty Deed to Hawkins Midlothian Development, LLC (hereinafter referred to as SAVE AND EXCEPT TRACT), as recorded in Instrument Number 1521607, O.P.R.E.C.T.; said 4.339 acres or (188,987 square feet) being more particularly described, by metes and bounds, as follows:

BEGINNING at a three-quarters inch iron rod found for the Northwest corner of said SAVE AND EXCEPT TRACT, same being an inner-ell corner of that certain tract of land described in a Special Warranty Deed to Hawkins Midlothian Development, LLC (hereinafter referred to as Hawkins Midlothian Development tract), as recorded in Instrument Number 1521607, O.P.R.E.C.T.;

THENCE North 89 degrees 47 minutes 57 seconds East with the common line between said SAVE AND EXCEPT TRACT and said Hawkins Midlothian Development tract, a distance of 477.86 feet to a three-eighths inch iron rod found for the Northeast corner of said SAVE AND EXCEPT TRACT, same being an inner-ell corner of said Hawkins Midlothian Development tract;

THENCE South 02 degrees 32 minutes 45 seconds West continue with the common line between said SAVE AND EXCEPT TRACT and said Hawkins Midlothian Development tract, a distance of 399.01 feet to a one-half inch iron rod found for the Southeast corner of said SAVE AND EXCEPT TRACT, same being an inner-ell corner of said Hawkins Midlothian Development tract;

THENCE South 87 degrees 30 minutes 51 seconds West continue with the common line between said SAVE AND EXCEPT TRACT and said Hawkins Midlothian Development tract, a distance of 450.20 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southwest corner of said SAVE AND EXCEPT TRACT, same being an inner-ell corner of said Hawkins Midlothian Development tract;

THENCE North 01 degree 25 minutes 30 seconds West continue with the common line between said SAVE AND EXCEPT TRACT and said Hawkins Midlothian Development tract, a distance of 416.60 feet to the PLACE OF BEGINNING, and containing a calculated area of 4.339 acres or (188,987 square feet) of land.

LEAVING A NET ACREAGE OF 171.496 ACRES or (7,470,349 SQUARE FEET).

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

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

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

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HB 3675 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Paddie called up with senate amendments for consideration at this time,

HB 3675, A bill to be entitled An Act relating to the provision of eye health care by certain professionals and institutions as providers in the Medicaid managed care program.

Representative Paddie moved to concur in the senate amendments to **HB 3675**.

The motion to concur in the senate amendments to **HB 3675** prevailed by (Record 1856): 142 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, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; Villalba; Vo; Walle; White; Wilson; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Gonzales; VanDeaver; Wray.

Senate Committee Substitute

CSHB 3675, A bill to be entitled An Act relating to the provision of eye health care by certain professionals and institutions as providers in the Medicaid managed care program.

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

SECTION 1. Section 32.072(a), Human Resources Code, is amended to read as follows:

(a) Notwithstanding any other law, a recipient of medical assistance is entitled to:

(1) select an ophthalmologist or therapeutic optometrist who is a medical assistance provider to provide eye health care services, other than surgery, that are within the scope of:

(A) services provided under the medical assistance program; and

(B) the professional specialty practice for which the ophthalmologist or therapeutic optometrist is licensed ~~[and credentialed]~~; and

(2) have direct access to the selected ophthalmologist or therapeutic optometrist for the provision of the nonsurgical services without any requirement that the patient or ophthalmologist or therapeutic optometrist [to] obtain:

(A) a referral from a primary care physician or other gatekeeper or health care coordinator; or

(B) any other prior authorization or precertification.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.021191 to read as follows:

Sec. 531.021191. MEDICAID ENROLLMENT OF CERTAIN EYE HEALTH CARE PROVIDERS. (a) This section applies only to:

(1) an optometrist who is licensed by the Texas Optometry Board;

(2) a therapeutic optometrist who is licensed by the Texas Optometry

Board;

(3) an ophthalmologist who is licensed by the Texas Medical Board;

and

(4) an institution of higher education that provides an accredited

program for:

(A) training as a Doctor of Optometry or an optometrist residency;

or

(B) training as an ophthalmologist or an ophthalmologist residency.

(b) The commission may not prevent a provider to whom this section applies from enrolling as a Medicaid provider if the provider:

(1) either:

(A) joins an established practice of a health care provider or provider group that has a contract with a managed care organization to provide health care services to recipients under Chapter 533; or

(B) is employed by or otherwise compensated for providing training at an institution of higher education described by Subsection (a)(4);

(2) applies to be an enrolled provider under Medicaid;

(3) if applicable, complies with the requirements of the contract between the provider or the provider's group and the applicable managed care organization; and

(4) complies with all other applicable requirements related to being a Medicaid provider.

(c) The commission may not prevent an institution of higher education from enrolling as a Medicaid provider if the institution:

(1) has a contract with a managed care organization to provide health care services to recipients under Chapter 533;

(2) applies to be an enrolled provider under Medicaid;

(3) complies with the requirements of the contract between the provider and the applicable managed care organization; and

(4) complies with all other applicable requirements related to being a Medicaid provider.

SECTION 3. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0067 to read as follows:

Sec. 533.0067. EYE HEALTH CARE SERVICE PROVIDERS. Subject to Section 32.047, Human Resources Code, but notwithstanding any other law, the commission shall require that each managed care organization that contracts with the commission under any Medicaid managed care model or arrangement to provide health care services to recipients in a region include in the organization's provider network each optometrist, therapeutic optometrist, and ophthalmologist described by Section 531.021191(b)(1)(A) or (B) and an institution of higher education described by Section 531.021191(a)(4) in the region who:

(1) agrees to comply with the terms and conditions of the organization;

(2) agrees to accept the prevailing provider contract rate of the organization;

(3) agrees to abide by the standards of care required by the organization; and

(4) is an enrolled provider under Medicaid.

SECTION 4. (a) The Health and Human Services Commission shall, in a contract between the commission and a Medicaid managed care organization under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this Act, require that the managed care organization comply with Section 533.0067, Government Code, as added by this Act.

(b) The Health and Human Services Commission shall seek to amend each contract entered into with a Medicaid managed care organization under Chapter 533, Government Code, before the effective date of this Act to require those managed care organizations to comply with Section 533.0067, Government Code, as added by this Act. To the extent of a conflict between Section 533.0067, Government Code, as added by this Act, and a provision of a contract with a managed care organization entered into before the effective date of this Act, the contract provision prevails.

SECTION 5. This Act may not be construed as authorizing or requiring implementation of Medicaid managed care delivery models in regions in this state in which those models are not used on the effective date of this Act for the delivery of Medicaid services.

SECTION 6. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 7. This Act takes effect September 1, 2017.

HB 245 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative E. Johnson called up with senate amendments for consideration at this time,

HB 245, A bill to be entitled An Act relating to certain reporting requirements for law enforcement agencies; providing a civil penalty.

Representative E. Johnson moved to concur in the senate amendments to **HB 245**.

The motion to concur in the senate amendments to **HB 245** prevailed by (Record 1857): 137 Yeas, 8 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; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; 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; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson;

Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Dale; Holland; Murr; Rinaldi; Schofield; Shaheen; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 245, A bill to be entitled An Act relating to certain reporting requirements for law enforcement agencies and to the creation of a criminal justice web portal by the office of the attorney general; providing a civil penalty.

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

SECTION 1. Articles 2.139(c) and (e), Code of Criminal Procedure, as added by Chapter 516 (**HB 1036**), Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(c) Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report, using the form created under Subsection (b), to the office of the attorney general [~~and, if the agency maintains an Internet website, post a copy of the report on the agency's website~~]. The report must include all information described in Subsection (b).

(e) Not later than ~~March~~ ~~February~~ 1 of each year, the office of the attorney general shall submit a report regarding all officer-involved injuries or deaths that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

- (1) the total number of officer-involved injuries or deaths;
- (2) a summary of the reports submitted to the office under this article;

and

- (3) a copy of each report submitted to the office under this article.

SECTION 2. Articles 2.1395(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) Not later than the 30th day after the date of the occurrence of an incident described by Subsection (a), the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report, using the form created under that subsection, to the office of the attorney general [~~and, if the agency maintains an Internet website, post a copy of the report on the agency's website~~]. The report must include all information described in Subsection (a).

(c) Not later than ~~March~~ ~~February~~ 1 of each year, the office of the attorney general shall submit a report regarding all incidents described by Subsection (a) that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

- (1) the total number of incidents that occurred;
- (2) a summary of the reports submitted to the office under this article;

and

- (3) a copy of each report submitted to the office under this article.

SECTION 3. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.13951 to read as follows:

Art. 2.13951. NOTICE OF VIOLATION OF REPORTING REQUIREMENTS FOR CERTAIN INJURIES OR DEATHS; CIVIL PENALTY.

(a) The office of the attorney general shall conduct an investigation after receiving a written and signed report, on a form prescribed by the office, asserting that a law enforcement agency failed to submit a report required by Article 2.139 or 2.1395. If the office determines that the law enforcement agency failed to submit the report, the office shall provide notice of the failure to the agency. The notice must summarize the applicable reporting requirement and state that the agency may be subject to a civil penalty as provided by Subsection (b) or (c), as applicable.

(b) Except as provided by Subsection (c), a law enforcement agency that fails to submit the required report on or before the seventh day after the date of receiving notice under Subsection (a) is liable for a civil penalty in the amount of \$1,000 for each day after the seventh day that the agency fails to submit the report.

(c) Beginning on the day after the date of receiving notice under Subsection (a), a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty under Subsection (b) or this subsection is liable for a civil penalty for each day the agency fails to submit the required report. The amount of a civil penalty under this subsection is \$10,000 for the first day and \$1,000 for each additional day that the agency fails to submit the report.

(d) The attorney general may sue to collect a civil penalty under this article.

(e) A civil penalty collected under this article shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter B, Chapter 56.

SECTION 4. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.040 to read as follows:

Sec. 402.040. CRIMINAL JUSTICE WEB PORTAL. (a) The office of the attorney general shall develop and maintain a web portal to collect, compile, and analyze data related to criminal justice in this state. The office shall ensure that the web portal is accessible through the state electronic Internet portal project.

(b) The attorney general shall direct each law enforcement agency to submit through the web portal any report required to be submitted by the agency to the office of the attorney general under any law, including information reported under Articles 2.139 and 2.1395, Code of Criminal Procedure, but excluding information reported under Chapter 56, Code of Criminal Procedure.

(c) The web portal must:

(1) provide access to reports submitted to the office of the attorney general through the web portal, other than reports that are confidential or protected from disclosure under state or federal law; and

(2) include an interactive dashboard that provides an analysis and a visual representation of the data included in the reports described by Subdivision (1).

(d) The reports and dashboard required by Subsection (c) must be accessible to the public.

(e) In developing the web portal, the office of the attorney general may contract or consult with a nonprofit organization that specializes in web-based data analysis.

SECTION 5. Article 2.139, Code of Criminal Procedure, as added by Chapter 1124 (**HB 3791**), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Article 2.1396, Code of Criminal Procedure, to read as follows:

Art. 2.1396 [~~2.139~~]. VIDEO RECORDINGS OF ARRESTS FOR INTOXICATION OFFENSES. A person stopped or arrested on suspicion of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, is entitled to receive from a law enforcement agency employing the peace officer who made the stop or arrest a copy of any video made by or at the direction of the officer that contains footage of:

(1) the stop;

(2) the arrest;

(3) the conduct of the person stopped during any interaction with the officer, including during the administration of a field sobriety test; or

(4) a procedure in which a specimen of the person's breath or blood is taken.

SECTION 6. Not later than September 1, 2018, the office of the attorney general shall develop the web portal required under Section 402.040, Government Code, as added by this Act.

SECTION 7. The changes in law made by this Act to Chapter 2, Code of Criminal Procedure, apply only to a report required to be submitted on or after the effective date of this Act. A report required to be submitted before the effective date of this Act is subject to the law in effect at the time the report was required to be submitted, and the former law is continued in effect for that purpose.

SECTION 8. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. This Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 245** (senate committee printing) as follows:

(1) Strike SECTION 4 of the bill, adding Section 402.040, Government Code (page 2, lines 42 through 67).

(2) Strike SECTION 6 of the bill, adding transition language regarding Section 402.040, Government Code, as added by the bill (page 3, lines 17 through 19).

(3) Renumber the remaining SECTIONS of the bill accordingly.

**HB 2938 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Reynolds called up with senate amendments for consideration at this time,

HB 2938, A bill to be entitled An Act relating to the Sienna Plantation Levee Improvement District of Fort Bend County, Texas.

Representative Reynolds moved to concur in the senate amendments to **HB 2938**.

The motion to concur in the senate amendments to **HB 2938** prevailed by (Record 1858): 137 Yeas, 7 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; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Krause; Rinaldi; Shaheen; Simmons; Stickland; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Davis, Y.; Dukes.

STATEMENTS OF VOTE

When Record No. 1858 was taken, I was in the house but away from my desk. I would have voted yes.

Y. Davis

When Record No. 1858 was taken, I was shown voting no. I intended to vote yes.

Rinaldi

Senate Committee Substitute

CSHB 2938, A bill to be entitled An Act relating to the Sienna Plantation Levee Improvement District of Fort Bend County, Texas.

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

SECTION 1. Sections 1 and 8, Chapter 986, Acts of the 78th Legislature, Regular Session, 2003, are amended to read as follows:

Sec. 1. **AUTHORITY.** The Sienna Plantation Levee Improvement District of Fort Bend County, Texas, is a conservation and reclamation district created under the authority of Section 59, Article XVI, and Section 52, Article III, Texas Constitution. It is granted road utility district authority under Section 52(b)(3), Article III, Texas Constitution, and Chapter 441, Transportation Code, including the authority to repair and maintain streets and roadways in the district. In addition, the district has the powers of a metropolitan rapid transit authority under Section 451.065, Transportation Code, provided, however, that Section 451.065(d), Transportation Code, shall not apply to the district.

Sec. 8. **BONDS.** (a) The district may issue bonds, notes, and other obligations secured by revenues or contract payments from any lawful source other than ad valorem taxation without an election. The district may issue bonds, notes, and other obligations secured in whole or in part by ad valorem taxation, and levy ad valorem taxes for the payment thereof, only if the issuance is approved by a two-thirds majority of the voters of the district voting at an election called and held for that purpose.

(b) The outstanding principal amount of bonds, notes, and other obligations issued to finance parks and recreational facilities supported by ad valorem taxation may not exceed an amount equal to two percent of the taxable property in the district.

SECTION 2. (a) The legislature validates and confirms all acts and proceedings of the board of directors of the Sienna Plantation Levee Improvement District of Fort Bend County, Texas, that were taken before the effective date of this Act.

(b) Subsection (a) of this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

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

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

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

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

SECTION 4. 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.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 2938** (senate committee report) in SECTION 1 of the bill, in amended Section 8, Chapter 986, Acts of the 78th Legislature, Regular Session, 2003 (page 1, between lines 46 and 47), by inserting Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), the outstanding principal balance of bonds, notes, and other obligations to finance parks and recreational facilities supported by ad valorem taxation authorized by an election held before January 1, 2017, may not exceed an amount equal to one percent of the taxable property in the district unless a majority of the voters voting in an election held for that purpose after the effective date of the Act enacting this subsection approve a proposition authorizing the issuance of additional bonds, notes, or other obligations to finance parks and recreational facilities supported by ad valorem taxation in a total outstanding principal balance not to exceed two percent of the taxable property in the district.

HB 4303 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Burns called up with senate amendments for consideration at this time,

HB 4303, A bill to be entitled An Act relating to the creation of the Prairie Ridge Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes; granting a limited power of eminent domain.

Representative Burns moved to concur in the senate amendments to **HB 4303**.

The motion to concur in the senate amendments to **HB 4303** prevailed by (Record 1859): 129 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins;

Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Bonnen, D.; Bonnen, G.; Cain; Keough; Krause; Rinaldi; Sanford; Schaefer; Shaheen; Simmons; Springer; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Deshotel; Dukes.

Senate Committee Substitute

CSHB 4303, A bill to be entitled An Act relating to the creation of the Prairie Ridge Municipal Management District No. 1 and to the correction of defined terms in the law governing the Joshua Farms Municipal Management District No. 1 and the law governing the Joshua Farms Municipal Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes; granting a limited power of eminent domain.

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

SECTION 1. Section 3926.001(2), Special District Local Laws Code, is amended to read as follows:

(2) "City" means the City of Cleburne [~~Burleson~~], Texas.

SECTION 2. Section 3929.001(2), Special District Local Laws Code, is amended to read as follows:

(2) "City" means the City of Burleson [~~Cleburne~~], Texas.

SECTION 3. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3954 to read as follows:

CHAPTER 3954. PRAIRIE RIDGE MUNICIPAL MANAGEMENT DISTRICT

NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3954.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Grand Prairie, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a board member.

(5) "District" means the Prairie Ridge Municipal Management District

No. 1.

Sec. 3954.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3954.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

Sec. 3954.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment;
- (3) developing or expanding transportation and commerce; and
- (4) providing quality residential housing.

(e) The district will:

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

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

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

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

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

Sec. 3954.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 4 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 4 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to contract;

(3) authority to borrow money or issue bonds or other obligations described by Section 3954.201 or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect an assessment or collect other revenue; or

(5) legality or operation.

Sec. 3954.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or

(3) an enterprise zone created under Chapter 2303, Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code; and

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Section 3954.201.

(c) If the city creates a tax increment reinvestment zone described by Subsection (a), the city may determine the percentage of the property in the zone that may be used for residential purposes and is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3954.007. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The initial directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 3954.008. CITY CONSENT AND DEVELOPMENT AGREEMENT EXECUTION REQUIRED. The initial directors may not hold an election under Section 3954.007 until the city has:

(1) consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district; and

(2) entered into a development agreement with the owners of the real property in the district under Section 212.172, Local Government Code.

Sec. 3954.009. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. Except as provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3954.010. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3954.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3954.052, directors serve staggered four-year terms.

Sec. 3954.052. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Murphy Short</u>
<u>2</u>	<u>Johnny Catalano</u>
<u>3</u>	<u>Reid Halverson</u>
<u>4</u>	<u>Riley Standridge</u>
<u>5</u>	<u>Brian Tomich</u>

(b) Initial directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 3954.007; or
- (2) the fourth anniversary of the effective date of the Act enacting this

chapter.

(c) If permanent directors have not been elected under Section 3954.007 and the terms of the initial directors have expired, successor initial directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 3954.007; or
- (2) the fourth anniversary of the date of the appointment or

reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the commission requesting that the commission appoint as successor initial directors the five persons named in the petition. The commission shall appoint as successor initial directors the five persons named in the petition.

Sec. 3954.053. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses in the manner provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3954.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3954.102. IMPROVEMENT PROJECTS AND SERVICES. (a) The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity for the provision, design, construction, acquisition, improvement, relocation, operation, maintenance, or financing of an improvement project or service authorized under this chapter or Chapter 372 or 375, Local Government Code.

(b) An improvement project may be located inside or outside the district.

Sec. 3954.103. ADDING OR REMOVING TERRITORY. (a) Subject to Subsection (b), the board may add or remove territory as provided by Subchapter J, Chapter 49, Water Code.

(b) The district may add territory as described by Subsection (a) only if the district obtains written consent from the governing body of the city.

Sec. 3954.104. EMINENT DOMAIN. The district may exercise the power of eminent domain in the manner and for the purposes provided by Section 49.222, Water Code, except that the district may not acquire by condemnation a property interest or facility owned or controlled by a public entity.

Sec. 3954.105. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 4 of the Act enacting this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 3954.007 to confirm the creation of the district.

(f) An order dividing the district must:

(1) name each new district;

(2) include the metes and bounds description of the territory of each new district;

(3) appoint initial directors for each new district; and

(4) provide for the division of assets and liabilities between or among the new districts.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 3954.007.

(i) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.

(j) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

(k) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 3954.008 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3954.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3954.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, maintain, or operate an improvement project or service authorized by this chapter or Chapter 372 or 375, Local Government Code, using any money available to the district.

Sec. 3954.153. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3954.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district are:

- (1) a first and prior lien against the property assessed;
- (2) superior to any other lien or claim other than a lien or claim for county, school district, special district, or municipal ad valorem taxes; and
- (3) the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3954.155. RESIDENTIAL PROPERTY NOT EXEMPT. Sections 375.161 and 375.164, Local Government Code, do not apply to the district.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3954.201. BONDS AND OTHER OBLIGATIONS. (a) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes or assessments in the manner provided by Subchapter J, Chapter 375, Local Government Code.

(b) If the improvements financed by an obligation will be conveyed to or operated and maintained by a municipality or retail utility provider pursuant to an agreement between the district and the municipality or retail utility provider entered into before the issuance of the obligation, the obligation may be issued in the manner provided by Subchapter A, Chapter 372, Local Government Code.

(c) In exercising the district's borrowing power, the district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

(d) In addition to the sources of money described by Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local Government Code, district bonds may be secured and made payable wholly or partly by a pledge of any part of the money the district receives from improvement revenue, receives under Section 3954.006(b), or receives from any other source.

(e) The district may issue bonds, notes, or other obligations to maintain or repair an existing improvement project only if the district obtains written consent from the governing body of the city.

Sec. 3954.202. ELECTIONS REGARDING TAXES AND BONDS. (a) The district may issue, without an election, bonds, notes, and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 3954.205.

(b) The district must hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) Section 375.243, Local Government Code, does not apply to the district.

(d) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 3954.203. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 3954.204. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election held under Section 3954.202, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

(c) Section 49.107(f), Water Code, does not apply to a reimbursement made for a purpose described by Section 3954.102.

Sec. 3954.205. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER F. DISSOLUTION

Sec. 3954.251. DISSOLUTION BY CITY ORDINANCE. (a) The governing body of the city may dissolve the district by ordinance.

(b) The governing body may not dissolve the district until:

(1) water, sanitary, sewer, and drainage improvements and roads have been constructed to serve at least 90 percent of the developable territory of the district; and

(2) the district has reimbursed each party that has an agreement with the district for all costs advanced to or on behalf of the district.

(c) Until the district is dissolved, the district is responsible for all bonds and other obligations of the district.

Sec. 3954.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, other than revenue from ad valorem taxes, the city shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations.

Sec. 3954.253. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

SECTION 4. The Prairie Ridge Municipal Management District No. 1 initially includes all the territory contained in the following area:

TRACT 1:

BEING a part of a tract or parcel of land situated in the Joseph Stewart Survey, Abstract No. 754, Heirs of Allen Larsen, Survey No. 497, T. Stanbury Survey, Abstract 762, and the J. H. Working Survey, Abstract No. 897, Johnson County, Texas, and being part of that same tract of land from Karal Kay Cannon, as

described in Volume 02111, Page 0850, Deed Records, Ellis County, Texas, and as described in Book 3500, Page 0941, Official Public Records of Johnson County, Texas, and all of a tract from Billy D. Cannon and Michelle Cannon, to PRA Prairie Ridge, L.P. as described in Book 3500, Page 0941, Official Public Records of Johnson County, Texas, and a tract of land from Phillip Nabors Smauder and Jennie Smauder Pope, to PRA Prairie Ridge, L.P. as described in County Clerk File No. 2104-00248, Official Public Records of Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a point in County Road 506 at an intersection with the Ellis County and Johnson County limits line along with the intersection of the Joseph Stewart Survey, Abstract No. 961, the Joseph Stewart Survey, Abstract No. 754, and the John H. Working Survey, Abstract No. 897;

THENCE South $00^{\circ}47'39''$ East, departing from said county road and along the said Johnson and Ellis County lines, a distance of 5474.77 feet to a 1/2" iron rod found;

THENCE South $59^{\circ}47'49''$ West, along a north line of Bennett W. Cervin tract one as described in Volume 2001, Page 0749, Deed Records, Ellis County, Texas, a distance of 537.29 feet to a 1/2" iron rod found;

THENCE North $30^{\circ}19'12''$ West, along an east line of a Jeniffer N. Sweeney tract described in Book 0608, Page 830, Deed Records, Johnson County, Texas, a distance of 767.82 feet to a 1/2" iron rod found;

THENCE South $59^{\circ}32'27''$ West, along a north line of said Jeniffer N. Sweeney tract, a distance of 5401.00 feet to a 1/2" iron rod found;

THENCE North $30^{\circ}44'12''$ West, along County Road 619, a distance of 1053.81 feet to a 1/2" iron rod found;

THENCE North $59^{\circ}59'51''$ East, leaving said county road, along a north line of a tract of land from Phillip Nabors Smauder and Jennie Smauder Pope, to PRA Prairie Ridge, L.P. as described in County Clerk File No. 2104-00248, Official Public Records of Johnson County, Texas a distance of 291.69 feet;

THENCE North $30^{\circ}44'47''$ West, along a west line of said Smauder tract, a distance of 150.00 feet to a 1/2" iron rod found;

THENCE South $59^{\circ}59'52''$ West, along a south line of Smauder tract, to County Road 619, a distance of 291.67 feet to a 1/2" iron rod found;

THENCE North $30^{\circ}44'12''$ West, along a west line of said Smauder tract a distance of 2672.24 feet to a 1/2" iron rod found;

THENCE North $59^{\circ}59'42''$ East, along a north line of said Smauder tract, a distance of 888.13 feet to a 1/2" iron rod found;

THENCE North $60^{\circ}06'44''$ East, along a north line of said Smauder tract, a distance of 1077.88 feet to a 1/2" iron rod found;

THENCE North $59^{\circ}33'36''$ East, along a north line of said Smauder tract, a distance of 1233.53 feet to a 1/2" iron rod found;

THENCE North $60^{\circ}12'38''$ East, along a north line of said Smauder tract, a distance of 2229.85 feet to a 1/2" iron rod found;

THENCE North $56^{\circ}47'57''$ East, reaching a northeasterly 90° elbow in County Road 506, along a south line of tract described in Book 3256, Page 0733, Deed Records, Johnson County, Texas, a distance of 3239.36 feet to the POINT OF BEGINNING, containing 678.614 acres, more or less.

TRACT 2:

Being all those certain Lots, Tracts or Parcels of Land situated in the R.K. Wines Survey, Abstract 1178, Ellis County, Texas, and being part of that certain contract of land conveyed to John W. Brumbeloe, Sr. (referred to as Tract III) as recorded in Volume 558, Page 209, Deed Records, Ellis County, Texas and being known as designated at Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, Sunset Park (referred to as Tract II), an addition to Ellis County, Texas, according to the plat filed of record in Cabinet "B", Slide 13, plat records, Ellis County, Texas, and being more particularly described as follows:

Commencing at a found 1-inch iron pipe from the southeast corner of a tract of land conveyed to Edward J. Kilchenstein, as recorded in Volume 710, Page 627, Deed Records, Ellis County, Texas and the north line of a tract of land conveyed to Lia Vang and wife, Xia Vang, Jeff V. Hang and wife, Melissa S. Hang, Chue Moua and wife, Maikoulap Moura as recorded in Volume 1832, Page 2002, Deed Records, Ellis County, Texas;

Thence S $59^{\circ}29'25''$ W, along the common line of said Kilchenstein tract and the Vang, Hang, Moua tract, a distance of 339.40 feet to a found 3/8-inch iron rod with a yellow plastic cap stamped "RPLS 446" at the Northwest corner of said Vang, Hang, Moua tract and the Northeast corner of said Brumbeloe tract, said point being the place of Beginning of this herein described tract of land;

Thence S $01^{\circ}22'20''$ E, along the common line of said Vang, Hang, Moua tract, passing a found 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 4466" at 1,372.08 continuing for a total distance of 1,406.52 feet to a found 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 4466" in the centerline of County Road 506 Greasy Road (Lakeview Road);

Thence S $59^{\circ}39'02''$ W, along the centerline of said County Road, a distance of 1,015.46 feet to a found 5/8-inch iron rod with a yellow plastic cap stamped "Cotton Surveying" (hereinafter referred to as set iron rod) for corner;

Thence S $59^{\circ}43'42''$ W, continuing along the centerline of said County Road, a distance of 402.48 feet to a found railroad spike at the intersection of said County Road and Cypress Road, said point being the South corner of said Sunset Park Addition and the South corner of this herein described tract of land;

Thence N $00^{\circ}14'22''$ W, along the centerline of Cypress Road, the West line of said Sunset Park Addition, a distance of 865.02 feet to a found 1/2-inch iron rod for corner;

Thence N $59^{\circ}30'57''$ E, passing a 1/2-inch iron rod at 37.40 at the Southwest corner of the Sunset Park, Phase 2 Addition, according to the plat thereof recorded in Cabinet "C", Slide 438, plat records, Ellis County, Texas, continuing for a total distance of 417.09 feet to a found 1/2-inch iron rod with a yellow plastic cap at the Southeast Corner of said Sunset Park Phase 2 Addition and the West line of said Brumbeloe tract for corner;

Thence N 03°03'40" E, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 103.80 feet to a found 1/2-inch iron rod;

Thence N 00°31'47" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 60.37 feet to a found 1/2-inch iron rod for corner;

Thence N 00°05'09" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 129.83 feet to a 2-inch iron pipe for corner;

Thence N 01°06'07" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 130.88 feet to a found 1-inch iron pipe for corner;

Thence N 01°03'32" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 129.92 feet to a found 1-inch iron pipe in the South line of said Kilchenstein tract and Northwest corner of said Brumbeloe tract, said point being Northeasterly corner of said Sunset Park Phase 2 Addition;

Thence N 59°32'07" E, along the South line of said Kilchenstein tract, a distance of 968.19 feet to the Place of Beginning and having an area of 1,521,385 square feet, or 34.926 acres of land, more or less.

TRACT 3:

BEING all those certain lots, tracts, or parcels of land situated in the Joseph Stewart Survey, Abstract No. 961, Ellis County, Texas and being those same tracts of land conveyed to PRA Prairie Ridge, L.P. as recorded in Volume 2111, Page 0866, Deed Records, Ellis County, Texas and being more particularly described as follows:

POINT OF BEGINNING at a 1/2-inch iron rod found for the west corner of a tract of land conveyed to Tom Lamon, and wife, Crystal Lamon, as recorded in Volume 924, Page 46, Deed Records, Ellis County, Texas, said point being on the Southeast edge of County Road 506/Greasy Road (Lakeview Road);

THENCE South 31°46'30" East, along the Southwest line of said Lamon tract, a distance of 609.38 feet to a 3/4-inch pipe found on the North line of a tract of land conveyed to Waltmore, L.L.C. DBA Lakeside Ranch (described as Tract 1), as recorded in Volume 1607, Page 392, Deed Records, Ellis County, Texas, the Southwest corner of said Lamon tract and an exterior ell corner of this herein described tract of land;

THENCE South 58°10'54" West, along the Northwest line of said Waltmore tract, a distance of 419.44 feet to a rod nail found for the West corner of said Waltmore tract and an interior ell corner of this herein described tract of land;

THENCE South 25°14'30" East, continuing along the Northwest line of said Waltmore tract, a distance of 849.17 feet to a set 5/8-inch iron rod with yellow plastic cap stamped "Cotton Surveying" (hereinafter referred to as set iron rod) for corner;

THENCE across land described in Volume 02111, Page 0866, Deed Records of Ellis County, Texas, the following course and distances:

Southwesterly along a curve to the right having a central angle of $43^{\circ}44'52''$, a radius of 1000.00 feet, whose chord bears South $55^{\circ}28'14''$ West, a chord distance of 745.13 feet, and an arc length of 763.54 feet to a set iron rod for corner;

South $77^{\circ}20'40''$ West a distance of 437.24 feet to a set iron rod for corner;

Westerly along a curve to the right having a central angle of $11^{\circ}17'25''$, a radius of 1350.00 feet, whose chord bears South $82^{\circ}59'23''$ West, a chord distance of 265.59 feet, and an arc length of 266.02 feet to a set iron rod for corner;

South $88^{\circ}38'05''$ West a distance of 288.43 feet to a set iron rod for corner;

South $88^{\circ}38'05''$ West a distance of 33.98 feet to a set iron rod for corner;

North $01^{\circ}21'55''$ West a distance of 180.00 feet to a point for corner;

South $88^{\circ}38'05''$ West a distance of 15.94 feet to a point for corner;

Northerly along a curve to the left having a central angle of $15^{\circ}26'09''$, a radius of 231.08 feet, whose chord bears North $14^{\circ}21'12''$ West, a chord distance of 62.07 feet, and an arc length of 62.26 feet to a set iron rod for corner;

North $22^{\circ}05'57''$ West a distance of 73.92 feet to a set iron rod for corner;

Northerly along a curve to the right having a central angle of $20^{\circ}45'58''$, a radius of 325.00 feet, whose chord bears North $11^{\circ}42'58''$ West, a chord distance of 117.15 feet, and an arc length of 117.79 feet to a set iron rod for corner;

North $01^{\circ}19'06''$ West a distance of 125.01 feet to a point for corner;

Northerly along a curve to the right having a central angle of $22^{\circ}31'56''$, a radius of 15.50 feet, whose chord bears North $09^{\circ}56'52''$ East, a chord distance of 6.06 feet, and an arc length of 6.10 feet to a set iron rod for corner;

Northwesterly along said curve to the left having a central angle of $71^{\circ}14'05''$, a radius of 50.00 feet, whose chord bears North $14^{\circ}24'13''$ West, a chord distance of 58.24 feet, and an arc length of 62.16 feet to a set iron rod for corner;

North $01^{\circ}21'55''$ West, a distance of 113.61 feet to a set iron rod for corner;

THENCE North $60^{\circ}04'57''$ East, along the Southeast line of a tract described to Robert A. Willis and wife, Lonnie L. Willis, as recorded in Volume 1298, Page 646, Deed Records of Ellis County, Texas, a distance of 205.36 feet to a found 1/2-inch iron rod for corner;

THENCE North $25^{\circ}47'09''$ West, along the Northeast line of said Willis tract, a distance of 450.38 feet to a found 1/2-inch iron rod for the North corner of said Willis tract;

THENCE North $59^{\circ}39'02''$ East, a distance of 1,650.09 feet to the POINT OF BEGINNING and containing 55.967 acres of land, more or less.

TRACT 4:

BEING a tract of land situated in the Joseph Stewart Survey, Abstract No. 961, in Ellis County, Texas, said tract being all of a called 17.119 acre tract of land described in a deed to Texas Midstream Gas Services, L.L.C., recorded in Volume 2342, Page 136, Deed Records, Ellis County, Texas, and being more particularly described as follows:

BEGINNING and a 1/2-inch iron rod found in the approximate center of Lakeview Drive for the most westerly corner of said 17.119 acre tract, the north corner of a called 213.7845 acre tract of land described in a deed to PRA Prairie Ridge, L.P., recorded in Volume 2111, Page 866 of said Deed Records and on the

southeasterly boundary of a called 198.758 acre tract described in a deed to Harper Cattle Company, recorded in Volume 1205, Page 47 of said Deed Records;

THENCE North 59 degrees 35 minutes 08 seconds East, along the approximate center of Lakeview Drive, a distance of 1,186.71 feet to a 1/2-inch iron rod found for the most northerly corner of said 17.119 acre tract and the west corner of a called 0.057 acre tract described in a deed to the State of Texas, recorded in Volume 340, Page 390 of said Deed Records;

THENCE South 29 degrees 53 minutes 02 seconds East, along the common boundary between said 17.119 acre tract and said 0.057 acre tract, a distance of 49.83 feet to a 1/2-inch iron rod found for an interior ell corner of said 17.119 acre tract and the south corner of said 0.057 acre tract;

THENCE North 59 degrees 29 minutes 07 seconds East, continuing along the common boundary between said 17.119 acre tract and said 0.057 acre tract, a distance of 50.09 feet to a 1/2-inch iron rod found for the northerly northeast corner of said 17.119 acre tract and the east corner of said 0.057 acre tract, and on the southwesterly boundary of a called 10 acre tract described as Tract 6 in a deed to Bennett W. Cervin recorded in Volume 2001, Page 749 of said Deed Records;

THENCE South 30 degrees 08 minutes 24 seconds East, along the common boundary between said 17.119 acre tract and said 10 acre tract, a distance of 559.67 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the most easterly corner of said 17.119 acre tract and the most northerly corner of a called 461.178 acre tract described in a deed to PRA Prairie Ridge Development Corp., recorded in Volume 2325, Page 470 of said Deed Records;

THENCE South 59 degrees 35 minutes 41 seconds West, along the common boundary between said 17.119 acre tract and said 461.178 acre tract, a distance of 1,219.26 feet to a 1-inch iron pipe found for the most easterly northeast corner of said 213.7845 acre tract, an exterior ell corner of said 461.178 acre tract and the most southerly corner of said 17.119 acre tract;

THENCE North 31 degrees 46 minutes 05 seconds West, along the common boundary between said 17.119 acre tract and said 213.7845 acre tract, a distance of 609.38 feet to the POINT OF BEGINNING and containing 745,700 square feet, or 17.119 acres of land, more or less.

TRACT 5:

BEING a part of a tract or parcel of land situated in the Joseph Stewart Survey, Abstract No. 961, Ellis County, Texas and, and being part of that same tract of land from Karal Kay Cannon, to PRA Prairie Ridge, L.P. as recorded in Book 3500, Page 0941, Volume 02111, Page 0873, Volume 02111, Page 0866, official public records of Johnson county, texas and Volume 02111, Page 0850, Deed Records, Ellis County, Texas, and all of a tract from Chris D. Cannon and Deanna G. Cannon to PRA Prairie Ridge L.P., as described in Volume 02111, Page 0860, Deed Records of Ellis County, Texas, and Book 3500, Page 0958, of the Official Public Records of Johnson County, Texas, and being more particularly described as follows:

POINT OF BEGINNING at a found 1/2-inch iron rod in County Road 506 at an intersection with the Ellis County and Johnson County limits line along with the intersection of the Joseph Stewart Survey, Abstract No. 961, the Joseph Stewart Survey, Abstract No. 754, and the John H. Working Survey, Abstract No. 897; THENCE North $56^{\circ}14'52''$ East, along County Road 506, also known as Lakeview Road, a distance of 892.63 feet to a set 5/8-inch iron rod with yellow plastic cap stamped "Cotton Surveying" (hereinafter referred to as set iron rod) for corner;

THENCE North $59^{\circ}39'02''$ East, along said road, a distance of 4140.12 feet to a found 1/2-inch iron rod for corner;

THENCE South $25^{\circ}48'57''$ East, leaving said road and along the west line of a tract described to Robert A. Willis and wife, Lonnie L. Willis in Volume 1298, Page 646, Deed Records of Ellis County Texas, a distance of 448.65 feet to a found 1/2-inch iron rod for corner;

THENCE North $60^{\circ}04'57''$ East, along a South line of above described tract, a distance of 2039 feet to a set iron rod for corner;

THENCE South $01^{\circ}21'55''$ East, along a west line of a tract from Richard J. Bantke and wife, Sandra Sue Bantke, to PRA Prairie Ridge L.P., as described in Volume 02111, Page 0866, Deed Records of Ellis County, Texas, a distance of 113.61 feet to a set iron rod for corner;

THENCE along west line of said property, with a curve right having a radius of 50.00 feet and a central angle of $71^{\circ}14'05''$ and being subtended by a chord which bears South $14^{\circ}24'13''$ East, 58.24 feet;

THENCE southeasterly and southerly along said curve, a distance of 52.16 feet to a point of reverse curve, to a set iron rod for corner;

THENCE along west line of said property, with a curve left having a radius of 15.50 feet and a central angle of $22^{\circ}31'56''$ and being subtended by a chord which bears South $09^{\circ}56'52''$ West 6.06 feet;

THENCE southerly along said curve, a distance of 6.10 feet to a set iron rod for corner;

THENCE South $01^{\circ}19'06''$ East, along west line of said property, tangent to said curve, a distance of 125.01 feet to a set iron rod for corner;

THENCE along west line of said property, with a curve left having a radius of 325.00 feet and a central angle of $20^{\circ}45'58''$ and being subtended by a chord which bears South $11^{\circ}42'58''$ East, 117.15 feet;

THENCE southerly along said curve, along west line of said property, a distance of 117.79 feet to a set iron rod for corner;

THENCE South $22^{\circ}05'57''$ East, along west line of said property, tangent to said curve, a distance of 73.92 feet to a point for corner;

THENCE along west line of said property, with a curve right having a radius of 231.08 feet and a central angle of $15^{\circ}26'09''$ and being subtended by a chord which bears South $14^{\circ}21'12''$ East 62.07 feet;

THENCE southerly along said curve, along west line of said property, a distance of 52.26 feet to a set iron rod for corner;

THENCE North $88^{\circ}38'05''$ East, along south line of said property, with a distance of 15.94 feet to a set iron rod for corner;

THENCE South $01^{\circ}21'55''$ East, along west line of said property, a distance of 180.00 feet to a set iron rod for corner;

THENCE North $88^{\circ}38'05''$ East, along south line of said property, a distance of 322.41 feet to the beginning of a curve tangent to said line to a set iron rod for corner;

THENCE easterly, along south line of said property, along the curve left, having a radius of 1350.00 feet and a central angle of $11^{\circ}17'25''$ and being subtended by a chord which bears North $82^{\circ}59'23''$ East, 265.59 feet;

THENCE easterly and northeasterly a distance of 266.02 feet along the said curve to a set iron rod for corner;

THENCE North $77^{\circ}20'40''$ East tangent to said curve, a distance of 437.24 feet to the beginning of a curve tangent to said line to a set iron rod for corner;

THENCE easterly, along south line of said property, with a curve left, having a radius of 1000.00 feet and a central angle of $43^{\circ}44'52''$ and being subtended by a chord which bears North $55^{\circ}28'14''$ East, 745.13 feet;

THENCE easterly and northeasterly a distance of 763.54 feet along the said curve to a set iron rod for corner;

THENCE North $25^{\circ}14'30''$ West, along east line of said property, a distance of 849.17 feet to a found rod nail for corner;

THENCE North $58^{\circ}10'54''$ East, along the south line of property of Tom Larnon and wife, Crystal Larnon, as described in Volume 924, Page 0046. Deed Records of Ellis County, Texas, a distance of 419.44 feet to a found 3/4-inch pipe for corner;

THENCE North $59^{\circ}34'27''$ East, along said south line, a distance of 1219.45 feet to a set iron rod for corner;

THENCE South $30^{\circ}11'50''$ East, along the west line of the fifth and sixth tracts of Bennett W. Cervin, as described in Volume 2001, Page 0749, Deed Records of Ellis County, Texas, a distance of 823.56 feet to a set iron rod for corner;

THENCE South $30^{\circ}19'53''$ East, along said west line of part of the said fifth tract, a distance of 335.08 feet to a set iron rod for corner;

THENCE South $59^{\circ}31'20''$ West, along the north line of the first tract of Bennett W. Cervin as described in Volume 2001, Page 0749, Deed Records of Ellis County, Texas, a distance of 1739.27 feet to a found 1/2-inch iron rod for corner;

THENCE South $59^{\circ}35'19''$ West, along north line of said first tract of Bennett W. Cervin as described in Volume 2001, Page 0749, Ellis County, Texas, a distance of 5098.10 feet to a found 3/4-inch iron rod for corner;

THENCE South $30^{\circ}20'14''$ East, along the west line of the said second tract, a distance of 2453.47 feet to a set iron rod for corner;

THENCE South $59^{\circ}47'54''$ West, along a north line of tract one of Bennett W. Cervin, as described in Volume 2001, Page 0749 of the Deed Records of Ellis County, Texas, a distance of 2411.12 feet to a set iron rod for corner;

THENCE South $30^{\circ}12'06''$ East, along a west line of the said tract one, a distance of 596.60 feet to a set iron rod for corner;

THENCE South $59^{\circ}47'49''$ West, along a north line of said tract one, a distance of 1589.67 feet to a found 1/2-inch iron rod for corner;

THENCE North 00°47'39" West, along the Ellis County and Johnson County limits, a distance of 5474.77 feet to the POINT OF BEGINNING and containing 461.176 acres, more or less.

SECTION 5. (a) The legal notice of the intention to introduce a bill to create the Prairie Ridge Municipal Management District No. 1, setting forth the general substance of Sections 3 and 4 of this Act, has been published as provided by law, and the notice and a copy of a bill to create the Prairie Ridge Municipal Management District No. 1 have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and a bill to create the Prairie Ridge Municipal Management District No. 1 to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to a bill to create the Prairie Ridge Municipal Management District No. 1 with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

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

SECTION 6. (a) Section 3954.104, Special District Local Laws Code, as added by this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 3954, Special District Local Laws Code, as added by this Act, is amended by adding Section 3954.104 to read as follows:

Sec. 3954.104. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 7. This Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 4303** (senate committee report) as follows:

(1) In SECTION 3 of the bill, in added Subchapter A, Chapter 3954, Special District Local Laws Code (page 3, between lines 27 and 28), insert the following:

Sec. 3954.010. CONFLICT WITH REGIONAL WATER DISTRICT. To the extent any authority or power granted to the district conflicts with any authority or power granted to the Tarrant Regional Water District, the authority or power granted to the Tarrant Regional Water District supersedes and controls over the authority or power granted to the district, unless the Tarrant Regional Water District consents to the exercise of the authority or power by the district.

(2) In SECTION 3 of the bill, strike the heading to added Section 3954.010, Special District Local Laws Code (page 3, line 28) and substitute "Sec. 3954.011. CONSTRUCTION OF CHAPTER.".

(3) In SECTION 3 of the bill, strike added Section 3954.103(b), Special District Local Laws Code (page 4, lines 19 through 21), and substitute the following:

(b) The district may add territory as described by Subsection (a) only if the district obtains written consent from:

(1) the governing body of the city; and

(2) any public entity that owns facilities for the inter-county transportation of water in the area proposed to be annexed.

(4) In SECTION 3 of the bill, in added Section 3954.154, Special District Local Laws Code (page 5, between lines 41 and 42), insert the following:

(e) The district may not impose an assessment on property or facilities owned, controlled, or operated by a public entity.

(5) Strike the text of SECTION 4 of the bill (page 7, line 8, through page 12, line 39) and substitute the following:

(a) TRACT 1:

BEING a part of a tract or parcel of land situated in the Joseph Stewart Survey, Abstract No. 754, Heirs of Allen Larsen, Survey No. 497, T. Stanbury Survey, Abstract 762, and the J. H. Working Survey, Abstract No. 897, Johnson County, Texas, and being part of that same tract of land from Karal Kay Cannon, as described in Volume 02111, Page 0850, Deed Records, Ellis County, Texas, and as described in Book 3500, Page 0941, Official Public Records of Johnson County, Texas, and all of a tract from Billy D. Cannon and Michelle Cannon, to PRA Prairie Ridge, L.P. as described in Book 3500, Page 0941, Official Public Records of Johnson County, Texas, and a tract of land from Phillip Nabors Smauder and Jennie Smauder Pope, to PRA Prairie Ridge, L.P. as described in County Clerk File No. 2104-00248, Official Public Records of Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a point in County Road 506 at an intersection with the Ellis County and Johnson County limits line along with the intersection of the Joseph Stewart Survey, Abstract No. 961, the Joseph Stewart Survey, Abstract No. 754, and the John H. Working Survey, Abstract No. 897;

THENCE South 00°47'39" East, departing from said county road and along the said Johnson and Ellis County lines, a distance of 5474.77 feet to a 1/2" iron rod found;

THENCE South 59°47'49" West, along a north line of Bennett W. Cervin tract one as described in Volume 2001, Page 0749, Deed Records, Ellis County, Texas, a distance of 537.29 feet to a 1/2" iron rod found;

THENCE North 30°19'12" West, along an east line of a Jeniffer N. Sweeney tract described in Book 0608, Page 830, Deed Records, Johnson County, Texas, a distance of 767.82 feet to a 1/2" iron rod found;

THENCE South 59°32'27" West, along a north line of said Jeniffer N. Sweeney tract, a distance of 5401.00 feet to a 1/2" iron rod found;

THENCE North 30°44'12" West, along County Road 619, a distance of 1053.81 feet to a 1/2" iron rod found;

THENCE North 59°59'51" East, leaving said county road, along a north line of a tract of land from Phillip Nabors Smauder and Jennie Smauder Pope, to PRA Prairie Ridge, L.P. as described in County Clerk File No. 2104-00248, Official Public Records of Johnson County, Texas a distance of 291.69 feet;

THENCE North 30°44'47" West, along a west line of said Smauder tract, a distance of 150.00 feet to a 1/2" iron rod found;

THENCE South 59°59'52" West, along a south line of Smauder tract, to County Road 619, a distance of 291.67 feet to a 1/2" iron rod found;

THENCE North 30°44'12" West, along a west line of said Smauder tract a distance of 2672.24 feet to a 1/2" iron rod found;

THENCE North 59°59'42" East, along a north line of said Smauder tract, a distance of 888.13 feet to a 1/2" iron rod found;

THENCE North 60°06'44" East, along a north line of said Smauder tract, a distance of 1077.88 feet to a 1/2" iron rod found;

THENCE North 59°33'36" East, along a north line of said Smauder tract, a distance of 1233.53 feet to a 1/2" iron rod found;

THENCE North 60°12'38" East, along a north line of said Smauder tract, a distance of 2229.85 feet to a 1/2" iron rod found;

THENCE North 56°47'57" East, reaching a northeasterly 90° elbow in County Road 506, along a south line of tract described in Book 3256, Page 0733, Deed Records, Johnson County, Texas, a distance of 3239.36 feet to the POINT OF BEGINNING, containing 678.614 acres, more or less.

TRACT 2:

Being all those certain Lots, Tracts or Parcels of Land situated in the R.K. Wines Survey, Abstract 1178, Ellis County, Texas, and being part of that certain contract of land conveyed to John W. Brumbeloe, Sr. (referred to as Tract III) as recorded in Volume 558, Page 209, Deed Records, Ellis County, Texas and being known as designated at Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, Sunset Park (referred to as Tract II), an addition to Ellis County, Texas, according to the plat filed of record in Cabinet "B", Slide 13, plat records, Ellis County, Texas, and being more particularly described as follows:

Commencing at a found 1-inch iron pipe from the southeast corner of a tract of land conveyed to Edward J. Kilchenstein, as recorded in Volume 710, Page 627, Deed Records, Ellis County, Texas and the north line of a tract of land conveyed to Lia Vang and wife, Xia Vang, Jeff V. Hang and wife, Melissa S. Hang, Chue Moua and wife, Maikoulap Moura as recorded in Volume 1832, Page 2002, Deed Records, Ellis County, Texas;

Thence S 59°29'25" W, along the common line of said Kilchenstein tract and the Vang, Hang, Moua tract, a distance of 339.40 feet to a found 3/8-inch iron rod with a yellow plastic cap stamped "RPLS 446" at the Northwest corner of said Vang, Hang, Moua tract and the Northeast corner of said Brumbeloe tract, said point being the place of Beginning of this herein described tract of land;

Thence S 01°22'20" E, along the common line of said Vang, Hang, Moua tract, passing a found 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 4466" at 1,372.08 continuing for a total distance of 1,406.52 feet to a found 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 4466" in the centerline of County Road 506 Greasy Road (Lakeview Road);

Thence S 59°39'02" W, along the centerline of said County Road, a distance of 1,015.46 feet to a found 5/8-inch iron rod with a yellow plastic cap stamped "Cotton Surveying" (hereinafter referred to as set iron rod) for corner;

Thence S 59°43'42" W, continuing along the centerline of said County Road, a distance of 402.48 feet to a found railroad spike at the intersection of said County Road and Cypress Road, said point being the South corner of said Sunset Park Addition and the South corner of this herein described tract of land;

Thence N 00°14'22" W, along the centerline of Cypress Road, the West line of said Sunset Park Addition, a distance of 865.02 feet to a found 1/2-inch iron rod for corner;

Thence N 59°30'57" E, passing a 1/2-inch iron rod at 37.40 at the Southwest corner of the Sunset Park, Phase 2 Addition, according to the plat thereof recorded in Cabinet "C", Slide 438, plat records, Ellis County, Texas, continuing for a total distance of 417.09 feet to a found 1/2-inch iron rod with a yellow plastic cap at the Southeast Corner of said Sunset Park Phase 2 Addition and the West line of said Brumbeloe tract for corner;

Thence N 03°03'40" E, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 103.80 feet to a found 1/2-inch iron rod;

Thence N 00°31'47" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 60.37 feet to a found 1/2-inch iron rod for corner;

Thence N 00°05'09" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 129.83 feet to a 2-inch iron pipe for corner;

Thence N 01°06'07" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 130.88 feet to a found 1-inch iron pipe for corner;

Thence N 01°03'32" W, along the East line of said Sunset Park Phase 2 Addition tract and the West line of said Brumbeloe tract, a distance of 129.92 feet to a found 1-inch iron pipe in the South line of said Kilchenstein tract and Northwest corner of said Brumbeloe tract, said point being Northeasterly corner of said Sunset Park Phase 2 Addition;

Thence N 59°32'07" E, along the South line of said Kilchenstein tract, a distance of 968.19 feet to the Place of Beginning and having an area of 1,521,385 square feet, or 34.926 acres of land, more or less.

TRACT 3:

BEING all those certain lots, tracts, or parcels of land situated in the Joseph Stewart Survey, Abstract No. 961, Ellis County, Texas and being those same tracts of land conveyed to PRA Prairie Ridge, L.P. as recorded in Volume 2111, Page 0866, Deed Records, Ellis County, Texas and being more particularly described as follows:

POINT OF BEGINNING at a 1/2-inch iron rod found for the west corner of a tract of land conveyed to Tom Lamon, and wife, Crystal Lamon, as recorded in Volume 924, Page 46, Deed Records, Ellis County, Texas, said point being on the Southeast edge of County Road 506/Greasy Road (Lakeview Road);

THENCE South $31^{\circ}46'30''$ East, along the Southwest line of said Lamon tract, a distance of 609.38 feet to a 3/4-inch pipe found on the North line of a tract of land conveyed to Waltmore, L.L.C. DBA Lakeside Ranch (described as Tract 1), as recorded in Volume 1607, Page 392, Deed Records, Ellis County, Texas, the Southwest corner of said Lamon tract and an exterior ell corner of this herein described tract of land;

THENCE South $58^{\circ}10'54''$ West, along the Northwest line of said Waltmore tract, a distance of 419.44 feet to a rod nail found for the West corner of said Waltmore tract and an interior ell corner of this herein described tract of land;

THENCE South $25^{\circ}14'30''$ East, continuing along the Northwest line of said Waltmore tract, a distance of 849.17 feet to a set 5/8-inch iron rod with yellow plastic cap stamped "Cotton Surveying" (hereinafter referred to as set iron rod) for corner;

THENCE across land described in Volume 02111, Page 0866, Deed Records of Ellis County, Texas, the following course and distances:

Southwesterly along a curve to the right having a central angle of $43^{\circ}44'52''$, a radius of 1000.00 feet, whose chord bears South $55^{\circ}28'14''$ West, a chord distance of 745.13 feet, and an arc length of 763.54 feet to a set iron rod for corner;

South $77^{\circ}20'40''$ West a distance of 437.24 feet to a set iron rod for corner;

Westerly along a curve to the right having a central angle of $11^{\circ}17'25''$, a radius of 1350.00 feet, whose chord bears South $82^{\circ}59'23''$ West, a chord distance of 265.59 feet, and an arc length of 266.02 feet to a set iron rod for corner;

South $88^{\circ}38'05''$ West a distance of 288.43 feet to a set iron rod for corner;

South $88^{\circ}38'05''$ West a distance of 33.98 feet to a set iron rod for corner;

North $01^{\circ}21'55''$ West a distance of 180.00 feet to a point for corner;

South $88^{\circ}38'05''$ West a distance of 15.94 feet to a point for corner;

Northerly along a curve to the left having a central angle of $15^{\circ}26'09''$, a radius of 231.08 feet, whose chord bears North $14^{\circ}21'12''$ West, a chord distance of 62.07 feet, and an arc length of 62.26 feet to a set iron rod for corner;

North $22^{\circ}05'57''$ West a distance of 73.92 feet to a set iron rod for corner;

Northerly along a curve to the right having a central angle of $20^{\circ}45'58''$, a radius of 325.00 feet, whose chord bears North $11^{\circ}42'58''$ West, a chord distance of 117.15 feet, and an arc length of 117.79 feet to a set iron rod for corner;

North $01^{\circ}19'06''$ West a distance of 125.01 feet to a point for corner;

Northerly along a curve to the right having a central angle of $22^{\circ}31'56''$, a radius of 15.50 feet, whose chord bears North $09^{\circ}56'52''$ East, a chord distance of 6.06 feet, and an arc length of 6.10 feet to a set iron rod for corner;

Northwesterly along said curve to the left having a central angle of $71^{\circ}14'05''$, a radius of 50.00 feet, whose chord bears North $14^{\circ}24'13''$ West, a chord distance of 58.24 feet, and an arc length of 62.16 feet to a set iron rod for corner;

North $01^{\circ}21'55''$ West, a distance of 113.61 feet to a set iron rod for corner;

THENCE North $60^{\circ}04'57''$ East, along the Southeast line of a tract described to Robert A. Willis and wife, Lonnie L. Willis, as recorded in Volume 1298, Page 646, Deed Records of Ellis County, Texas, a distance of 205.36 feet to a found 1/2-inch iron rod for corner;

THENCE North $25^{\circ}47'09''$ West, along the Northeast line of said Willis tract, a distance of 450.38 feet to a found 1/2-inch iron rod for the North corner of said Willis tract;

THENCE North $59^{\circ}39'02''$ East, a distance of 1,650.09 feet to the POINT OF BEGINNING and containing 55.967 acres of land, more or less.

TRACT 4:

BEING a tract of land situated in the Joseph Stewart Survey, Abstract No. 961, in Ellis County, Texas, said tract being all of a called 17.119 acre tract of land described in a deed to Texas Midstream Gas Services, L.L.C., recorded in Volume 2342, Page 136, Deed Records, Ellis County, Texas, and being more particularly described as follows:

BEGINNING and a 1/2-inch iron rod found in the approximate center of Lakeview Drive for the most westerly corner of said 17.119 acre tract, the north corner of a called 213.7845 acre tract of land described in a deed to PRA Prairie Ridge, L.P., recorded in Volume 2111, Page 866 of said Deed Records and on the southeasterly boundary of a called 198.758 acre tract described in a deed to Harper Cattle Company, recorded in Volume 1205, Page 47 of said Deed Records;

THENCE North 59 degrees 35 minutes 08 seconds East, along the approximate center of Lakeview Drive, a distance of 1,186.71 feet to a 1/2-inch iron rod found for the most northerly corner of said 17.119 acre tract and the west corner of a called 0.057 acre tract described in a deed to the State of Texas, recorded in Volume 340, Page 390 of said Deed Records;

THENCE South 29 degrees 53 minutes 02 seconds East, along the common boundary between said 17.119 acre tract and said 0.057 acre tract, a distance of 49.83 feet to a 1/2-inch iron rod found for an interior ell corner of said 17.119 acre tract and the south corner of said 0.057 acre tract;

THENCE North 59 degrees 29 minutes 07 seconds East, continuing along the common boundary between said 17.119 acre tract and said 0.057 acre tract, a distance of 50.09 feet to a 1/2-inch iron rod found for the northerly northeast corner of said 17.119 acre tract and the east corner of said 0.057 acre tract, and on the southwesterly boundary of a called 10 acre tract described as Tract 6 in a deed to Bennett W. Cervin recorded in Volume 2001, Page 749 of said Deed Records;

THENCE South 30 degrees 08 minutes 24 seconds East, along the common boundary between said 17.119 acre tract and said 10 acre tract, a distance of 559.67 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the most easterly corner of said 17.119 acre tract and the most northerly corner of a called 461.178 acre tract described in a deed to PRA Prairie Ridge Development Corp., recorded in Volume 2325, Page 470 of said Deed Records;

THENCE South 59 degrees 35 minutes 41 seconds West, along the common boundary between said 17.119 acre tract and said 461.178 acre tract, a distance of 1,219.26 feet to a 1-inch iron pipe found for the most easterly northeast corner of said 213.7845 acre tract, an exterior ell corner of said 461.178 acre tract and the most southerly corner of said 17.119 acre tract;

THENCE North 31 degrees 46 minutes 05 seconds West, along the common boundary between said 17.119 acre tract and said 213.7845 acre tract, a distance of 609.38 feet to the POINT OF BEGINNING and containing 745,700 square feet, or 17.119 acres of land, more or less.

TRACT 5:

BEING a part of a tract or parcel of land situated in the Joseph Stewart Survey, Abstract No. 961, Ellis County, Texas and, and being part of that same tract of land from Karal Kay Cannon, to PRA Prairie Ridge, L.P. as recorded in Book 3500, Page 0941, Volume 02111, Page 0873, Volume 02111, Page 0866, official public records of Johnson county, texas and Volume 02111, Page 0850, Deed Records, Ellis County, Texas, and all of a tract from Chris D. Cannon and Deanna G. Cannon to PRA Prairie Ridge L.P., as described in Volume 02111, Page 0860, Deed Records of Ellis County, Texas, and Book 3500, Page 0958, of the Official Public Records of Johnson County, Texas, and being more particularly described as follows:

POINT OF BEGINNING at a found 1/2-inch iron rod in County Road 506 at an intersection with the Ellis County and Johnson County limits line along with the intersection of the Joseph Stewart Survey, Abstract No. 961, the Joseph Stewart Survey, Abstract No. 754, and the John H. Working Survey, Abstract No. 897;

THENCE North 56°14'52" East, along County Road 506, also known as Lakeview Road, a distance of 892.63 feet to a set 5/8-inch iron rod with yellow plastic cap stamped "Cotton Surveying" (hereinafter referred to as set iron rod) for corner;

THENCE North 59°39'02" East, along said road, a distance of 4140.12 feet to a found 1/2-inch iron rod for corner;

THENCE South 25°48'57" East, leaving said road and along the west line of a tract described to Robert A. Willis and wife, Lonnie L. Willis in Volume 1298, Page 646, Deed Records of Ellis County Texas, a distance of 448.65 feet to a found 1/2-inch iron rod for corner;

THENCE North 60°04'57" East, along a South line of above described tract, a distance of 2039 feet to a set iron rod for corner;

THENCE South 01°21'55" East, along a west line of a tract from Richard J. Bantke and wife, Sandra Sue Bantke, to PRA Prairie Ridge L.P., as described in Volume 02111, Page 0866, Deed Records of Ellis County, Texas, a distance of 113.61 feet to a set iron rod for corner;

THENCE along west line of said property, with a curve right having a radius of 50.00 feet and a central angle of $71^{\circ}14'05''$ and being subtended by a chord which bears South $14^{\circ}24'13''$ East, 58.24 feet;

THENCE southeasterly and southerly along said curve, a distance of 52.16 feet to a point of reverse curve, to a set iron rod for corner;

THENCE along west line of said property, with a curve left having a radius of 15.50 feet and a central angle of $22^{\circ}31'56''$ and being subtended by a chord which bears South $09^{\circ}56'52''$ West 6.06 feet;

THENCE southerly along said curve, a distance of 6.10 feet to a set iron rod for corner;

THENCE South $01^{\circ}19'06''$ East, along west line of said property, tangent to said curve, a distance of 125.01 feet to a set iron rod for corner;

THENCE along west line of said property, with a curve left having a radius of 325.00 feet and a central angle of $20^{\circ}45'58''$ and being subtended by a chord which bears South $11^{\circ}42'58''$ East, 117.15 feet;

THENCE southerly along said curve, along west line of said property, a distance of 117.79 feet to a set iron rod for corner;

THENCE South $22^{\circ}05'57''$ East, along west line of said property, tangent to said curve, a distance of 73.92 feet to a point for corner;

THENCE along west line of said property, with a curve right having a radius of 231.08 feet and a central angle of $15^{\circ}26'09''$ and being subtended by a chord which bears South $14^{\circ}21'12''$ East 62.07 feet;

THENCE southerly along said curve, along west line of said property, a distance of 52.26 feet to a set iron rod for corner;

THENCE North $88^{\circ}38'05''$ East, along south line of said property, with a distance of 15.94 feet to a set iron rod for corner;

THENCE South $01^{\circ}21'55''$ East, along west line of said property, a distance of 180.00 feet to a set iron rod for corner;

THENCE North $88^{\circ}38'05''$ East, along south line of said property, a distance of 322.41 feet to the beginning of a curve tangent to said line to a set iron rod for corner;

THENCE easterly, along south line of said property, along the curve left, having a radius of 1350.00 feet and a central angle of $11^{\circ}17'25''$ and being subtended by a chord which bears North $82^{\circ}59'23''$ East, 265.59 feet;

THENCE easterly and northeasterly a distance of 266.02 feet along the said curve to a set iron rod for corner;

THENCE North $77^{\circ}20'40''$ East tangent to said curve, a distance of 437.24 feet to the beginning of a curve tangent to said line to a set iron rod for corner;

THENCE easterly, along south line of said property, with a curve left, having a radius of 1000.00 feet and a central angle of $43^{\circ}44'52''$ and being subtended by a chord which bears North $55^{\circ}28'14''$ East, 745.13 feet;

THENCE easterly and northeasterly a distance of 763.54 feet along the said curve to a set iron rod for corner;

THENCE North $25^{\circ}14'30''$ West, along east line of said property, a distance of 849.17 feet to a found rod nail for corner;

THENCE North 58°10'54" East, along the south line of property of Tom Larnon and wife, Crystal Larnon, as described in Volume 924, Page 0046, Deed Records of Ellis County, Texas, a distance of 419.44 feet to a found 3/4-inch pipe for corner;

THENCE North 59°34'27" East, along said south line, a distance of 1219.45 feet to a set iron rod for corner;

THENCE South 30°11'50" East, along the west line of the fifth and sixth tracts of Bennett W. Cervin, as described in Volume 2001, Page 0749, Deed Records of Ellis County, Texas, a distance of 823.56 feet to a set iron rod for corner;

THENCE South 30°19'53" East, along said west line of part of the said fifth tract, a distance of 335.08 feet to a set iron rod for corner;

THENCE South 59°31'20" West, along the north line of the first tract of Bennett W. Cervin as described in Volume 2001, Page 0749, Deed Records of Ellis County, Texas, a distance of 1739.27 feet to a found 1/2-inch iron rod for corner;

THENCE South 59°35'19" West, along north line of said first tract of Bennett W. Cervin as described in Volume 2001, Page 0749, Ellis County, Texas, a distance of 5098.10 feet to a found 3/4-inch iron rod for corner;

THENCE South 30°20'14" East, along the west line of the said second tract, a distance of 2453.47 feet to a set iron rod for corner;

THENCE South 59°47'54" West, along a north line of tract one of Bennett W. Cervin, as described in Volume 2001, Page 0749 of the Deed Records of Ellis County, Texas, a distance of 2411.12 feet to a set iron rod for corner;

THENCE South 30°12'06" East, along a west line of the said tract one, a distance of 596.60 feet to a set iron rod for corner;

THENCE South 59°47'49" West, along a north line of said tract one, a distance of 1589.67 feet to a found 1/2-inch iron rod for corner;

THENCE North 00°47'39" West, along the Ellis County and Johnson County limits, a distance of 5474.77 feet to the POINT OF BEGINNING and containing 461.176 acres, more or less.

(b) There is saved and excepted from the land included within the district, and excluded therefrom, the following tracts:

SAVE AND EXCEPT TRACT "A"

Property Description

Being 7.016-acres (305,615 square feet) of land situated in the Joseph Stewart Survey, Abstract Number 961, Ellis County, Texas, and more particularly that certain 461.178 acre tract conveyed to PRA Prairie Ridge Development Corp., as recorded in Volume 2325, Page 470, Official Public Records, Ellis County, Texas, (O.P.R.E.C.T.), and being further described as follows:

COMMENCING at a point at an ell corner of said PRA Prairie Ridge Development Corp. tract and at the Northwest corner of a tract of land to Nita Carol Cervin Miskovitch Trust and Bennett W. Cervin, recorded in Volume 1999, Page 235, O.P.R.E.C.T., from which a found 3/4 inch iron pipe bears N 59°35'16" E, 1.92 feet;

THENCE N 59°35'16" E, along the South line of said PRA Prairie Ridge Development Corp. tract and the North line of said Cervin tract, a distance of 1,436.81 feet to a set 5/8" iron rod with Transystems cap at the Southwest corner of tract herein described and the POINT OF BEGINNING (N: 6,866,906.023, E: 2,407,278.644 Grid);

(1) THENCE N 1°15'48" W, along the West line of tract herein described, a distance of 2,037.32 feet to a set PK Nail for the Northwest corner of tract herein described, also being in the centerline of CR 506 (Lakeview Road), a 60 foot Right-of-Way, no deed of record found, and on the South line of a tract of land to Cynthia L. Roe, as recorded in Volume 767, Page 521, D.R.E.C.T.;

(2) THENCE N 59°31'17" E, along the North line of tract herein described, the South line of said Roe tract and the centerline of said CR 506, a distance of 171.86 feet to a set PK Nail for the Northeast corner of tract herein described;

(3) THENCE S 1°15'48" E, along the East line of tract herein described, a distance of 2,037.55 feet to a set 5/8" iron rod with Transystems cap for the Southeast corner of tract herein described also on the North line of said Cervin tract;

(4) THENCE S 59°35'16" W, along the South line of tract herein described and the North line of said Cervin tract, a distance of 64.00 feet to a point, from which a found 5/8 inch iron rod bears S 30°24'17" E, 1.14 feet;

(5) THENCE S 59°35'16" W, along the South line of tract herein described and the North line of said Cervin tract, a distance of 107.75 feet to the POINT OF BEGINNING, containing 7.016-acres (305,615 square feet) of land, more or less.

SAVE AND EXCEPT TRACT B

Property Description

Being 2.285-acres (99,535 square feet) of land situated in the Joseph Stewart Survey, Abstract Number 961, Ellis County, Texas, and more particularly that certain 461.178 acre tract conveyed to PRA Prairie Ridge Development Corp., as recorded in Volume 2325, Page 470, Official Public Records, Ellis County, Texas, (O.P.R.E.C.T.), and being further described as follows:

COMMENCING at a PK Nail found at the Southwest corner of a tract of land conveyed to Cynthia L. Roe, as recorded in Volume 767, Page 521, D.R.E.C.T.;

THENCE N 59°31'17" E, along the South line of said Cynthia L. Roe tract and the North line of said PRA Prairie Ridge Development Corp. tract, also being in the centerline of CR 506 (Lakeview Road), a 60 foot Right-of-Way, no deed of record found, a distance of 302.39 feet to a PK Nail set at the Northwest corner of tract herein described and the POINT OF BEGINNING (N: 6,868,884.500, E: 2,407,135.005 Grid);

(1) THENCE N 59°31'17" E, along the South line of said Cynthia L. Roe tract, on the centerline of said CR 506 (Lakeview Road), the North line of said PRA Prairie Ridge Development Corp. tract, and the North line of tract herein described, a distance of 114.57 to a PK Nail set;

(2) THENCE S 01°15'48" E, along the East line of tract herein described, a distance of 1,012.01 feet to a set 5/8" iron rod with Transystems cap for the Southeast corner of tract herein described, being on the North line of a 60' Easement and Right-of-Way to Brazos Electric Power Cooperative, Inc., as recorded in Volume 428, Page 433, Deed Records, Johnson County Texas;

(3) THENCE S 75°59'42" W, along the South line of tract herein described and the North line of said Brazos Electric tract, a distance of 102.52 feet to a set 5/8" iron rod with Transystems cap for the Southwest corner of tract herein described;

(4) THENCE N 01°15'48" W, along the West line of tract herein described, a distance of 978.70 feet to the POINT OF BEGINNING, containing 2.285-acres (99,535 square feet) of land, more or less.

NOTE: Basis of bearing is the Texas State Plane Coordinate System, North Central Zone (4202), North American Datum 1983 NAD 83)(2007) with all distances adjusted to surface by project combined scale factor of 0.9998802448.

HB 3165 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Moody called up with senate amendments for consideration at this time,

HB 3165, A bill to be entitled An Act relating to the duties of a personal bond pretrial release office.

Representative Moody moved to concur in the senate amendments to **HB 3165**.

The motion to concur in the senate amendments to **HB 3165** prevailed by (Record 1860): 145 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; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 3165, A bill to be entitled An Act relating to certain pretrial procedures in criminal cases.

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

SECTION 1. Articles 15.17(a) and (f), Code of Criminal Procedure, are amended to read as follows:

(a) In each case enumerated in this Code, the person making the arrest or the person having custody of the person arrested shall without unnecessary delay, but not later than 48 hours after the person is arrested, take the person arrested or have him taken before some magistrate of the county where the accused was arrested or, to provide more expeditiously to the person arrested the warnings described by this article, before a magistrate in any other county of this state. The arrested person may be taken before the magistrate in person or the image of the arrested person may be presented to the magistrate by means of a videoconference [~~an electronic broadcast system~~]. The magistrate shall inform in clear language the person arrested, either in person or through a videoconference [~~the electronic broadcast system~~], of the accusation against him and of any affidavit filed therewith, of his right to retain counsel, of his right to remain silent, of his right to have an attorney present during any interview with peace officers or attorneys representing the state, of his right to terminate the interview at any time, and of his right to have an examining trial. The magistrate shall also inform the person arrested of the person's right to request the appointment of counsel if the person cannot afford counsel. The magistrate shall inform the person arrested of the procedures for requesting appointment of counsel. If the person does not speak and understand the English language or is deaf, the magistrate shall inform the person in a manner consistent with Articles 38.30 and 38.31, as appropriate. The magistrate shall ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person at the same time. If the person arrested is indigent and requests appointment of counsel and if the magistrate is authorized under Article 26.04 to appoint counsel for indigent defendants in the county, the magistrate shall appoint counsel in accordance with Article 1.051. If the magistrate is not authorized to appoint counsel, the magistrate shall without unnecessary delay, but not later than 24 hours after the person arrested requests appointment of counsel, transmit, or cause to be transmitted to the court or to the courts' designee authorized under Article 26.04 to appoint counsel in the county, the forms requesting the appointment of counsel. The magistrate shall also inform the person arrested that he is not required to make a statement and that any statement made by him may be used against him. The magistrate shall allow the person arrested reasonable time and opportunity to consult counsel and shall, after determining whether the person is currently on bail for a separate criminal offense, admit the person arrested to bail if allowed by law. A record [~~recording~~] of the communication between the arrested person and the magistrate shall be made. The record

~~[recording]~~ shall be preserved until the earlier of the following dates: (1) the date on which the pretrial hearing ends; or (2) the 91st day after the date on which the record ~~[recording]~~ is made if the person is charged with a misdemeanor or the 120th day after the date on which the record ~~[recording]~~ is made if the person is charged with a felony. The counsel for the defendant may obtain a copy of an electronic ~~the~~ recording, if an electronic recording was created, on payment of a reasonable amount to cover costs of reproduction. For purposes of this subsection, "videoconference" ~~["electronic broadcast system"]~~ means a two-way electronic communication of image and sound between the arrested person and the magistrate and includes secure Internet videoconferencing.

(f) A record required under Subsection (a) or (e) may consist of written forms, electronic recordings, or other documentation as authorized by procedures adopted in the county under Article 26.04(a).

SECTION 2. Section 5(a), Article 17.42, Code of Criminal Procedure, is amended to read as follows:

(a) A personal bond pretrial release office established under this article shall:

(1) prepare a record containing information about any accused person identified by case number only who, after review by the office, is released by a court on personal bond before sentencing in a pending case;

(2) update the record on a monthly basis; and

(3) file a copy of the record with the district or county clerk, as applicable based on court jurisdiction over the categories of offenses addressed in the records, in any county served by the office.

SECTION 3. Section 6(b), Article 17.42, Code of Criminal Procedure, is amended to read as follows:

(b) In preparing an annual report under Subsection (a), the office shall include in the report a statement of:

(1) the office's operating budget;

(2) the number of positions maintained for office staff;

(3) the number of accused persons who, after review by the office, were released by a court on personal bond before sentencing in a pending case; and

(4) the number of persons described by Subdivision (3):

(A) ~~[who were convicted of the same offense or of any felony within the six years preceding the date on which charges were filed in the matter pending during the person's release;~~

~~(B)~~ who failed to attend a scheduled court appearance;

(B) ~~[(C)]~~ for whom a warrant was issued for the ~~[person's]~~ arrest of those persons for failure to appear in accordance with the terms of their ~~[the person's]~~ release; or

(C) ~~[(D)]~~ who, while released on personal bond, were arrested for any other offense in the same county in which the persons were released ~~[while]~~ on ~~[the personal]~~ bond.

SECTION 4. The heading to Article 27.18, Code of Criminal Procedure, is amended to read as follows:

Art. 27.18. PLEA OR WAIVER OF RIGHTS BY VIDEOCONFERENCE
~~[CLOSED CIRCUIT VIDEO TELECONFERENCING]~~.

SECTION 5. Articles 27.18(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) Notwithstanding any provision of this code requiring that a plea or a waiver of a defendant's right be made in open court, a court may accept the plea or waiver by videoconference ~~[broadcast by closed circuit video teleconferencing]~~ to the court if:

(1) the defendant and the attorney representing the state file with the court written consent to the use of videoconference ~~[closed circuit video teleconferencing]~~;

(2) the videoconference ~~[closed circuit video teleconferencing system]~~ provides for a simultaneous, compressed full motion video, and interactive communication of image and sound between the judge, the attorney representing the state, the defendant, and the defendant's attorney; and

(3) on request of the defendant, the defendant and the defendant's attorney are able to communicate privately without being recorded or heard by the judge or the attorney representing the state.

(b) On motion of the defendant or the attorney representing the state or in the court's discretion, the court may terminate an appearance by videoconference ~~[closed circuit video teleconferencing]~~ at any time during the appearance and require an appearance by the defendant in open court.

SECTION 6. Article 27.18(c), Code of Criminal Procedure, as amended by Chapters 1341 (**SB 1233**) and 1031 (**HB 2847**), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(c) A record of the communication shall be made by a court reporter or by electronic recording and preserved by the court reporter or by electronic recording until all appellate proceedings have been disposed of. A court reporter or court recorder is not required to transcribe or make a duplicate electronic ~~[separate]~~ recording of a plea taken under this article unless an appeal is taken in the case and a party requests a transcript.

SECTION 7. Article 27.18(c-1), Code of Criminal Procedure, as added by Chapter 1341 (**SB 1233**), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

(c-1) The defendant may obtain a copy of an electronic [a] recording, if an electronic recording was created, ~~[made under Subsection (c)]~~ on payment of a reasonable amount to cover the costs of reproduction or, if the defendant is indigent, the court shall provide a copy to the defendant without charging a cost for the copy.

SECTION 8. Articles 27.18(c-2) and (d), Code of Criminal Procedure, are amended to read as follows:

(c-2) The loss or destruction of or failure to create a court record or an electronic ~~[make a video]~~ recording of a plea entered under this article is not alone sufficient grounds for a defendant to withdraw the defendant's plea or to request the court to set aside a conviction, sentence, or plea.

(d) A defendant who is confined in a county other than the county in which charges against the defendant are pending may use the videoconference [teleconferencing] method provided by this article or by [the electronic broadcast system authorized in] Article 15.17 to enter a plea or waive a right in the court with jurisdiction over the case.

SECTION 9. Article 27.18(c-1), Code of Criminal Procedure, as added by Chapter 1031 (**HB 2847**), Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

SECTION 10. Article 15.17, Code of Criminal Procedure, as amended by this Act, applies to an arrested person brought before a magistrate on or after the effective date of this Act, regardless of whether the offense for which the person was arrested was committed before, on, or after that date.

SECTION 11. Article 27.18, Code of Criminal Procedure, as amended by this Act, applies to a plea of guilty or nolo contendere entered on or after the effective date of this Act, regardless of whether the offense with reference to which the plea is entered is committed before, on, or after that date.

SECTION 12. This Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 3165** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Article 15.17(a), Code of Criminal Procedure (page 2, lines 16-19), strike "The counsel for the defendant may obtain a copy of an electronic ~~[the]~~ recording, if an electronic recording was created, on payment of a reasonable amount to cover costs of reproduction." and substitute "[~~The counsel for the defendant may obtain a copy of the recording on payment of a reasonable amount to cover costs of reproduction.~~]".

(2) In SECTION 1 of the bill, in amended Article 15.17(f), Code of Criminal Procedure (page 2, line 26), following the period, insert "The counsel for the defendant may obtain a copy of the record on payment of a reasonable amount to cover the costs of reproduction or, if the defendant is indigent, the court shall provide a copy to the defendant without charging a cost for the copy."

(3) In SECTION 7 of the bill, in amended Article 27.18(c-1), Code of Criminal Procedure (page 3, lines 35-37), strike "a copy of an electronic [~~a~~] recording, if an electronic recording was created, [~~made under Subsection (c)~~]" and substitute "a copy of the record, including any electronic [~~a~~] recording, [~~made under Subsection (c)~~]".

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 3165** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Article 15.21, Code of Criminal Procedure, is amended to read as follows:

Art. 15.21. RELEASE ON PERSONAL BOND [~~PRISONER DISCHARGED~~] IF NOT TIMELY DEMANDED. If the proper office of the county where the offense is alleged to have been committed does not demand an [~~the~~] arrested person described by Article 15.19 and take charge of the arrested

person before the 11th day after the date the person is committed to the jail of the county in which the person is arrested, a magistrate in the county where the person was arrested shall:

(1) release the arrested person on personal bond without sureties or other security; and

(2) forward the personal bond to:

(A) the sheriff of the county where the offense is alleged to have been committed; or

(B) the court that issued the warrant of arrest [~~the arrested person shall be discharged from custody~~].

SECTION _____. Article 15.21, Code of Criminal Procedure, applies only to a person who is arrested on or after the effective date of this Act. A person arrested before the effective date of this Act is governed by the law in effect on the date the person was arrested, and the former law is continued in effect for that purpose.

HB 3254 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Phillips called up with senate amendments for consideration at this time,

HB 3254, A bill to be entitled An Act relating to the regulation of a motor carrier and the enforcement of motor carrier regulations; authorizing the imposition of a fee.

Representative Phillips moved to concur in the senate amendments to **HB 3254**.

The motion to concur in the senate amendments to **HB 3254** prevailed by (Record 1861): 124 Yeas, 20 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Biedermann; Bonnen, D.; Bonnen, G.; Cain; Fallon; Hefner; Krause; Lang; Leach; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Stickland; Swanson; Tinderholt; Wilson; Zedler.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; White.

Senate Committee Substitute

CSHB 3254, A bill to be entitled An Act relating to the regulation of a motor carrier and the enforcement of motor carrier regulations; authorizing the imposition of a fee.

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

SECTION 1. Section 171.1011(g-7), Tax Code, is amended to read as follows:

(g-7) A taxable entity that is a qualified courier and logistics company shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), subcontracting payments made by the taxable entity to nonemployee agents for the performance of delivery services on behalf of the taxable entity. For purposes of this subsection, "qualified courier and logistics company" means a taxable entity that:

(1) receives at least 80 percent of the taxable entity's annual total revenue from its entire business from a combination of at least two of the following courier and logistics services:

(A) expedited same-day delivery of an envelope, package, parcel, roll of architectural drawings, box, or pallet;

(B) temporary storage and delivery of the property of another entity, including an envelope, package, parcel, roll of architectural drawings, box, or pallet; and

(C) brokerage of same-day or expedited courier and logistics services to be completed by a person or entity under a contract that includes a contractual obligation by the taxable entity to make payments to the person or entity for those services;

(2) during the period on which margin is based, is registered as a motor carrier under Chapter 643, Transportation Code, and if the taxable entity operates on an interstate basis, is registered as a motor carrier or broker under the motor vehicle registration system established under 49 U.S.C. Section 14504a or a similar federal registration program that replaces that system [~~unified carrier registration system, as defined by Section 643.001, Transportation Code,~~] during that period;

(3) maintains an automobile liability insurance policy covering individuals operating vehicles owned, hired, or otherwise used in the taxable entity's business, with a combined single limit for each occurrence of at least \$1 million;

(4) maintains at least \$25,000 of cargo insurance;

(5) maintains a permanent nonresidential office from which the courier and logistics services are provided or arranged;

(6) has at least five full-time employees during the period on which margin is based;

(7) is not doing business as a livery service, floral delivery service, motor coach service, taxicab service, building supply delivery service, water supply service, fuel or energy supply service, restaurant supply service, commercial moving and storage company, or overnight delivery service; and

(8) is not delivering items that the taxable entity or an affiliated entity sold.

SECTION 2. Sections 643.054(a-2) and (a-3), Transportation Code, are amended to read as follows:

(a-2) The department may deny a registration if the applicant [~~applicant's business~~] is owned, operated, managed, or otherwise controlled by or affiliated with a person, including [~~the applicant,~~] a [~~relative,~~] family member, corporate officer, entity, or shareholder, that [~~whom~~] the Department of Public Safety has determined has:

(1) an unsatisfactory safety rating under 49 C.F.R. Part 385; or

(2) multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C.

(a-3) The department may deny a registration if the applicant is owned, [a motor carrier whose business is] operated, managed, or otherwise controlled by or affiliated with a person, including a [~~an owner, relative,~~] family member, corporate officer, entity, or shareholder, that [~~whom the Department of Public Safety has determined has~~]:

(1) owned, operated, managed, or otherwise controlled a motor carrier that the Federal Motor Carrier Safety Administration has placed out of service for unacceptable safety compliance [~~an unsatisfactory safety rating under 49 C.F.R. Part 385~~]; or

(2) has unpaid administrative penalties assessed under this chapter or Subtitle E [~~multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C~~].

SECTION 3. Section 643.056, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) The department may deny a supplement to a motor carrier's application for registration if the motor carrier is owned, operated, managed, or otherwise controlled by or affiliated with a person, including a family member, corporate officer, entity, or shareholder, that has unpaid administrative penalties assessed under this chapter or Subtitle E.

SECTION 4. Section 643.058, Transportation Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) A motor carrier may not renew a registration that has been expired for more than 180 days. The motor carrier may obtain a new registration by complying with the requirements and procedures for obtaining an original registration under this chapter.

(e) The department may deny a motor carrier's application to renew a registration if the motor carrier is owned, operated, managed, or otherwise controlled by or affiliated with a person, including a family member, corporate officer, entity, or shareholder, that:

(1) the Department of Public Safety has determined has:

(A) an unsatisfactory safety rating under 49 C.F.R. Part 385; or
(B) multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C;

(2) owned, operated, managed, or otherwise controlled a motor carrier that the Federal Motor Carrier Safety Administration has placed out of service for unacceptable safety compliance; or

(3) has unpaid administrative penalties assessed under this chapter or Subtitle E.

SECTION 5. Subchapter B, Chapter 643, Transportation Code, is amended by adding Section 643.0585 to read as follows:

Sec. 643.0585. REREGISTRATION. (a) If a motor carrier's registration has been revoked, the motor carrier may apply to the department for reregistration not later than the 180th day after the date the registration was revoked.

(b) An application for reregistration must be submitted on a form prescribed by the department and accompanied by:

(1) a \$10 fee for each vehicle requiring registration;

(2) evidence of insurance or financial responsibility as required by Section 643.103(a); and

(3) any insurance filing fee required under Section 643.103(c).

(c) The department may deny a motor carrier's application for reregistration if the motor carrier is owned, operated, managed, or otherwise controlled by or affiliated with a person, including a family member, corporate officer, entity, or shareholder, that:

(1) the Department of Public Safety has determined has:

(A) an unsatisfactory safety rating under 49 C.F.R. Part 385; or

(B) multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C;

(2) owned, operated, managed, or otherwise controlled a motor carrier that the Federal Motor Carrier Safety Administration has placed out of service for unacceptable safety compliance; or

(3) has unpaid administrative penalties assessed under this chapter or Subtitle E.

SECTION 6. Section 643.153(d), Transportation Code, is amended to read as follows:

(d) A motor carrier that is required to register under Subchapter B and that transports household goods shall file a tariff with the department that establishes maximum charges for all transportation services [between two or more municipalities]. A motor carrier may comply with this requirement by filing, in a manner determined by the department, a copy of the carrier's tariff governing interstate transportation services [on a highway between two or more municipalities]. The department shall make tariffs filed under this subsection available for public inspection [at the department].

SECTION 7. Section 643.252(a), Transportation Code, is amended to read as follows:

(a) The department may suspend, revoke, or deny a registration issued under this chapter or place on probation a motor carrier whose registration is suspended if a motor carrier:

(1) fails to maintain insurance or evidence of financial responsibility as required by Section 643.101(a), (b), or (c) ~~or (d)~~;

(2) fails to keep evidence of insurance in the cab of each vehicle as required by Section 643.103(b);

(3) fails to register a vehicle requiring registration;

(4) violates any other provision of this chapter or Chapter 621, 622, or 623;

(5) knowingly provides false information on any form filed with the department under this chapter or Chapter 621, 622, or 623; ~~or~~

(6) violates a rule or order adopted under this chapter or Chapter 621, 622, or 623; or

(7) is owned, operated, managed, or otherwise controlled by or affiliated with a person, including a family member, corporate officer, entity, or shareholder:

(A) whose registration has previously been revoked or denied; or

(B) that has unpaid administrative penalties assessed under this chapter or Subtitle E.

SECTION 8. Sections 643.2525(c), (e), (k), and (l), Transportation Code, are amended to read as follows:

(c) If not later than the 26th day after the date the notice is mailed the department receives a written request for a hearing, the department shall set a hearing and provide the carrier [give] notice of the hearing and the opportunity to present evidence at the hearing [to the carrier]. The hearing shall be conducted by an administrative law judge of the State Office of Administrative Hearings.

(e) If a hearing set under Subsection (c) is held and evidence is presented at the hearing, the ~~The~~ administrative law judge shall make findings of fact and conclusions of law and promptly issue to the director a proposal for a decision as to the occurrence of the violation and the administrative penalties or sanctions.

(k) If the motor carrier is required to pay a penalty or cost under Subsection (f), failure to pay the penalty or cost before the 61st day after the date the requirement becomes final is a violation of this chapter and may result in an additional penalty, revocation or suspension of a motor carrier registration, or denial ~~of renewal~~ of a motor carrier registration renewal or reregistration.

(l) A motor carrier that is required to pay a penalty, cost, fee, or expense under this section or Section 643.251 is not eligible for a registration, reregistration, [reinstatement] or registration renewal [of a registration] under this chapter until all required amounts have been paid to the department.

SECTION 9. The heading to Section 643.2526, Transportation Code, is amended to read as follows:

Sec. 643.2526. APPEAL OF DENIAL OF REGISTRATION, RENEWAL, OR REREGISTRATION [REINSTATEMENT].

SECTION 10. Section 643.2526(a), Transportation Code, is amended to read as follows:

(a) Notwithstanding any other law, a denial of an application for registration, renewal of registration, or reregistration [~~reinstatement of registration~~] under this chapter is not required to be preceded by notice and an opportunity for hearing.

SECTION 11. The heading to Chapter 645, Transportation Code, is amended to read as follows:

CHAPTER 645. UNIFIED CARRIER [~~SINGLE STATE~~] REGISTRATION

SECTION 12. Section 645.001, Transportation Code, is amended to read as follows:

Sec. 645.001. FEDERAL UNIFIED [~~MOTOR~~] CARRIER REGISTRATION; DEFINITION. (a) In this chapter, "unified carrier registration plan and agreement" means the federal unified carrier registration plan and agreement provided by 49 U.S.C. Section 14504a.

(b) The Texas Department of Motor Vehicles may, to the fullest extent practicable, participate in [~~a federal motor carrier registration program under~~] the unified carrier registration plan and agreement [~~system as defined by Section 643.001 or a single state registration system established under federal law~~].

SECTION 13. Section 645.002(b), Transportation Code, is amended to read as follows:

(b) The department may adopt rules regarding the method of payment of a fee required under the unified carrier registration plan and agreement [~~this chapter~~]. The rules may:

(1) authorize the use of an escrow account described by Subsection (c), an electronic funds transfer, or a valid credit card issued by a financial institution chartered by a state or the United States or by a nationally recognized credit organization approved by the department; and

(2) require the payment of a discount or service charge for a credit card payment in addition to the fee.

SECTION 14. Section 645.003, Transportation Code, is amended to read as follows:

Sec. 645.003. ENFORCEMENT RULES. (a) The department may [~~shall~~] adopt rules [~~that are consistent with federal law~~] providing for administrative penalties [~~and sanctions~~] for a failure to register or submit information and documents under [~~as required by~~] the unified carrier registration plan and agreement [~~system or single state registration system~~] or for a violation of the unified carrier registration plan and agreement [~~this chapter or a rule adopted under this chapter in the same manner as Subchapter F, Chapter 643~~].

(b) The notice, hearing, and other procedural requirements of Section 643.2525 apply to the imposition of an administrative penalty under this section as if the action were being taken under that section.

(c) The amount of an administrative penalty imposed under this section is calculated in the same manner as the amount of an administrative penalty imposed under Section 643.251.

SECTION 15. Sections 645.004(a) and (c), Transportation Code, are amended to read as follows:

(a) A person commits an offense if the person fails to:

(1) ~~[violates a rule adopted under this chapter; or
(2) fails to]~~ register as required by the unified carrier registration plan and agreement; or

(2) submit information and documents as required by the unified carrier registration plan and agreement [a vehicle required to be registered under this chapter].

(c) Each day a violation ~~[of a rule]~~ occurs is a separate offense under this section.

SECTION 16. Sections 643.001(7-a), 643.064(a), and 645.002(a), Transportation Code, are repealed.

SECTION 17. (a) The changes in law made by this Act apply only to an offense or violation committed on or after the effective date of this Act. An offense or violation committed before the effective date of this Act is governed by the law in effect on the date the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

(b) The change in law made by this Act relating to an application filed under Chapter 643, Transportation Code, applies only to an application filed under that chapter on or after the effective date of this Act. An application filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 18. This Act takes effect January 1, 2018.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 3254** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 644.151, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A person commits an offense if the person:

(1) violates a rule adopted under this chapter; ~~[or]~~
(2) does not permit an inspection authorized under Section 644.104; or
(3) knowingly operates a commercial motor vehicle in violation of an out-of-service order issued under 49 C.F.R. Section 385.13(d)(1) or owns, leases, or assigns a person to drive a commercial motor vehicle that is knowingly operated in violation of an out-of-service order issued under 49 C.F.R. Section 385.13(d)(1).

(b) An offense under Subsection (a)(1) or (2) ~~[this section]~~ is a Class C misdemeanor.

(b-1) An offense under Subsection (a)(3) is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle accident that resulted in bodily injury; or

(2) a felony of the second degree if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle accident that resulted in the death of a person.

**HB 3052 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Herrero called up with senate amendments for consideration at this time,

HB 3052, A bill to be entitled An Act relating to an authorization agreement between a parent and a nonparent relative of the child.

Representative Herrero moved to concur in the senate amendments to **HB 3052**.

The motion to concur in the senate amendments to **HB 3052** prevailed by (Record 1862): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Bohac; Dukes.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3052** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 6.405, Family Code, is amended to read as follows:

Sec. 6.405. PROTECTIVE ORDER AND RELATED ORDERS. (a) The petition in a suit for dissolution of a marriage must state whether, in regard to a party to the suit or a child of a party to the suit:

(1) there is in effect:

(A) a protective order under Title 4;

(B) a protective order under Chapter 7A, Code of Criminal Procedure; or

(C) an order for emergency protection under Article 17.292, Code of Criminal Procedure; ~~is in effect~~ or

(2) ~~if~~ an application for an ~~a protective~~ order described by Subdivision (1) is pending ~~with regard to the parties to the suit~~.

(b) The petitioner shall attach to the petition a copy of each ~~protective~~ order described by Subsection (a)(1) ~~issued under Title 4~~ in which a party ~~one of the parties~~ to the suit or the child of a party to the suit was the applicant or victim of the conduct alleged in the application or order and the other party was the respondent or defendant of an action regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the ~~protective~~ order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.

SECTION _____. Section 102.008, Family Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) The petition must include:

(1) a statement that the court in which the petition is filed has continuing, exclusive jurisdiction or that no court has continuing jurisdiction of the suit;

(2) the name and date of birth of the child, except that if adoption of a child is requested, the name of the child may be omitted;

(3) the full name of the petitioner and the petitioner's relationship to the child or the fact that no relationship exists;

(4) the names of the parents, except in a suit in which adoption is requested;

(5) the name of the managing conservator, if any, or the child's custodian, if any, appointed by order of a court of another state or country;

(6) the names of the guardians of the person and estate of the child, if any;

(7) the names of possessory conservators or other persons, if any, having possession of or access to the child under an order of the court;

(8) the name of an alleged father of the child or a statement that the identity of the father of the child is unknown;

(9) a full description and statement of value of all property owned or possessed by the child;

(10) a statement describing what action the court is requested to take concerning the child and the statutory grounds on which the request is made; ~~and~~

(11) a statement as to whether, in regard to a party to the suit or a child of a party to the suit:

(A) there is in effect:

(i) a protective order under Title 4;

(ii) a protective order under Chapter 7A, Code of Criminal Procedure; or

(iii) an order for emergency protection under Article 17.292, Code of Criminal Procedure; or

(B) an application for an order described by Paragraph (A) is pending; and

(12) any other information required by this title.

(c) The petitioner shall attach a copy of each order described by Subsection (b)(11)(A) in which a party to the suit or a child of a party to the suit was the applicant or victim of the conduct alleged in the application or order and the other party was the respondent or defendant of an action regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.

(d) Notwithstanding any other provision of this section, if the Title IV-D agency files a petition in a suit affecting the parent-child relationship, the agency is not required to:

(1) include in the petition the statement described by Subsection (b)(11); or

(2) attach copies of the documentation described by Subsection (c).

SECTION _____. Subchapter G, Chapter 160, Family Code, is amended by adding Section 160.6035 to read as follows:

Sec. 160.6035. CONTENTS OF PETITION; STATEMENT RELATING TO CERTAIN PROTECTIVE ORDERS REQUIRED. (a) The petition in a proceeding to adjudicate parentage must include a statement as to whether, in regard to a party to the proceeding or a child of a party to the proceeding:

(1) there is in effect:

(A) a protective order under Title 4;

(B) a protective order under Chapter 7A, Code of Criminal

Procedure; or

(C) an order for emergency protection under Article 17.292, Code of Criminal Procedure; or

(2) an application for an order described by Subdivision (1) is pending.

(b) The petitioner shall attach a copy of each order described by Subsection (a)(1) in which a party to the proceeding or a child of a party to the proceeding was the applicant or victim of the conduct alleged in the application or order and the other party was the respondent or defendant of an action regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.

(c) Notwithstanding any other provision of this section, if the Title IV-D agency files a petition in a proceeding to adjudicate parentage, the agency is not required to:

(1) include in the petition the statement described by Subsection (a); or

(2) attach copies of the documentation described by Subsection (b).

SECTION _____. Sections 6.405 and 102.008, Family Code, as amended by this Act, and Section 160.6035, Family Code, as added by this Act, apply only to a petition filed on or after September 1, 2017. A petition filed before September 1, 2017, is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose.

HB 3069 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative White called up with senate amendments for consideration at this time,

HB 3069, A bill to be entitled An Act relating to the administration of and eligibility for participation in a veterans treatment court program and the issuance of orders of nondisclosure for certain participants who successfully complete that program.

Representative White moved to concur in the senate amendments to **HB 3069**.

The motion to concur in the senate amendments to **HB 3069** prevailed by (Record 1863): 144 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, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Deshotel; Dukes.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3069** (senate committee report) as follows:

(1) In SECTION 4 of the bill, in added Section 411.0727(b)(1), Government Code (page 2, line 41), between "section" and the underlined semicolon, insert "and Section 411.074".

(2) Strike SECTION 5 of the bill (page 3, lines 1 through 4) and renumber subsequent SECTIONS of the bill accordingly.

**HB 4102 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Neave called up with senate amendments for consideration at this time,

HB 4102, A bill to be entitled An Act relating to establishing and funding a grant program for testing evidence collected in relation to sexual assaults or other sex offenses; authorizing voluntary contributions.

Representative Neave moved to concur in the senate amendments to **HB 4102**.

The motion to concur in the senate amendments to **HB 4102** prevailed by (Record 1864): 140 Yeas, 4 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; Cortez; Cospser; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stickland; Stucky; Swanson; Thierry; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bonnen, D.; Isaac; Stephenson; Thompson, E.

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

Absent, Excused — Minjarez; Raney.

Absent — Cook; Dukes.

STATEMENTS OF VOTE

When Record No. 1864 was taken, I was shown voting no. I intended to vote yes.

D. Bonnen

When Record No. 1864 was taken, I was in the house but away from my desk. I would have voted yes.

Cook

When Record No. 1864 was taken, I was shown voting no. I intended to vote yes.

Isaac

When Record No. 1864 was taken, I was shown voting no. I intended to vote yes.

Stephenson

When Record No. 1864 was taken, I was shown voting no. I intended to vote yes.

E. Thompson

Senate Committee Substitute

CSHB 4102, A bill to be entitled An Act relating to establishing and funding a grant program for testing evidence collected in relation to sexual assaults or other sex offenses; authorizing voluntary contributions.

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

SECTION 1. Subchapter H, Chapter 502, Transportation Code, is amended by adding Section 502.414 to read as follows:

Sec. 502.414. VOLUNTARY CONTRIBUTION FOR EVIDENCE TESTING GRANT PROGRAM. (a) When a person registers or renews the registration of a motor vehicle under this chapter, the person may contribute any amount to the evidence testing grant program established under Section 772.00715, Government Code.

(b) The department shall provide, in a conspicuous manner, an opportunity to contribute to the evidence testing grant program in any registration renewal system used by the department.

(c) If a person makes a contribution under this section and does not pay the full amount of a registration fee, the county assessor-collector may credit all or a portion of the contribution to the person's registration fee.

(d) The county assessor-collector shall send any contribution made under this section to the comptroller for deposit to the credit of the evidence testing account established under Section 772.00716, Government Code, at least once every three months. Before sending the money to the comptroller, the department may deduct money equal to the amount of reasonable expenses for administering this section.

SECTION 2. Subchapter A, Chapter 772, Government Code, is amended by adding Sections 772.00715 and 772.00716 to read as follows:

Sec. 772.00715. EVIDENCE TESTING GRANT PROGRAM. (a) In this section:

(1) "Accredited crime laboratory" has the meaning assigned by Section 420.003.

(2) "Criminal justice division" means the criminal justice division established under Section 772.006.

(3) "Grant program" means the evidence testing grant program established under this section.

(4) "Law enforcement agency" means:

- (A) the police department of a municipality;
- (B) the sheriff's office of a county; or
- (C) a constable's office of a county.

(b) The criminal justice division shall establish and administer a grant program and shall disburse funds to assist law enforcement agencies or counties in testing evidence collected in relation to a sexual assault or other sex offense.

(c) Grant funds may be used only for the testing by an accredited crime laboratory of evidence that was collected in relation to a sexual assault or other sex offense.

(d) The criminal justice division:

(1) may establish additional eligibility criteria for grant applicants; and

(2) shall establish:

(A) grant application procedures;

(B) guidelines relating to grant amounts; and

(C) criteria for evaluating grant applications.

(e) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) detailed reporting of the results and performance of the grant program.

Sec. 772.00716. EVIDENCE TESTING ACCOUNT. (a) The evidence testing account is created as a dedicated account in the general revenue fund of the state treasury.

(b) Money in the account may be appropriated only to the criminal justice division established under Section 772.006 for purposes of the evidence testing grant program established under Section 772.00715.

(c) Funds distributed under Section 772.00715 are subject to audit by the comptroller.

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

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 4102** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly.

SECTION _____. Subchapter H, Chapter 502, Transportation Code, is amended by adding Section 502.414 to read as follows:

Sec. 502.414. VOLUNTARY CONTRIBUTION TO ENDING HOMELESSNESS FUND. (a) When a person registers or renews the registration of a motor vehicle under this chapter, the person may contribute any amount to the Ending Homelessness fund under Subsection (f).

(b) The department shall provide, in a conspicuous manner, an opportunity to contribute to the Ending Homelessness fund in any registration renewal system used by the department.

(c) If a person makes a contribution under this section and does not pay the full amount of a registration fee, the county assessor-collector may credit all or a portion of the contribution to the person's registration fee.

(d) The county assessor-collector shall send any contribution made under this section to the comptroller for deposit to the Ending Homelessness fund before the 31st day after the date the contribution is made.

(e) The department shall consult with the Texas Department of Housing and Community Affairs in performing the department's duties under this section.

(f) The Ending Homelessness fund is created as a trust fund outside the state treasury to be held by the comptroller and administered by the Texas Department of Housing and Community Affairs as trustee. The fund is composed of money deposited to the credit of the fund under this section. Money in the fund shall be used to provide grants to counties and municipalities to combat homelessness.

(g) The Texas Department of Housing and Community Affairs shall adopt rules governing application for grants from the Ending Homelessness fund and the issuance of those grants.

HB 240 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 240, A bill to be entitled An Act relating to evidence in a suit to abate certain common nuisances and to notice of certain arrests.

Representative S. Thompson moved to concur in the senate amendments to **HB 240**.

The motion to concur in the senate amendments to **HB 240** prevailed by (Record 1865): 141 Yeas, 2 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; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Cain; Dukes; Laubenberg.

Senate Committee Substitute

CSHB 240, A bill to be entitled An Act relating to evidence in a suit to abate certain common nuisances.

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

SECTION 1. Section 125.004, Civil Practice and Remedies Code, is amended by adding Subsections (a-1), (a-2), and (e) to read as follows:

(a-1) Proof in the form of a person's arrest or the testimony of a law enforcement agent that an activity described by Section 125.0015(a)(6) or (7) is committed at a place licensed as a massage establishment under Chapter 455, Occupations Code, or advertised as offering massage therapy or massage services is prima facie evidence that the defendant knowingly tolerated the activity.

(a-2) Proof that an activity described by Section 125.0015(a)(18) is committed at a place maintained by the defendant is prima facie evidence that the defendant:

(1) knowingly tolerated the activity; and

(2) did not make a reasonable attempt to abate the activity.

(e) Evidence of a previous suit filed under this chapter that resulted in a judgment against a landowner with respect to an activity described by Section 125.0015 at the landowner's property is admissible in a subsequent suit filed under this chapter to demonstrate that the landowner:

(1) knowingly tolerated the activity; and

(2) did not make a reasonable attempt to abate the activity.

SECTION 2. This Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 240** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Subchapter A, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.0017 to read as follows:

Sec. 125.0017. NOTICE OF ARREST FOR CERTAIN ACTIVITIES. If a law enforcement agency makes an arrest related to an activity described by Section 125.0015(a)(6), (7), or (18) that occurs at property leased to a person operating a massage establishment as defined by Section 455.001, Occupations Code, not later than the 14th day after the date of the arrest, the law enforcement agency may provide written notice by certified mail to each person maintaining the property of the arrest.

SECTION _____. Section 125.004, Civil Practice and Remedies Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(2) In the recital to SECTION 1 of the bill amending Section 125.004, Civil Practice and Remedies Code (page 1, line 24), between the comma and "and", insert "(a-3)".

(3) In the recital to SECTION 1 of the bill amending Section 125.004, Civil Practice and Remedies Code (page 1, line 24), between "(e)" and "to", insert "and amending Subsection (d)".

(4) In SECTION 1 of the bill, in added Section 125.004(a-1), Civil Practice and Remedies Code (page 1, line 30), between "services" and "is", insert "after notice of an arrest was provided to the defendant in accordance with Section 125.0017".

(5) In SECTION 1 of the bill, in added Section 125.004(a-2), Civil Practice and Remedies Code (page 1, lines 33-34), between "defendant" and "is", insert "after notice of an arrest was provided to the defendant in accordance with Section 125.0017".

(6) In SECTION 1 of the bill, between added Sections 125.004(a-2) and (e), Civil Practice and Remedies Code (page 1, between lines 37 and 38), insert the following:

(a-3) For purposes of Subsections (a-1) and (a-2), notice is only considered to be provided to the defendant seven days after the postmark date of the notice provided under Section 125.0017.

(d) Notwithstanding Subsection (a), (a-1), or (a-2), evidence that the defendant, the defendant's authorized representative, or another person acting at the direction of the defendant or the defendant's authorized representative requested law enforcement or emergency assistance with respect to an activity at the place where the common nuisance is allegedly maintained is not admissible for the purpose of showing the defendant tolerated the activity or failed to make reasonable attempts to abate the activity alleged to constitute the nuisance but may be admitted for other purposes, such as showing that a crime listed in Section 125.0015 occurred. Evidence that the defendant refused to cooperate with law enforcement or emergency services with respect to the activity is admissible. The posting of a sign prohibiting the activity alleged is not conclusive evidence that the owner did not tolerate the activity.

(7) Renumber the SECTIONS of the bill appropriately.

HB 3281 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative E. Rodriguez called up with senate amendments for consideration at this time,

HB 3281, A bill to be entitled An Act relating to the eligibility of certain municipalities to establish homestead preservation districts and reinvestment zones.

Representative E. Rodriguez moved to concur in the senate amendments to **HB 3281**.

The motion to concur in the senate amendments to **HB 3281** prevailed by (Record 1866): 123 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Burkett; Burns; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis,

S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Biedermann; Bonnen, D.; Bonnen, G.; Burrows; Cain; Capriglione; Faircloth; Hefner; Krause; Rinaldi; Sanford; Schaefer; Simmons; Springer; Stickland; Swanson; Tinderholt; White; Zedler.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Huberty; Walle.

STATEMENTS OF VOTE

When Record No. 1866 was taken, I was shown voting yes. I intended to vote no.

Ashby

When Record No. 1866 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1866 was taken, I was shown voting yes. I intended to vote no.

Shaheen

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3281** (senate committee report) as follows:

(1) On page 1, line 21, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (c)".

(2) On page 1, between lines 31 and 32, insert the following:

(c) Notwithstanding any other law, a municipality to which this chapter applies may not designate a district under this chapter if the municipality has adopted a requirement in any form, including through an ordinance or regulation or as a condition for granting a building permit, that establishes a maximum sales price for a privately produced housing unit or residential building lot. The restriction described by this subsection does not apply to property that is part of an urban land bank program.

**HB 4334 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Bailes called up with senate amendments for consideration at this time,

HB 4334, A bill to be entitled An Act relating to the creation of the Liberty County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

Representative Bailes moved to concur in the senate amendments to **HB 4334**.

The motion to concur in the senate amendments to **HB 4334** prevailed by (Record 1867): 120 Yeas, 24 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Biedermann; Bonnen, D.; Bonnen, G.; Burrows; Capriglione; Cyrier; Faircloth; Fallon; Hefner; Krause; Leach; Murr; Rinaldi; Sanford; Schaefer; Shaheen; Simmons; Springer; Stickland; Swanson; Tinderholt; Wilson; Zedler.

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

Absent, Excused — Minjarez; Raney.

Absent — Coleman; Dukes.

STATEMENT OF VOTE

When Record No. 1867 was taken, I was shown voting yes. I intended to vote no.

Parker

Senate Committee Substitute

CSHB 4334, A bill to be entitled An Act relating to the creation of the Liberty County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8010 to read as follows:

CHAPTER 8010. LIBERTY COUNTY MUNICIPAL UTILITY DISTRICT

NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8010.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Liberty County Municipal Utility District

No. 1.

Sec. 8010.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8010.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8010.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8010.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8010.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8010.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8010.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8010.053, directors serve staggered four-year terms.

Sec. 8010.052. QUALIFICATIONS. Except for temporary directors appointed under Sections 8010.053(a)(1)-(3), to be qualified to serve as a director a person must meet the requirements of Section 54.102, Water Code.

Sec. 8010.053. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) two directors appointed by the Liberty County Commissioners Court;

(2) two directors appointed by the Cleveland Independent School District; and

(3) one director appointed by the landowner of a majority of the assessed real property in the district.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8010.003; or

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

(c) If permanent directors have not been elected under Section 8010.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8010.003; or

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

(d) If Subsection (c) applies, the temporary directors shall recommend to the commission persons to serve as successor temporary directors. After reviewing the recommendations, the commission shall approve or disapprove the successor temporary directors. If the commission is not satisfied with the recommendations, the commission may request additional recommendations. On request by the commission, the temporary directors shall submit additional recommendations.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8010.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8010.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8010.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8010.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8010.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8010.106. APPLICATION OF OTHER LAW. Chapters 232 and 233, Local Government Code, apply to the district. For the purposes of those chapters, the district may take action in the same manner as a county.

Sec. 8010.107. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if:

(1) the district has no outstanding bonded debt; and

(2) the district is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8010.003 to confirm the creation of the district.

(f) An order dividing the district shall:

(1) name each new district;

(2) include the metes and bounds description of the territory of each new district;

(3) appoint temporary directors for each new district; and

(4) provide for the division of assets and liabilities between or among the new districts.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8010.003.

(i) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.

(j) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

(k) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 8010.004 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8010.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8010.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

(d) Before the district may issue bonds, the district must enter into an agreement with the developer, the Cleveland Independent School District, and Liberty County for the transfer of land for use as the sites of facilities for the school district and for emergency services.

Sec. 8010.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8010.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8010.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8010.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8010.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8010.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Liberty County Municipal Utility District No. 1 initially includes all the territory contained in the following area:

A subdivision of 1,329.763 acres of land, being a portion of a called 4,394.368 acre tract located in the James T. Dunman Survey, Abstract No. 167, W. McWilkinson Survey, Abstract No. 317, H.T. & B. R.R. Co. Survey, Abstract No. 443, Liberty County, Texas, designated as Santa Fe Subdivision, Section One, Save and Except Reserves A thru S of Santa Fe, Subdivision, Section One, a plat of said subdivision recorded under Liberty County Clerk's File Number 2017-005075, of the Official Public Records of Liberty County, Texas; and

Being 3,064.605 acres of land, being a portion of a called 4,394.368 acre tract located in the James T. Dunman Survey, Abstract No. 167, H.T. & B. R.R. Co. Survey, Abstract No. 443, H.T. & B. R.R. Co. Survey, Abstract No. 635, W. McWilkinson Survey, Abstract No. 317, Charles Smith Survey, Abstract No. 350, B.B.B. & C. Survey, Abstract No. 152, William H.B. Witham Survey, Abstract No. 395, and the James Darwin Survey, Abstract No. 176, Liberty County, Texas, a Deed as recorded under Liberty County Clerk's File Number 2016-013974, of the Official Public Records of Liberty County, Texas.

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

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

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

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

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8010, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8010.108 to read as follows:

Sec. 8010.108. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 4334** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. (a) Section 8119.002, Special District Local Laws Code, is amended to read as follows:

Sec. 8119.002. NATURE OF DISTRICT; FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit [a municipal utility district in Montgomery County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution].

(b) The creation of the district is essential to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

(b) Subchapter C, Chapter 8119, Special District Local Laws Code, is amended by adding Sections 8119.104 and 8119.105 to read as follows:

Sec. 8119.104. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8119.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

(c) Chapter 8119, Special District Local Laws Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. BONDS

Sec. 8119.151. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

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

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

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

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

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 4334** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 8120.002, Special District Local Laws Code, is amended to read as follows:

Sec. 8120.002. NATURE OF DISTRICT; FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit [a municipal utility district in Montgomery County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution].

(b) The creation of the district is essential to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

(b) Subchapter C, Chapter 8120, Special District Local Laws Code, is amended by adding Sections 8120.104 and 8120.105 to read as follows:

Sec. 8120.104. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8120.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

(c) Chapter 8120, Special District Local Laws Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. BONDS

Sec. 8120.151. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

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

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

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

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

HB 4345 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative E. Rodriguez called up with senate amendments for consideration at this time,

HB 4345, A bill to be entitled An Act relating to the creation of the Rio de Vida Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

Representative E. Rodriguez moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 4345**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4345**: E. Rodriguez, chair; Workman, Uresti, Howard, and Israel.

**HB 810 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Parker called up with senate amendments for consideration at this time,

HB 810, A bill to be entitled An Act relating to the provision of certain investigational stem cell treatments to patients with certain severe chronic diseases or terminal illnesses and regulating the possession, use, and transfer of adult stem cells; creating a criminal offense.

Representative Parker moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 810**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 810**: Parker, chair; Springer, Coleman, Geren, and Zerwas.

**HB 249 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Israel called up with senate amendments for consideration at this time,

HB 249, A bill to be entitled An Act relating to investigations of abuse, neglect, or exploitation conducted by the Department of Family and Protective Services.

Representative Israel moved to concur in the senate amendments to **HB 249**.

The motion to concur in the senate amendments to **HB 249** prevailed by (Record 1868): 140 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King,

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

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

Absent, Excused — Minjarez; Raney.

Absent — Bernal; Dukes; Lucio; Vo; White.

STATEMENTS OF VOTE

When Record No. 1868 was taken, I was shown voting present, not voting. I intended to vote yes.

Burrows

When Record No. 1868 was taken, my vote failed to register. I would have voted yes.

White

Senate Committee Substitute

CSHB 249, A bill to be entitled An Act relating to investigations of child abuse, neglect, or exploitation and to child protective services functions of the Department of Family and Protective Services.

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

SECTION 1. Section 71.004, Family Code, is amended to read as follows:

Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), ~~(K)~~ (K), and (M), by a member of a family or household toward a child of the family or household; or

(3) dating violence, as that term is defined by Section 71.0021.

SECTION 2. Section 261.001, Family Code, is amended by amending Subdivisions (1), (4), and (5) and adding Subdivision (3) to read as follows:

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; ~~or~~

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

(M) forcing or coercing a child to enter into a marriage.

(3) "Exploitation" means the illegal or improper use of a child or of the resources of a child for monetary or personal benefit, profit, or gain by an employee, volunteer, or other individual working under the auspices of a facility or program as further described by rule or policy.

(4) "Neglect":

(A) includes:

(i) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

(ii) the following acts or omissions by a person:

(a) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

(b) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

(c) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

(d) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or

(e) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child; ~~or~~

(iii) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; or

(iv) a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy; and

(B) does not include the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:

(i) the child has a severe emotional disturbance;
 (ii) the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and

(iii) the person has exhausted all reasonable means available to the person to obtain the mental health services described by Subparagraph (ii).

(5) "Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

(A) a parent, guardian, managing or possessory conservator, or foster parent of the child;

(B) a member of the child's family or household as defined by Chapter 71;

(C) a person with whom the child's parent cohabits;

(D) school personnel or a volunteer at the child's school; ~~or~~

(E) personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or

(F) an employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Chapter 42, Human Resources Code.

SECTION 3. Section 261.101(b), Family Code, is amended to read as follows:

(b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has cause to believe that the child has been abused as defined by Section 261.001 ~~[or 261.401]~~, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

SECTION 4. Sections 261.301(b) and (c), Family Code, are amended to read as follows:

(b) A state agency shall investigate a report that alleges abuse, ~~or~~ neglect, or exploitation occurred in a facility operated, licensed, certified, or registered by that agency as provided by Subchapter E. In conducting an investigation for a facility operated, licensed, certified, registered, or listed by the department, the department shall perform the investigation as provided by:

- (1) Subchapter E; and
- (2) the Human Resources Code.

(c) The department is not required to investigate a report that alleges child abuse, ~~or~~ neglect, or exploitation by a person other than a person responsible for a child's care, custody, or welfare. The appropriate state or local law enforcement agency shall investigate that report if the agency determines an investigation should be conducted.

SECTION 5. Section 261.401(b), Family Code, is amended to read as follows:

(b) Except as provided by Section 261.404 and Section 531.02013(1)(D), Government Code, a state agency that operates, licenses, certifies, registers, or lists a facility in which children are located or provides oversight of a program that serves children shall make a prompt, thorough investigation of a report that a child has been or may be abused, neglected, or exploited in the facility or program. The primary purpose of the investigation shall be the protection of the child.

SECTION 6. Sections 261.405(a) and (c), Family Code, are amended to read as follows:

(a) Notwithstanding Section 261.001, in ~~[a]~~ this section:

(1) "Abuse" means an intentional, knowing, or reckless act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program that causes or may cause emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

(2) "Exploitation" means the illegal or improper use of a child or of the resources of a child for monetary or personal benefit, profit, or gain by an employee, volunteer, or other individual working under the auspices of a facility or program as further described by rule or policy.

(3) "Juvenile justice facility" means a facility operated wholly or partly by the juvenile board, by another governmental unit, or by a private vendor under a contract with the juvenile board, county, or other governmental unit that serves juveniles under juvenile court jurisdiction. The term includes:

(A) a public or private juvenile pre-adjudication secure detention facility, including a holdover facility;

(B) a public or private juvenile post-adjudication secure correctional facility except for a facility operated solely for children committed to the Texas Juvenile Justice Department; and

(C) a public or private non-secure juvenile post-adjudication residential treatment facility that is not licensed by the Department of Family and Protective Services or the Department of State Health Services.

(4) ~~(2)~~ "Juvenile justice program" means a program or department operated wholly or partly by the juvenile board or by a private vendor under a contract with a juvenile board that serves juveniles under juvenile court jurisdiction. The term includes:

- (A) a juvenile justice alternative education program;
- (B) a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court; and
- (C) a juvenile probation department.

(5) "Neglect" means a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

(c) The Texas Juvenile Justice Department shall make a prompt, thorough [conduct an] investigation as provided by this chapter if that department receives a report of alleged abuse, neglect, or exploitation in any juvenile justice program or facility. The primary purpose of the investigation shall be the protection of the child.

SECTION 7. Section 531.02013, Government Code, is amended to read as follows:

Sec. 531.02013. FUNCTIONS REMAINING WITH CERTAIN AGENCIES. The following functions are not subject to transfer under Sections 531.0201 and 531.02011:

(1) the functions of the Department of Family and Protective Services, including the statewide intake of reports and other information, related to the following:

(A) child protective services, including services that are required by federal law to be provided by this state's child welfare agency;

(B) adult protective services, other than investigations of the alleged abuse, neglect, or exploitation of an elderly person or person with a disability:

(i) in a facility operated, or in a facility or by a person licensed, certified, or registered, by a state agency; or

(ii) by a provider that has contracted to provide home and community-based services; ~~and~~

(C) prevention and early intervention services; and

(D) investigations of alleged abuse, neglect, or exploitation occurring at a child-care facility, as that term is defined in Section 40.042, Human Resources Code; and

(2) the public health functions of the Department of State Health Services, including health care data collection and maintenance of the Texas Health Care Information Collection program.

SECTION 8. (a) Subchapter B, Chapter 40, Human Resources Code, is amended by adding Sections 40.039, 40.040, 40.041, and 40.042 to read as follows:

Sec. 40.039. REVIEW OF RECORDS RETENTION POLICY. The department shall periodically review the department's records retention policy with respect to case and intake records relating to department functions. The department shall make changes to the policy consistent with the records retention schedule submitted under Section 441.185, Government Code, that are necessary to improve case prioritization and the routing of cases to the appropriate division of the department. The department may adopt rules necessary to implement this section.

Sec. 40.040. CASE MANAGEMENT VENDOR QUALITY OVERSIGHT AND ASSURANCE DIVISION; MONITORING OF CONTRACT ADHERENCE. (a) In this section, "case management," "catchment area," and "community-based care" have the meanings assigned by Section 264.151, Family Code.

(b) The department shall create within the department the case management services vendor quality oversight and assurance division. The division shall:

(1) oversee quality and ensure accountability of any vendor that provides community-based care and full case management services for the department under community-based care; and

(2) monitor the transfer from the department to a vendor of full case management services for children and families receiving services from the vendor, including any transfer occurring under a pilot program.

(c) The commission shall contract with an outside vendor with expertise in quality assurance to develop, in coordination with the department, a contract monitoring system and standards for the continuous monitoring of the adherence of a vendor providing foster care services under community-based care to the terms of the contract entered into by the vendor and the commission. The standards must include performance benchmarks relating to the provision of case management services in the catchment area where the vendor operates.

(d) The division shall collect and analyze data comparing outcomes on performance measures between catchment areas where community-based care has been implemented and regions where community-based care has not been implemented.

Sec. 40.041. OFFICE OF DATA ANALYTICS. The department shall create an office of data analytics. The office shall report to the deputy commissioner and may perform any of the following functions, as determined by the department:

(1) monitor management trends;

(2) analyze employee exit surveys and interviews;

(3) evaluate the effectiveness of employee retention efforts, including merit pay;

(4) create and manage a system for handling employee complaints submitted by the employee outside of an employee's direct chain of command, including anonymous complaints;

(5) monitor and provide reports to department management personnel

on:

(A) employee complaint data and trends in employee complaints;

(B) compliance with annual department performance evaluation requirements; and

(C) the department's use of positive performance levels for employees;

(6) track employee tenure and internal employee transfers within both the child protective services division and the department;

(7) use data analytics to predict workforce shortages and identify areas of the department with high rates of employee turnover, and develop a process to inform the deputy commissioner and other appropriate staff regarding the office's findings;

(8) create and monitor reports on key metrics of agency performance;

(9) analyze available data, including data on employee training, for historical and predictive department trends; and

(10) conduct any other data analysis the department determines to be appropriate for improving performance, meeting the department's current business needs, or fulfilling the powers and duties of the department.

Sec. 40.042. INVESTIGATIONS OF CHILD ABUSE, NEGLECT, AND EXPLOITATION. (a) In this section, "child-care facility" includes a facility, licensed or unlicensed child-care facility, family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Chapter 42.

(b) For all investigations of child abuse, neglect, or exploitation conducted by the child protective services division of the department, the department shall adopt the definitions of abuse, neglect, and exploitation provided in Section 261.001, Family Code.

(c) The department shall establish standardized policies to be used during investigations.

(d) The commissioner shall establish units within the child protective services division of the department to specialize in investigating allegations of child abuse, neglect, or exploitation occurring at a child-care facility.

(e) The department may require that investigators who specialize in allegations of child abuse, neglect, and exploitation occurring at child-care facilities receive ongoing training on the minimum licensing standards for any facilities that are applicable to the investigator's specialization.

(f) After an investigation of abuse, neglect, or exploitation occurring at a child-care facility, the department shall provide the state agency responsible for regulating the facility with access to any information relating to the department's investigation. Providing access to confidential information under this subsection does not constitute a waiver of confidentiality.

(g) The executive commissioner or the commissioner of the department, as appropriate, may adopt rules to implement this section.

(b) As soon as possible after the effective date of this Act, the commissioner of the Department of Family and Protective Services shall establish the office of data analytics required by Section 40.041, Human Resources Code, as added by

this section. The commissioner and the executive commissioner of the Health and Human Services Commission shall transfer appropriate staff as necessary to conduct the duties of the office.

SECTION 9. Section 40.051, Human Resources Code, is amended to read as follows:

Sec. 40.051. STRATEGIC PLAN FOR DEPARTMENT. The department shall develop a departmental strategic plan based on the goals and priorities stated in the commission's coordinated strategic plan for health and human services. The department shall also develop its plan based on:

- (1) furthering the policy of family preservation;
- (2) the goal of ending the abuse and neglect of children in the conservatorship of the department; and
- (3) the goal of increasing the capacity and availability of foster, relative, and kinship placements in this state.

SECTION 10. (a) Section 40.058(f), Human Resources Code, is amended to read as follows:

(f) A contract for residential child-care services provided by a general residential operation or by a child-placing agency must include provisions that:

(1) enable the department and commission to monitor the effectiveness of the services;

(2) specify performance outcomes, financial penalties for failing to meet any specified performance outcomes, and financial incentives for exceeding any specified performance outcomes;

(3) authorize the department or commission to terminate the contract or impose monetary sanctions for a violation of a provision of the contract that specifies performance criteria or for underperformance in meeting any specified performance outcomes;

(4) authorize the department or commission, an agent of the department or commission, and the state auditor to inspect all books, records, and files maintained by a contractor relating to the contract; and

(5) are necessary, as determined by the department or commission, to ensure accountability for the delivery of services and for the expenditure of public funds.

(b) The Health and Human Services Commission shall, in a contract for residential child-care services between the commission and a general residential operation or child-placing agency that is entered into on or after the effective date of this section, including a renewal contract, include the provisions required by Section 40.058(f), Human Resources Code, as amended by this section.

(c) The Health and Human Services Commission shall seek to amend contracts for residential child-care services entered into with general residential operations or child-placing agencies before the effective date of this section to include the provisions required by Section 40.058(f), Human Resources Code, as amended by this section.

(d) The Department of Family and Protective Services and the Health and Human Services Commission may not impose a financial penalty against a general residential operation or child-placing agency under a contract provision described by Section 40.058(f)(2) or (3), Human Resources Code, as amended by this section, until September 1, 2018.

SECTION 11. (a) Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.0581 to read as follows:

Sec. 40.0581. PERFORMANCE MEASURES FOR CERTAIN SERVICE PROVIDER CONTRACTS. (a) The commission, in collaboration with the department, shall contract with a vendor or enter into an agreement with an institution of higher education to develop, in coordination with the department, performance quality metrics for family-based safety services and post-adoption support services providers. The quality metrics must be included in each contract with those providers.

(b) Each provider whose contract with the commission to provide department services includes the quality metrics developed under Subsection (a) must prepare and submit to the department a report each calendar quarter regarding the provider's performance based on the quality metrics.

(c) The commissioner shall compile a summary of all reports prepared and submitted to the department by family-based safety services providers as required by Subsection (b) and distribute the summary to appropriate family-based safety services caseworkers and child protective services region management once each calendar quarter.

(d) The commissioner shall compile a summary of all reports prepared and submitted to the department by post-adoption support services providers as required by Subsection (b) and distribute the summary to appropriate conservatorship and adoption caseworkers and child protective services region management.

(e) The department shall make the summaries prepared under Subsections (c) and (d) available to families that are receiving family-based safety services and to adoptive families.

(f) This section does not apply to a provider that has entered into a contract with the commission to provide family-based safety services under Section 264.165, Family Code.

(b) The quality metrics required by Section 40.0581, Human Resources Code, as added by this section, must be developed not later than September 1, 2018, and included in any contract, including a renewal contract, entered into by the Health and Human Services Commission with a family-based safety services provider or a post-adoption support services provider on or after January 1, 2019, except as provided by Section 40.0581(f), Human Resources Code, as added by this section.

SECTION 12. Section 42.002(23), Human Resources Code, is amended to read as follows:

(23) "Other maltreatment" means:

(A) abuse, as defined by Section 261.001 [~~or 261.401~~], Family Code; or

(B) neglect, as defined by Section 261.001 [~~or 261.401~~], Family Code.

SECTION 13. Section 42.044(c-1), Human Resources Code, is amended to read as follows:

(c-1) The department:

(1) shall investigate a listed family home if the department receives a complaint that:

(A) a child in the home has been abused or neglected, as defined by Section 261.001 [~~261.401~~], Family Code; or

(B) otherwise alleges an immediate risk of danger to the health or safety of a child being cared for in the home; and

(2) may investigate a listed family home to ensure that the home is providing care for compensation to not more than three children, excluding children who are related to the caretaker.

SECTION 14. Section 261.401(a), Family Code, is repealed.

SECTION 15. (a) The changes in law made by this Act apply only to a report of suspected abuse, neglect, or exploitation of a child that is made on or after the effective date of this Act. A report of suspected abuse, neglect, or exploitation that is made before that date is governed by the law in effect on the date the report was made, and that law is continued in effect for that purpose.

(b) Notwithstanding any provision of Subchapter A-1, Chapter 531, Government Code, or any other law, the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, as that term is defined in Section 40.042, Human Resources Code, as added by this Act, may not be transferred to the Health and Human Services Commission and remains the responsibility of the Department of Family and Protective Services.

(c) As soon as possible after the effective date of this Act, the commissioner of the Department of Family and Protective Services shall transfer the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, as that term is defined in Section 40.042, Human Resources Code, as added by this Act, to the child protective services division of the department. The commissioner shall transfer appropriate investigators and staff as necessary to implement this subsection.

(d) The Department of Family and Protective Services shall implement the standardized definitions and policies required under Sections 40.042(b) and (c), Human Resources Code, as added by this Act, not later than December 1, 2017.

SECTION 16. This Act takes effect September 1, 2017.

HB 3593 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Bernal called up with senate amendments for consideration at this time,

HB 3593, A bill to be entitled An Act relating to instruction in career and technology education provided by public schools, including instruction in technology applications, cybersecurity, and computer coding, and to consideration of completed practicums and internships in school accountability ratings.

Representative Bernal moved to concur in the senate amendments to **HB 3593**.

The motion to concur in the senate amendments to **HB 3593** prevailed by (Record 1869): 112 Yeas, 27 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Biedermann; Bonnen, D.; Cain; Capriglione; Fallon; Hefner; Keough; Krause; Kuempel; Landgraf; Lang; Leach; Murr; Parker; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simmons; Stickland; Swanson; Tinderholt; White; Wilson; Zedler.

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

Absent, Excused — Minjarez; Raney.

Absent — Anderson, C.; Burrows; Coleman; Dukes; Herrero; Koop; Walle.

STATEMENTS OF VOTE

When Record No. 1869 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

When Record No. 1869 was taken, I was in the house but away from my desk. I would have voted yes.

Koop

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 3593** by striking SECTION 7 of the bill and renumbering the subsequent SECTIONS of the bill accordingly.

**HB 1569 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Ashby called up with senate amendments for consideration at this time,

HB 1569, A bill to be entitled An Act relating to the disclosure to public schools of certain records of students placed in residential facilities.

Representative Ashby moved to concur in the senate amendments to **HB 1569**.

The motion to concur in the senate amendments to **HB 1569** prevailed by (Record 1870): 144 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, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Klick.

Senate Committee Substitute

CSHB 1569, A bill to be entitled An Act relating to the disclosure to public schools of certain records of students placed in residential facilities.

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

SECTION 1. Section 29.012, Education Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) Except as provided by Subsection (g), a residential facility shall provide to a school district or open-enrollment charter school that provides educational services to a student placed in the facility any information retained by the facility relating to:

- (1) the student's school records, including records regarding:

 - (A) special education eligibility or services;

- (B) behavioral intervention plans;
- (C) school-related disciplinary actions; and
- (D) other documents related to the student's educational needs;

(2) any other behavioral history information regarding the student that is not confidential under another provision of law; and

(3) the student's record of convictions or the student's probation, community supervision, or parole status, as provided to the facility by a law enforcement agency, local juvenile probation department or juvenile parole office, community supervision and corrections department, or parole office, if the information is needed to provide educational services to the student.

(g) Subsection (f) does not apply to a:

(1) juvenile pre-adjudication secure detention facility; or

(2) juvenile post-adjudication secure correctional facility.

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.

HB 1816 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Metcalf called up with senate amendments for consideration at this time,

HB 1816, A bill to be entitled An Act relating to the operation of medical supply transport vehicles during a declared state of disaster.

Representative Metcalf moved to concur in the senate amendments to **HB 1816**.

The motion to concur in the senate amendments to **HB 1816** prevailed by (Record 1871): 141 Yeas, 1 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; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; 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.

Nays — Stickland.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Klick; Perez; Raymond.

Senate Committee Substitute

CSHB 1816, A bill to be entitled An Act relating to the operation of medical supply transport vehicles during a declared state of disaster.

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

SECTION 1. Chapter 546, Transportation Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. OPERATION OF MEDICAL SUPPLY TRANSPORT VEHICLES

Sec. 546.051. DEFINITIONS. In this subchapter:

(1) "Emergency care facility" means a health care facility, including a freestanding emergency medical care facility, hospital, temporary emergency clinic, and trauma facility, that provides emergency medical care.

(2) "Freestanding emergency medical care facility" means a facility licensed under Chapter 254, Health and Safety Code.

(3) "Medical supply distributor" means a person authorized to transport prescription drugs and other medical supplies to emergency care facilities or pharmacies.

(4) "Nursing home" means a facility licensed under Chapter 242, Health and Safety Code.

(5) "Pharmacy" has the meaning assigned by Section 551.003, Occupations Code.

(6) "Trauma facility" has the meaning assigned by Section 773.003, Health and Safety Code.

Sec. 546.052. MEDICAL SUPPLY TRANSPORT VEHICLES DURING DECLARED DISASTER. (a) A vehicle used by a medical supply distributor to transport prescription drugs and other medical supplies to an emergency care facility, pharmacy, or nursing home located in an area declared a disaster area by the governor under Chapter 418, Government Code, may have access to highways, streets, and bridges as if the transport vehicle were an emergency vehicle if the transport vehicle will not negatively impact evacuation activities or any response or recovery activities in the disaster area.

(b) The Texas Division of Emergency Management shall establish procedures to assist medical supply distributors in accessing highways, streets, and bridges as authorized by Subsection (a).

(c) This section does not create a cause of action against a law enforcement officer involved in assisting a medical supply distributor under this section for any harm done to the distributor resulting from that assistance.

SECTION 2. Not later than September 1, 2018, the Texas Division of Emergency Management shall establish the procedures required by Section 546.052(b), Transportation Code, as added by this Act.

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

**HB 3295 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Klick called up with senate amendments for consideration at this time,

HB 3295, A bill to be entitled An Act relating to the delivery of certain Medicaid services to persons with an intellectual or developmental disability.

Representative Klick moved to concur in the senate amendments to **HB 3295**.

The motion to concur in the senate amendments to **HB 3295** prevailed by (Record 1872): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Canales; Capriglione; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Alonzo; Burkett; Dukes; Perez; Roberts; Stephenson.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3295** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. (a) Using existing resources, the Health and Human Services Commission shall:

(1) identify and evaluate barriers preventing Medicaid recipients enrolled in the STAR + PLUS Medicaid managed care program or a home and community-based services waiver program from choosing the consumer directed

services option and develop recommendations for increasing the percentage of Medicaid recipients enrolled in those programs who choose the consumer directed services option; and

(2) study the feasibility of establishing a community attendant registry to assist Medicaid recipients enrolled in the community attendant services program in locating providers.

(b) Not later than December 1, 2018, the Health and Human Services Commission shall submit a report containing the commission's findings and recommendations under Subsection (a) of this section to the governor, the legislature, and the Legislative Budget Board. The report required by this subsection may be combined with any other report required by this Act or other law.

SECTION _____. (a) The Health and Human Services Commission shall conduct a study of the provision of dental services to adults with disabilities under the Medicaid program, including:

(1) the types of dental services provided, including preventive dental care, emergency dental services, and periodontal, restorative, and prosthodontic services;

(2) limits or caps on the types and costs of dental services provided;

(3) unique considerations in providing dental care to adults with disabilities, including additional services necessary for adults with particular disabilities; and

(4) the availability and accessibility of dentists who provide dental care to adults with disabilities, including the availability of dentists who provide additional services necessary for adults with particular disabilities.

(b) In conducting the study under Subsection (a) of this section, the Health and Human Services Commission shall:

(1) identify the number of adults with disabilities whose Medicaid benefits include limited or no dental services and who, as a result, have sought medically necessary dental services during an emergency room visit;

(2) if feasible, estimate the number of adults with disabilities who are receiving services under the Medicaid program and who have access to alternative sources of dental care, including pro bono dental services, faith-based dental services providers, and other public health care providers; and

(3) collect data on the receipt of dental services during emergency room visits by adults with disabilities who are receiving services under the Medicaid program, including the reasons for seeking dental services during an emergency room visit and the costs of providing the dental services during an emergency room visit, as compared to the cost of providing the dental services in the community.

(c) Not later than December 1, 2018, the Health and Human Services Commission shall submit a report containing the results of the study conducted under Subsection (a) of this section and the commission's recommendations for improving access to dental services in the community for and reducing the provision of dental services during emergency room visits to adults with disabilities receiving services under the Medicaid program to the governor, the

legislature, and the Legislative Budget Board. The report required by this subsection may be combined with any other report required by this Act or other law.

**HB 1629 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Coleman called up with senate amendments for consideration at this time,

HB 1629, A bill to be entitled An Act relating to the development of a quality-based outcome measure for the child health plan program and Medicaid regarding certain persons with HIV.

Representative Coleman moved to concur in the senate amendments to **HB 1629**.

The motion to concur in the senate amendments to **HB 1629** prevailed by (Record 1873): 140 Yeas, 4 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; 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; Gonzales; González; Gooden; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; 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.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bonnen, D.; Cain; Stickland; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Guerra.

STATEMENT OF VOTE

When Record No. 1873 was taken, I was shown voting yes. I intended to vote no.

Swanson

Senate Committee Substitute

CSHB 1629, A bill to be entitled An Act relating to the development of a quality-based outcome measure for the child health plan program and Medicaid regarding certain persons with HIV.

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

SECTION 1. Section 536.003, Government Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) The commission, in coordination with the Department of State Health Services, shall develop and implement a quality-based outcome measure for the child health plan program and Medicaid to annually measure the percentage of child health plan program enrollees or Medicaid recipients with HIV infection, regardless of age, whose most recent viral load test indicates a viral load of less than 200 copies per milliliter of blood.

(g) The commission shall include aggregate, nonidentifying data collected using the quality-based outcome measure described by Subsection (f) in the annual report required by Section 536.008 and may include the data in any other report required by this chapter. The commission shall determine the appropriateness of including the quality-based outcome measure described by Subsection (f) in the quality-based payments and payment systems developed under Sections 536.004 and 536.051.

(h) In this section, "HIV" has the meaning assigned by Section 81.101, Health and Safety Code.

SECTION 2. As soon as practicable after the effective date of this Act, the Health and Human Services Commission and the Department of State Health Services shall develop and implement the quality-based outcome measure required by Section 536.003(f), Government Code, as added by this Act.

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

**HB 2101 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Kuempel called up with senate amendments for consideration at this time,

HB 2101, A bill to be entitled An Act relating to the issuance of a food and beverage certificate to holders of certain alcoholic beverage permits and licenses.

Representative Kuempel moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2101**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2101**: Frullo, chair; Kuempel, Paddie, S. Thompson, and Herrero.

**HB 1162 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Guillen called up with senate amendments for consideration at this time,

HB 1162, A bill to be entitled An Act relating to the designation of a portion of Farm-to-Market Road 649 as the State Trooper David Lee Nevarez Memorial Highway.

Representative Guillen moved to concur in the senate amendments to **HB 1162**.

The motion to concur in the senate amendments to **HB 1162** prevailed by (Record 1874): 144 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; Cospes; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Lang.

Senate Committee Substitute

CSHB 1162, A bill to be entitled An Act relating to the designation of a portion of Farm-to-Market Road 649 as the State Trooper David Lee Nevarez Memorial Highway.

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

SECTION 1. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:

Sec. 225.123. STATE TROOPER DAVID LEE NEVAREZ MEMORIAL HIGHWAY. (a) The portion of Farm-to-Market Road 649 between Farm-to-Market Road 2687 and State Highway 16 is designated as the State Trooper David Lee Nevarez Memorial Highway.

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

(1) design and construct markers indicating the designation as the State Trooper David Lee Nevarez Memorial Highway and any other appropriate information; and

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

SECTION 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.

(White in the chair)

**HB 3215 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Goldman called up with senate amendments for consideration at this time,

HB 3215, A bill to be entitled An Act relating to the authority of a licensed auctioneer to sell a business that owns vehicles without engaging in business as a motor vehicle dealer.

Representative Goldman moved to concur in the senate amendments to **HB 3215**.

The motion to concur in the senate amendments to **HB 3215** prevailed by (Record 1875): 144 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, 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, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; VanDeaver; Villalba; Vo; Walle; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Uresti.

Senate Committee Substitute

CSHB 3215, A bill to be entitled An Act relating to the authority of a person to sell property without engaging in business as a motor vehicle dealer.

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

SECTION 1. Sections 503.024(b) and (d), Transportation Code, are amended to read as follows:

(b) For the purposes of Section 503.021, a person is not engaging in business as a dealer by:

(1) selling or offering to sell, if the sale or offer is not made to avoid a requirement of this chapter, a vehicle the person acquired for personal or business use to:

(A) a person other than a retail buyer if not sold or offered through a licensed auctioneer; or

(B) any person if the sale or offer is made through a licensed auctioneer [~~if the sale or offer is not made to avoid a requirement of this chapter~~];

(2) selling, in a manner provided by law for the forced sale of vehicles, a vehicle in which the person holds a security interest;

(3) acting under a court order as a receiver, trustee, administrator, executor, guardian, or other appointed person;

(4) selling a vehicle the person acquired from the vehicle's owner as a result of paying an insurance claim if the person is an insurance company;

(5) selling an antique passenger car or truck that is at least 25 years of age; or

(6) selling a special interest vehicle that is at least 12 years of age if the person is a collector.

(d) For the purposes of Section 503.021, a licensed auctioneer is not engaging in business as a dealer by, as a bid caller, selling or offering to sell property, including a business that holds the title to any number of vehicles, to the highest bidder at a bona fide auction if:

(1) legal or equitable title does not pass to the auctioneer;

(2) the auction is not held to avoid a requirement of this chapter; and

(3) for an auction of vehicles owned legally or equitably by a person who holds a general distinguishing number, the auction is conducted at the location for which the general distinguishing number was issued.

SECTION 2. This Act takes effect September 1, 2017.

(Goldman in the chair)

HB 2445 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS

Representative Stucky called up with senate amendments for consideration at this time,

HB 2445, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

Representative Stucky moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2445**.

The motion prevailed.

HB 2445 - CONFERENCE COMMITTEE INSTRUCTED

Representative Raymond moved to instruct the Conference Committee on **HB 2445** to correct a drafting error regarding the City of Laredo's ability to use municipal hotel occupancy tax revenue.

The motion to instruct conferees prevailed.

HB 2445 - CONFERENCE COMMITTEE INSTRUCTED

Representative Isaac moved to instruct the Conference Committee on **HB 2445** to retain the language in **HB 2445** relating to a municipality of less than 10,000 people, that has a sporting goods retail facility greater than 175,000 square feet, and hosts an annual wiener dog race.

The motion to instruct conferees prevailed.

HB 2445 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2445**: Stucky, chair; Darby, Springer, Raymond, and D. Bonnen.

HB 3342 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Parker called up with senate amendments for consideration at this time,

HB 3342, A bill to be entitled An Act relating to the prelicensing education requirements for residential mortgage loan originators.

Representative Parker moved to concur in the senate amendments to **HB 3342**.

The motion to concur in the senate amendments to **HB 3342** prevailed by (Record 1876): 144 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; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Capriglione; Dukes.

Senate Committee Substitute

CSHB 3342, A bill to be entitled An Act relating to the preclicensing education requirements for residential mortgage loan originators.

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

SECTION 1. Section 180.056(h), Finance Code, is amended to read as follows:

(h) An individual who fails to maintain a residential mortgage loan originator license for the period of time established by rule of the rulemaking authority [~~at least five consecutive years~~] must retake the preclicensing education requirements prescribed by the S.A.F.E. Mortgage Licensing Act.

SECTION 2. This Act takes effect January 1, 2018.

HB 156 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Raymond called up with senate amendments for consideration at this time,

HB 156, A bill to be entitled An Act relating to establishing a pilot program in designated public high schools in certain municipalities for placement of students in Junior Reserve Officers' Training Corps programs as an alternative to placement in disciplinary or juvenile justice alternative education programs.

Representative Raymond moved to concur in the senate amendments to **HB 156**.

The motion to concur in the senate amendments to **HB 156** prevailed by (Record 1877): 140 Yeas, 5 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; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; 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.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Rinaldi; Stickland; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 156** (senate committee printing), in SECTION 1 of the bill, as follows:

(1) In added Section 37.032, Education Code (page 2, lines 1-11), strike Subsection (a) and substitute the following:

(a) Notwithstanding any other provision of Subchapter A and except as provided by Subsection (c), a student subject to this subchapter who is otherwise required or permitted under Subchapter A to be placed in a disciplinary alternative education program or juvenile justice alternative education program may, instead of that placement, choose to participate in a Junior Reserve Officers' Training Corps program if the student meets the initial eligibility requirements for the program.

(2) In added Section 37.032(b), Education Code (page 2, line 12), strike "required" and substitute "who chooses".

(3) In added Section 37.032(b), Education Code (page 2, line 16), strike "required".

(4) In added Section 37.033(a), Education Code (page 2, lines 36-65), strike Subdivisions (1)-(5), and substitute the following:

(1) specify conditions that authorize a principal or other appropriate administrator to permit a student to choose to participate in a Junior Reserve Officers' Training Corps program as an alternative to placement in a disciplinary alternative education program or juvenile justice alternative education program;

(2) specify that consideration will be given, as a factor in each decision concerning alternative participation in a Junior Reserve Officers' Training Corps program, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history; or

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(3) provide guidelines that promote positive student educational outcomes for students choosing to participate in a Junior Reserve Officers' Training Corps program as an alternative to placement in a disciplinary alternative education program or juvenile justice alternative education program;

(4) provide guidelines for setting the length of a term of participation in a Junior Reserve Officers' Training Corps program as an alternative to placement in a disciplinary alternative education program or juvenile justice alternative education program; and

(5) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in the student's choice to participate in a Junior Reserve Officers' Training Corps program as an alternative to placement in a disciplinary alternative education program or a juvenile justice alternative education program.

(5) In added Section 37.033(b), Education Code (page 2, line 67), strike "required".

(6) In added Section 37.035(a), Education Code (page 3, line 3), strike "be required to".

(7) In added Section 37.035(a), Education Code (page 3, lines 6-7), strike "and request and obtain consent for the student's placement in the program".

(8) In added Section 37.036(a), Education Code (page 3, line 17), strike "required".

(9) In added Section 37.036(b), Education Code (page 3, line 25), strike "be required to".

(10) In added Section 37.036(b), Education Code (page 3, line 31), strike "required".

(11) In added Section 37.037(a), Education Code (page 3, line 38), strike "required to participate" and substitute "participating".

(12) In added Section 37.038(a), Education Code (page 3, line 49), strike "required to participate" and substitute "participating".

(13) In added Section 37.038(a), Education Code (page 3, lines 51-52), strike "the period of required participation" substitute "the designated period of participation".

(14) In added Section 37.038(a), Education Code (page 3, line 53), strike "requiring the participation" and substitute "in which the student was participating in the program".

(15) In added Section 37.038(c), Education Code (page 3, lines 68-69), strike "completing the period of required participation" and substitute "completing the designated period of participation".

(16) Strike added Section 37.039, Education Code (page 4, lines 7-18) and substitute the following:

Sec. 37.039. PROCEDURE FOR ADDRESSING FAILURE TO COMPLETE DESIGNATED PERIOD OF PARTICIPATION OR SUBSEQUENT CONDUCT AFTER PROGRAM PARTICIPATION. A student who chooses to participate in a Junior Reserve Officers' Training Corps program as authorized under this subchapter is subject to the provisions of Subchapter A relating to removal from class and placement in a disciplinary alternative education program or juvenile justice alternative education program if the student:

(1) except as provided by Section 37.038(c), fails to complete the designated period of participation under the terms of an order as authorized by this section; or

(2) after completion of any participation in a Junior Reserve Officers' Training Corps program as authorized under this subchapter, engages in subsequent conduct requiring or permitting the student to be removed from class and placed in a disciplinary alternative education program or juvenile justice alternative education program under Subchapter A.

HB 435 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative K. King called up with senate amendments for consideration at this time,

HB 435, A bill to be entitled An Act relating to the application of certain weapons laws to and liability for certain actions of volunteer emergency services personnel licensed to carry a handgun.

Representative K. King moved to concur in the senate amendments to **HB 435**.

The motion to concur in the senate amendments to **HB 435** prevailed by (Record 1878): 136 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospér; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf;

Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; 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 — Anderson, R.; Cain; Lang; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt; Wilson.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 1878 was taken, I was shown voting no. I intended to vote yes.

Lang

When Record No. 1878 was taken, I was shown voting no. I intended to vote yes.

Rinaldi

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 435** (senate committee printing) as follows:

(1) In SECTION 6 of the bill, in amended Section 46.15(a)(6), Penal Code (page 2, line 49), strike "a district attorney" and substitute "the attorney general or a United States attorney, district attorney".

(2) In SECTION 6 of the bill, in amended Section 46.15(a)(7), Penal Code (page 2, line 52), strike "an assistant district attorney" and substitute "an assistant United States attorney, assistant attorney general, assistant district attorney".

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

SECTION _____. Section 411.179(c), Government Code, is amended to read as follows:

(c) In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a qualified handgun instructor or of the attorney general or a judge, justice, United States attorney, assistant United States attorney, assistant attorney general, prosecuting attorney, or assistant prosecuting attorney, as described by Section 46.15(a)(4), ~~(6)~~ (6), or (7), Penal Code, to indicate on the license the license holder's status as a qualified handgun instructor or as the attorney general or a judge, justice, United States attorney, assistant United States attorney, assistant attorney general, district attorney,

criminal district attorney, or county attorney. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status under this subsection.

SECTION _____. Section 411.1882(a), Government Code, is amended to read as follows:

(a) A person who is serving in this state as the attorney general or as a judge or justice of a federal court, as an active judicial officer as defined by Section 411.201, as a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney, as a supervision officer as defined by [Section 2,] Article 42A.001 [42.12], Code of Criminal Procedure, or as a juvenile probation officer may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Texas Commission on Law Enforcement for purposes of Section 1702.1675, Occupations Code, a sworn statement that indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns.

SECTION _____. Section 411.201(h), Government Code, is amended to read as follows:

(h) The department shall issue a license to carry a handgun under the authority of this subchapter to a United States attorney or an assistant United States attorney, or to an [elected] attorney elected or employed to represent [representing] the state in the prosecution of felony cases, who meets the requirements of this section for an active judicial officer. The department shall waive any fee required for the issuance of an original, duplicate, or renewed license under this subchapter for an applicant who is a United States attorney or an assistant United States attorney or who is an attorney elected or employed to represent the state in the prosecution of felony cases.

SECTION _____. Section 46.035(h-1), Penal Code, as added by Chapter 1222 (**HB 2300**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(h-1) It is a defense to prosecution under Subsections (b)(1), (2), (4), (5), and (6) [~~(4) (6)~~], and (c) that at the time of the commission of the offense, the actor was:

(1) a judge or justice of a federal court;
(2) an active judicial officer, as defined by Section 411.201, Government Code; or

(3) the attorney general or a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.

SECTION _____. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 435** by Perry (senate committee report) by inserting the following appropriately numbered sections:

SECTION _____. The heading to Section 411.209, Government Code, is amended to read as follows:

Sec. 411.209. WRONGFUL EXCLUSION OF [CONCEALED] HANDGUN LICENSE HOLDER.

SECTION _____. Section 411.209, Government Code, is amended by amending Subsections (a) and (d) and adding Subsection (i) to read as follows:

(a) Except as provided by Subsection (i), a [A] state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a [concealed handgun] license to carry a handgun, that a license holder carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code.

(d) A resident ~~[citizen]~~ of this state or a person licensed to carry a ~~[concealed]~~ handgun under this subchapter may file a complaint with the attorney general that a state agency or political subdivision is in violation of Subsection (a) if the resident [citizen] or person provides the agency or subdivision a written notice that describes the violation and specific location of the sign found to be in violation and the agency or subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice. A complaint filed under this subsection must include evidence of the violation and a copy of the written notice.

(i) Subsection (a) does not apply to a written notice provided by a state hospital under Section 552.002, Health and Safety Code.

SECTION _____. Subchapter A, Chapter 552, Health and Safety Code, is amended by adding Section 552.002 to read as follows:

Sec. 552.002. CARRYING OF HANDGUN BY LICENSE HOLDER IN STATE HOSPITAL. (a) In this section:

(1) "License holder" has the meaning assigned by Section 46.035 (f), Penal Code.

(2) "State hospital" means the following facilities:

- (A) the Austin State Hospital;
- (B) the Big Spring State Hospital;
- (C) the El Paso Psychiatric Center;
- (D) the Kerrville State Hospital;
- (E) the North Texas State Hospital;
- (F) the Rio Grande State Center;
- (G) the Rusk State Hospital;
- (H) the San Antonio State Hospital;
- (I) the Terrell State Hospital; and
- (J) the Waco Center for Youth.

(3) "Written notice" means a sign that is posted on property and that:

(A) includes in both English and Spanish written language identical to the following: "Pursuant to Section 552.002, Health and Safety Code (carrying of handgun by license holder in state hospital), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun";

(B) appears in contrasting colors with block letters at least one inch in height; and

(C) is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

(b) A state hospital may prohibit a license holder from carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code, on the property of the hospital by providing written notice.

(c) A license holder who carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, on the property of a state hospital at which written notice is provided is liable for a civil penalty in the amount of:

(1) \$100 for the first violation; or

(2) \$500 for the second or subsequent violation.

(d) The attorney general or an appropriate prosecuting attorney may sue to collect a civil penalty under this section.

HB 2703 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Muñoz called up with senate amendments for consideration at this time,

HB 2703, A bill to be entitled An Act relating to a temporary order appointing a receiver in a suit for dissolution of a marriage.

Representative Muñoz moved to concur in the senate amendments to **HB 2703**.

The motion to concur in the senate amendments to **HB 2703** prevailed by (Record 1879): 136 Yeas, 9 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, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer;

Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Holland; Lang; Rinaldi; Shaheen; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 2703, A bill to be entitled An Act relating to a temporary order appointing a receiver in a suit for dissolution of a marriage.

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

SECTION 1. Section 6.502, Family Code, is amended by adding Subsection (c) to read as follows:

(c) Not later than the 30th day after the date a receiver is appointed under Subsection (a)(5), the court shall issue written findings of fact and conclusions of law in support of the receiver's appointment. If the court dispenses with the issuance of a bond between the spouses as provided by Section 6.503(b) in connection with the receiver's appointment, the court shall include in the court's findings an explanation of the reasons the court dispensed with the issuance of a bond.

SECTION 2. This Act takes effect September 1, 2017.

HB 2442 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative K. King called up with senate amendments for consideration at this time,

HB 2442, A bill to be entitled An Act relating to the minutes of operation required for public school districts, charter schools, and other education programs and to calculating the average daily attendance for certain education programs.

Representative K. King moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2442**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2442**: K. King, chair; Huberty, VanDeaver, Dutton, and Bernal.

HB 3576 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Guerra called up with senate amendments for consideration at this time,

HB 3576, A bill to be entitled An Act relating to the investigation of, and release of information concerning, communicable disease, including the Zika virus and other high consequence communicable diseases.

Representative Guerra moved to concur in the senate amendments to **HB 3576**.

The motion to concur in the senate amendments to **HB 3576** prevailed by (Record 1880): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; Cospes; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Anderson, C.; Dukes.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3576** (senate committee report) in SECTION 2 of the bill, in added Section 81.046(c-3), Health and Safety Code (page 2, line 5), by striking "such as" and substituting "as defined by the department, including".

HB 557 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 557, A bill to be entitled An Act relating to the expunction of arrest records and files for certain persons who are tried for an offense and subsequently acquitted; authorizing a fee.

Representative S. Thompson moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 557**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 557**: Collier, chair; S. Thompson, Minjarez, White, and González.

HB 208 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Simmons called up with senate amendments for consideration at this time,

HB 208, A bill to be entitled An Act relating to designating October 19 as Breast Reconstruction Awareness Day.

Representative Simmons moved to concur in the senate amendments to **HB 208**.

The motion to concur in the senate amendments to **HB 208** prevailed by (Record 1881): 141 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, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; 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.

Nays — Cain; Rinaldi; Stickland.

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

Absent, Excused — Minjarez; Raney.

Absent — Canales; Dukes.

Senate Committee Substitute

CSHB 208, A bill to be entitled An Act relating to designating the third Wednesday in October as Breast Reconstruction Awareness Day.

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

SECTION 1. Subchapter C, Chapter 662, Government Code, is amended by adding Section 662.065 to read as follows:

Sec. 662.065. BREAST RECONSTRUCTION AWARENESS DAY. (a) The third Wednesday in October of each year is Breast Reconstruction Awareness Day to promote education, awareness, and access for women considering postmastectomy breast reconstruction.

(b) Breast Reconstruction Awareness Day shall be regularly observed by appropriate programs and activities.

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.

**HB 3083 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Price called up with senate amendments for consideration at this time,

HB 3083, A bill to be entitled An Act relating to repayment of certain mental health professional education loans.

Representative Price moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3083**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3083**: Price, chair; Larson, S. Thompson, Darby, and Raymond.

**HB 34 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Smithee called up with senate amendments for consideration at this time,

HB 34, A bill to be entitled An Act relating to measures to prevent wrongful convictions.

Representative Smithee moved to concur in the senate amendments to **HB 34**.

The motion to concur in the senate amendments to **HB 34** prevailed by (Record 1882): 140 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, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Murr; Rinaldi.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Tinderholt; White.

Senate Committee Substitute

CSHB 34, A bill to be entitled An Act relating to measures to prevent wrongful convictions.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.023 and 2.32 to read as follows:

Art. 2.023. TRACKING USE OF CERTAIN TESTIMONY. (a) In this article:

(1) "Attorney representing the state" means a district attorney, a criminal district attorney, or a county attorney with criminal jurisdiction.

(2) "Correctional facility" has the meaning assigned by Section 1.07, Penal Code.

(b) An attorney representing the state shall track:

(1) the use of testimony of a person to whom a defendant made a statement against the defendant's interest while the person was imprisoned or confined in the same correctional facility as the defendant, regardless of whether the testimony is presented at trial; and

(2) any benefits offered or provided to a person in exchange for testimony described by Subdivision (1).

Art. 2.32. ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS. (a) In this article:

(1) "Electronic recording" means an audiovisual electronic recording, or an audio recording if an audiovisual electronic recording is unavailable, that is authentic, accurate, and unaltered.

(2) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of this state, that employs peace officers who, in the routine performance of the officers' duties, conduct custodial interrogations of persons suspected of committing criminal offenses.

(3) "Place of detention" means a police station or other building that is a place of operation for a law enforcement agency, including a municipal police department or county sheriff's department, and is owned or operated by the law enforcement agency for the purpose of detaining persons in connection with the suspected violation of a penal law. The term does not include a courthouse.

(b) Unless good cause exists that makes electronic recording infeasible, a law enforcement agency shall make a complete and contemporaneous electronic recording of any custodial interrogation that occurs in a place of detention and is of a person suspected of committing or charged with the commission of an offense under:

- (1) Section 19.02, Penal Code (murder);
- (2) Section 19.03, Penal Code (capital murder);
- (3) Section 20.03, Penal Code (kidnapping);
- (4) Section 20.04, Penal Code (aggravated kidnapping);
- (5) Section 20A.02, Penal Code (trafficking of persons);
- (6) Section 20A.03, Penal Code (continuous trafficking of persons);
- (7) Section 21.02, Penal Code (continuous sexual abuse of young child or children);
- (8) Section 21.11, Penal Code (indecent with a child);
- (9) Section 21.12, Penal Code (improper relationship between educator and student);
- (10) Section 22.011, Penal Code (sexual assault);
- (11) Section 22.021, Penal Code (aggravated sexual assault); or
- (12) Section 43.25, Penal Code (sexual performance by a child).

(c) For purposes of Subsection (b), an electronic recording of a custodial interrogation is complete only if the recording:

(1) begins at or before the time the person being interrogated enters the area of the place of detention in which the custodial interrogation will take place or receives a warning described by Section 2(a), Article 38.22, whichever is earlier; and

(2) continues until the time the interrogation ceases.

(d) For purposes of Subsection (b), good cause that makes electronic recording infeasible includes the following:

(1) the person being interrogated refused to respond or cooperate in a custodial interrogation at which an electronic recording was being made, provided that:

(A) a contemporaneous recording of the refusal was made; or

(B) the peace officer or agent of the law enforcement agency conducting the interrogation attempted, in good faith, to record the person's refusal but the person was unwilling to have the refusal recorded, and the peace officer or agent contemporaneously, in writing, documented the refusal;

(2) the statement was not made as the result of a custodial interrogation, including a statement that was made spontaneously by the accused and not in response to a question by a peace officer;

(3) the peace officer or agent of the law enforcement agency conducting the interrogation attempted, in good faith, to record the interrogation but the recording equipment did not function, the officer or agent inadvertently operated the equipment incorrectly, or the equipment malfunctioned or stopped operating without the knowledge of the officer or agent;

(4) exigent public safety concerns prevented or rendered infeasible the making of an electronic recording of the statement; or

(5) the peace officer or agent of the law enforcement agency conducting the interrogation reasonably believed at the time the interrogation commenced that the person being interrogated was not taken into custody for or being interrogated concerning the commission of an offense listed in Subsection (b).

(e) A recording of a custodial interrogation that complies with this article is exempt from public disclosure as provided by Section 552.108, Government Code.

SECTION 2. Article 38.075, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) Evidence of a prior offense committed by a person who gives testimony described by Subsection (a) may be admitted for the purpose of impeachment if the person received a benefit described by Article 39.14(h-1)(2) with respect to the offense, regardless of whether the person was convicted of the offense.

SECTION 3. Section 3, Article 38.20, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The model policy or any other policy adopted by a law enforcement agency under Subsection (a) must:

(1) be based on:

(A) credible field, academic, or laboratory research on eyewitness memory;

(B) relevant policies, guidelines, and best practices designed to reduce erroneous eyewitness identifications and to enhance the reliability and objectivity of eyewitness identifications; and

(C) other relevant information as appropriate; and

(2) include ~~[address]~~ the following information regarding evidence-based practices [topics]:

(A) procedures for selecting [the selection of] photograph and live lineup filler photographs or participants to ensure that the photographs or participants:

(i) are consistent in appearance with the description of the alleged perpetrator that was provided by a witness; and

(ii) do not make the suspect noticeably stand out;

(B) instructions given to a witness before conducting a photograph or live lineup identification procedure that must include a statement that the person who committed the offense may or may not be present in the procedure and that the investigation will continue regardless of whether the witness identifies a person in the procedure;

(C) ~~procedures for documenting and preserving the [documentation and preservation of]~~ results of a photograph or live lineup identification procedure, including the documentation of witness statements, regardless of the outcome of the procedure;

(D) procedures for administering a photograph or live lineup identification procedure to an illiterate person or a person with limited English language proficiency;

(E) for a live lineup identification procedure, ~~[if practicable,]~~ procedures for assigning an administrator who is unaware of which member of the live lineup is the suspect in the case ~~[or alternative procedures designed to prevent opportunities to influence the witness];~~

(F) for a photograph identification procedure, procedures for assigning an administrator who is capable of administering a photograph array in a blind manner or in a manner consistent with other proven or supported best practices designed to prevent opportunities to influence the witness; and

(G) any other procedures or best practices supported by credible research or commonly accepted as a means to reduce erroneous eyewitness identifications and to enhance the objectivity and reliability of eyewitness identifications.

(d) A witness who makes an identification based on a photograph or live lineup identification procedure shall be asked immediately after the procedure to state, in the witness's own words, the witness's level of confidence in making the identification. A law enforcement agency shall document in accordance with Subsection (c)(2)(C) any statement made under this subsection.

SECTION 4. Section 5, Article 38.20, Code of Criminal Procedure, is amended to read as follows:

Sec. 5. (a) Any evidence or expert testimony presented by the state or the defendant on the subject of eyewitness identification is admissible only subject to compliance with the Texas Rules of Evidence. Except as provided by Subsection (c), evidence [Evidence] of compliance with the model policy or any other policy adopted under this article ~~[or with the minimum requirements of this article]~~ is not a condition precedent to the admissibility of an out-of-court eyewitness identification.

(b) Notwithstanding Article 38.23 as that article relates to a violation of a state statute and except as provided by Subsection (c), a failure to conduct a photograph or live lineup identification procedure in substantial compliance with the model policy or any other policy adopted under this article ~~[or with the minimum requirements of this article]~~ does not bar the admission of eyewitness identification testimony in the courts of this state.

(c) If a witness who has previously made an out-of-court photograph or live lineup identification of the accused makes an in-court identification of the accused, the eyewitness identification is admissible into evidence against the accused only if the evidence is accompanied by:

(1) the details of each prior photograph or live lineup identification made of the accused by the witness, including the manner in which the identification procedure was conducted; and

(2) evidence showing the witness's confidence level as described by the witness at the time of a prior photograph or live lineup identification specified under Subdivision (1).

SECTION 5. Article 38.22, Code of Criminal Procedure, is amended by adding Section 9 to read as follows:

Sec. 9. Notwithstanding any other provision of this article, no oral, sign language, or written statement that is made by a person accused of an offense listed in Article 2.32(b) and made as a result of a custodial interrogation occurring in a place of detention, as that term is defined by Article 2.32, is admissible against the accused in a criminal proceeding unless:

(1) an electronic recording was made of the statement, as required by Article 2.32(b); or

(2) the attorney representing the state offers proof satisfactory to the court that good cause, as described by Article 2.32(d), existed that made electronic recording of the custodial interrogation infeasible.

SECTION 6. Article 39.14, Code of Criminal Procedure, is amended by adding Subsection (h-1) to read as follows:

(h-1) In this subsection, "correctional facility" has the meaning assigned by Section 1.07, Penal Code. Notwithstanding any other provision of this article, if the state intends to use at a defendant's trial testimony of a person to whom the defendant made a statement against the defendant's interest while the person was imprisoned or confined in the same correctional facility as the defendant, the state shall disclose to the defendant:

(1) the person's complete criminal history, including any charges that were dismissed or reduced as part of a plea bargain;

(2) any grant, promise, or offer of immunity from prosecution, reduction of sentence, or other leniency or special treatment, given by the state in exchange for the person's testimony;

(3) information concerning other criminal cases in which the person has testified, or offered to testify, against a defendant with whom the person was imprisoned or confined, including any grant, promise, or offer as described by Subdivision (2) given by the state in exchange for the testimony; and

(4) other information in the possession, custody, or control of the state that is relevant to the person's credibility.

SECTION 7. Section 1701.253, Occupations Code, is amended by adding Subsection (n) to read as follows:

(n) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on eyewitness identification, including the variables that affect a witness's vision and memory, practices for minimizing contamination, and effective eyewitness identification protocols.

SECTION 8. STUDY REGARDING USE OF DRUG FIELD TEST KITS.

(a) The Texas Forensic Science Commission shall conduct a study regarding the use of drug field test kits by law enforcement agencies in this state. The commission shall:

(1) evaluate the quality, accuracy, and reliability of drug field test kits;

- (2) identify any common problems with drug field test kits;
- (3) evaluate the availability and adequacy of training for law enforcement officers regarding the use of drug field test kits and the interpretation of the test results; and
- (4) develop legislative recommendations regarding the use of drug field test kits by law enforcement agencies and regarding related training for law enforcement officers.

(b) Not later than December 1, 2018, the Texas Forensic Science Commission shall submit to the governor, the lieutenant governor, and each member of the legislature a written report that summarizes the results of the study conducted under this section and includes any legislative recommendations.

SECTION 9. CRIME SCENE INVESTIGATION STUDY. (a) The Texas Forensic Science Commission shall conduct a study regarding the manner in which crime scene investigations are conducted in this state. The commission shall:

- (1) evaluate the standard procedures used in processing a crime scene and evaluate the quality of crime scene investigations;
- (2) evaluate the availability and adequacy of the training or continuing education provided to crime scene investigators; and
- (3) develop legislative recommendations regarding improvements to crime scene investigation procedures and training.

(b) Not later than December 1, 2018, the Texas Forensic Science Commission shall submit to the governor, the lieutenant governor, and each member of the legislature a written report that summarizes the results of the study conducted under this section and includes any legislative recommendations.

SECTION 10. Article 2.32 and Section 9, Article 38.22, Code of Criminal Procedure, as added by this Act, apply to the use of a statement resulting from a custodial interrogation that occurs on or after March 1, 2018, regardless of whether the criminal offense giving rise to that interrogation is committed before, on, or after that date.

SECTION 11. Article 38.075(c), Code of Criminal Procedure, as added by this Act, applies to the admissibility of evidence in a criminal proceeding that commences on or after the effective date of this Act. The admissibility of evidence in a criminal proceeding that commences before the effective date of this Act is governed by the law in effect on the date the proceeding commenced, and the former law is continued in effect for that purpose.

SECTION 12. (a) Section 3(d), Article 38.20, Code of Criminal Procedure, as added by this Act, applies only to a photograph or live lineup identification procedure conducted on or after the effective date of this Act, regardless of whether the offense to which the procedure is related was committed before, on, or after the effective date of this Act.

(b) Section 5, Article 38.20, Code of Criminal Procedure, as amended by this Act, applies only to the trial of an offense with respect to which a prior photograph or live lineup identification of the accused occurred on or after the effective date of this Act, regardless of whether the offense that is the subject of the trial was committed before, on, or after the effective date of this Act.

SECTION 13. Article 39.14(h-1), Code of Criminal Procedure, as added by this Act, applies to the prosecution of an offense committed on or after the effective date of this Act. The prosecution of an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

SECTION 14. Not later than January 1, 2018, the Texas Commission on Law Enforcement shall establish the eyewitness identification education and training program as required by Section 1701.253(n), Occupations Code, as added by this Act.

SECTION 15. This Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 34** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Article 2.023(b), Code of Criminal Procedure (page 1, line 36), between "defendant," and "regardless", insert "if known by the attorney representing the state,".

(2) In SECTION 3 of the bill, in added Section 3(c)(2)(A)(i), Article 38.20, Code of Criminal Procedure (page 3, lines 23 and 24), strike "that was provided by a witness".

(3) In SECTION 3 of the bill, in amended Section 3(c)(2)(B), Article 38.20, Code of Criminal Procedure (page 3, lines 30 through 32), strike "and that the investigation will continue regardless of whether the witness identifies a person in the procedure".

(4) In SECTION 3 of the bill, strike amended Section 3(c)(2)(E), Article 38.20, Code of Criminal Procedure (page 3, lines 40 through 44), and substitute the following:

(E) for a live lineup identification procedure, if practicable, procedures for assigning an administrator who is unaware of which member of the live lineup is the suspect in the case or alternative procedures designed to prevent opportunities to influence the witness;

(5) In SECTION 6 of the bill, in added Article 39.14(h-1), Code of Criminal Procedure (page 4, line 42), between "the defendant" and the underlined colon, insert "any information in the possession, custody, or control of the state that is relevant to the person's credibility, including".

(6) In SECTION 6 of the bill, in added Article 39.14(h-1)(2), Code of Criminal Procedure (page 4, line 49), following the underlined semicolon, insert "and".

(7) In SECTION 6 of the bill, in added Article 39.14(h-1)(3), Code of Criminal Procedure (page 4, line 54), strike "; and" and substitute ".".

(8) In SECTION 6 of the bill, strike added Article 39.14(h-1)(4), Code of Criminal Procedure (page 4, lines 55 and 56).

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 34** (senate committee report) in SECTION 3 of the bill, in added Section 3(d), Article 38.20, Code of Criminal Procedure (page 3, line 57), by striking "the witness's level of confidence" and substituting "how confident the witness is".

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **CSHB 34** (senate committee report) in SECTION 4 of the bill, by striking added Section 5(c), Article 38.20, Code of Criminal Procedure (page 4, lines 9-19), and substituting the following:

(c) If a witness who has previously made an out-of-court photograph or live lineup identification of the accused makes an in-court identification of the accused, the eyewitness identification is admissible into evidence against the accused only if the evidence is accompanied by the details of each prior photograph or live lineup identification made of the accused by the witness, including the manner in which the identification procedure was conducted.

Senate Amendment No. 4 (Senate Floor Amendment No. 4)

Amend **CSHB 34** (senate committee report) as follows:

(1) Strike SECTION 7 of the bill, adding Section 1701.253(n), Occupations Code (page 4, lines 57-64).

(2) Strike SECTION 14 of the bill, providing transition language for Section 1701.253(n), Occupations Code (page 5, lines 66-69).

(3) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1386 to read as follows:

Art. 2.1386. EYEWITNESS IDENTIFICATION PROTOCOLS. (a) In this article, "law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) The Texas Commission on Law Enforcement shall establish a comprehensive education and training program on eyewitness identification, including material regarding variables that affect a witness's vision and memory, practices for minimizing contamination, and effective eyewitness identification protocols.

(c) Each law enforcement agency shall require each peace officer who is employed by the agency and who performs eyewitness identification procedures to complete the education and training described by Subsection (b).

SECTION _____. Not later than January 1, 2018, the Texas Commission on Law Enforcement shall adopt the comprehensive education and training program required by Article 2.1386, Code of Criminal Procedure, as added by this Act.

(4) Renumber the SECTIONS of the bill accordingly.

**HB 2875 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Guillen called up with senate amendments for consideration at this time,

HB 2875, A bill to be entitled An Act relating to the imposition of additional fees for filing civil cases in Willacy County and Starr County.

Representative Guillen moved to concur in the senate amendments to **HB 2875**.

The motion to concur in the senate amendments to **HB 2875** prevailed by (Record 1883): 143 Yeas, 2 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; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospes; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 2875, A bill to be entitled An Act relating to the imposition of additional fees for filing civil cases in Willacy County and Starr County.

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

SECTION 1. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.713 to read as follows:

Sec. 51.713. ADDITIONAL FILING FEE FOR CIVIL CASES IN WILLACY COUNTY AND STARR COUNTY. (a) This section applies only to:

(1) district courts, the constitutional county court, and justice courts in Willacy County; and

(2) district courts, the county court at law, and justice courts in Starr County.

(b) Except as otherwise provided by this section and in addition to all other fees authorized or required by other law, the clerk of a court shall collect a filing fee of not more than \$20 in each civil case filed in the court, if the fee is authorized by the commissioners court of the county collecting the fee. A fee collected under this section is to be used:

(1) for the construction, renovation, or improvement of the facilities that house the Willacy County or Starr County civil courts; and

(2) to pay the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of the facilities that house the Willacy County or Starr County civil courts.

(c) Court fees due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case.

(d) The clerk shall send the fees collected under this section to the county treasurer of the county in which the court is located or to any other official who discharges the duties commonly assigned to the county treasurer at least as frequently as monthly. The treasurer or other official shall deposit the fees in a special account in the county treasury dedicated to:

(1) the construction, renovation, or improvement of the facilities that house the Willacy County or Starr County civil courts; and

(2) pay the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of the facilities that house the Willacy County or Starr County civil courts.

(e) This section applies only to fees for a 12-month period beginning October 1, if the commissioners court of the county collecting the fee:

(1) adopts a resolution authorizing a fee of not more than \$20;

(2) adopts a resolution requiring the county to spend one dollar for the construction, renovation, or improvement of the court facilities or to pay the principal of, interest on, and costs of issuance of bonds issued for the construction of court facilities for each dollar spent from the special account dedicated to that purpose; and

(3) files the resolutions with the county treasurer or with any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 immediately preceding the first 12-month period during which the fees are to be collected.

(f) A resolution adopted under Subsection (e) continues from year to year until October 1, 2045, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(g) The commissioners court of the county collecting the fee may rescind a resolution adopted under Subsection (e) by adopting a resolution rescinding the resolution and submitting the rescission resolution to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 preceding the beginning of the first day of the county fiscal year. The commissioners court may adopt an additional resolution in the manner provided by Subsection (e) after rescinding a previous resolution under that subsection.

(h) A fee established under a particular resolution is abolished on the earlier of:

(1) the date a resolution adopted under Subsection (e) is rescinded as provided by Subsection (g); or

(2) October 1, 2045.

(i) Willacy County or Starr County may make the required expenditure described by Subsection (e)(2) at any time, regardless of when the expenditure from the special account occurs.

SECTION 2. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.061194 to read as follows:

Sec. 101.061194. ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a district court in Willacy County and the clerk of a district court in Starr County shall collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases to fund the:

(1) construction, renovation, or improvement of court facilities, if authorized by the county commissioners court; and

(2) payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 3. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.081195 to read as follows:

Sec. 101.081195. ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county court in Starr County shall collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases to fund the:

(1) construction, renovation, or improvement of court facilities, if authorized by the county commissioners court; and

(2) payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 4. Subchapter G, Chapter 101, Government Code, is amended by adding Section 101.12122 to read as follows:

Sec. 101.12122. ADDITIONAL COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of the county court in Willacy County shall collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases to fund the:

(1) construction, renovation, or improvement of court facilities, if authorized by the county commissioners court; and

(2) payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Subchapter H, Chapter 101, Government Code, is amended by adding Section 101.143 to read as follows:

Sec. 101.143. ADDITIONAL JUSTICE COURT FEES FOR COURT FACILITIES COLLECTED BY CLERK. The clerk of a justice court in Willacy County and the clerk of a justice court in Starr County shall collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases to fund the:

(1) construction, renovation, or improvement of court facilities, if authorized by the county commissioners court; and

(2) payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

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

HB 846 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Burkett called up with senate amendments for consideration at this time,

HB 846, A bill to be entitled An Act relating to the implementation of student financial assistance programs for veterans and their families.

Representative Burkett moved to concur in the senate amendments to **HB 846**.

The motion to concur in the senate amendments to **HB 846** prevailed by (Record 1884): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospér; 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; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Anderson, R.; Canales; Dukes; Hernandez.

Senate Committee Substitute

CSHB 846, A bill to be entitled An Act relating to the implementation of student financial assistance programs for veterans and their families.

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

SECTION 1. Subchapter A, Chapter 56, Education Code, is amended by adding Section 56.0065 to read as follows:

Sec. 56.0065. STUDENT FINANCIAL ASSISTANCE PROGRAMS FOR VETERANS AND FAMILIES; EQUAL PROTECTION. (a) In this section, "private or independent institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education or a private or independent institution of higher education may not impose additional fees, obligations, or burdens concerning payment or registration on a student eligible for state or federal military related student financial assistance programs for military veterans or their family members that are not otherwise required by those programs to be imposed for the purpose of receiving that assistance.

(c) An institution of higher education or a private or independent institution of higher education must provide for a student described by Subsection (b) to defer payment of tuition and fees if the receipt of military related financial assistance awarded to the student is delayed by less than 60 days. The Texas Veterans Commission, in cooperation with institutions of higher education and private or independent institutions of higher education, shall prescribe a standard deferment request form for the purposes of this subsection.

(d) This section does not prohibit an institution of higher education or a private or independent institution of higher education from requiring a student described by Subsection (b) to submit a free application for federal student aid (FAFSA).

SECTION 2. The changes in law made by this Act apply beginning with the 2017-2018 academic year.

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

HB 2112 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Romero called up with senate amendments for consideration at this time,

HB 2112, A bill to be entitled An Act relating to certain workers' compensation reporting requirements.

Representative Romero moved to concur in the senate amendments to **HB 2112**.

The motion to concur in the senate amendments to **HB 2112** prevailed by (Record 1885): 144 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; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Coleman; Dukes.

Senate Committee Substitute

CSHB 2112, A bill to be entitled An Act relating to certain workers' compensation reporting requirements.

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

SECTION 1. Section 402.066(a), Labor Code, is amended to read as follows:

(a) The commissioner shall consider and recommend to the legislature changes to this subtitle [~~including any statutory changes required by an evaluation conducted under Section 402.074~~].

SECTION 2. Section 406.007(a), Labor Code, is amended to read as follows:

(a) An employer who terminates workers' compensation insurance coverage obtained under this subtitle shall file a written notice with the division [~~by certified mail~~] not later than the 10th day after the date on which the employer notified the insurance carrier to terminate the coverage. The notice must include a statement certifying the date that notice was provided or will be provided to affected employees under Section 406.005.

SECTION 3. Section 406.008(a), Labor Code, is amended to read as follows:

(a) An insurance company that cancels a policy of workers' compensation insurance or that does not renew the policy by the anniversary date of the policy shall deliver notice of the cancellation or nonrenewal to the division, and by certified mail, [or] in person, or by electronic means in accordance with Chapter 35, Insurance Code, to the employer, [~~and the division~~], not later than:

(1) the 30th day before the date on which the cancellation or nonrenewal takes effect; or

(2) the 10th day before the date on which the cancellation or nonrenewal takes effect if the insurance company cancels or does not renew because of:

- (A) fraud in obtaining coverage;
- (B) misrepresentation of the amount of payroll for purposes of premium calculation;
- (C) failure to pay a premium when due;
- (D) an increase in the hazard for which the employer seeks coverage that results from an act or omission of the employer and that would produce an increase in the rate, including an increase because of a failure to comply with:

- (i) reasonable recommendations for loss control; or
- (ii) recommendations designed to reduce a hazard under the employer's control within a reasonable period; or

(E) a determination made by the commissioner of insurance that the continuation of the policy would place the insurer in violation of the law or would be hazardous to the interest of subscribers, creditors, or the general public.

SECTION 4. Section 406.144(d), Labor Code, is amended to read as follows:

(d) The hiring contractor shall send a copy of an agreement under this section to:

- (1) the hiring contractor's workers' compensation insurance carrier; and
- (2) the division, on the division's request [~~on filing of the agreement with the division~~].

SECTION 5. Section 406.145(c), Labor Code, is amended to read as follows:

(c) The hiring contractor shall send a copy of a joint agreement signed under this section to:

- (1) the hiring contractor's workers' compensation insurance carrier; and
- (2) the division, on the division's request [~~on filing of the joint agreement with the division~~].

SECTION 6. Section 408.150, Labor Code, is amended to read as follows:

Sec. 408.150. VOCATIONAL REHABILITATION. (a) The division shall refer an employee to the Texas Workforce Commission [~~Department of Assistive and Rehabilitative Services~~] with a recommendation for appropriate services if the division determines that an employee could be materially assisted by vocational rehabilitation or training in returning to employment or returning to employment more nearly approximating the employee's preinjury employment. [~~The division shall also notify insurance carriers of the need for vocational rehabilitation or training services.~~] The insurance carrier may provide vocational rehabilitation or training services through a private provider of vocational rehabilitation services [~~under Section 409.012~~].

(b) An employee who refuses services or refuses to cooperate with services provided under this section by the Texas Workforce Commission [~~Department of Assistive and Rehabilitative Services~~] or a private provider loses entitlement to supplemental income benefits.

SECTION 7. Section 409.010, Labor Code, is amended to read as follows:

Sec. 409.010. INFORMATION PROVIDED TO EMPLOYEE OR LEGAL BENEFICIARY. Immediately on receiving notice of an injury or death from any person, the division shall send ~~mail~~ to the employee or legal beneficiary a clear and concise description of:

- (1) the services provided by:
 - (A) the division; and
 - (B) the office of injured employee counsel, including the services of the ombudsman program;
- (2) the division's procedures; and
- (3) the person's rights and responsibilities under this subtitle.

SECTION 8. Section 409.011(a), Labor Code, is amended to read as follows:

(a) Immediately on receiving notice of an injury or death from any person, the division shall send ~~mail~~ to the employer a description of:

- (1) the services provided by the division and the office of injured employee counsel;
- (2) the division's procedures; and
- (3) the employer's rights and responsibilities under this subtitle.

SECTION 9. Sections 409.012(b) and (c), Labor Code, are amended to read as follows:

(b) If the division determines that an injured employee would be assisted by vocational rehabilitation, the division shall notify:

(1) the injured employee in writing of the services and facilities available through the Texas Workforce Commission [~~Department of Assistive and Rehabilitative Services~~] and private providers of vocational rehabilitation; and

(2) the Texas Workforce Commission [~~Department of Assistive and Rehabilitative Services and the affected insurance carrier~~] that the injured employee has been identified as one who could be assisted by vocational rehabilitation.

(c) The division shall cooperate with the office of injured employee counsel, the Texas Workforce Commission [~~Department of Assistive and Rehabilitative Services~~], and private providers of vocational rehabilitation in the provision of services and facilities to employees by the Texas Workforce Commission [~~Department of Assistive and Rehabilitative Services~~].

SECTION 10. Section 409.013(b), Labor Code, is amended to read as follows:

- (b) On receipt of a report under Section 409.005, the division shall:
- (1) contact the affected employee; [~~by mail or by telephone~~] and
 - (2) ~~shall~~ provide the information required under Subsection (a) to that employee, together with any other information that may be prepared by the office of injured employee counsel or the division for public dissemination that relates to the employee's situation, such as information relating to back injuries or occupational diseases.

SECTION 11. The following provisions of the Labor Code are repealed:

- (1) Section 402.074;
- (2) Section 406.144(c);
- (3) Sections 406.145(b) and (d);
- (4) Section 408.032;
- (5) Section 408.086; and
- (6) Section 409.012(d).

SECTION 12. The change in law made by this Act applies only to a notice, agreement, description, or information required to be sent or provided on or after the effective date of this Act.

SECTION 13. 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.

HB 3173 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Bell called up with senate amendments for consideration at this time,

HB 3173, A bill to be entitled An Act relating to the creation of the East Lake Houston Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

Representative Bell moved to concur in the senate amendments to **HB 3173**.

The motion to concur in the senate amendments to **HB 3173** prevailed by (Record 1886): 137 Yeas, 8 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; Cospier; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Krause; Rinaldi; Shaheen; Stickland; Tinderholt; Zedler.

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

Absent, Excused — Minjarez; Raney.

Absent — Duker.

STATEMENT OF VOTE

When Record No. 1886 was taken, I was shown voting yes. I intended to vote no.

Schaefer

Senate Committee Substitute

CSHB 3173, A bill to be entitled An Act relating to the powers of the Harris County Improvement District No. 17 and to the creation of the East Lake Houston Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subchapter D, Chapter 3891, Special District Local Laws Code, is amended by adding Section 3891.159 to read as follows:

Sec. 3891.159. POWERS OF MUNICIPAL UTILITY DISTRICT TO ESTABLISH DEFINED AREAS AND DESIGNATED PROPERTY; TAXES; BONDS. (a) The district has the powers of a municipal utility district under Subchapter J, Chapter 54, Water Code, including the power to:

- (1) implement a plan;
- (2) issue bonds; and
- (3) impose a tax in a defined area established under that subchapter.

(b) The district may exercise the powers described by Subsection (a) regardless of whether the district is composed of the minimum number of acres provided by Section 54.801, Water Code.

SECTION 2. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3936 to read as follows:

CHAPTER 3936. EAST LAKE HOUSTON MANAGEMENT DISTRICT SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3936.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "City" means the City of Houston.
- (3) "Director" means a board member.
- (4) "District" means the East Lake Houston Management District.

Sec. 3936.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3936.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

(c) The district is created to supplement and not to supplant city services provided in the district.

Sec. 3936.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment;
- (3) developing or expanding transportation and commerce; and
- (4) providing quality residential housing.

(d) The district will:

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

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

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

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, vehicle parking, and street art objects are parts of and necessary components of a street and are considered to be an improvement project that includes a street or road improvement.

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

Sec. 3936.005. DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 3 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 3 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
- (3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3936.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code;

(3) an enterprise zone created under Chapter 2303, Government Code;

or
(4) an industrial district created under Chapter 42, Local Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code, including the right to pledge the money as security for any bonds issued by the district for an improvement project.

(c) A tax increment reinvestment zone created by the city in the district is not subject to the limitations provided by Section 311.006(b), Tax Code.

Sec. 3936.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3936.008. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3936.051. GOVERNING BODY; TERMS. The district is governed by a board of five voting directors who serve staggered terms of four years with two or three directors' terms expiring June 1 of each odd-numbered year.

Sec. 3936.052. QUALIFICATIONS OF DIRECTORS APPOINTED BY CITY. To be qualified to serve as a director appointed by the governing body of the city, a person must be:

(1) a resident of the district who is also a registered voter of the district;

(2) an owner of property in the district;

(3) an owner of stock or a partnership or membership interest, whether beneficial or otherwise, of a corporate partnership, limited liability company, or other entity owner of a direct or indirect interest in property in the district;

(4) an owner of a beneficial interest in a trust, or a trustee in a trust, that directly or indirectly owns property in the district;

(5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4); or

(6) an initial director.

Sec. 3936.053. APPOINTMENT OF DIRECTORS. The governing body of the city shall appoint directors from persons recommended by the board.

Sec. 3936.054. VACANCY. If a vacancy occurs on the board, the remaining directors shall appoint a director for the remainder of the unexpired term.

Sec. 3936.055. DIRECTOR'S OATH OR AFFIRMATION. (a) A director shall file the director's oath or affirmation of office with the district, and the district shall retain the oath or affirmation in the district records.

(b) A director shall file a copy of the director's oath or affirmation with the secretary of the city.

Sec. 3936.056. QUORUM. A vacant director position is not counted for purposes of establishing a quorum.

Sec. 3936.057. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary. The offices of chair and secretary may not be held by the same person.

Sec. 3936.058. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$50 for each board meeting. The total amount of compensation a director may receive each year may not exceed \$2,000.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3936.059. LIABILITY INSURANCE. The district may obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures a director against personal liability and from all claims relating to:

(1) actions taken by the director in the director's capacity as a member of the board;

(2) actions and activities taken by the district; or

(3) the actions of others acting on behalf of the district.

Sec. 3936.060. NO EXECUTIVE COMMITTEE. The board may not create an executive committee to exercise the powers of the board.

Sec. 3936.061. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public.

Sec. 3936.062. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>John Hauser</u>
<u>2</u>	<u>Sophia Filfil</u>
<u>3</u>	<u>John Speers</u>
<u>4</u>	<u>Debi Armstrong</u>
<u>5</u>	<u>Zach Dehghanpoo</u>

(b) The terms of the initial directors expire June 1, 2019.

(c) Of the directors who replace an initial director, the terms of directors serving in positions 1 through 3 expire June 1, 2021, and the terms of directors serving in positions 4 and 5 expire June 1, 2023.

(d) Section 3936.052 does not apply to initial directors under this section.

(e) This section expires September 1, 2023.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3936.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3936.102. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3936.103. LOCATION OF IMPROVEMENT PROJECT. An improvement project described by Section 3936.102 may be located:

- (1) in the district; or
- (2) in an area outside but adjacent to the district if the project is for the purpose of extending a public infrastructure improvement beyond the district's boundaries to a logical terminus.

Sec. 3936.104. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3936.105. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

- (1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and
- (2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3936.106. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift, grant, or loan from any person.

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3936.107. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the city or a county, to provide law enforcement services in the district for a fee.

Sec. 3936.108. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3936.109. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that:

(1) Chapter 380, Local Government Code, provides to a municipality;
and

(2) Subchapter A, Chapter 1509, Government Code, provides to a municipality.

Sec. 3936.110. CERTAIN MUNICIPAL UTILITY DISTRICT POWERS. The district does not have the powers granted to a municipal utility district by Subchapter D, Chapter 54, Water Code.

Sec. 3936.111. CONCURRENCE ON ADDITIONAL POWERS. If the legislature grants the district a power that is in addition to the powers approved by the initial resolution of the governing body of the city consenting to the creation of the district, the district may not exercise that power unless the governing body of the city consents to that change by resolution.

Sec. 3936.112. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3936.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3936.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain an improvement project or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3936.153. GENERAL POWERS REGARDING PAYMENT OF DISTRICT BONDS, OBLIGATIONS, OR OTHER COSTS. The district may provide or secure the payment or repayment of any bond, note, or other temporary or permanent obligation or reimbursement or other contract with any person and the costs and expenses of the establishment, administration, and operation of the district and the district's costs or share of the costs or revenue of an improvement project or district contractual obligation or indebtedness by:

(1) the imposition of an ad valorem tax or sales and use tax or an assessment, user fee, concession fee, or rental charge; or

(2) any other revenue or resources of the district, or other revenue authorized by the city, including revenues from a tax increment reinvestment zone created by the city under applicable law.

Sec. 3936.154. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) The petition must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3936.155. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3936.156. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3936.157. STORM WATER USER CHARGES. The district may establish user charges related to the operation of storm water facilities, including the regulation of storm water for the protection of water quality in the district.

Sec. 3936.158. NONPOTABLE WATER USER CHARGES. The district may establish user charges for the use of nonpotable water for irrigation purposes, subject to approval of the governing body of the city.

Sec. 3936.159. COSTS FOR IMPROVEMENT PROJECTS. The district may undertake separately or jointly with other persons, including the city or a county, all or part of the cost of an improvement project, including an improvement project:

(1) for improving, enhancing, and supporting public safety and security, fire protection and emergency medical services, and law enforcement in or adjacent to the district; or

(2) that confers a general benefit on the entire district or a special benefit on a definable part of the district.

Sec. 3936.160. TAX AND ASSESSMENT ABATEMENTS. The district may designate reinvestment zones and may grant abatements of a tax or assessment on property in the zones.

Sec. 3936.161. POWERS OF MUNICIPAL UTILITY DISTRICT TO ESTABLISH DEFINED AREAS AND DESIGNATED PROPERTY; TAXES; BONDS. The district has the powers of a municipal utility district under Subchapter J, Chapter 54, Water Code, including the power to:

(1) implement a plan;

(2) issue bonds; and

(3) impose a tax in a defined area established under that subchapter.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3936.201. TAX ABATEMENT. The district may enter into a tax abatement agreement in accordance with the general laws of this state authorizing and applicable to a tax abatement agreement by a municipality.

Sec. 3936.202. PROPERTY TAX AUTHORIZED. (a) The district may impose an ad valorem tax on all taxable property in the district to:

(1) pay for an improvement project of the types authorized by Section 52(b), Article III, and Section 59, Article XVI, Texas Constitution, and Chapter 54, Water Code; or

(2) secure the payment of bonds issued for a purpose described by Subdivision (1).

(b) The district may not impose an ad valorem tax to pay for an improvement project under this chapter unless the imposition is approved by the voters of the district voting at an election held for that purpose. The board may call an election to approve the imposition of an ad valorem tax to pay for an improvement project under this chapter only if the board receives a petition requesting the election signed by:

(1) more than 51 percent of the record owners of real property in the district subject to taxation; or

(2) owners representing more than 51 percent of the appraised value of real property in the district subject to taxation, as determined by the tax rolls of the appraisal district.

Sec. 3936.203. SALES AND USE TAX. (a) The district may impose a sales and use tax if authorized by a majority of the voters of the district voting at an election called for that purpose. Revenue from the tax may be used for any purpose for which ad valorem tax revenue of the district may be used.

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

(c) If the voters of the district approve the adoption of the tax at an election held on the same election date on which another political subdivision adopts a sales and use tax or approves an increase in the rate of its sales and use tax and as a result the combined rate of all sales and use taxes imposed by the district and other political subdivisions of this state having territory in the district would exceed two percent at any location in the district, the election to adopt a sales and use tax under this chapter has no effect.

Sec. 3936.204. BONDS AND OTHER OBLIGATIONS. (a) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, sales and use taxes, or assessments in the manner provided by Subchapter J, Chapter 375, Local Government Code.

(b) In exercising the district's borrowing power, the district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

(c) In addition to the sources of money described by Subchapter J, Chapter 375, Local Government Code, district bonds may be secured and made payable wholly or partly by a pledge of any part of the money the district receives from improvement revenue or from any other source.

Sec. 3936.205. BOND MATURITY. Bonds may mature not more than 40 years from their date of issue.

Sec. 3936.206. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax for each year that all or part of the bonds are outstanding; and

(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due; and

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date.

SUBCHAPTER F. DISSOLUTION

Sec. 3936.251. DISSOLUTION BY CITY ORDINANCE. (a) The city by ordinance may dissolve the district.

(b) The city may not dissolve the district until the district's outstanding debt or contractual obligations that are payable from ad valorem taxes have been repaid or discharged, or the city has affirmatively assumed the obligation to pay the outstanding debt from city revenue.

Sec. 3936.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, other than ad valorem taxes, the city shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations.

Sec. 3936.253. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes, subject to the appropriation and availability of funds, the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

SECTION 3. The East Lake Houston Management District initially includes all the territory contained in the following area:

Tract 1 or East Lake Houston Tract is +/- 137 acres, within the F. Rankin Survey Abstract (No. 57) and situated southwest of intersection Crosby Huffman Road (Farm-to-Market Road 2100) and Old Atascocita Road in northeast Harris County with point of beginning being southeast corner of +/- 137 acre tract (ABST 57 F H RANKIN TRS 8A & 8B) and west Right-Of-Way (ROW) of Crosby Huffman Road (FM 2100) and north boundary of Spanish Cove Subdivision Section 2;

Then generally west along south boundary of said 137 acre tract, and north boundary of Spanish Cove Subdivision Sections 1-2 to east ROW Union Pacific Railway (former BSL&W);

Then northeast along the east ROW of Union Pacific Railway (former BSL&W) to a point southeast of northeast corner of 0.2914 acre parcel (ABST 57 F H RANKIN TRS 8B-1 & 8B-2 (LIFT STATION) (PT NM));

Then northwest across ROW of Union Pacific Railway and along south boundary of said +/- 137 acre tract to northeast corner of said 0.2914 acre parcel;

Then west along south boundary of said +/- 137 acre tract and north boundary of said 0.2914 acre parcel to northwest corner of said 0.2914 acre parcel;

Then south along boundary line of said +/- 137 acre tract and west boundary of said 0.2914 acre parcel to southwest corner of said 0.2914 parcel and north boundary of 0.455 acre parcel (SPANISH COVE SEC 1 LT 44 BLK 1);

Then west along boundary line of said +/- 137 acre tract and north boundary of said 0.455 acre parcel, and 0.499 acre parcel (SPANISH COVE SEC 1 LT 43 BLK 1) to southwest corner of said +/- 137 acre tract;

Then northeast and north along the west boundary of said +/- 137 acre tract to northwest corner of said tract and southwest corner of 0.73 acre tract (ABST 57 F H RANKIN TRS 1E 1F 1G & 1K);

Then east along north boundary of said +/- 137 acre tract, across ROW of Union Pacific Railway to northeast corner of said tract and west ROW of Crosby Huffman Road (FM 2100);

Then south along east boundary of said +/- 137 acre tract and west ROW of Crosby Huffman Road (FM 2100) to southeast corner of said +/- 137 acre tract and point of beginning of +/-137 acre Tract 1;

Tract 2 or Red Wolf Tract is +/- 298 acres (called 296.28 acres), is situated 1.3 miles northeast of intersection of Humble-Crosby Road (Farm-to-Market Road 2100) and Luce Bayou (trib. to Lake Houston) in northeast Harris County and being out of and a part of the JOHN R. RHEA SURVEY, A-62, Harris County, Texas, and being composed of that called 296.28 acre tract referred to as Exhibit A-2 in deed from Donald T. Keller, Jr., and Sanford G. Cohen as Substitute Trustees to LBP Properties, LLC as recorded in Harris County Clerk's File (HCCF) 20100142110 and that called 0.1261 acre tract conveyed to PB Advantage, LLC, a Texas limited liability company by LBP Properties, LLC, as recorded in HCCF 20110468701 and being more particularly described by metes and bounds as follows:

The bearings in this description are based on the Texas State Plane Coordinate System, South Central Zone, NAD 83, as determined from GPS observations.

BEGINNING at the northeast corner of a called 296.28 acre tract described in Exhibit "A-2" of HCCF 201001412110, said point being a brass disk in concrete, said point also being an interior corner of a called 530.18 acre tract designated Tract 2 Parcel D in that certain deed to Ned Holmes, recorded in HCCF F520006; THENCE along the east line of the called 296.28 acre tract and a westerly line of the said Holmes tract S 03°06'44" E a distance of 3,188.97 feet (called S 00°24'06" E 3,186.25 feet) to a 5/8" iron rod found for corner in the southwest line of a Gulf States Utilities 150' easement, same being the northeast line of Fairway Crossing At Lake Houston Sec Two, the map of which is recorded in HCCF# 420032;

THENCE N 65°09'42" W along the northeast line of said subdivision and the southwest line of said easement a distance of 1,333.90 feet (called N 62°58'31" W 1,333.99 feet) to a 1/2" iron rod found for corner at the intersection of the northeast line of said Fairway Crossing At Lake Houston Sec Two, and the easterly line of that certain called 14.49712 acre tract referred to as Tract C, Exhibit "2-C" as recorded in HCCF 20100142110;

THENCE along the easterly line of said called 14.49712 acre tract as follows:

N 80°54'19" E 236.13 feet (called N 82°01'21" E 243.56 feet in the called 296.28 acre description and N 83°50'49" E 235.81 feet in the called 14.49712 acre description) to a 1/2" iron rod found for corner;

N 14°01'16" W 928.56 feet (called N 11°17'34" W 926.79 feet in the called 296.28 acre description and N 11°01'17" W 926.79 feet in the called 14.49712 acre description) to a 16d nail found for corner;

N 25°46'00" E 391.76 feet (called N 28°05'34" E 381.49 feet in the called 296.28 acre description and N 28°30'46" E 392.75 feet in the called 14.49712 acre description) to a 1/2" iron rod found for corner;

N 02°01'06" E 308.36 feet (called N 05°11'44" E 307.39 feet in the called 296.28 acre description and N04°58'01"E 308.33 feet in the called 14.49712 acre description) to a 1/2" iron rod found for corner;

N 61°46'38" W 210.87 feet (called N 56°09'08" W 213.35 feet in the called 296.28 acre description and N58°49'35" W 210.71 feet in the called 14.49712 acre description) to a 1/2" iron rod found for corner;

S 28°09'20" W 152.72 feet (called S 31°20'05" W 163.96 feet in the called 296.28 acre description and S 31°10'25"W 152.63 feet in the called 14.49712 acre description) to a 1/2" iron rod found for corner;

S 61°51'40" E 29.90 feet (called S 58°41'04" E 30.00 feet in the called 296.28 acre description and S 58°49'35"E 30.00 feet in the called 14.49712 acre description) to a bent 1/2" iron rod found for corner;

S 19°54'48" W 732.14 feet (called S 22°57'53" W 729.79 feet in the called 296.28 acre description and S 22°53'35" W 732.05 feet in the called 14.49712 acre description) to a 1/2" iron rod found for corner;

S 24°55'18" E 724.63 feet (called S 21°38'23" E 725.62 feet in the called 296.28 acre description and S 21°57'23"E 724.64 feet in the called 14.49712 acre description) to 1/2" iron rod found for corner;

S 80°53'45" W 342.17 feet (called S 84°10'59" W 339.44 feet in the called 296.28 acre description and S 83°50'49"W 342.64 feet in the called 14.49712 acre description) to a 5/8" iron rod with plastic cap set for corner;

S 51°55'05" W 75.08 feet (called S 55°24'45" W 77.82 feet in the called 296.28 acre description and S 4°52'09"W 74.46 feet in the called 14.49712 acre description) to a 1/2" iron rod found for corner;

S 55°56'57" W 171.23 feet (called S 59°02'06" W 171.45 feet in the called 296.28 acre description and S 58°53'35" W 171.45 feet in the called 14.49712 acre description) to a 5/8" iron rod found for corner;

S 35°29'07" W 491.18 feet (called S 38°34'34" W 490.92 feet in the called 296.28 acre description and S 38°26'03" W 490.92 feet in the called 14.49712 acre description) to a bent 1/2" iron rod found for corner;

S 31°08'26" W 85.71 feet (called S 34°13'30" W 85.80 feet in the called 296.28 acre description and S34°05'04"W 85.80 feet in the called 14.49712 acre description) to a 5/8" iron rod found for corner at the northernmost corner of the above called 0.1261 acre tract; same being the southwesterly corner of the called 14.49712 acre tract;

THENCE S 50°37'55" E 92.81 feet (called S 48°03'42" E 94.48 feet) along the southerly line of the called 14.49712 acre tract and the northerly line of the called 0.1261 acre tract to a 5/8" iron rod found for corner at the westernmost corner of Lot 1, Block 4 of Fairway Crossing At Lake Houston Sec Two, the map of which is recorded in Film Code 420032, and being the northwest corner of North Fairway Oaks Drive, a 60' wide right of way;

THENCE S 33°15'47" W 60.29 feet (plat call S 36°25'22" W 60.28 feet) along the west end of North Fairway Oaks Drive and the east line of the called 0.1261 acre tract to a 1/2" iron rod found for corner at the southwest corner of North Fairway Oaks Drive and the northwest corner of Lot 2, Block 5, same being the northeasterly corner of that certain called 12.68949 acre tract referred to as Tract B, Exhibit "2B" in the aforementioned HCCF 20100142110;

THENCE N 50°37'55" W 90.55 feet (called N 48°03'44" W 92.00 feet in the called 12.68949 acre description) along the south line of the called 0.1261 acre tract and the north line of the called 12.68949 acre tract to a bent 1/2" iron rod found at the westernmost corner of the called 0.1261 acre tract and the northwest corner of the called 12.68949 acre tract;

THENCE along the westerly line of the called 12.68949 acre tract as follows:

S 69°35'25"W 128.56 feet (called S 72°46'05" W 128.85 feet in the called 296.28 acre tract and S 72°37'34"W 128.85 feet in the called 12.68949 acre tract) to a 1/2" iron rod found for corner;

S 75°15'33"W 892.23 feet (called S 78°21'40" W 892.22 feet in the called 296.28 acre tract and S 78°13'09"W 892.22 feet in the called 12.68949 acre tract) to a 1/2" iron rod found for corner;

S 45°02'53"W 488.53 feet (called S 48°07'53" W 488.36 feet in the called 296.28 acre tract and S 47°59'22"W 488.36 feet in the called 12.68949 acre tract) to a 1/2" iron rod found for corner;

S 30°53'17"W 259.05 feet (called S 34°03'03" W 258.86 feet in the called 296.28 acre tract and S 33°54'32"W 258.86 feet in the called 12.68949 acre tract) to a 1/2" iron rod found for corner;

S 14°22'04"W 125.12 feet (called S 16°58'32" W 125.63 feet in the called 296.28 acre tract and S 16°50'01" W 125.63 feet in the called 12.68949 acre tract) to a 5/8" iron rod found for corner;

S 58°04'53"W 122.13 feet (called S 61°45'16" W 122.45 feet in the called 296.28 acre tract and S 61°36'45" W 122.45 feet in the called 12.68949 acre tract) to a bent 1/2" iron rod found for corner;

S 20°15'20"W 79.05 feet (called S 23°00'26" W 79.80 feet in the called 296.28 acre tract and S 22°51'55" W 79.81 feet in the called 12.68949 acre tract) to a 1/2" iron rod found for the westernmost corner of the called 12.67894 acre tract and the southernmost corner of the called 296.28 acre tract, said point falling in the north line of Golf View Lane, based on a width of 60 feet; access to Golf View Lane is denied based on a 1' buffer reserve per the recorded plat HCFC 619004;

THENCE N 70°04'57"W a distance of 405.90 feet (called N 66°59'31" W 407.83 feet) along the north line of Golf View Lane to a 3/4" iron rod found for corner at the intersection of the north line of Golf View Lane and the east line of a certain called 45.88444 acre tract referred to as Tract A, Exhibit 2-A, HCCF 20100142110;

THENCE along the east line of the called 45.88444 acre tract as follows:

N 27°27'07" E 103.92 feet (called N 34°19'47"E 106.12 feet in the called 296.28 acre tract) to a 1/2" iron rod found for corner;

N 00°48'38" E 775.41 feet (called N 04°03'47" E 775.14 feet in the called 296.28 acre tract and N 03°55'16" E 775.14 feet in the called 45.88444 acre tract) to a 1/2" iron rod found for corner;

N 11°47'50" E 278.92 feet (called N 14°55'16" E 279.03 feet in the called 296.28 acre tract and N 14°46'45" E 379.00 feet in the called 45.88444 acre tract) to a 1/2" iron rod found for corner;

N 15°01'22" E 125.05 feet (called N 18°07'02" E 125.00 feet in the called 296.28 acre tract) to a 5/8" iron rod set for corner at the southwest corner of a called 0.2006 acre tract referred to as Tract H, Exhibit "2-H" in HCCF 20100142110;

THENCE leaving the east line of the called 45.88444 acre tract and along the boundary of the called 0.2006 acre tract the following courses and distances:

N 80°23'56" E 88.16 feet (called N 83°29'31" E 88.0 feet in the called 296.28 acre tract and called N 83°21'00" E 88.00 feet in the called 0.2006 acre tract) to a 5/8" iron rod found for corner;

N 08°02'56" E 104.00 feet (called N 11°08'31" E 104.00 feet in the called 296.28 acre tract and called N 11°00'00" E 104.00 feet in the called 0.2006 acre tract) to a 5/8" iron rod found for corner;

N 83°20'05" W 68.24 feet (called N 80°14'30" W 68.09 feet in the called 296.28 acre tract and called N 80°23'01" W 68.09 feet in the called 0.2006 acre tract) to a 5/8" iron rod found for corner in the east line of the called 45.88444 acre tract at the northwest corner of the called 0.2006 acre tract;

THENCE along the east line of the called 45.88444 acre tract as follows:

N 15°01'22"E 374.10 feet (called N 18°07'02" E 374.33 feet) to a 1/2" iron rod found for corner; N 04°42'24"W 268.97 feet (called N01°36'25"W 269.04 feet in the called 296.28 acre tract and N01°44'56"W 269.04 feet in the called 45.88444 acre tract) to a 5/8" iron rod found for corner;

N 08°39'46"W 492.91 feet (called N 05°34'11" W 492.91 feet in the called 296.28 acre tract and N05°42'42"W 492.91 feet in the called 45.88444 acre tract) to a 1/2" iron rod found for corner;

N 27°20'18"W 157.05 feet (called N 24°24'44" W 154.74 feet in the called 296.28 acre tract and N24°33'15"W 154.74 feet in the called 45.88444 acre tract) to a 1/2" iron rod found for corner;

THENCE N 35°22'31"E 38.49 feet (called N 36°20'10" E 40.09 feet in the called 296.28 acre tract and N36°12'07"E 40.09 feet in the called 45.88444 acre tract) to a 1/2" iron rod found for the northeast corner of the called 45.88444 acre tract;

THENCE N 86°36'57"E 126.94 feet (called N 89°43'13" E 126.82 feet in the called 296.28 acre tract) to a 1/2" iron rod found for corner same being the southeast corner of a called 17.75276 acre tract referred to as Tract D, Exhibit "2-D" as recorded in HCCF 20100142110;

THENCE along the perimeter of the called 17.75276 acre tract as follows:

N 43°50'37" E 581.47 feet (called N 46°57'34" E 581.37 feet in the called 296.28 acre tract and N 46°49'03"E 581.37 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

N 49°55'28" E 351.83 feet (called N 53°01'09" E 351.94 feet in the called 296.28 acre tract and N 52°52'38"E 351.94 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

N 81°25'46" E 316.32 feet (called N 84°30'32" E 315.99 feet in the called 296.28 acre tract and N 84°22'01"E 315.99 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

S 28°09'17" E 207.98 feet (called S 24°59'15" E 208.09 feet in the called 296.28 acre tract and S 25°07'54"E 208.29 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

S69°24'27" E 688.15 feet (called S 66°21'05" E 688.15 feet in the called 296.28 acre tract and S 66°29'36"E 688.15 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

N79°02'26"E 754.79 feet (called N 82°10'03" E 754.71 feet in the called 296.28 acre tract and N 82°01'32"E 754.71 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

S61°49'53"E 48.38 feet (called S 58°41'04" E 48.22 feet in the called 296.28 acre tract and S 58°49'35"E 48.22 in the called 17.75276 acre tract) to a 5/8" iron rod found for corner;

N28°09'20"E 152.63 feet (called N 31°20'05" E 163.98 feet in the called 296.28 acre tract and N 31°10'25"E 152.63 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

N61°47'48"W 110.97 feet (called N 59°05'52" W 110.91 feet in the called 296.28 acre tract and N58°49'35"W 110.91 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

S85°38'08"W 703.20 feet (called S88°02'49" W 707.15 feet in the called 296.28 acre tract and S88°35'31"W 703.22 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

N 66°18'11"W 578.25 feet (called N 63°08'04" W 576.35 feet in the called 296.28 acre tract and N 63°20'34"W 578.20 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

N 07°07'29"E 119.96 feet (called N 09°48'52" E 120.00 feet in the called 296.28 acre tract and N 10°05'09"E 120.00 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

N 72°30'45"W 254.23 feet (called N 69°30'15" W 254.67 feet in the called 296.28 acre tract and N 69°29'18"W 254.20 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

S 77°07'40"W 613.42 feet (called S80°11'27" W 613.36 feet in the called 296.28 acre tract and S 80°02'56"W 613.36 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

S 66°31'16"W 74.51 feet (called S 69°48'19" W 74.55 feet in the called 296.28 acre tract and S 69°39'48"W 74.55 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner;

S 41°44'01"W 900.90 feet (called S 44°50'16" W 901.02 feet in the called 296.28 acre tract and S 44°41'45"W 901.02 feet in the called 17.75276 acre tract) to a 1/2" iron rod found for corner at the southwest corner of the called 17.75276 acre tract;

THENCE S 13°30'17"E 76.76 feet (called S 10°19'13"E 76.41 feet in the called 296.28 acre tract) to a 1/2" iron rod found at the northwest corner of the previously mentioned called 45.88444 acre tract;

THENCE continuing along the west line of the called 45.88444 acre tract as follows:

S 55°35'24" W 145.50 feet (called S 58°34'17" W 145.44 feet in the called 296.28 acre tract and S 58°25'45"W 145.44 feet in the called 45.88444 acre tract) to a 1/2" iron rod found for corner;

S 00°34'21" W 338.38 feet (called S 03°41'22" W 338.21 feet in the called 296.28 acre tract and S 03°32'51"W 338.21 feet in the called 45.88444 acre tract) to a 1/2" iron rod found for corner;

S 12°53'23" E 563.12 feet (called S 09°47'24" E 563.17 feet in the called 296.28 acre tract and S 09°55'55"E 563.17 feet in the called 45.88444 acre tract) to a 1/2" iron rod found for corner;

S 23°05'47" W 500.11 feet (called S 26°11'56" W 518.43 feet in the called 296.28 acre tract) to the center of Mexican Gully and the northernmost corner of Lot 4, Block 1 of Fairway Crossing At Lake Houston Sec 6, the map of which is recorded in HCCF 619004;

THENCE along the centerline of Mexican Gully and the north line of Fairway Crossing At Lake Houston Sec 6 the following courses and distances:

S 78°19'25" W 159.62 feet;

S 58°33'36" E 50.18 feet;

S 56°10'34" W 88.29 feet;

S 69°58'30" W 134.39 feet;

N 48°59'41" W 200.44 feet;

S 68°19'46" W 248.22 feet;

S 01°06'53" E 150.83 feet;

S 67°24'23" W 245.65 feet;

S 47°42'48" W 139.43 feet;

S 12°08'51" E 74.49 feet;

S 15°19'27" E 121.44 feet to the center of Luce Bayou;

THENCE along the center of Luce Bayou as follows:

N 86°30'53" W 39.56 feet;

S 89°52'33" W 129.23 feet;

N 70°38'13" W 178.22 feet;

N 58°56'28" W 146.63 feet;

N 34°52'28" W 137.27 feet;

N 12°26'05" W 211.68 feet;

N 23°10'46" E 87.01 feet;

N 54°16'47" E 83.54 feet;

N 25°54'48" E 133.66 feet;

N 55°01'33" E 55.56 feet;

N 21°22'10" E 106.67 feet;

N 53°49'00" E 86.13 feet;

S 65°31'41" E 93.18 feet;

S 59°07'21" E 87.78 feet;

S 36°39'52" E 78.63 feet;

N 54°27'19" E 255.38 feet;

N 04°28'28" E 236.87 feet;

S 88°02'08" E 373.40 feet;

N 21°24'47" E 130.93 feet;

N 28°58'59" W 310.88 feet;

N 55°56'15" W 276.86 feet;

N 16°17'33" W 180.44 feet;

N 28°42'30" W 175.44 feet;

N 45°33'12" E 324.30 feet;

N 19°10'00" E 200.32 feet;

S 85°37'21" E129.05 feet;
S 12°10'03" W162.50 feet;
S 66°28'37" E214.05 feet;
N 71°24'50" E176.10 feet;
N 32°58'25" W471.75 feet;
N 23°27'47" E147.60 feet;
S 59°20'36" E281.49 feet;
N 04°07'09" E75.17 feet;
N 20°56'02" W293.88 feet;
N 31°07'23" E133.76 feet;
N 40°22'47" E236.30 feet;
S 52°04'44" E175.06 feet;
S 85°46'53" E217.37 feet;
N 72°02'52" E142.62 feet;
S 64°19'26" E130.86 feet;
N 47°10'33" E249.93 feet;

N 47°32'27" E 40.03 feet to a point in the north line of the called 296.28 acre tract and the south line of the Ned Holmes Tract 2 Parcel D Called 530.18 acre tract described in HCCF# F52006;

THENCE along the north line of the called 296.28 acre tract and the south line of the Holmes tract N 87°14'06" E (called S 89°55'11" E) at 603.11 pass a concrete monument with brass disk, and continuing for a total distance of 3,252.43 feet (called 3,240.28 feet) to the place of BEGINNING of Tract 2, containing 12,983,894 square feet, or 298.069 acres of land, more or less (called 296.28 acres).

The meanders along Luce Bayou were determined from aerial photography for the purposes of calculating acreage. The actual boundary along this line is the center of the creek.

SECTION 4. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

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

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

**HB 2771 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Phelan called up with senate amendments for consideration at this time,

HB 2771, A bill to be entitled An Act relating to the elimination of a fee collected for an on-site wastewater treatment permit application.

Representative Phelan moved to concur in the senate amendments to **HB 2771**.

The motion to concur in the senate amendments to **HB 2771** prevailed by (Record 1887): 131 Yeas, 13 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Biedermann; Bonnen, G.; Cain; Keough; Krause; Lang; Leach; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Coleman; Dukes.

Senate Committee Substitute

CSHB 2771, A bill to be entitled An Act relating to the fee collected for an on-site wastewater treatment permit application.

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

SECTION 1. Sections 367.008(b) and (c), Health and Safety Code, are amended to read as follows:

(b) The commission shall ~~may~~ award competitive grants to[]

~~[(4)]~~ support applied research and demonstration projects by accredited colleges and universities in this state, by other governmental entities, or by acceptable public or private research centers regarding on-site wastewater treatment technology and systems applicable to this state that are directed toward improving the quality of wastewater treatment and reducing the cost of providing wastewater treatment to consumers, including wastewater reuse ~~[; and~~

~~[(2) enhance technology transfer regarding on-site wastewater treatment by using educational courses, seminars, symposia, publications, and other forms of information dissemination].~~

(c) The commission shall seek the advice of relevant experts when choosing research topics and ~~[(5)]~~ awarding grants~~[, and holding educational conferences associated with activities]~~ under this chapter.

SECTION 2. Section 367.010(d), Health and Safety Code, is amended to read as follows:

(d) The fee proceeds shall be deposited to the credit of the water resources management account and may be used only for the purposes of Sections 367.007 and 367.008.

SECTION 3. Section 5.701(p), Water Code, is amended to read as follows:

(p) Notwithstanding any other law, fees collected for deposit to the water resource management account under the following statutes may be appropriated and used to protect water resources in this state, including assessment of water quality, reasonably related to the activities of any of the persons required to pay a fee under:

(1) Subsection (b), to the extent those fees are paid by water districts, and Subsections (e), (f), and (n); or

(2) Section 54.037(c) ~~[(5) or~~

~~[(3) Section 367.010, Health and Safety Code].~~

SECTION 4. (a) The changes in law made by this Act apply only to an application for an on-site wastewater treatment permit received by the Texas Commission on Environmental Quality or an authorized agent, as defined by Section 366.002, Health and Safety Code, on or after the effective date of this Act. An application received before the effective date of this Act is governed by the law in effect on the date the application was received, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act apply only to an application for a grant under Section 367.008, Health and Safety Code, as amended by this Act, submitted on or after the effective date of this Act. An application for a grant submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

HB 4290 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Thierry called up with senate amendments for consideration at this time,

HB 4290, A bill to be entitled An Act relating to the creation of the Stadium Park Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

Representative Thierry moved to concur in the senate amendments to **HB 4290**.

The motion to concur in the senate amendments to **HB 4290** prevailed by (Record 1888): 121 Yeas, 23 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Burkett; Burns; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospers; 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; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Bonnen, G.; Burrows; Cain; Capriglione; Craddick; Cyrier; Hefner; Keough; Krause; Leach; Paddie; Price; Rinaldi; Sanford; Schaefer; Simmons; Springer; Stickland; Swanson; Tinderholt; White; Wilson; Zedler.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 1888 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 1888 was taken, I was shown voting yes. I intended to vote no.

Shaheen

When Record No. 1888 was taken, I was shown voting yes. I intended to vote no.

E. Thompson

Senate Committee Substitute

CSHB 4290, A bill to be entitled An Act relating to the creation of the Stadium Park Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3950 to read as follows:

CHAPTER 3950. STADIUM PARK MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3950.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "City" means the City of Houston.
- (3) "County" means Harris County.
- (4) "Director" means a board member.
- (5) "District" means the Stadium Park Management District.

Sec. 3950.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3950.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

(c) The district is created to supplement and not to supplant county services provided in the district.

Sec. 3950.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment;
- (3) developing or expanding transportation and commerce; and
- (4) providing quality residential housing.

(d) The district will:

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

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

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

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, vehicle parking, and street art objects are parts of and necessary components of a street and are considered to be an improvement project that includes a street or road improvement.

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

Sec. 3950.005. DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3950.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or

(3) an enterprise zone created under Chapter 2303, Government Code.

(b) A tax increment reinvestment zone created by the city in the district is not subject to the limitations provided by Section 311.006(b), Tax Code.

(c) If the city creates a tax increment reinvestment zone under Chapter 311, Tax Code, the city, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code, including the right to pledge the money as security for any bonds issued by the district for an improvement project.

Sec. 3950.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3950.008. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3950.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of 11 voting directors who must be qualified under and appointed by the governing body of the city as provided by Subchapter D, Chapter 375, Local Government Code.

(b) The directors serve staggered terms of four years with five or six directors' terms expiring June 1 of each odd-numbered year.

Sec. 3950.052. DIRECTOR'S OATH OR AFFIRMATION. (a) A director shall file the director's oath or affirmation of office with the district, and the district shall retain the oath or affirmation in the district records.

(b) A director shall file a copy of the director's oath or affirmation with the clerk of the county.

Sec. 3950.053. QUORUM. A vacant director position is not counted for purposes of establishing a quorum.

Sec. 3950.054. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary. The offices of chair and secretary may not be held by the same person.

Sec. 3950.055. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$50 for each board meeting. The total amount of compensation a director may receive each year may not exceed \$2,000.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3950.056. LIABILITY INSURANCE. The district may obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures a director against personal liability and from all claims relating to:

- (1) actions taken by the director in the director's capacity as a member of the board;
- (2) actions and activities taken by the district; or
- (3) the actions of others acting on behalf of the district.

Sec. 3950.057. NO EXECUTIVE COMMITTEE. The board may not create an executive committee to exercise the powers of the board.

Sec. 3950.058. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public.

Sec. 3950.059. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1.</u>	<u>Gary Zimmerman;</u>
<u>2.</u>	<u>Chris Pappas;</u>
<u>3.</u>	<u>Al Kashani;</u>
<u>4.</u>	<u>Terence Fontaine;</u>
<u>5.</u>	<u>June Deadrick;</u>
<u>6.</u>	<u>Kevin Hoffman;</u>
<u>7.</u>	<u>Dallas Jones;</u>
<u>8.</u>	<u>Marchris Robinson;</u>
<u>9.</u>	<u>Jamey Rootes;</u>

10.
11.

Leroy Shafer;
Ed Wulfe.

(b) The terms of the initial directors expire June 1, 2019.

(c) Of the directors who replace an initial director, the terms of directors serving in positions 1 through 5 expire June 1, 2021, and the terms of directors serving in positions 6 through 11 expire June 1, 2023.

(d) Section 375.063, Local Government Code, does not apply to the initial directors named by Subsection (a).

(e) This section expires September 1, 2023.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3950.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3950.102. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3950.103. LOCATION OF IMPROVEMENT PROJECT. An improvement project described by Section 3950.102 may be located:

(1) in the district; or

(2) in an area outside but adjacent to the district if the project is for the purpose of extending a public infrastructure improvement beyond the district's boundaries to a logical terminus.

Sec. 3950.104. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3950.105. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3950.106. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift, grant, or loan from any person.

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3950.107. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county, to provide law enforcement services in the district for a fee.

Sec. 3950.108. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3950.109. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that:

(1) Chapter 380, Local Government Code, provides to a municipality;

and

(2) Subchapter A, Chapter 1509, Government Code, provides to a municipality.

Sec. 3950.110. CONCURRENCE ON ADDITIONAL POWERS. If the territory of the district is located in the corporate boundaries or the extraterritorial jurisdiction of a municipality, the district may not exercise a power granted to the district after the date the district was created unless the governing body of the municipality by resolution consents to the district's exercise of the power.

Sec. 3950.111. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 3950.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3950.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain an improvement project or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3950.153. GENERAL POWERS REGARDING PAYMENT OF DISTRICT BONDS, OBLIGATIONS, OR OTHER COSTS. The district may provide or secure the payment or repayment of any bond, note, or other temporary or permanent obligation or reimbursement or other contract with any

person and the costs and expenses of the establishment, administration, and operation of the district and the district's costs or share of the costs or revenue of an improvement project or district contractual obligation or indebtedness by:

(1) the imposition of an ad valorem tax or sales and use tax or an assessment, user fee, concession fee, or rental charge; or

(2) any other revenue or resources of the district.

Sec. 3950.154. COSTS FOR IMPROVEMENT PROJECTS. The district may undertake separately or jointly with other persons, including the city or the county, all or part of the cost of an improvement project, including an improvement project:

(1) for improving, enhancing, and supporting public safety and security, fire protection and emergency medical services, and law enforcement in or adjacent to the district; or

(2) that confers a general benefit on the entire district or a special benefit on a definable part of the district.

Sec. 3950.155. TAX AND ASSESSMENT ABATEMENTS. The district may designate reinvestment zones and may grant abatements of a tax or assessment on property in the zones.

Sec. 3950.156. PROPERTY EXEMPT FROM IMPACT FEES. The district may not impose an impact fee on a residential property, including a multiunit residential property, or a condominium.

SUBCHAPTER E. ASSESSMENTS

Sec. 3950.201. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) The petition must be signed by the owners of at least 60 percent of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3950.202. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district that is not a residential property, including a multiunit residential property or a condominium.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3950.203. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

SUBCHAPTER F. TAXES AND BONDS

Sec. 3950.251. TAX ABATEMENT. The district may enter into a tax abatement agreement in accordance with the general laws of this state authorizing and applicable to a tax abatement agreement by a municipality.

Sec. 3950.252. PROPERTY TAX AUTHORIZED. (a) The district may impose an ad valorem tax on all taxable property in the district to:

(1) pay for an improvement project of the types authorized by Section 52(b), Article III, and Section 59, Article XVI, Texas Constitution; or

(2) secure the payment of bonds issued for a purpose described by Subdivision (1).

(b) The district may not impose an ad valorem tax to pay for an improvement project under this chapter unless:

(1) a written petition has been filed with the board requesting an election to approve the imposition of the tax signed by the owners of at least 60 percent of the assessed value of the property in the district as determined from the most recent certified county property tax rolls; and

(2) the imposition of the tax is approved by the voters of the district voting at the requested election.

(c) The district may not impose an ad valorem tax on a residential property, including a multiunit residential property or a condominium.

Sec. 3950.253. SALES AND USE TAX. (a) The district may impose a sales and use tax if authorized by a majority of the voters of the district voting at an election called for that purpose. Revenue from the tax may be used for any purpose for which ad valorem tax revenue of the district may be used.

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

(c) If the voters of the district approve the adoption of the tax at an election held on the same election date on which another political subdivision adopts a sales and use tax or approves an increase in the rate of its sales and use tax and as a result the combined rate of all sales and use taxes imposed by the district and

other political subdivisions of this state having territory in the district would exceed two percent at any location in the district, the election to adopt a sales and use tax under this chapter has no effect.

Sec. 3950.254. BONDS AND OTHER OBLIGATIONS. (a) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, sales and use taxes, or assessments in the manner provided by Subchapter A, Chapter 372, or Subchapter J, Chapter 375, Local Government Code.

(b) In exercising the district's borrowing power, the district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

(c) In addition to the sources of money described by Subchapter A, Chapter 372, or Subchapter J, Chapter 375, Local Government Code, district bonds may be secured and made payable wholly or partly by a pledge of any part of the money the district receives from improvement revenue or from any other source.

Sec. 3950.255. BOND MATURITY. Bonds may mature not more than 40 years from their date of issue.

Sec. 3950.256. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax for each year that all or part of the bonds are outstanding; and

(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due; and

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date.

SUBCHAPTER G. DISSOLUTION

Sec. 3950.301. DISSOLUTION BY ORDINANCE. (a) A municipality that includes territory of the district, in the corporate boundaries or extraterritorial jurisdiction of the municipality, by ordinance may dissolve the district.

(b) The municipality may not dissolve the district until the district's outstanding debt or contractual obligations that are payable from ad valorem taxes have been repaid or discharged, or the municipality has affirmatively assumed the obligation to pay the outstanding debt from municipal revenue.

Sec. 3950.302. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, other than ad valorem taxes, the municipality that dissolves the district shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The municipality shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the municipality to refund the outstanding bonds or obligations.

Sec. 3950.303. ASSUMPTION OF ASSETS AND LIABILITIES. (a) If a municipality dissolves the district, the municipality assumes, subject to the appropriation and availability of funds, the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

(b) If a municipality dissolves the district, the board shall transfer ownership of all district property to the municipality.

SECTION 2. The Stadium Park Management District initially includes all the territory contained in the following area:

Being an area of +/- 1,234 acres (1.93 sq. miles) centered on Kirby Dr. and IH 610 (S Loop W) with said area being more particularly described by the following

Beginning at intersection of north right-of-way (ROW) of Old Spanish Trail/US 90A Hwy. and east ROW of Greenbriar Dr.;

Then generally south along east ROW of Greenbriar Dr. across the ROW of Fannin St. to east ROW of Fannin St. and northwest corner of 3.2334 ac. parcel (RES A BLK 1 HOMESTEAD VILLAGE-ASTRODOME);

Then south along east ROW of Fannin St. and west boundary of said 3.2334 ac. parcel to a point west of south boundary line of said 3.2334 ac. parcel;

Then east along south boundary of said 3.2334 ac. parcel to southeast corner of said parcel and southwest corner of 3.368 ac. parcel (RES A BLK 1 ASTRODOME OAKS SEC 1 R/P PAR R/P);

Then north along west boundary of said 3.368 ac. parcel to northwest corner of said parcel;

Then east along north boundary of said 3.368 ac. parcel to northeast corner of said parcel;

Then south along east boundary of said 3.368 ac. parcel and west ROW of Knight Rd. to a point east of north boundary of 28.7947 ac. tract (TR 1 (BLDGS 1 THRU 25) & TR 1 (BLDGS 16 THRU 32) ASTRODOME OAKS SEC 2 R/P ASTRODOME OAKS SEC 1 R/P);

Then generally west along north boundary of said 28.7947 ac. tract to east ROW of Fannin St.;

Then south along east ROW of Fannin St. and west boundary of said 28.7947 ac. tract, across Holly Hall St., along west boundary of 21.027 ac. tract (RES A BLK 1 HOLLY HALL HOME FOR THE RETIRED 3RD R/P) to southwest corner of said 21.027 ac. tract;

Then east, south and east along south boundary of said 21.027 ac. tract, across Knight Rd. to southeast corner of 0.2433 ac. parcel (LTS 1 & 2 BLK 5 KNIGHTS MAIN STREET) and east ROW of Knight Rd.;

Then south along east ROW of Knight Rd. across Englemohr St. to northwest corner of 0.1217 ac. parcel (LT 3 BLK 37 KNIGHTS MAIN STREET);

Then east along north boundary of said 0.1217 ac. parcel, 0.1148 ac. parcel (LT 5 BLK 37 KNIGHTS MAIN STREET), 0.1217 ac. parcel (LT 6 BLK 38 KNIGHTS MAIN STREET), 0.2433 ac. parcel (LTS 4 & 5 BLK 38 KNIGHTS MAIN STREET), 0.4798 ac. parcel (RES A BLK 1 KATIE FEINGERSH ESTATES), 0.1217 ac. parcel (LT 3 BLK 40 KNIGHTS MAIN STREET), across S. David St., 0.2433 ac. parcel (LTS 3 & 4 BLK 41 KNIGHTS MAIN STREET), 0.1148 ac. parcel (LT 5 BLK 41 KNIGHTS MAIN STREET), 0.1217 ac. parcel (LT 6 BLK 42 KNIGHTS MAIN STREET), 0.2433 ac. parcel (LTS 4 & 5 BLK 42 KNIGHTS MAIN STREET), 0.1217 ac. parcel (LT 4 BLK 43 KNIGHTS MAIN STREET), 0.1217 ac. parcel (LT 5 BLK 43 KNIGHTS MAIN STREET), 0.1148 ac. parcel (LT 5 BLK 44 KNIGHTS MAIN STREET), 0.2433 ac. parcel (LTS 3 & 4 BLK 44 KNIGHTS MAIN STREET) to northeast corner of said 0.2433 ac. parcel and west ROW Cambridge St.;

Then north along west ROW of Cambridge St. to north ROW of Holly Hall St.;

Then east along north ROW of Holly Hall St. to centerline of FM 521 Rd. (Almeda Rd.);

Then south by west along centerline of FM 521 Rd. (Almeda Rd.) to north ROW of westbound feeder road IH 610 (S Loop W);

Then generally west along north ROW of westbound feeder road IH 610 (S Loop W) to a point north of northeast corner of 14.01 ac. tract (TR 1U ABST 874 J WALTERS);

Then south across ROW of IH 610 (S Loop W) and along east boundary of said 14.01 ac. tract to southeast corner of said tract and north boundary of 15.0459 ac. tract (TRS 2A-1 2B-2 & 2C-2 ABST 874 J WALTERS);

Then east northeast along north boundary of said 15.0459 ac. tract to northeast corner of said tract and west ROW of Knight Rd.;

Then east across ROW of Knight Rd. to east ROW of Knight Rd.;

Then south along east ROW of Knight Rd. to south ROW of Holmes Rd.;

Then west southwest along south ROW of Holmes Rd. to a point south of southwest corner of 12.5087 ac. parcel (RES A4 BLK 1 CORPORATE CENTRE KIRBY);

Then north across ROW of Holmes Rd. along west boundary of said 12.5087 ac. parcel, 9.766 ac. parcel (RES A2 BLK 1 CORPORATE CENTRE KIRBY) to northwest corner of said 9.766 ac. parcel and south boundary of 8 ac. parcel (TRS 3 THRU 10 IN TR 8 ABST 179 BBB&C RR CO);

Then west along south boundary of said 8 ac. parcel, 1 ac. tract (TR 1 IN TR 8 ABST 179 BBB&C RR CO) to southwest corner of said 1 ac. tract and east boundary of 15.47 ac. parcel (RESERVE BLK 1 MOORINGS APTS R/P);

Then north along east boundary of said 15.47 ac. parcel to northeast corner of said parcel;

Then west along north boundary of said 15.47 ac. parcel, across Lakes at 610 Dr. to west ROW of Lakes at 610 Dr.;

Then north along west ROW of Lakes at 610 Dr. to south ROW of W. Bellfort Ave.;

Then generally west along south ROW of W. Belfort Ave. to west ROW of S. Main St.;

Then northeast by north along west ROW of S. Main St. to south ROW of eastbound feeder road IH 610 (S Loop W);

Then northeast to intersection of ROW centerline of S. Main St. and IH 610 (S Loop W);

Then northeast by north along ROW centerline of S. Main St. to a point northwest by north of north corner of 1.3593 ac. tract (TR 7H-1A ABST 645 P W ROSE) at south ROW of Braeswood Park St.;

Then southeast by east across east ROW of S. Main St. and along north boundary of said 1.3593 ac. tract to east corner of said parcel;

Then southwest by south along east boundary of said 1.3593 ac. tract to south corner of said tract and north boundary of 1.417 ac. parcel (RES A BLK 1 RESIDENCE INN MEDICAL CENTER);

Then east northeast along north boundary of said 1.417 ac. parcel to northeast corner of said parcel and west boundary of 5.566 ac. parcel (RES C BLK 1 KIRBY OST ASSOCIATES);

Then generally south southeast along east boundary of said 1.417 ac. tract and west boundary of said 5.566 ac. parcel to north ROW of Old Spanish Trail/US 90A Hwy.;

Then east by north along north ROW of Old Spanish Trail/US 90A Hwy. to east ROW of Greenbriar St and point of beginning of +/- 1,234 ac. area.

Save and Except CITY PLAZA CONDO;

Save and Except PLAZA DEL ORO SEC 2 R/P RES A;

Save and Except PLAZA DEL ORO SEC 1 RES B5;

Save and Except KNIGHTS MAIN STREET LTS 1 3 & TR 2 BLK 9;

Save and Except NAOMI AVENUE PLACE LTS 1-12 BLK 1;

Save and Except KNIGHTS MAIN STREET LTS 1 THRU 5 BLK 12;

Save and Except SOUTH POINT BUSINESS PARK SEC 2 RES J;

Save and Except SOUTH POINT BUSINESS PARK SEC 4 RES D2;

Save and Except SOUTH POINT BUSINESS PARK SEC 4 RES D3;

Save and Except SOUTH POINT BUSINESS PARK SEC 4 RES E;

Save and Except Harris County Improvement District No. 8;

Save and Except MIKE CALVERT TOYOTA RES A BLK 1;

Save and Except LAKES AT 610 SEC 1 RES E1;

Save and Except LAKES AT 610 SEC 1 RES A4-A A5-A A6 & A7;

Save and Except CENTRAL HOUSTON NISSAN RES A BLK 1;

Save and Except LAKES AT 610 SEC 2 RES A1-C;

Save and Except LAKES AT 610 SEC 3 RES A1;

Save and Except PARK LAKE APT BLDGS 1 THRU 29;

Save and Except ABST 887 J HAMILTON TR 31C;

Save and Except ABST 887 J HAMILTON TR 32;

Save and Except BUFFALO SPEEDWAY LTS 1-24 BLK 1;

Save and Except BUFFALO SPEEDWAY PERMANENT ACCESS ESMT;

Save and Except BUFFALO SPEEDWAY RES A BLK 1;

Save and Except BUFFALO SPEEDWAY RES B BLK 1;

Save and Except BUFFALO SPEEDWAY RES C BLK 1;
 Save and Except MAIN MEDICAL PLAZA RES A BLK 1;
 Save and Except SOUTH LOOP / SOUTH MAIN RES C1-A BLK 1;
 Save and Except HEARTHWOOD CONDO SEC 1 BLDGS 1-19;
 Save and Except ABST 645 P W ROSE TR 8;
 Save and Except TRS 6 7 & 10 & TR 4B ABST 874 J WALTERS & TRS 6 7 &
 10 ABST 887 J HAMILTON ABST 645 P W ROSE;
 Save and Except HOWARD JOHNSON-ASTRODOME RES A BLK 1;
 Save and Except ABST 645 P W ROSE TR 5 & TRS 5 & 8A ABST 887 J
 HAMILTON;
 Save and Except REINGERSH ESTATES RES A BLK 1;
 Save and Except HEARTHWOOD BUSINESS PARK SEC 1 RES A;
 Save and Except ABST 887 J HAMILTON TR 28;
 Save and Except HEARTHWOOD 2 CONDO PH 1-6;
 Save and Except ABST 887 J HAMILTON TR 1B-7;
 Save and Except HEARTHWOOD BUSINESS PARK SEC 2 RES B1;
 Save and Except ABST 887 J HAMILTON TR 1B-6;
 Save and Except R & S PARK PT RES B BLK 1 (POLLUTION CONTROL)
 (DETENTION POND);
 Save and Except R & S PARK PT RES B BLK 1 (PC*1200210010003);
 Save and Except ABST 887 J HAMILTON TR 28A;
 Save and Except ABST 887 J HAMILTON TR 15A;
 Save and Except RES A BLK 1 FANNIN AT THE LOOP;
 Save and Except LTS 3-5 BLK 37 KNIGHTS MAIN STREET;
 Save and Except LTS 4-6 BLK 38 KNIGHTS MAIN STREET;
 Save and Except LTS 1-6 BLK 60 KNIGHTS MAIN STREET;
 Save and Except LTS 1-2, 6 BLK 61 KNIGHTS MAIN STREET;
 Save and Except RES A LAKES AT 610 SEC 2;
 Save and Except LT 6 BLK 13 KNIGHTS MAIN STREET;
 Save and Except LTS 1 & 2 BLK 14 KNIGHTS MAIN STREET;
 Save and Except LTS 1 & 2 BLK 13 KNIGHTS MAIN STREET;
 Save and Except LTS 3 4 & 5 & TR 7 BLK 13 KNIGHTS MAIN STREET;
 Save and Except RES A BLK 1 GRAINGER SOUTH LOOP;
 Save and Except LT 4 BLK 14 KNIGHTS MAIN STREET;
 Save and Except LTS 5 & 6 BLK 14 KNIGHTS MAIN STREET;

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

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

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

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HB 3349 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Gervin-Hawkins called up with senate amendments for consideration at this time,

HB 3349, A bill to be entitled An Act relating to creating an abbreviated certification program and probationary and standard certificates for trade and industrial workforce training.

Representative Gervin-Hawkins moved to concur in the senate amendments to **HB 3349**.

The motion to concur in the senate amendments to **HB 3349** prevailed by (Record 1889): 145 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, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3349** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

**HB 1342 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Parker called up with senate amendments for consideration at this time,

HB 1342, A bill to be entitled An Act relating to child sexual abuse prevention training for public school students.

Representative Parker moved to concur in the senate amendments to **HB 1342**.

The motion to concur in the senate amendments to **HB 1342** prevailed by (Record 1890): 130 Yeas, 10 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Martinez; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Biedermann; Cain; Rinaldi; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; White.

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

Absent, Excused — Minjarez; Raney.

Absent — Canales; Dukes; Lucio; Metcalf; Wilson.

STATEMENTS OF VOTE

When Record No. 1890 was taken, I was shown voting yes. I intended to vote no.

Murr

When Record No. 1890 was taken, I was shown voting yes. I intended to vote no.

Phillips

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1342** (senate committee report) in SECTION 1 of the bill as follows:

(1) In the recital to that section (page 1, line 39), strike "(c) and (d)" and substitute "(c), (d), and (e)".

(2) In amended Section 38.004, Education Code (page 2, between lines 6 and 7), insert the following:

(e) This section and Section 38.0041 may be cited as Jenna's Law.

Senate Amendment No. 2 (Senate Committee Amendment No. 1)

Amend **HB 1342** (house engrossed version) in SECTION 1 of the bill as follows:

(1) In amended Section 38.004(b), Education Code (page 1, between lines 13 and 14), insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() choose the provider and the method of delivery of the training;

(2) Strike added Section 38.004(d), Education Code (page 2, lines 5 through 8), and substitute the following:

(d) The agency shall compile a list of objectives that must be met by a school district's child sexual abuse prevention training required under Subsection (b).

HB 1234 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Martinez called up with senate amendments for consideration at this time,

HB 1234, A bill to be entitled An Act relating to filing fees imposed in civil cases in Hidalgo County, Cameron County, and Willacy County.

Representative Martinez moved to concur in the senate amendments to **HB 1234**.

The motion to concur in the senate amendments to **HB 1234** prevailed by (Record 1891): 139 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Schaefer; Stickland; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Arévalo; Dukes.

Senate Committee Substitute

CSHB 1234, A bill to be entitled An Act relating to filing fees imposed in civil cases in Hidalgo County and Cameron County.

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

SECTION 1. Section 51.711, Government Code, is amended by amending Subsections (b), (f), (g), (h), and (i) and adding Subsection (e-1) to read as follows:

(b) Except as otherwise provided by this section and in addition to all other fees authorized or required by other law, the clerk of a court shall collect a filing fee of not more than \$20 in each civil case filed in the court to be used:

(1) for the construction, renovation, or improvement of the facilities that house the Hidalgo County or Cameron County civil courts; and

(2) to pay the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of the facilities that house the Hidalgo County or Cameron County civil courts.

(e-1) If Hidalgo County or Cameron County has adopted a resolution authorizing a fee as provided by Subsection (e) that is abolished on or before October 1, 2030, the county may:

(1) adopt a resolution authorizing the fee adopted under Subsection (e) to continue until October 1, 2045;

(2) adopt a resolution providing that the county must continue to spend one dollar for the construction, renovation, or improvement of the court facilities for each dollar spent from the special account dedicated to that purpose; and

(3) file the resolution adopted under this subsection with the county treasurer or with any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 immediately preceding the first 12-month period during which the county has authorized the fee to continue to be collected through October 1, 2045.

(f) A resolution adopted under Subsection (e) continues from year to year until October 1, 2030, if adopted under Subsection (e) before September 1, 2017, or October 1, 2045, if adopted under Subsection (e) on or after September 1, 2017, allowing the county to collect fees under the terms of this section until the resolution is rescinded. A resolution adopted under Subsection (e-1) continues from year to year until October 1, 2045, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(g) The commissioners court of the county collecting the fee may rescind a resolution adopted under Subsection (e) or (e-1) by adopting a resolution rescinding the resolution and submitting the rescission resolution to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 preceding the beginning of the first day of the county fiscal year. The commissioners court may adopt an additional resolution in the manner provided by Subsection (e) after rescinding a previous resolution ~~[under that subsection]~~.

(h) A fee established under a particular resolution is abolished on the earlier of:

(1) the date a resolution adopted under Subsection (e) or (e-1) is rescinded as provided by Subsection (g); ~~[or]~~

(2) October 1, 2030, if adopted under Subsection (e) before September 1, 2017;

(3) October 1, 2045, if adopted under Subsection (e) on or after September 1, 2017; or

(4) October 1, 2045, if adopted under Subsection (e-1).

(i) Hidalgo County or Cameron County may make the required expenditure described by Subsection (e)(2) or (e-1)(2) at any time, regardless of when the expenditure from the special account occurs.

SECTION 2. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.061194 to read as follows:

Sec. 101.061194. ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a district court in Hidalgo County and the clerk of a district court in Cameron County shall collect an additional filing fee of not more than \$20 under Section 51.711, Government Code, in civil cases to fund the payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 3. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.081193 to read as follows:

Sec. 101.081193. ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county court in Hidalgo County and the clerk of a statutory county court in Cameron County shall collect an additional filing fee of not more than \$20 under Section 51.711, Government Code, in civil cases to fund the payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 4. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.101192 to read as follows:

Sec. 101.101192. ADDITIONAL STATUTORY PROBATE COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory probate court in Hidalgo County shall collect an additional filing fee of not more than \$20 under Section 51.711, Government Code, in civil cases to fund the payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. This Act takes effect September 1, 2017.

HB 1317 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative K. King called up with senate amendments for consideration at this time,

HB 1317, A bill to be entitled An Act relating to the designation of U.S. Highway 287 in Claude as the Charles H. Roan Memorial Highway.

Representative K. King moved to concur in the senate amendments to **HB 1317**.

The motion to concur in the senate amendments to **HB 1317** prevailed by (Record 1892): 144 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, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield;

Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Frullo.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1317** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 442, Government Code, is amended by adding Section 442.019 to read as follows:

Sec. 442.019. TOM LEA TRAIL. (a) The commission shall develop a Tom Lea Trail program to commemorate the life and art of Tom Lea.

(b) The program, at a minimum, shall include:

(1) designation of locations that are historically significant to the life and art of Tom Lea;

(2) adoption of an icon, symbol, or other identifying device to represent a designation under this section;

(3) the use of the icon, symbol, or other identifying device in promoting tourism around this state by the commission and at locations designated under this section; and

(4) the development of itineraries and maps to guide tourists to locations designated under this section.

(c) The commission shall adopt:

(1) eligibility criteria for a designation under this section; and

(2) procedures to administer the program created under this section.

(d) A historic marker or sign relating to the life and art of Tom Lea that is erected or maintained pursuant to the program adopted under this section must be located not more than five miles from a location designated under Subsection (b)(1).

(e) The commission may, as necessary, enter into a memorandum of understanding with the Texas Economic Development and Tourism Office and the Texas Department of Transportation to implement this section.

(f) The commission may solicit and accept gifts, grants, and other donations from any source to implement this section. The commission is not required to promote or market the Tom Lea Trail unless the commission receives funds raised from private entities for that purpose.

(g) The following segments of highway shall constitute the Tom Lea Trail:

(1) Interstate Highway 10 from its intersection with the northern municipal boundary of El Paso to its intersection with Interstate Highway 20;

(2) Interstate Highway 20 from its intersection with Interstate Highway 10 to its intersection with the western municipal boundary of Sweetwater;

(3) Interstate Highway 20 from its intersection with the eastern municipal boundary of Sweetwater to its intersection with U.S. Highway 277;

(4) U.S. Highway 277 from its intersection with Interstate Highway 10 to its intersection with State Highway 114 in Seymour;

(5) State Highway 114 from its intersection with U.S. Highway 277 in Seymour to its intersection with State Highway 199;

(6) State Highway 199 from its intersection with U.S. Highway 281 to its intersection with Interstate Highway 30;

(7) Interstate Highway 30 from its intersection with State Highway 199 to its intersection with Interstate Highway 35 East in Dallas;

(8) Interstate Highway 35 East from its intersection with Interstate Highway 30 in Dallas to its intersection with State Highway 6 outside of the southern municipal boundary of Waco;

(9) State Highway 6 from its intersection with Interstate 35 East to its intersection with State Highway 30 in College Station;

(10) State Highway 30 from its intersection with State Highway 6 in College Station to its intersection with Interstate Highway 45;

(11) Interstate Highway 45 from its intersection with State Highway 30 to its terminus in Galveston;

(12) State Highway 21 from its intersection with State Highway 6 to its intersection with U.S. Highway 290;

(13) U.S. Highway 290 from its intersection with State Highway 21 to its intersection with the eastern municipal boundary of Austin;

(14) U.S. Highway 290 from its intersection with the western municipal boundary of Austin to its intersection with the eastern municipal boundary of Fredericksburg;

(15) U.S. Highway 290 from its intersection with the western municipal boundary of Fredericksburg to its intersection with Interstate Highway 10;

(16) Interstate Highway 10 from its intersection with U.S. Highway 290:

(A) west to its intersection with U.S. Highway 385; and

(B) east to its intersection with Interstate Highway 37;

(17) U.S. Highway 385 from its intersection with Interstate Highway 10 to its intersection with the southern municipal boundary of Odessa;

(18) Interstate Highway 37 from its intersection with Interstate Highway 10 to its intersection with U.S. Highway 77;

(19) U.S. Highway 77 from its intersection with Interstate Highway 37 to its intersection with the northern municipal boundary of Kingsville;

(20) U.S. Highway 77 from its intersection with the southern municipal boundary of Kingsville to its intersection with State Highway 285 in Riviera; and

(21) State Highway 285 from its intersection with U.S. Highway 77 in Riviera to its intersection with the eastern municipal boundary of Hebbronville.

(h) In this section, a reference to a municipal boundary means that boundary as it exists on September 1, 2017.

(i) A designation of highway segments as the Tom Lea Trail may not be construed as a designation under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.).

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 1317** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In the recital (page 1, line 23), strike "Section 225.123" and substitute "Sections 225.123 and 225.124".

(2) Immediately following added Section 225.123, Transportation Code (page 1, between lines 32 and 33), add the following:

Sec. 225.124. 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.

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **HB 1317** by K. King (senate committee report) by inserting the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

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

Sec. 225.123 NAVARRO COUNTY VIETNAM MEMORIAL LOOP. (a) The portion of State Highway 31 under construction as of September 1, 2017, as a relief route around Corsicana, in Navarro County is designated as the Navarro County Vietnam Memorial Loop.

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

(1) design and construct markers indicating the designation as the Navarro County Vietnam Memorial Loop and any other appropriate information; and

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

HB 9 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Simmons called up with senate amendments for consideration at this time,

HB 9, A bill to be entitled An Act relating to cybercrime; creating criminal offenses.

Representative Simmons moved to concur in the senate amendments to **HB 9**.

The motion to concur in the senate amendments to **HB 9** prevailed by (Record 1893): 142 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, S.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Davis, Y.; Dukes; Reynolds; Sheffield.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 9** (senate committee printing) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 26), strike "(13-b), and (13-c)" and substitute "(13-b), (13-c), and (15-a)".

(2) In SECTION 2 of the bill, amending Section 33.01, Penal Code (page 1, between lines 59 and 60), insert the following:

(15-a) "Privileged information" means:

(A) protected health information, as that term is defined by Section 182.002, Health and Safety Code;

(B) information that is subject to the attorney-client privilege; or

(C) information that is subject to the accountant-client privilege under Section 901.457, Occupations Code, or other law, if the information is on a computer, computer network, or computer system owned by a person possessing a license issued under Subchapter H, Chapter 901, Occupations Code.

(3) In SECTION 3 of the bill, strike added Section 33.023(d), Penal Code (page 2, lines 29-44), and substitute the following:

(d) Subject to Subsections (d-1) and (d-2), an offense under this section is a Class C misdemeanor.

(d-1) Subject to Subsection (d-2), if it is shown on the trial of the offense that the defendant acted with the intent to defraud or harm another, an offense under this section is:

(1) a Class C misdemeanor if the aggregate amount involved is less than \$100 or cannot be determined;

(2) a Class B misdemeanor if the aggregate amount involved is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the aggregate amount involved is \$750 or more but less than \$2,500;

(4) a state jail felony if the aggregate amount involved is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the aggregate amount involved is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the aggregate amount involved is \$150,000 or more but less than \$300,000; and

(7) a felony of the first degree if the aggregate amount involved is \$300,000 or more.

(d-2) If it is shown on the trial of the offense that the defendant knowingly restricted a victim's access to privileged information, an offense under this section is:

(1) a state jail felony if the value of the aggregate amount involved is less than \$2,500;

(2) a felony of the third degree if:

(A) the value of the aggregate amount involved is \$2,500 or more but less than \$30,000; or

(B) a client or patient of a victim suffered harm attributable to the offense;

(3) a felony of the second degree if:

(A) the value of the aggregate amount involved is \$30,000 or more but less than \$150,000; or

(B) a client or patient of a victim suffered bodily injury attributable to the offense; and

(4) a felony of the first degree if:

(A) the value of the aggregate amount involved is \$150,000 or more; or

(B) a client or patient of a victim suffered serious bodily injury or death attributable to the offense.

(4) In SECTION 3 of the bill, strike added Section 33.024(b), Penal Code (page 2, line 65, through page 3, line 11), and substitute the following:

(b) Subject to Subsections (b-1) and (b-2), an offense under this section is a Class C misdemeanor.

(b-1) Subject to Subsection (b-2), if it is shown on the trial of the offense that the defendant acted with the intent to defraud or harm another, an offense under this section is:

(1) a Class C misdemeanor if the value of the aggregate amount involved is less than \$100 or cannot be determined;

(2) a Class B misdemeanor if the value of the aggregate amount involved is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the value of the aggregate amount involved is \$750 or more but less than \$2,500;

(4) a state jail felony if the value of the aggregate amount involved is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the value of the aggregate amount involved is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the value of the aggregate amount involved is \$150,000 or more but less than \$300,000; and

(7) a felony of the first degree if the value of the aggregate amount involved is \$300,000 or more.

(b-2) If it is shown on the trial of the offense that the defendant knowingly decrypted privileged information, an offense under this section is:

(1) a state jail felony if the value of the aggregate amount involved is less than \$2,500;

(2) a felony of the third degree if:

(A) the value of the aggregate amount involved is \$2,500 or more but less than \$30,000; or

(B) a client or patient of a victim suffered harm attributable to the offense;

(3) a felony of the second degree if:

(A) the value of the aggregate amount involved is \$30,000 or more but less than \$150,000; or

(B) a client or patient of a victim suffered bodily injury attributable to the offense; and

(4) a felony of the first degree if:

(A) the value of the aggregate amount involved is \$150,000 or more; or

(B) a client or patient of a victim suffered serious bodily injury or death attributable to the offense.

HB 3029 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Frullo called up with senate amendments for consideration at this time,

HB 3029, A bill to be entitled An Act relating to air conditioning and refrigeration contracting and the education and certification of air conditioning and refrigeration technicians.

Representative Frullo moved to concur in the senate amendments to **HB 3029**.

The motion to concur in the senate amendments to **HB 3029** prevailed by (Record 1894): 137 Yeas, 8 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; Cosper; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; 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; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt; Wilson.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 3029, A bill to be entitled An Act relating to air conditioning and refrigeration contracting and the education and certification of air conditioning and refrigeration technicians.

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

SECTION 1. Section 1302.002, Occupations Code, is amended by amending Subdivision (5-c) and adding Subdivision (5-d) to read as follows:

(5-c) "Certification training program" means a program of education and training that:

(A) is accepted or approved by the department; and

(B) consists of at least 2,000 hours of a combination of:

(i) classroom instruction:

(a) at a secondary school;

(b) at an institution of higher education, as defined by

Section 61.003, Education Code; or

(c) in an apprenticeship program accepted by the

department; and

(ii) practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor.

(5-d) "Certified technician" means an air conditioning and refrigeration [a registered] technician who is certified by the department [has completed a certification examination].

SECTION 2. Section 1302.1011, Occupations Code, is amended to read as follows:

Sec. 1302.1011. RULES. The commission shall adopt rules:

(1) providing for the licensing, certification, and registration of persons under this chapter, including requirements for the issuance and renewal of a contractor license, a technician certification, and a technician registration;

(2) establishing fees necessary for the administration of this chapter, including fees for issuance and renewal of a contractor license, a technician certification, and a technician registration; and

(3) implementing the requirements of this chapter as applicable to persons, entities, and activities regulated under this chapter.

SECTION 3. Section 1302.255(a), Occupations Code, is amended to read as follows:

(a) An applicant for a license under this subchapter must:

(1) be at least 18 years old; and

(2) have:

(A) at least 48 months of practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor in the preceding 72 months; or

(B) held a technician certification issued under this chapter for the preceding 12 months and have at least 36 months of practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor in the preceding 48 months.

SECTION 4. Section 1302.262(a), Occupations Code, is amended to read as follows:

(a) A person who obtains a license under this subchapter shall provide a notice to the municipal authority that enforces air conditioning and refrigeration contracting regulations in the municipality in which the person engages in air conditioning and refrigeration contracting, if the municipality requires the notice.

SECTION 5. Section 1302.263, Occupations Code, is amended to read as follows:

Sec. 1302.263. LIMITATION ON LICENSE HOLDER. A person licensed as a contractor under this chapter may not:

(1) perform or offer or attempt to perform an act, service, or function that is:

(A) defined as the practice of engineering under Chapter 1001, unless the person holds a license under that chapter;

(B) regulated under Chapter 113, Natural Resources Code, unless the person holds a license or is exempt by rule under that chapter; or

(C) defined as plumbing under Chapter 1301, unless the person holds a license under that chapter; or

(2) use the services of a person ~~[who is not a registered technician or a licensed air conditioning and refrigeration contractor]~~ to assist in the performance of air conditioning and refrigeration maintenance work unless the person is a:

(A) registered or certified technician;

(B) licensed air conditioning and refrigeration contractor; or

(C) student described by Section 1302.502 who performs the work in that capacity.

SECTION 6. Section 1302.402, Occupations Code, is amended to read as follows:

Sec. 1302.402. ADMINISTRATIVE PROCEDURES. A proceeding for the denial of a license, certification, or registration application or disciplinary action and an appeal from that proceeding are governed by Chapter 2001, Government Code.

SECTION 7. Section 1302.453(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) knowingly engages in air conditioning and refrigeration contracting without holding a license issued under this chapter; or

(2) is not a student described by Section 1302.502 and knowingly engages in air conditioning and refrigeration maintenance work without holding a contractor license or a technician registration or certification issued under this chapter.

SECTION 8. Section 1302.501, Occupations Code, is amended to read as follows:

Sec. 1302.501. REGISTRATION OR CERTIFICATION REQUIRED. (a) Except as otherwise provided by this subchapter, a [A] person may not act or offer to act as an air conditioning and refrigeration technician unless the person is registered or certified under this subchapter.

(b) An air conditioning and refrigeration technician registration or certification is valid throughout the state.

(c) A person is not required to obtain an air conditioning and refrigeration technician registration or certification if the person only assists a licensed contractor in performing:

(1) the total replacement of a system; or

(2) the installation or repair of a boiler or pressure vessel that must be installed in accordance with rules adopted under Chapter 755, Health and Safety Code.

SECTION 9. Subchapter K, Chapter 1302, Occupations Code, is amended by adding Section 1302.502 to read as follows:

Sec. 1302.502. EXEMPTION FOR CERTAIN STUDENTS. A person is not required to be registered or certified under this subchapter to act or offer to act as an air conditioning and refrigeration technician if the person:

(1) is a student in a certification training program; and

(2) is:

(A) younger than 18 years of age; or

(B) enrolled at a secondary school.

SECTION 10. The heading to Section 1302.503, Occupations Code, is amended to read as follows:

Sec. 1302.503. SUPERVISION REQUIREMENTS FOR TECHNICIANS [~~REGISTRANTS~~].

SECTION 11. The heading to Section 1302.5035, Occupations Code, is amended to read as follows:

Sec. 1302.5035. REGISTRATION ELIGIBILITY REQUIREMENTS.

SECTION 12. Subchapter K, Chapter 1302, Occupations Code, is amended by adding Section 1302.5036 to read as follows:

Sec. 1302.5036. CERTIFICATION ELIGIBILITY REQUIREMENTS. To be eligible for an air conditioning and refrigeration technician certification, an applicant must:

(1) be at least 18 years old;

(2) have completed:

(A) in the preceding 48 months a certification training program; or

(B) 24 months of air conditioning and refrigeration-related work:

(i) under the supervision of a licensed air conditioning and refrigeration contractor; or

(ii) as part of the applicant's military occupational specialty within the armed forces of the United States; and

(3) have passed a competency examination administered, recognized, or accepted by the department.

SECTION 13. Section 1302.504(a), Occupations Code, is amended to read as follows:

(a) An applicant for an air conditioning and refrigeration technician registration or certification must submit a verified application on a form prescribed by the executive director.

SECTION 14. Subchapter K, Chapter 1302, Occupations Code, is amended by adding Section 1302.5055 to read as follows:

Sec. 1302.5055. ISSUANCE AND TERM OF CERTIFICATION. (a) The department shall issue an air conditioning and refrigeration technician certification to an applicant who:

(1) submits a verified application;

(2) passes a competency examination;

(3) meets the requirements of this chapter and the rules adopted under this chapter; and

(4) pays the required fees.

(b) An applicant who receives a certification under this subchapter may use the designation "certified technician."

(c) A certification issued under this subchapter expires on the first anniversary of the date of issuance.

SECTION 15. Section 1302.509, Occupations Code, is amended to read as follows:

Sec. 1302.509. LIMITATIONS ON TECHNICIAN [~~REGISTRANT~~]. A person registered or certified under this subchapter may not:

(1) perform, offer to perform, or attempt to perform an act that is:

(A) defined as the practice of engineering under Chapter 1001, unless the person holds a license under that chapter;

(B) regulated under Chapter 113, Natural Resources Code, unless the person holds a license under that chapter or is exempt by a rule adopted under that chapter; or

(C) defined as plumbing under Chapter 1301, unless the person holds a license under that chapter; or

(2) assist a person who is not a licensed air conditioning and refrigeration contractor in the performance of air conditioning and refrigeration maintenance work.

SECTION 16. Sections 1302.262(c) and 1302.508, Occupations Code, are repealed.

SECTION 17. Not later than April 1, 2018, the Texas Commission of Licensing and Regulation shall adopt rules implementing Chapter 1302, Occupations Code, as amended by this Act.

SECTION 18. (a) The changes in law made by this Act to Subchapter K, Chapter 1302, Occupations Code, apply only to an application for a technician certification submitted to the Texas Department of Licensing and Regulation on or after September 1, 2018. An application for a technician certification submitted before that date is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) The repeal by this Act of Section 1302.508, Occupations Code, does not affect the validity of a certification issued by the Texas Department of Licensing and Regulation before September 1, 2018, and the former law is continued in effect for the purpose of that certification.

SECTION 19. This Act takes effect September 1, 2017.

HB 3574 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Coleman called up with senate amendments for consideration at this time,

HB 3574, A bill to be entitled An Act relating to the allocation of low income housing tax credits.

Representative Coleman moved to concur in the senate amendments to **HB 3574**.

The motion to concur in the senate amendments to **HB 3574** prevailed by (Record 1895): 97 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bailes; Bernal; Blanco; Bonnen, D.; Burns; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Koop; Kuempel; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Perez; Phelan; Pickett; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Smithee; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Ashby; Bell; Biedermann; Bohac; Bonnen, G.; Burkett; Burrows; Cain; Capriglione; Cospers; Craddick; Cyrier; Dale; Darby; Dean; Faircloth; Fallon; Hefner; Holland; Isaac; Keough; King, P.; Klick; Krause; Lambert; Landgraf; Lang; Metcalf; Miller; Murr; Paddie; Parker; Paul; Phillips; Price; Rinaldi; Sanford; Schaefer; Shaheen; Simmons; Springer; Stickland; Tinderholt; White; Wilson; Zedler.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 1895 was taken, I was shown voting no. I intended to vote yes.

Bohac

When Record No. 1895 was taken, I was shown voting no. I intended to vote yes.

Hefner

When Record No. 1895 was taken, I was shown voting no. I intended to vote yes.

Lang

When Record No. 1895 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 1895 was taken, I was shown voting yes. I intended to vote no.

Phelan

When Record No. 1895 was taken, I was shown voting yes. I intended to vote no.

E. Thompson

When Record No. 1895 was taken, I was shown voting no. I intended to vote yes.

Zedler

Senate Committee Substitute

CSHB 3574, A bill to be entitled An Act relating to the allocation of low income housing tax credits.

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

SECTION 1. SECTION 1. Section 2306.6710(a), Government Code, is amended to read as follows:

(a) In evaluating an application, the department shall determine whether the application satisfies the threshold criteria required by the board in the qualified allocation plan. Educational Quality may be considered by the department as part of the threshold criteria but shall not be considered by the department as a scoring factor. The department shall reject and return to the applicant any application that fails to satisfy the threshold criteria.

SECTION 2. The change in law made by this Act expires on August 31, 2019, and thereafter reverts to the law in effect prior to the enactment of these changes. This change applies only to an application for low income housing tax credits that is submitted to the Texas Department of Housing and Community Affairs during an application cycle that is based on the 2018 qualified allocation plan or a subsequent plan adopted by the governing board of the department under Section 2306.67022, Government Code. An application that is submitted during an application cycle that is based on an earlier qualified allocation plan is governed by the law in effect on the date the application cycle began, and the former law is continued in effect for that purpose.

SECTION 3. Not later than September 1, 2019, the department shall report the outcome of considering Education Quality in threshold and not as a scoring factor in an application

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

HB 457 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Holland called up with senate amendments for consideration at this time,

HB 457, A bill to be entitled An Act relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

Representative Holland moved to concur in the senate amendments to **HB 457**.

The motion to concur in the senate amendments to **HB 457** prevailed by (Record 1896): 141 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, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospier; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer;

Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Keough; Muñoz.

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

Absent, Excused — Minjarez; Raney.

Absent — Canales; Dukes.

Senate Committee Substitute

CSHB 457, A bill to be entitled An Act relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

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

SECTION 1. Section 25.025(a), Tax Code, is amended to read as follows:

(a) This section applies only to:

(1) a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure, and the spouse or surviving spouse of the peace officer;

(2) the adult child of a current peace officer as defined by Article 2.12, Code of Criminal Procedure;

(3) ~~(2)~~ a county jailer as defined by Section 1701.001, Occupations Code;

(4) ~~(3)~~ an employee of the Texas Department of Criminal Justice;

(5) ~~(4)~~ a commissioned security officer as defined by Section 1702.002, Occupations Code;

(6) ~~(5)~~ a victim of family violence as defined by Section 71.004, Family Code, if as a result of the act of family violence against the victim, the actor is convicted of a felony or a Class A misdemeanor;

(7) ~~(6)~~ a federal judge, a state judge, or the spouse of a federal judge or state judge;

(8) ~~(7)~~ a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(9) ~~(8)~~ an officer or employee of a community supervision and corrections department established under Chapter 76, Government Code, who performs a duty described by Section 76.004(b) of that code;

(10) ~~(9)~~ a criminal investigator of the United States as described by Article 2.122(a), Code of Criminal Procedure;

(11) ~~(10)~~ a police officer or inspector of the United States Federal Protective Service;

(12) ~~(11)~~ a current or former United States attorney or assistant United States attorney and the spouse and child of the attorney;

(13) ~~(12)~~ a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement;

(14) [~~(13)~~] a medical examiner or person who performs forensic analysis or testing who is employed by this state or one or more political subdivisions of this state;

(15) [~~(14)~~] a current or former member of the United States armed forces who has served in an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat;

(16) [~~(15)~~] a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department;

(17) [~~(16)~~] a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code; and

(18) [~~(17)~~] a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code.

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

HB 3131 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Martinez called up with senate amendments for consideration at this time,

HB 3131, A bill to be entitled An Act relating to the disposal of certain motor vehicles to a motor vehicle demolisher; increasing a fee.

Representative Martinez moved to concur in the senate amendments to **HB 3131**.

The motion to concur in the senate amendments to **HB 3131** prevailed by (Record 1897): 140 Yeas, 4 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; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; 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.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Stickland; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Canales; Dukes.

Senate Committee Substitute

CSHB 3131, A bill to be entitled An Act relating to the disposal of certain motor vehicles to a motor vehicle demolisher.

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

SECTION 1. The heading to Subchapter D, Chapter 683, Transportation Code, is amended to read as follows:

SUBCHAPTER D. DEMOLITION OF ~~[ABANDONED]~~ MOTOR VEHICLES

SECTION 2. Sections 683.051, 683.052, 683.053, and 683.054, Transportation Code, are amended to read as follows:

Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF CERTAIN MOTOR VEHICLES. A person may apply to the department for authority:

(1) to sell, give away, or dispose of a motor vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if:

(A) the person is the recorded owner or has been transferred ownership of ~~[owns]~~ the motor vehicle ~~[and the certificate of title to the vehicle is lost, destroyed, or faulty];~~ or

(B) the vehicle is an abandoned motor vehicle and is:

(i) in the possession of the person; or

(ii) located on property owned by the person; or

(2) to dispose of a motor vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if:

(A) the ~~[abandoned]~~ motor vehicle is in the possession of a lienholder under:

(i) Chapter 54, 59, or 70, Property Code ~~[is in the possession of the person];~~ or

(ii) Chapter 2303, Occupations Code ~~[is more than eight years old];~~

~~[(iii) either has no motor or is otherwise totally inoperable or does not comply with all applicable air pollution emissions control related requirements included in the vehicle emissions inspection and maintenance requirements contained in the Public Safety Commission's motor vehicle emissions inspection and maintenance program under Subchapter F, Chapter 548, or the state's air quality state implementation plan; and~~

~~[(iv) was authorized to be towed by a law enforcement agency; and]~~

(B) the lienholder has complied with all notification requirements of the applicable chapter to foreclose on the lien; and

(C) the lienholder determines:

(i) the motor vehicle's only residual value is as a source of parts or scrap metal; or

(ii) it is not economical to dispose of the vehicle at a public sale [the law enforcement agency approves the application].

Sec. 683.052. CONTENTS OF APPLICATION; APPLICATION FEE. (a) An application under Section 683.051 must be made in a manner prescribed by the department and include:

(1) ~~contain~~ the name and address of the applicant;

(2) ~~state~~ the year, make, model, body style, and vehicle identification number of the vehicle, if ascertainable ~~and any other identifying feature of the vehicle~~; ~~and~~

(3) a certification by the applicant that the facts stated in the application are true and that the applicant ~~include~~:

(A) is the recorded owner or has been transferred ownership of the vehicle if the application is submitted under Section 683.051(1)(A) ~~a concise statement of facts about the abandonment~~; or

(B) is a lienholder listed in Section 683.051(2)(A) that has complied with all applicable notification requirements if the application is submitted under Section 683.051(2) ~~a statement that the certificate of title is lost or destroyed~~; ~~or~~

(4) any proof required by the department to verify compliance with notification requirements described by Section 683.051(2)(B); and

(5) the physical location of the motor vehicle ~~(C) a statement of the reasons for the defect in the owner's certificate of title for the vehicle~~.

(b) The department is not required to obtain an ownership document or any other verification of ownership in the name of an applicant under Section 683.051(1)(A) if the department is able to verify that the applicant is the recorded owner in the department's automated registration and titling system ~~An application under Section 683.051(2) must also include an affidavit containing a statement of the facts that make that subdivision applicable~~.

(c) ~~The applicant shall make an affidavit stating that:~~
~~(1) the facts stated in the application are true; and~~
~~(2) no material fact has been withheld.~~

~~(d)~~ The application must be accompanied by a fee of \$2, unless the application is made by a unit of government. Fees collected under this subsection shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

Sec. 683.053. DEPARTMENT TO PROVIDE NOTICE. (a) If an application is submitted to sell, give away, or dispose of an abandoned motor vehicle under Section 683.051(1)(B), the department shall:

(1) send notice to any owners and lienholders of the abandoned motor vehicle identified in the department's automated registration and titling system; or

(2) if the department has no record of owners or lienholders for the abandoned motor vehicle, publish notice of abandonment on the department's website.

(b) The notice required by Subsection (a) must include:

(1) the year, make, model, body style, and vehicle identification number of the motor vehicle;

(2) the physical location of the motor vehicle;

(3) a statement:

(A) that an application has been submitted to the department for authorization to dispose of the motor vehicle to a motor vehicle demolisher;

(B) informing the motor vehicle's owners or lienholders of the right to claim the motor vehicle not later than the 20th day after the date the notice is sent or published; and

(C) that failure to claim the motor vehicle and notify the department that the vehicle has been claimed before the 21st day after the date the notice is sent or published:

(i) waives a person's rights, title, and interest in the motor vehicle; and

(ii) is considered consent for the department to issue to the applicant a certificate of authority under Section 683.054 to dispose of the motor vehicle to a motor vehicle demolisher; and

(4) the date the notice was sent or published.

(c) The department is not required to send or publish notice for an application submitted for a motor vehicle described by Section 683.051(1)(A) or (2).

(d) Notice sent under Subsection (a)(1) must be sent by first class mail [Except as provided by Section 683.054(b), the department shall give notice as provided by Section 683.012 if it determines that an application under Section 683.051 is:

[1) executed in proper form; and

[2) shows that:

[(A) the abandoned motor vehicle is in the possession of the applicant or has been abandoned on the applicant's property; or

[(B) the vehicle is not an abandoned motor vehicle and the applicant appears to be the owner of the vehicle].

Sec. 683.054. CERTIFICATE OF AUTHORITY TO DISPOSE OF VEHICLE. (a) The department shall issue the applicant a certificate of authority to dispose of the vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if the application submitted under Section 683.051:

(1) is properly executed;

(2) is accompanied by the required fee under Section 683.052; and

(3) contains any proof of notification or ownership required by the department to enforce this subchapter [notice under Section 683.053 was given and the vehicle was not claimed as provided by the notice].

~~(b) [Without giving the notice required by Section 683.053, the department may issue to an applicant under Section 683.051(2) a certificate of authority to dispose of the motor vehicle to a demolisher if the vehicle meets the requirements of Sections 683.051(2)(A)(ii) and (iii).~~

~~[(e)] A motor vehicle demolisher shall accept the certificate of authority in lieu of a certificate of title for the vehicle.~~

SECTION 3. Chapter 54, Property Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 54.901. DISPOSAL OF CERTAIN MOTOR VEHICLES SUBJECT TO LIEN. (a) Notwithstanding any other law, a person authorized to dispose of property for which a lien under this chapter is attached may dispose of the property in accordance with Subchapter D, Chapter 683, Transportation Code, if:

(1) the property is a motor vehicle; and

(2) the person determines that:

(A) the vehicle's only residual value is as a source of parts or scrap metal; or

(B) it is not economical to dispose of the vehicle at a public sale.

(b) If a person disposes of the property under Subsection (a), the person shall apply the fair market value of the motor vehicle to the charges due to the person.

SECTION 4. Section 59.0445, Property Code, is amended by amending Subsection (g) and adding Subsection (g-1) to read as follows:

(g) If the charges are not paid before the 31st day after the date the notice is mailed or published, as applicable, the lessor may:

(1) sell the motor vehicle, motorboat, vessel, or outboard motor at a public sale and apply the proceeds to the charges; or

(2) if the property that is the subject of the notice is a motor vehicle, dispose of the motor vehicle in accordance with Subchapter D, Chapter 683, Transportation Code, if the lessor determines that:

(A) the vehicle's only residual value is as a source of parts or scrap metal; or

(B) it is not economical to dispose of the vehicle at a public sale.

(g-1) If the lessor disposes of the property under Subsection (g)(2), the lessor shall apply the fair market value of the motor vehicle to the charges due to the lessor.

SECTION 5. The heading to Section 70.006, Property Code, is amended to read as follows:

Sec. 70.006. SALE OR DISPOSAL OF MOTOR VEHICLE, MOTORBOAT, VESSEL, OR OUTBOARD MOTOR.

SECTION 6. Section 70.006, Property Code, is amended by adding Subsections (f-1) and (f-2) to read as follows:

(f-1) If the charges are not paid before the 31st day after the date that a copy of the notice required by Subsection (a) is filed with the county tax assessor-collector's office and the property that is the subject of the notice is a

motor vehicle, the lienholder may, in lieu of selling the vehicle under Subsection (f), dispose of the vehicle in accordance with Subchapter D, Chapter 683, Transportation Code, if the lienholder determines that:

(1) the vehicle's only residual value is as a source of parts or scrap metal; or

(2) it is not economical to dispose of the vehicle at a public sale.

(f-2) If the lienholder disposes of the property under Subsection (f-1), the lienholder shall apply the fair market value of the motor vehicle to the charges due to the lienholder.

SECTION 7. The changes in law made by this Act to Subchapter D, Chapter 683, Transportation Code, apply only to an application to dispose of a motor vehicle to a motor vehicle demolisher filed on or after the effective date of this Act. An application to dispose of a motor vehicle to a motor vehicle demolisher filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 8. This Act takes effect September 1, 2017.

HB 4035 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Flynn called up with senate amendments for consideration at this time,

HB 4035, A bill to be entitled An Act relating to eligibility and contributions for coverage under the state employee group benefits program and health benefit plans offered by certain university systems.

Representative Flynn moved to concur in the senate amendments to **HB 4035**.

The motion to concur in the senate amendments to **HB 4035** prevailed by (Record 1898): 145 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; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 4035, A bill to be entitled An Act relating to eligibility and contributions for coverage under the state employee group benefits program and health benefit plans offered by certain university systems.

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

SECTION 1. Subchapter A, Chapter 824, Government Code, is amended by adding Section 824.0071 to read as follows:

Sec. 824.0071. DEDUCTIONS FROM SERVICE OR DISABILITY RETIREMENT ANNUITY FOR CERTAIN UNIVERSITY INSURANCE PROGRAM CONTRIBUTIONS. (a) In this section, "program administrator" means the person who administers the uniform program under Section 1601.051, Insurance Code.

(b) A retiree who is participating in the uniform program under Chapter 1601, Insurance Code, may authorize the retirement system to deduct the amount of the contribution and any other qualified health insurance premium from the retiree's regular monthly service or disability retirement annuity payment if the amount of the monthly annuity is greater than or equal to the amount of the authorized deduction.

(c) A retiree may authorize the deduction described by Subsection (b) on a form provided by the program administrator. The program administrator shall maintain the record of the authorization made under this section.

(d) The program administrator shall:

(1) notify the retirement system of the authorization under Subsection (b); and

(2) in the manner and form prescribed by the retirement system, provide the retirement system with the names of the retirees and other relevant information needed by the retirement system to administer the deduction.

(e) After making the deduction, the retirement system shall pay to the program administrator an aggregate amount for all retirees who authorize annuity deductions under Subsection (b).

(f) If a retiree no longer receives a monthly annuity greater than or equal to the amount of the authorized deduction, the retirement system:

(1) shall inform the program administrator; and

(2) is not required to make a deduction under this section for the retiree.

(g) The retirement system shall make the authorized deduction each month until:

(1) the date the annuity is no longer payable by the retirement system;

(2) the retirement system is notified by the program administrator that the retiree has canceled the authorization to make the deduction; or

(3) the amount of the monthly annuity is no longer greater than or equal to the amount of the authorized deduction as described by Subsection (f).

(h) The program administrator shall reimburse the retirement system the cost, as determined by the retirement system, incurred by the retirement system in implementing this section.

(i) This section does not apply to an individual described by Section 824.007(b).

SECTION 2. Section 1551.102, Insurance Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) An individual is eligible to participate in the group benefits program as provided by Subsection (a) if:

(1) the individual meets the minimum requirements under Subsection (c) except that the individual does not have at least 10 years of eligible service credit as described by Subsection (c)(1);

(2) the individual has at least 10 years of combined service in a position for which the individual was eligible to participate in the group benefits program or in the uniform program under Section 1601.101; and

(3) either:

(A) the individual's greatest number of years of state employment was in a position for which the individual was eligible to participate in the group benefits program; or

(B) if the individual's years of employment in positions eligible to participate in the group benefits program and the uniform program are equal, the individual's last state employment before retirement was in a position for which the individual was eligible to participate in the group benefits program.

SECTION 3. Section 1601.053, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other provision of this chapter, a system may adjust a plan and coverage standards as necessary to comply with applicable state and federal law and to provide consistent eligibility for all plans under the program, including eligibility for optional coverages.

SECTION 4. Section 1601.102, Insurance Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) An individual is eligible to participate in the uniform program as provided by Subsection (a) if:

(1) the individual meets the minimum requirements under Subsection (b) except that the individual does not have at least 10 years of service as described by Subsection (b)(1);

(2) the individual has at least 10 years of combined service in a position for which the individual was eligible to participate in the uniform program or in the group benefits program under Section 1551.101; and

(3) either:

(A) the individual's greatest number of years of state employment was in a position for which the individual was eligible to participate in the uniform program; or

(B) if the individual's years of employment in positions eligible to participate in the uniform program and the group benefits program are equal, the individual's last state employment before retirement was in a position for which the individual was eligible to participate in the uniform program.

SECTION 5. Subsection (f), Section 1601.102, Insurance Code, as added by Chapter 1266, Acts of the 78th Legislature, Regular Session, 2003, is redesignated as Subsection (h), Section 1601.102, Insurance Code, to read as follows:

(h) [(f)] Notwithstanding Subsection (b), an individual to whom this subsection applies is eligible to participate in the uniform program as provided by Subsection (a) if:

(1) the individual has at least three years of service with a system for which the individual was eligible to participate in the uniform program under Section 1601.101;

(2) the individual's last state employment before retirement was with that system; and

(3) the individual retires under the jurisdiction of:

(A) the Teacher Retirement System of Texas under Subtitle C, Title 8, Government Code;

(B) the Employees Retirement System of Texas; or

(C) subject to Subsection (c):

(i) the optional retirement program established by Chapter 830, Government Code; or

(ii) any other federal or state statutory retirement program to which the system has made employer contributions.

SECTION 6. Subsection (g), Section 1601.102, Insurance Code, as added by Chapter 1266, Acts of the 78th Legislature, Regular Session, 2003, is redesignated as Subsection (i), Section 1601.102, Insurance Code, and amended to read as follows:

(i) [(g)] Subsection (h) [(f)] applies only to a person who, on August 31, 2003:

(1) was eligible to participate in the uniform program as an employee under Section 1601.101; or

(2) was eligible to participate in the uniform program as a retired employee under this section as this section existed on January 1, 2003.

SECTION 7. Subchapter C, Chapter 1601, Insurance Code, is amended by adding Section 1601.1065 to read as follows:

Sec. 1601.1065. OPTIONAL BASIC COVERAGE PLAN FOR GRADUATE STUDENTS. The system may design and offer a separate optional basic coverage plan for employees who are graduate students. The system shall determine the participation eligibility, coverage, payments, contributions, and costs of a plan offered under this section.

SECTION 8. Subchapter E, Chapter 1601, Insurance Code, is amended by adding Sections 1601.2042 and 1601.211 to read as follows:

Sec. 1601.2042. COMPENSATION INSUFFICIENT TO COVER DEDUCTION. If a participant's monthly compensation from which the participant's contribution is deducted is insufficient to pay the participant's contribution for coverage, the system may adopt rules under which the system considers the coverage to have terminated after the last full month for which the contribution was paid in full, as determined by the system.

Sec. 1601.211. LIABILITY FOR BACK CONTRIBUTIONS FOR DROPPED COVERAGE. (a) This section applies to a participant in the uniform program for whom appropriate contributions were not made during the entire plan year because of nonpayment of premiums.

(b) As a condition of enrollment in the same coverage for a subsequent plan year, the participant must make a contribution equal to the contributions not made for the plan year for which appropriate contributions were not made during the entire plan year, unless the nonpayment of premiums was related to a qualified change in status, as determined by the system. The payment shall be made in the form and manner determined by the system.

SECTION 9. The changes in law made by this Act apply only to group coverages provided under Chapter 1601, Insurance Code, beginning with the 2017-2018 plan year. A plan year before 2017-2018 is governed by the law as it existed immediately before the effective date of this section, and that law is continued in effect for that purpose.

SECTION 10. (a) Except as provided by Subsection (b) of this section, 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.

(b) Section 824.0071, Government Code, as added by this Act, takes effect January 1, 2018.

HB 337 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Phelan called up with senate amendments for consideration at this time,

HB 337, A bill to be entitled An Act relating to the continuation of certain public benefits, including medical assistance benefits, for individuals after release from confinement in a county jail.

Representative Phelan moved to concur in the senate amendments to **HB 337**.

The motion to concur in the senate amendments to **HB 337** prevailed by (Record 1899): 118 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Burkett; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Cyrier; Dale; Darby; Davis, S.;

Davis, Y.; Dean; Deshotel; Dutton; Elkins; Fallon; Farrar; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Biedermann; Bonnen, G.; Burns; Burrows; Cain; Faircloth; Hefner; Keough; Krause; Lang; Leach; Rinaldi; Sanford; Schaefer; Shaheen; Springer; Stickland; Swanson; Tinderholt; Wilson; Zedler.

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

Absent, Excused — Minjarez; Raney.

Absent — Anderson, C.; Craddick; Dukes; Flynn; Hernandez; Lucio.

STATEMENTS OF VOTE

When Record No. 1899 was taken, my vote failed to register. I would have voted no.

Craddick

When Record No. 1899 was taken, I was shown voting yes. I intended to vote no.

Phillips

Senate Committee Substitute

CSHB 337, A bill to be entitled An Act relating to the continuation of certain public benefits, including medical assistance benefits, for individuals after release from confinement in a county jail.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0266 to read as follows:

Sec. 32.0266. SUSPENSION, TERMINATION, AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR INDIVIDUALS CONFINED IN COUNTY JAILS. (a) In this section, "county jail" means a facility operated by or for a county for the confinement of persons accused or convicted of an offense.

(b) To the extent allowed by federal law, if an individual is confined in a county jail and the sheriff of the county has notified the commission of the confinement under Section 351.046, Local Government Code, the commission shall suspend or terminate, as appropriate, the individual's eligibility for medical assistance during the period the individual is confined in the county jail.

(c) Not later than 48 hours after the commission is notified under Section 351.046, Local Government Code, of the release from a county jail of an individual whose eligibility for medical assistance has been suspended under this section, the commission shall reinstate the individual's eligibility, provided the individual's eligibility certification period has not elapsed. To the extent allowed by federal law, following the reinstatement, the individual remains eligible until the expiration of the period for which the individual was certified as eligible.

SECTION 2. Subchapter C, Chapter 351, Local Government Code, is amended by adding Sections 351.046 and 351.047 to read as follows:

Sec. 351.046. NOTICE TO CERTAIN GOVERNMENTAL ENTITIES. (a) In this section, "medical assistance benefits" means medical assistance benefits provided under Chapter 32, Human Resources Code.

(b) The sheriff of a county may notify the Health and Human Services Commission on the confinement in the county jail of an individual who is receiving medical assistance benefits.

(c) If the sheriff of a county chooses to provide the notice described by Subsection (b), the sheriff, or an employee of the county or sheriff, shall provide the notice electronically or by other appropriate means as soon as possible after the 30th day after the date of the individual's confinement.

(d) If the sheriff of a county chooses to provide the notice described by Subsection (b), the sheriff shall notify:

(1) the United States Social Security Administration of the release or discharge of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving:

(A) Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq.; or

(B) Social Security Disability Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq.; and

(2) the Health and Human Services Commission of the release or discharge of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving medical assistance benefits.

(e) If the sheriff of a county provides the notices described by Subsection (d), the sheriff, or an employee of the county or sheriff, shall provide the notices electronically or by other appropriate means not later than 48 hours after the prisoner's release or discharge from custody.

(f) If the sheriff of a county provides the notice described by Subsection (d)(2), at the time of the prisoner's release or discharge, the sheriff, or an employee of the county or sheriff, shall provide the prisoner with a written copy of the notice and a telephone number at which the prisoner may contact the Health and Human Services Commission regarding confirmation of or assistance relating to reinstatement of the individual's eligibility for medical assistance benefits, if applicable.

(g) The Health and Human Services Commission shall establish a means by which the sheriff of a county, or an employee of the county or sheriff, may determine whether an individual confined in the county jail is or was, as appropriate, receiving medical assistance benefits for purposes of this section.

(h) A county or the sheriff of a county, or an employee of the county or sheriff, is not liable in a civil action for damages resulting from a failure to comply with this section.

Sec. 351.047. ASSISTANCE WITH REINSTATEMENT OF BENEFITS.

The sheriff of a county may enter into an agreement with a third party with experience providing reintegration resources or services to former prisoners under which the third party assists a person who is released or discharged from the county jail with the reinstatement of the person's eligibility for, as appropriate:

(1) medical assistance benefits under Chapter 32, Human Resources Code;

(2) Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq.; and

(3) Social Security Disability Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq.

SECTION 3. Section 32.0266(b), Human Resources Code, and Section 351.046(b), Local Government Code, as added by this Act, apply to an individual whose period of confinement in a county jail begins on or after the effective date of this Act, regardless of the date the individual was determined eligible for medical assistance under Chapter 32, Human Resources Code.

SECTION 4. Section 32.0266(c), Human Resources Code, and Section 351.046(d), Local Government Code, as added by this Act, apply to the release or discharge of a prisoner from a county jail that occurs on or after the effective date of this Act, regardless of the date the prisoner was initially confined in the county jail.

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

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

**HB 1959 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 1959, A bill to be entitled An Act relating to a study by the Texas Department of Motor Vehicles of alternative registration technologies for commercial motor vehicles.

Representative S. Thompson moved to concur in the senate amendments to **HB 1959**.

The motion to concur in the senate amendments to **HB 1959** prevailed by (Record 1900): 137 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Biedermann; Cain; Schaefer; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Pickett.

Senate Committee Substitute

CSHB 1959, A bill to be entitled An Act relating to alternative registration technologies for commercial motor vehicles.

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

SECTION 1. Chapter 1003, Transportation Code, is amended by adding Sections 1003.006 and 1003.007 to read as follows:

Sec. 1003.006. STUDY ON REGISTRATION OF COMMERCIAL MOTOR VEHICLES. (a) The department shall:

(1) conduct a study that:

(A) identifies and assesses alternative technologies for registering commercial motor vehicles to replace license plates, permits, and other existing documentation and registration methods currently in use in this state; and

(B) evaluates the safety and suitability for use on roadways of the technologies identified under Paragraph (A); and

(2) submit a report on the results of the study to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each legislative standing committee with primary jurisdiction over transportation issues not later than December 1, 2021.

(b) The department may collaborate with another state agency or a research division of an institution of higher education in this state to conduct the study.

(c) This section expires January 1, 2023.

Sec. 1003.007. PILOT PROGRAM FOR REGISTRATION OF COMMERCIAL VEHICLES. (a) The department, in consultation with a state agency or research division of an institution of higher education in this state, may establish a limited pilot program that identifies, implements, and assesses

alternative technologies for registering commercial motor vehicles to replace license plates, permits, and other existing documentation and registration methods currently in use in this state if the department determines that the program can be implemented at no cost to the state and that the results of the study conducted under Section 1003.006 indicate that the program is feasible.

(b) The program must:

(1) evaluate the safety and suitability for use on roadways of the alternative technologies identified under Subsection (a); and

(2) be funded through contributions by participants who voluntarily opt into the program.

(c) Not later than December 1, 2022, the department shall submit a report on the results of the program to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each legislative standing committee with primary jurisdiction over transportation issues.

(d) This section expires January 1, 2023.

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.

HB 2358 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Metcalf called up with senate amendments for consideration at this time,

HB 2358, A bill to be entitled An Act relating to the affidavit of a voter in a confirmation election for a water district.

Representative Metcalf moved to concur in the senate amendments to **HB 2358**.

The motion to concur in the senate amendments to **HB 2358** prevailed by (Record 1901): 138 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Holland; Huberty; Hunter; Isaac; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson;

Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Hinojosa; Howard; Israel; Ortega; Rose.

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

Absent, Excused — Minjarez; Raney.

Absent — Anderson, C.; Coleman; Dukes.

Senate Committee Substitute

CSHB 2358, A bill to be entitled An Act relating to eligible voters in a confirmation election for a conservation and reclamation district.

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

SECTION 1. Subchapter D, Chapter 49, Water Code, is amended by adding Section 49.1025 to read as follows:

Sec. 49.1025. QUALIFIED VOTERS IN CONFIRMATION ELECTION.

(a) In this section, "developer of property in the district" has the meaning assigned by Section 49.052(d).

(b) A voter in a confirmation election or an election held jointly with a confirmation election on the same date and in conjunction with the confirmation election to authorize taxes and bonds must be a qualified voter of the district. For the purposes of an election described by this subsection, a person is not a qualified voter if the person:

(1) on the date of the election:

(A) is a developer of property in the district;

(B) is related within the third degree of affinity or consanguinity to a developer of property in the district;

(C) is an employee of a developer of property in the district; or

(D) has resided in the district less than 30 days; or

(2) received monetary consideration from a developer of property in the district in exchange for the person's vote.

(c) In addition to the procedures for accepting a voter under Section 63.001, Election Code, the election officer shall provide to the voter the form of the affidavit required by this section. The election officer must receive a completed affidavit before marking the voter as accepted under Section 63.001(e), Election Code. If the voter does not submit a completed affidavit to the election officer or the information stated on the affidavit demonstrates the voter is not a qualified voter as provided by this section, the voter may be accepted only to vote provisionally under Section 63.011, Election Code.

(d) The district shall submit original or certified copies of voter affidavits to the office of the attorney general in a transcript of the proceedings of the confirmation election.

(e) The office of the attorney general shall prescribe the form of the voter affidavit.

(f) The voter affidavit must require the voter to state under oath:

(1) the address of the voter and that the voter resides in the territory of the district;

(2) the date the voter changed the voter's residence to the address provided under Subdivision (1); and

(3) that the voter, to the best of the voter's knowledge, believes that the voter's registration is effective on the date of the election.

(g) The affidavit must include the following statement:

"I am not a developer of property in the district, related within the third degree of affinity or consanguinity to a developer of property in the district, or an employee of a developer of property in the district. I have not received monetary consideration from a developer of property in the district for my vote in this election."

(h) Compliance with this section or the validity of a voter affidavit may only be challenged in an election contest under Title 14, Election Code.

SECTION 2. This Act takes effect January 1, 2018.

HB 3453 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Landgraf called up with senate amendments for consideration at this time,

HB 3453, A bill to be entitled An Act relating to the regulation of game rooms in certain counties.

Representative Landgraf moved to concur in the senate amendments to **HB 3453**.

The motion to concur in the senate amendments to **HB 3453** prevailed by (Record 1902): 139 Yeas, 6 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; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Schofield; Shaheen; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 3453, A bill to be entitled An Act relating to the regulation of game rooms in certain counties.

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

SECTION 1. Section 234.132, Local Government Code, as amended by Chapters 623 (**SB 1210**) and 1170 (**SB 866**), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

Sec. 234.132. APPLICABILITY. This subchapter applies only to:

(1) a county that has a population of less than 25,000, is adjacent to the Gulf of Mexico, and is within 50 miles of an international border;

(2) a county that has a population of four million or more;

(3) a county that is adjacent to the Gulf of Mexico and to a county that has a population of four million or more; ~~and~~

(4) a county located on the Texas-Mexico border that has a population of less than 300,000 and contains a municipality with a population of 200,000 or more;

(5) ~~(4)~~ a county that has a population of 550,000 or more and is adjacent to a county described by Subdivision (2);

(6) a county that is located in the Permian Basin within 25 miles of this state's border with another state of the United States and has a population of more than 130,000;

(7) a county that is located on this state's border with Louisiana, has a population of more than 65,000, and is within 50 miles of a municipality in Louisiana with a population of more than 150,000;

(8) a county that has a population of more than 200,000 and less than 220,000; and

(9) a county that has a population of more than 1.8 million and that is adjacent to a county with a population of more than 2.2 million.

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.

HB 2891 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Smithee called up with senate amendments for consideration at this time,

HB 2891, A bill to be entitled An Act relating to the medical authorization required to release protected health information in a health care liability claim.

Representative Smithee moved to concur in the senate amendments to **HB 2891**.

The motion to concur in the senate amendments to **HB 2891** prevailed by (Record 1903): 144 Yeas, 0 Nays, 3 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; Cospes; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C); Oliveira.

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 2891, A bill to be entitled An Act relating to the medical authorization required to release protected health information in a health care liability claim.

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

SECTION 1. Section 74.052(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) The medical authorization required by this section shall be in the following form and shall be construed in accordance with the "Standards for Privacy of Individually Identifiable Health Information" (45 C.F.R. Parts 160 and 164).

AUTHORIZATION FORM FOR RELEASE OF PROTECTED HEALTH INFORMATION

Patient Name: _____ Patient Place of Birth: _____

Patient Address: _____

_____ Street _____ City, State, ZIP

Patient Telephone: _____ Patient E-mail: _____

NOTICE TO PHYSICIAN OR HEALTH CARE PROVIDER: THIS AUTHORIZATION FORM HAS BEEN AUTHORIZED BY THE TEXAS LEGISLATURE PURSUANT TO SECTION 74.052, CIVIL PRACTICE AND REMEDIES CODE. YOU ARE REQUIRED TO PROVIDE THE MEDICAL AND BILLING RECORDS AS REQUESTED IN THIS AUTHORIZATION.

A. I, _____ (name of patient or authorized representative), hereby authorize _____ (name of physician or other health care provider to whom the notice of health care claim is directed) to obtain and disclose (within the parameters set out below) the protected health information and associated billing records described below for the following specific purposes (check all that apply):

~~[]~~ ~~[+]~~ To facilitate the investigation and evaluation of the health care claim described in the accompanying Notice of Health Care Claim. ~~[+or]~~

~~[2-]~~ Defense of any litigation arising out of the claim made the basis of the accompanying Notice of Health Care Claim.

Other - Specify: _____

B. The health information to be obtained, used, or disclosed extends to and includes the verbal as well as ~~[the]~~ written and electronic and is specifically described as follows:

1. The health information and billing records in the custody of the ~~[following]~~ physicians or health care providers who have examined, evaluated, or treated _____ (patient) in connection with the injuries alleged to have been sustained in connection with the claim asserted in the accompanying Notice of Health Care Claim.

Names and current addresses of treating physicians or health care providers:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

~~[(Here list the name and current address of all treating physicians or health care providers).]~~

This authorization extends ~~[shall extend]~~ to an ~~[any]~~ additional physician ~~[physicians]~~ or health care provider ~~[providers]~~ that may in the future evaluate, examine, or treat _____ (patient) for injuries alleged in connection with the claim made the basis of the attached Notice of Health Care Claim only if the claimant gives notice to the recipient of the attached Notice of Health Care Claim of that additional physician or health care provider;

2. The health information and billing records in the custody of the following physicians or health care providers who have examined, evaluated, or treated _____ (patient) during a period commencing five years prior to the incident made the basis of the accompanying Notice of Health Care Claim.

Names ~~[(Here list the name)]~~ and current addresses ~~[address]~~ of treating ~~[such]~~ physicians or health care providers, if applicable: ~~[→]~~

1. _____
2. _____
3. _____
4. _____

- 5. _____
- 6. _____
- 7. _____
- 8. _____

C. Exclusions

1. Providers excluded from authorization.

The ~~[Excluded Health Information the]~~ following constitutes a list of physicians or health care providers possessing health care information concerning _____ (patient) to whom ~~[which]~~ this authorization does not apply because I contend that such health care information is not relevant to the damages being claimed or to the physical, mental, or emotional condition of _____ (patient) arising out of the claim made the basis of the accompanying Notice of Health Care Claim. List the names ~~[(Here state "none" or list the name)]~~ of each physician or health care provider to whom this authorization does not extend and the inclusive dates of examination, evaluation, or treatment to be withheld from disclosure, or state "none":

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____ [→]

2. By initialing below, the patient or patient's personal or legal representative excludes the following information from this authorization:

- _____ HIV/AIDS test results and/or treatment
- _____ Drug/alcohol/substance abuse treatment
- _____ Mental health records (mental health records do not include psychotherapy notes)
- _____ Genetic information (including genetic test results)

D. The persons or class of persons to whom the patient's health information and billing records ~~[of _____ (patient)]~~ will be disclosed or who will make use of said information are:

- 1. Any and all physicians or health care providers providing care or treatment to _____ (patient);
- 2. Any liability insurance entity providing liability insurance coverage or defense to any physician or health care provider to whom Notice of Health Care Claim has been given with regard to the care and treatment of _____ (patient);
- 3. Any consulting or testifying experts employed by or on behalf of _____ (name of physician or health care provider to whom Notice of Health Care Claim has been given) with regard to the matter set out in the Notice of Health Care Claim accompanying this authorization;

4. Any attorneys (including secretarial, clerical, experts, or paralegal staff) employed by or on behalf of _____ (name of physician or health care provider to whom Notice of Health Care Claim has been given) with regard to the matter set out in the Notice of Health Care Claim accompanying this authorization;

5. Any trier of the law or facts relating to any suit filed seeking damages arising out of the medical care or treatment of _____ (patient).

E. This authorization shall expire upon resolution of the claim asserted or at the conclusion of any litigation instituted in connection with the subject matter of the Notice of Health Care Claim accompanying this authorization, whichever occurs sooner.

F. I understand that, without exception, I have the right to revoke this authorization at any time by giving notice in writing to the person or persons named in Section B above of my intent to revoke this authorization. I understand that prior actions taken in reliance on this authorization by a person that had permission to access my protected health information will not be affected. I further understand the consequence of any such revocation as set out in Section 74.052, Civil Practice and Remedies Code.

G. I understand that the signing of this authorization is not a condition for continued treatment, payment, enrollment, or eligibility for health plan benefits.

H. I understand that information used or disclosed pursuant to this authorization may be subject to redisclosure by the recipient and may no longer be protected by federal HIPAA privacy regulations.

Name of Patient

Signature of Patient/Personal or Legal Representative
[Patient/Representative]

Date

Name of Patient/Representative

Description of Personal or Legal Representative's Authority

Date

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.

**HB 515 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative VanDeaver called up with senate amendments for consideration at this time,

HB 515, A bill to be entitled An Act relating to assessment of public school students and providing accelerated instruction and eliminating performance requirements based on performance on certain assessment instruments.

Representative VanDeaver moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 515**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 515**: VanDeaver, chair; Huberty, K. King, Deshotel, and Hinojosa.

HB 3735 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Frank called up with senate amendments for consideration at this time,

HB 3735, A bill to be entitled An Act relating to an application for a new or amended water right submitted to the Texas Commission on Environmental Quality.

Representative Frank moved to concur in the senate amendments to **HB 3735**.

The motion to concur in the senate amendments to **HB 3735** prevailed by (Record 1904): 143 Yeas, 2 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; 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; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; 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.

Nays — Cain; Stickland.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 3735, A bill to be entitled An Act relating to an application for a new or amended water right submitted to the Texas Commission on Environmental Quality.

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

SECTION 1. Sections 11.002(1) and (3), Water Code, are amended to read as follows:

(1) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(3) "Executive director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 2. Section 11.122, Water Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) A holder of a water right that begins using desalinated seawater after acquiring the water right has a right to expedited consideration of an application for an amendment to the water right if the amendment:

(1) authorizes the applicant to divert water from a diversion point that is different from or in addition to the point or points from which the applicant was authorized to divert water before the requested amendment;

(2) authorizes the applicant to divert from the different or additional diversion point an amount of water that is equal to or less than the amount of desalinated seawater used by the applicant;

(3) authorizes the applicant to divert from all of the diversion points authorized by the water right an amount of water that is equal to or less than the amount of water the applicant was authorized to divert under the water right before the requested amendment; and

(4) does not authorize the water diverted from the different or additional diversion point to be transferred to another river basin.

(b-2) The executive director or the commission shall prioritize the technical review of an application that is subject to Subsection (b-1) over the technical review of applications that are not subject to that subsection.

SECTION 3. Section 11.125(a), Water Code, is amended to read as follows:

(a) The application must be accompanied by a map or plat in the form and containing the information prescribed by the commission ~~[drawn on tracing linen on a scale not less than one inch equals 2,000 feet].~~

SECTION 4. Section 11.128, Water Code, is amended to read as follows:

Sec. 11.128. PAYMENT OF FEE. ~~The [If the] applicant [is not exempted from payment of the filing fee under Section 12.112 of this code, he]~~ shall pay the filing fee prescribed by Section 5.701 ~~[5.701(e)]~~ at the time ~~[he files]~~ the application is filed. The commission may ~~shall~~ not record, file, or consider the application until the executive director certifies to the commission that the fee is paid.

SECTION 5. Section 11.134, Water Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In determining whether an appropriation is detrimental to the public welfare under Subsection (b)(3)(C), the commission may consider only the factors that are within the jurisdiction and expertise of the commission as established by this chapter.

SECTION 6. Section 2003.047, Government Code, is amended by amending Subsection (e-3) and adding Subsection (e-6) to read as follows:

(e-3) The deadline specified by Subsection (e-2) or (e-6), as applicable, may be extended:

(1) by agreement of the parties with the approval of the administrative law judge; or

(2) by the administrative law judge if the judge determines that failure to extend the deadline would unduly deprive a party of due process or another constitutional right.

(e-6) For a matter pertaining to an application described by Section 11.122(b-1), Water Code, the administrative law judge must complete the proceeding and provide a proposal for decision to the commission not later than the 270th day after the date the matter was referred to the office.

SECTION 7. Sections 11.125(b) and (c), Water Code, are repealed.

SECTION 8. The changes in law made by this Act apply only to an application for a new or amended water right received by the Texas Commission on Environmental Quality on or after the effective date of this Act. An application received before the effective date of this Act is governed by the law in effect on the date the application was received, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2017.

HB 2377 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Larson called up with senate amendments for consideration at this time,

HB 2377, A bill to be entitled An Act relating to the development of brackish groundwater.

Representative Larson moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2377**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2377**: Larson, chair; Price, Lucio, Workman, and T. King.

HB 2817 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative González called up with senate amendments for consideration at this time,

HB 2817, A bill to be entitled An Act relating to the prosecution of and punishment for the offense of criminal mischief involving the death of a head of cattle or bison or a horse.

Representative González moved to concur in the senate amendments to **HB 2817**.

The motion to concur in the senate amendments to **HB 2817** prevailed by (Record 1905): 129 Yeas, 16 Nays, 2 Present, not voting.

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

Nays — Biedermann; Bonnen, G.; Cain; Cook; Faircloth; Krause; Phillips; Rinaldi; Sanford; Schaefer; Simmons; Stickland; Swanson; Tinderholt; Wilson; Zedler.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 1905 was taken, I was shown voting no. I intended to vote yes.

Cook

When Record No. 1905 was taken, I was shown voting yes. I intended to vote no.

Keough

Senate Committee Substitute

CSHB 2817, A bill to be entitled An Act relating to the prosecution of, punishment for, and deterrence of certain offenses involving cattle, bison, or horses; authorizing an administrative penalty; authorizing an assessment; increasing a criminal penalty.

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

SECTION 1. Subtitle B, Title 6, Agriculture Code, is amended by adding Chapter 153 to read as follows:

CHAPTER 153. PREVENTION AND INVESTIGATION OF CATTLE THEFT

Sec. 153.001. DEFINITIONS. In this chapter:

(1) "Association" means the Texas and Southwestern Cattle Raisers Association.

(2) "Program" means the inspection program established by department rule under Section 153.002.

Sec. 153.002. ESTABLISHMENT OF PROGRAM. (a) The department by rule shall establish a cattle inspection program to discourage and investigate property crimes involving cattle in this state:

(1) on request by the association; and

(2) if a similar program authorized by federal law is canceled, suspended, repealed, or otherwise scheduled for discontinuation.

(b) The program must utilize existing cattle industry infrastructure to the extent possible.

(c) The department shall establish an advisory committee to advise the department on program rules. At least once every two years, the advisory committee shall review the program rules and submit findings and recommendations to the department.

Sec. 153.003. INSPECTIONS. Program rules must authorize the special rangers appointed under Article 2.125, Code of Criminal Procedure, and other association employees designated by the special rangers, to inspect and record brands and other identifying characteristics of cattle at livestock auction markets.

Sec. 153.004. ASSESSMENT. (a) Program rules must establish a per-head regulatory assessment in an amount necessary to reimburse the association for direct costs incurred under this chapter.

(b) In determining the amount of the assessment, the department shall consider:

(1) the amount of similar assessments or charges authorized by the laws of other states or the United States;

(2) the direct operating costs of the program; and

(3) the expertise required to operate the program.

(c) On request by the association, the department shall review the amount of the assessment and consider any necessary revision.

(d) Each livestock auction market shall collect the assessment and remit the amount collected to the association.

(e) Assessments collected under this section are not state funds and are not required to be deposited in the state treasury.

(f) A person who has possession, custody, or control of an assessment collected under this section and not remitted to the association before the 31st day after the date collected is subject to an administrative penalty in an amount provided by department rule.

Sec. 153.005. STATE OVERSIGHT. (a) The department must approve the association's budget for the program each year.

(b) The department shall review and act on the association's budget for the program each year not later than the 45th day after the date the association submits the budget to the department.

(c) The department or the state auditor may inspect the association's financial records related to the program at any time.

SECTION 2. Section 28.03, Penal Code, is amended by amending Subsection (b) and adding Subsection (k) to read as follows:

(b) Except as provided by Subsections (f) and (h), an offense under this section is:

(1) a Class C misdemeanor if:

(A) the amount of pecuniary loss is less than \$100; or

(B) except as provided in Subdivision (3)(A) or (3)(B), it causes substantial inconvenience to others;

(2) a Class B misdemeanor if the amount of pecuniary loss is \$100 or more but less than \$750;

(3) a Class A misdemeanor if:

(A) the amount of pecuniary loss is \$750 or more but less than \$2,500; or

(B) the actor causes in whole or in part impairment or interruption of any public water supply, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for any such purpose, any public water supply, regardless of the amount of the pecuniary loss;

(4) a state jail felony if the amount of pecuniary loss is:

(A) \$2,500 or more but less than \$30,000;

(B) less than \$2,500, if the property damaged or destroyed is a habitation and if the damage or destruction is caused by a firearm or explosive weapon;

(C) less than \$2,500, if the property was a fence used for the production or containment of:

(i) cattle, bison, horses, sheep, swine, goats, exotic livestock, or exotic poultry; or

(ii) game animals as that term is defined by Section 63.001, Parks and Wildlife Code; or

(D) less than \$30,000 and the actor causes wholly or partly impairment or interruption of public communications, public transportation, public gas or power supply, or other public service, or causes to be diverted wholly, partly, or in any manner, including installation or removal of any device for any such purpose, any public communications or public gas or power supply;

(5) a felony of the third degree if:

(A) the amount of the pecuniary loss is \$30,000 or more but less than \$150,000; or

(B) the actor, by discharging a firearm or other weapon or by any other means, causes the death of one or more head of cattle or bison or one or more horses;

(6) a felony of the second degree if the amount of pecuniary loss is \$150,000 or more but less than \$300,000; or

(7) a felony of the first degree if the amount of pecuniary loss is \$300,000 or more.

(k) Subsection (a)(1) or (2) does not apply if the tangible personal property of the owner was a head of cattle or bison killed, or a horse killed, in the course of the actor's:

(1) actual discharge of official duties as a member of the United States armed forces or the state military forces as defined by Section 437.001, Government Code; or

(2) regular agricultural labor duties and practices.

SECTION 3. Section 28.03, Penal Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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

HB 3270 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Bohac called up with senate amendments for consideration at this time,

HB 3270, A bill to be entitled An Act relating to criminal background checks for persons employed by certain public school contractors.

Representative Bohac moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3270**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3270**: Bohac, chair; Huberty, Meyer, Deshotel, and Murphy.

HB 1111 - MOTION TO REFUSE TO CONCUR IN SENATE AMENDMENTS

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 1111, A bill to be entitled An Act relating to the child safety zone applicable to a person released on parole or to mandatory supervision.

Representative S. Thompson moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1111**.

The motion was lost by (Record 1906): 67 Yeas, 74 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Cyrier; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farrar; Frank; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Guerra; Hefner; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Lang; Longoria; Lozano; Lucio; Martinez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Shaheen; Sheffield; Shine; Stickland; Thierry; Thompson, S.; Turner; Uresti; Villalba; Vo; Walle; Wu; Zedler.

Nays — Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospert; Craddick; Dale; Darby; Dean; Faircloth; Fallon; Flynn; Frullo; Gooden; Gutierrez; Holland; Huberty; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Roberts; Sanford; Schaefer; Schubert; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; White; Wilson; Workman; Wray; Zerwas.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Guillen; Herrero; Hunter; Schofield.

STATEMENT OF VOTE

When Record No. 1906 was taken, my vote failed to register. I would have voted yes.

Guillen

HB 3849 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Zerwas called up with senate amendments for consideration at this time,

HB 3849, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

Representative Zerwas moved to concur in the senate amendments to **HB 3849**.

The motion to concur in the senate amendments to **HB 3849** prevailed by (Record 1907): 142 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; Cospert; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Hunter; Schofield; Walle.

STATEMENT OF VOTE

When Record No. 1907 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

Senate Committee Substitute

CSHB 3849, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

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

SECTION 1. DEFINITION. In any provision of this Act that does not amend current law, "state agency" means an office, institution, or other agency that is in the executive branch or the judicial branch of state government, has authority that is not limited to a geographical portion of the state, and was created by the constitution or a statute of this state. The term does not include an institution of higher education as defined by Section 61.003, Education Code.

SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS. Except as otherwise specifically provided by this Act, all funds and accounts created or re-created by an Act of the 85th Legislature, Regular Session, 2017, that becomes law and all dedications or rededications of revenue collected by a state agency for a particular purpose by an Act of the 85th Legislature, Regular Session, 2017, that becomes law are abolished on the later of August 31, 2017, or the date the Act creating or re-creating the fund or account or dedicating or rededicating revenue takes effect.

SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND ACCOUNTS. Section 2 of this Act does not apply to:

(1) statutory dedications, funds, and accounts that were enacted before the 85th Legislature convened to comply with requirements of state constitutional or federal law;

(2) dedications, funds, or accounts that remained exempt from former Section 403.094(h), Government Code, at the time dedications, accounts, and funds were abolished under that provision;

(3) increases in fees or in other revenue dedicated as described by this section; or

(4) increases in fees or in other revenue required to be deposited in a fund or account described by this section.

SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not apply to funds created under an Act of the 85th Legislature, Regular Session, 2017, for which separate accounting is required by federal law, except that the funds shall be deposited in accounts in the general revenue fund unless otherwise required by federal law.

SECTION 5. TRUST FUNDS. Section 2 of this Act does not apply to trust funds or dedicated revenue deposited to trust funds created under an Act of the 85th Legislature, Regular Session, 2017, except that the trust funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.

SECTION 6. BOND FUNDS. Section 2 of this Act does not apply to bond funds and pledged funds created or affected by an Act of the 85th Legislature, Regular Session, 2017, except that the funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.

SECTION 7. CONSTITUTIONAL FUNDS. Section 2 of this Act does not apply to funds or accounts that would be created or re-created by the Texas Constitution or revenue that would be dedicated or rededicated by the Texas Constitution under a constitutional amendment proposed by the 85th Legislature, Regular Session, 2017, or to dedicated revenue deposited to funds or accounts that would be so created or re-created, if the constitutional amendment is approved by the voters.

SECTION 8. ADDITIONAL USES FOR DEDICATED FUNDS AND ACCOUNTS. Section 2 of this Act does not apply to a newly authorized use of a dedicated fund or dedicated account as provided by an Act of the 85th Legislature, Regular Session, 2017, to the extent:

(1) the fund or account was exempted from funds consolidation before January 1, 2017; and

(2) the newly authorized use is within the scope of the original dedication of the fund or account.

SECTION 9. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE. Effective September 1, 2017, Sections 403.095(b), (d), and (f), Government Code, are amended to read as follows:

(b) Notwithstanding any law dedicating or setting aside revenue for a particular purpose or entity, dedicated revenues that on August 31, 2019 [~~2017~~], are estimated to exceed the amount appropriated by the General Appropriations Act or other laws enacted by the 85th [~~84th~~] Legislature are available for general governmental purposes and are considered available for the purpose of certification under Section 403.121.

(d) Following certification of the General Appropriations Act and other appropriations measures enacted by the 85th [~~84th~~] Legislature, the comptroller shall reduce each dedicated account as directed by the legislature by an amount that may not exceed the amount by which estimated revenues and unobligated balances exceed appropriations. The reductions may be made in the amounts and at the times necessary for cash flow considerations to allow all the dedicated accounts to maintain adequate cash balances to transact routine business. The legislature may authorize, in the General Appropriations Act, the temporary delay of the excess balance reduction required under this subsection. This subsection does not apply to revenues or balances in:

(1) funds outside the treasury;

(2) trust funds, which for purposes of this section include funds that may or are required to be used in whole or in part for the acquisition, development, construction, or maintenance of state and local government infrastructures, recreational facilities, or natural resource conservation facilities;

(3) funds created by the constitution or a court; or

(4) funds for which separate accounting is required by federal law.

(f) This section expires September 1, 2019 [~~2017~~].

SECTION 10. CANCER PREVENTION AND RESEARCH INTEREST AND SINKING FUND. (a) The comptroller of public accounts shall establish the cancer prevention and research interest and sinking fund in accordance with Section 102.270, Health and Safety Code, as if the cancer prevention and research interest and sinking fund had not been abolished by operation of Section 2, Chapter 839 (**HB 6**), Acts of the 83rd Legislature, Regular Session, 2013. The cancer prevention and research interest and sinking fund is re-created by this Act. The dedication of revenue to the fund made by Section 102.270(b), Health and Safety Code, for the purposes specified by Section 102.270(c), Health and Safety Code, that was abolished by operation of Section 2, Chapter 839 (**HB 6**), Acts of the 83rd Legislature, Regular Session, 2013, is rededicated by this Act for the same purposes.

(b) Section 2 of this Act does not apply to the re-creation of the cancer prevention and research interest and sinking fund and rededication of revenue to that fund made by Subsection (a) of this section.

SECTION 11. NATIONAL MUSEUM OF THE PACIFIC WAR MUSEUM FUND; DEDICATION OF REVENUE. Section 2 of this Act does not apply to the National Museum of the Pacific War museum fund created as a fund outside the state treasury, or to the dedication of revenue made to that fund, by **HB 1492**, **SB 694**, or other similar legislation of the 85th Legislature, Regular Session, 2017, that becomes law.

SECTION 12. ALAMO COMPLEX ACCOUNT; DEDICATION OF REVENUE. Section 2 of this Act does not apply to the Alamo complex account created as an account outside the state treasury by **HB 1831**, **SB 1156**, or other similar legislation of the 85th Legislature, Regular Session, 2017, that becomes law, or to the dedication of revenue made to that account by Section 31.454, Natural Resources Code, for the purposes specified by that section.

SECTION 13. DEDICATION OF REVENUE TO WATER RESOURCE MANAGEMENT ACCOUNT. Section 2 of this Act does not apply to the dedication of fees, interest and penalties, and other amounts described by Section 371.061, Health and Safety Code, to the water resource management account as provided by **SB 1105**, **HB 3026**, or similar legislation of the 85th Legislature, Regular Session, 2017, that becomes law.

SECTION 14. Section 2 of this Act does not apply to a fund or account that is created or re-created, or a dedication or rededication of revenue collected by a state agency for a particular purpose made, by any of the following Acts of the 85th Legislature, Regular Session, 2017, that become law:

- (1) **HB 7** or similar legislation;
- (2) **HB 51** or similar legislation;
- (3) **HB 108** or similar legislation;
- (4) **HB 245** or similar legislation;
- (5) **HB 263** or similar legislation;
- (6) **HB 271** or similar legislation;
- (7) **HB 555** or similar legislation;
- (8) **HB 561** or similar legislation;
- (9) **HB 572** or similar legislation;
- (10) **HB 935** or similar legislation;
- (11) **HB 1256** or similar legislation;
- (12) **HB 1407** or similar legislation;
- (13) **HB 1512** or similar legislation;
- (14) **HB 1691** or similar legislation;
- (15) **HB 1724** or similar legislation;
- (16) **HB 1729** or similar legislation;
- (17) **HB 1818** or similar legislation;
- (18) **HB 2004** or similar legislation;
- (19) **HB 2068** or similar legislation;
- (20) **HB 2578** or similar legislation;
- (21) **HB 2612** or similar legislation;
- (22) **HB 2700** or similar legislation;
- (23) **HB 2715** or similar legislation;
- (24) **HB 2943** or similar legislation;
- (25) **HB 3391** or similar legislation;
- (26) **HB 3438** or similar legislation;
- (27) **HB 3521** or similar legislation;
- (28) **HB 3567** or similar legislation;
- (29) **HB 3781** or similar legislation;
- (30) **HB 3849** or similar legislation;
- (31) **HB 3952** or similar legislation;
- (32) **HB 3987** or similar legislation;
- (33) **HB 4102** or similar legislation;
- (34) **HB 4117** or similar legislation;
- (35) **SB 3** or similar legislation;
- (36) **SB 4** or similar legislation;

- (37) **SB 6** or similar legislation;
- (38) **SB 26** or similar legislation;
- (39) **SB 28** or similar legislation;
- (40) **SB 42** or similar legislation;
- (41) **SB 208** or similar legislation;
- (42) **SB 267** or similar legislation;
- (43) **SB 298** or similar legislation;
- (44) **SB 312** or similar legislation;
- (45) **SB 576** or similar legislation;
- (46) **SB 602** or similar legislation;
- (47) **SB 634** or similar legislation;
- (48) **SB 722** or similar legislation;
- (49) **SB 1001** or similar legislation;
- (50) **SB 1105** or similar legislation;
- (51) **SB 1147** or similar legislation;
- (52) **SB 1185** or similar legislation;
- (53) **SB 1251** or similar legislation;
- (54) **SB 1305** or similar legislation;
- (55) **SB 1330** or similar legislation;
- (56) **SB 1349** or similar legislation;
- (57) **SB 1383** or similar legislation;
- (58) **SB 1422** or similar legislation;
- (59) **SB 1483** or similar legislation;
- (60) **SB 1484** or similar legislation;
- (61) **SB 1516** or similar legislation;
- (62) **SB 1524** or similar legislation;
- (63) **SB 1538** or similar legislation;
- (64) **SB 1588** or similar legislation;
- (65) **SB 1658** or similar legislation;
- (66) **SB 1849** or similar legislation;
- (67) **SB 1923** or similar legislation;
- (68) **SB 2075** or similar legislation; and
- (69) **SB 2076** or similar legislation.

SECTION 15. REPEALER. Section 403.095(e), Government Code, is repealed.

SECTION 16. EFFECT OF ACT. (a) This Act prevails over any other Act of the 85th Legislature, Regular Session, 2017, regardless of the relative dates of enactment, that purports to create or re-create a special fund or account or to dedicate or rededicate revenue to a particular purpose, including any fund, account, or revenue dedication abolished under former Section 403.094, Government Code.

(b) An exemption from the application of Section 403.095, Government Code, contained in another Act of the 85th Legislature, Regular Session, 2017, that is exempted from the application of Section 2 of this Act has no effect.

(c) Revenue that, under the terms of another Act of the 85th Legislature, Regular Session, 2017, would be deposited to the credit of a special account or fund shall be deposited to the credit of the undedicated portion of the general revenue fund unless the fund, account, or dedication is exempted under this Act.

SECTION 17. EFFECTIVE DATE. Except as otherwise provided by this Act:

(1) this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

PARLIAMENTARY INQUIRY

REPRESENTATIVE CAIN: Is the motion to appoint conferees an amendable motion?

CHAIR (Goldman in the chair): If there's a motion before us, we take that motion up at that time.

CAIN: So you can amend it to add Jonathan Stickland to something or other people? It would be amendable?

CHAIR: It's hypothetical, Mr. Cain, because we don't have a motion in front of us.

HB 3767 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Allen called up with senate amendments for consideration at this time,

HB 3767, A bill to be entitled An Act relating to annual reporting regarding the establishment of certain school district planning and decision-making committees.

Representative Allen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3767**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3767**: Allen, chair; VanDeaver, Thierry, Howard, and Giddings.

HB 1521 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative White called up with senate amendments for consideration at this time,

HB 1521, A bill to be entitled An Act relating to the exchange of certain information between the Department of Family and Protective Services and the Texas Juvenile Justice Department.

Representative White moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1521**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1521**: White, chair; Wilson, Hinojosa, Romero, and Keough.

PARLIAMENTARY INQUIRY

REPRESENTATIVE CAIN: Is the motion to appoint conferees an amendable motion?

CHAIR (Goldman in the chair): We'll have to research that and get back to you on that, Mr. Cain.

CAIN: Could we get that answer soon because today may be the last day?

CHAIR: We are working on that answer for you, Mr. Cain.

HB 553 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative White called up with senate amendments for consideration at this time,

HB 553, A bill to be entitled An Act relating to the creation of a task force to identify opportunities for academic credit and industry recognition for inmates of the Texas Department of Criminal Justice.

Representative White moved to concur in the senate amendments to **HB 553**.

The motion to concur in the senate amendments to **HB 553** prevailed by (Record 1908): 142 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; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez,

J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Oliveira; Wilson; Wray.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 553** (senate committee printing) in SECTION 1 of the bill as follows:

(1) Strike added Section 19.012(g), Education Code (page 1, line 61, through page 2, line 2), and substitute the following:

(g) The task force shall meet at the call of the presiding officer.

(2) In added Section 19.012(j), Education Code (page 2, line 18), strike "less than once every four years" and substitute "later than September 1, 2021".

(3) Strike added Sections 19.012(k) and (l), Education Code (page 2, lines 27-31), and substitute the following:

(k) This section expires December 1, 2021.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 553** (senate committee printing) in SECTION 1 of the bill, in added Section 19.012, Education Code, as follows:

Strike Subsection (e) (page 1, lines 55-58), and reletter subsequent subsections and cross-references to those subsections accordingly.

HB 1204 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative White called up with senate amendments for consideration at this time,

HB 1204, A bill to be entitled An Act relating to the provision of services as an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct.

Representative White moved to concur in the senate amendments to **HB 1204**.

The motion to concur in the senate amendments to **HB 1204** prevailed by (Record 1909): 143 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, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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; Goldman(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Muñoz; Oliveira.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1204** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) The Office of Court Administration of the Texas Judicial System shall conduct a study to examine the use of the terms "juvenile," "child," and "minor" throughout the criminal justice and juvenile justice statutes of this state and the varying definitions assigned those terms. The study shall also determine whether:

(1) adjudication under the adult criminal justice system of juveniles charged with misdemeanors punishable by fine only is just and efficient; and

(2) certain procedures under the juvenile justice system if used in the adjudication of juveniles charged with misdemeanors punishable by fine only would provide a more just and efficient process for responding to violations of the law by juvenile offenders.

(b) In conducting the study under Subsection (a) of this section, the Office of Court Administration of the Texas Judicial System shall consult with the chair of the senate criminal justice committee, the chair of the juvenile justice and family issues committee of the house of representatives, and the chair of the corrections committee of the house of representatives.

(c) Not later than December 1, 2018, the Office of Court Administration of the Texas Judicial System shall submit a report containing the results of the study conducted under Subsection (a) of this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the senate and the house of representatives.

(d) This section expires December 1, 2019.

HB 1600 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 1600, A bill to be entitled An Act relating to certain mental health screenings under the Texas Health Steps program.

Representative S. Thompson moved to concur in the senate amendments to **HB 1600**.

The motion to concur in the senate amendments to **HB 1600** prevailed by (Record 1910): 128 Yeas, 14 Nays, 2 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; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; 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; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Bonnen, D.; Cain; Fallon; Krause; Lang; Leach; Rinaldi; Sanford; Schaefer; Shaheen; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Oliveira; White; Wilson.

Senate Committee Substitute

CSHB 1600, A bill to be entitled An Act relating to certain mental health screenings under the Texas Health Steps program.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0249 to read as follows:

Sec. 32.0249. MENTAL HEALTH SCREENINGS IN TEXAS HEALTH STEPS PROGRAM. The executive commissioner, in the rules governing the Texas Health Steps program, shall allow a provider to:

(1) conduct a mental health screening using one or more validated, standardized mental health screening tools during each annual medical exam of a recipient who is at least 12 years of age but younger than 19 years of age; and

(2) be reimbursed for conducting one mental health screening using one or more validated, standardized mental health screening tools during each annual medical exam of a recipient described by Subdivision (1).

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

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

HB 377 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Krause called up with senate amendments for consideration at this time,

HB 377, A bill to be entitled An Act relating to the issuance of specialty license plates to surviving spouses of certain military veterans.

Representative Krause moved to concur in the senate amendments to **HB 377**.

The motion to concur in the senate amendments to **HB 377** prevailed by (Record 1911): 142 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; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Vallalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Pickett; White; Wilson.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 377** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 504.308, Transportation Code, is amended to read as follows:

Sec. 504.308. DISTINGUISHED FLYING CROSS MEDAL RECIPIENTS. ~~[(a)]~~ The department shall issue specialty license plates for persons who have received the Distinguished Flying Cross medal and Distinguished Flying Cross medal with Valor. The license plates must bear a depiction of the Distinguished Flying Cross medal and the words "Distinguished Flying Cross" at the bottom of each license plate. License plates issued under this section to recipients of the Distinguished Flying Cross medal with Valor that are not personalized must also include the letter "V" as a prefix or suffix to the numerals on each plate.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 377** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 504.317, Transportation Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A person is eligible to receive specialty license plates under this section if the person is the surviving spouse of a person who had been entitled to specialty plates for veterans with disabilities under Section 504.202, regardless of whether the deceased spouse was issued plates under that section.

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **HB 377** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 521.011, Transportation Code, is amended to read as follows:

Sec. 521.011. SERVICES INFORMATION FOR VETERANS. The department and the Texas Veterans Commission shall jointly develop a one-page informational paper about veterans services provided by this state for veterans who receive:

- (1) a driver's license with a designation under Section 521.1235; or
- (2) a personal identification certificate with a ~~[veteran's]~~ designation under Section 521.102 ~~[a one-page informational paper about veterans services provided by this state].~~

SECTION _____. Section 521.101(l), Transportation Code, is amended to read as follows:

(l) The application for the personal identification certificate must provide space for the applicant:

(1) to voluntarily list any information ~~[military service]~~ that may qualify the applicant to receive a personal identification certificate with a ~~[veteran's]~~ designation under Section 521.102; and

(2) to include proof required by the department to determine the applicant's eligibility to receive that designation.

SECTION _____. Section 521.102, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (b-1), (d), (e), and (f) to read as follows:

(a) In this section:

(1) "Disability rating" has the meaning assigned by Section 11.22, Tax Code.

(2) "Disabled veteran" and[5] "veteran" have the meanings assigned by Section 521.1235 [means a person who:

[1] has served in:

[(A) the army, navy, air force, coast guard, or marine corps of the United States; or

[(B) the Texas National Guard as defined by Section 431.001, Government Code; and

[2] has been honorably discharged from the branch of the service in which the person served].

(b-1) If a disabled veteran provides proof sufficient to the department, the department, on request of the disabled veteran, shall include on a personal identification certificate issued to the disabled veteran in any available space on the face of the personal identification certificate or on the reverse side of the personal identification certificate:

(1) a disabled veteran designation; and

(2) the branch of the service in which the disabled veteran served.

(c) The department shall provide to the recipient of a personal identification certificate with a [veteran's] designation under this section the informational paper described by Section 521.011 at the time the certificate is issued.

(d) Notwithstanding any other law and except as provided by Subsection (e), for purposes of obtaining a service or benefit available for disabled veterans in this state, a disabled veteran may use a personal identification certificate described by Subsection (b-1) as satisfactory proof:

(1) that the disabled veteran has a disability rating described by Section 521.1235(a)(2)(A) or (B), as applicable; and

(2) of branch of service and honorable discharge.

(e) A personal identification certificate described by Subsection (b-1) is not satisfactory proof of the disabled veteran's disability rating for purposes of obtaining a property tax exemption provided by Chapter 11, Tax Code.

(f) A disabled veteran who renews a personal identification certificate described by Subsection (b-1) shall provide proof sufficient to the department of the disabled veteran's disability rating.

SECTION _____. Section 521.1235, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (b-1), (d), (e), and (f) to read as follows:

(a) In this section:

(1) "Disability rating" has the meaning assigned by Section 11.22, Tax Code.

(2) "Disabled veteran" means a veteran who has suffered a service-connected disability with a disability rating of:

(A) at least 50 percent; or

(B) 40 percent if the rating is due to the amputation of a lower extremity.

(3) "Veteran" [~~,"veteran"~~] means a person who:

(A) [~~(A)~~] has served in:

(i) [~~(A)~~] the army, navy, air force, coast guard, or marine corps of the United States; or

(ii) [~~(B)~~] the Texas National Guard as defined by Section 437.001, Government Code; and

(B) [~~(B)~~] has been honorably discharged from the branch of the service in which the person served.

(b-1) If a disabled veteran provides proof sufficient to the department, the department, on request of the disabled veteran, shall include on a driver's license issued to the disabled veteran in any available space on the face of the driver's license or on the reverse side of the driver's license:

(1) a disabled veteran designation; and

(2) the branch of the service in which the disabled veteran served.

(c) The department shall provide to the recipient of a driver's license with a [~~veteran's~~] designation under this section the informational paper described by Section 521.011 at the time the license is issued.

(d) Notwithstanding any other law and except as provided by Subsection (e), for purposes of obtaining a service or benefit available for disabled veterans in this state, a disabled veteran may use a driver's license described by Subsection (b-1) as satisfactory proof:

(1) that the disabled veteran has a disability rating described by Subsection (a)(2)(A) or (B), as applicable; and

(2) of branch of service and honorable discharge.

(e) A driver's license described by Subsection (b-1) is not satisfactory proof of the disabled veteran's disability rating for purposes of obtaining a property tax exemption provided by Chapter 11, Tax Code.

(f) A disabled veteran who renews a driver's license described by Subsection (b-1) shall provide proof sufficient to the department of the disabled veteran's disability rating.

SECTION _____. Section 521.142(i), Transportation Code, is amended to read as follows:

(i) The application must provide space for the applicant:

(1) to voluntarily list any information [~~military service~~] that may qualify the applicant to receive a license with a [~~veteran's~~] designation under Section 521.1235; and

(2) to include proof required by the department to determine the applicant's eligibility to receive that designation.

HB 897 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Ashby called up with senate amendments for consideration at this time,

HB 897, A bill to be entitled An Act relating to the exemption from the taxes imposed on the sale, use, or rental of a motor vehicle for certain motor vehicles used for religious purposes.

Representative Ashby moved to concur in the senate amendments to **HB 897**.

The motion to concur in the senate amendments to **HB 897** prevailed by (Record 1912): 144 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; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Workman.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 897** (engrossed version) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 6), strike "Section 152.001(12), Tax Code, is" and substitute "Sections 152.001(7) and (12), Tax Code, are".

(2) In SECTION 1 of the bill, immediately before amended Section 152.001(12), Tax Code (page 1, between lines 7 and 8), insert the following:

(7) "Public agency" means:

(A) a department, commission, board, office, institution, or other agency of this state or of a county, city, town, school district, hospital district, water district, or other special district or authority or political subdivision created by or under the constitution or the statutes of this state; [oe]

(B) an unincorporated agency or instrumentality of the United States; or

(C) an open-enrollment charter school.

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

SECTION _____. Section 502.453(a), Transportation Code, is amended to read as follows:

(a) The owner of a motor vehicle, trailer, or semitrailer may annually apply for registration under Section 502.451 and is exempt from the payment of a registration fee under this chapter if the vehicle is:

(1) owned by and used exclusively in the service of:

(A) the United States;

(B) this state; ~~or~~

(C) a county, municipality, or school district in this state; or

(D) an open-enrollment charter school;

(2) owned by a commercial transportation company and used exclusively to provide public school transportation services to a school district under Section 34.008, Education Code;

(3) designed and used exclusively for fire fighting;

(4) owned by a volunteer fire department and used exclusively in the conduct of department business;

(5) privately owned and used by a volunteer exclusively in county marine law enforcement activities, including rescue operations, under the direction of the sheriff's department;

(6) used by law enforcement under an alias for covert criminal investigations; or

(7) owned by units of the United States Coast Guard Auxiliary headquartered in Texas and used exclusively for conduct of United States Coast Guard or Coast Guard Auxiliary business and operations, including search and rescue, emergency communications, and disaster operations.

HB 776 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Ashby called up with senate amendments for consideration at this time,

HB 776, A bill to be entitled An Act relating to the removal of home addresses from personal financial statements filed by certain persons.

Representative Ashby moved to concur in the senate amendments to **HB 776**.

The motion to concur in the senate amendments to **HB 776** prevailed by (Record 1913): 144 Yeas, 1 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, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave;

Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithe; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Tinderholt.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 776** (house engrossed version) in SECTION 1 of the bill, in amended Section 572.032(a-1), Government Code (page 1, line 7), between "address" and "of", by inserting "the telephone number, and the names of the dependent children".

(Speaker in the chair)

HB 1643 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Nevárez called up with senate amendments for consideration at this time,

HB 1643, A bill to be entitled An Act relating to the regulation of the operation of an unmanned aircraft and the prosecution of a related criminal offense.

Representative Nevárez moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1643**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1643**: Springer, chair; Nevárez, Simmons, Canales, and Kacal.

HB 1508 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Giddings called up with senate amendments for consideration at this time,

HB 1508, A bill to be entitled An Act relating to notice to applicants to and enrollees in certain educational programs regarding the consequences of a criminal conviction on eligibility for an occupational license.

Representative Giddings moved to concur in the senate amendments to **HB 1508**.

The motion to concur in the senate amendments to **HB 1508** prevailed by (Record 1914): 134 Yeas, 7 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; Cospér; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martínez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Price; Raymond; Reynolds; 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.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Bonnen, D.; Cain; Krause; Rinaldi; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Gutierrez; Oliveira; Pickett; White; Wilson.

Senate Committee Substitute

CSHB 1508, A bill to be entitled An Act relating to notice to applicants to and enrollees in certain educational programs regarding the consequences of a criminal conviction on eligibility for an occupational license.

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

SECTION 1. Chapter 53, Occupations Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

Sec. 53.151. DEFINITIONS. Notwithstanding Section 53.001, in this subchapter, "licensing authority" and "occupational license" have the meanings assigned to those terms by Section 58.001.

Sec. 53.152. NOTICE BY ENTITIES PROVIDING EDUCATIONAL PROGRAMS. (a) An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall notify each applicant to and enrollee in the educational program of:

(1) the potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program;

(2) the current guidelines issued under Section 53.025 by any licensing authority that may issue an occupational license to an individual who completes the educational program;

(3) any other state or local restriction or guideline used by a licensing authority described by Subdivision (2) to determine the eligibility of an individual who has been convicted of an offense for an occupational license issued by the licensing authority; and

(4) the right to request a criminal history evaluation letter under Section 53.102.

(b) The entity shall provide the notice required under Subsection (a) to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

Sec. 53.153. REFUND AND ORDERED PAYMENTS. A licensing authority that determines that an entity regulated by the licensing authority has failed to provide the notice required by Section 53.152 to an individual entitled to receive the notice and that the individual's application for an occupational license for which the entity's educational program prepares the individual was denied because the individual has been convicted of an offense shall order the entity to:

(1) refund the amount of any tuition paid by the individual to the entity;
and

(2) pay to the individual an amount equal to the total of the following, as applicable:

(A) the amount of any application fees paid by the individual to the licensing authority; and

(B) the amount of any examination fees paid by the individual to the licensing authority or an examination provider approved by the licensing authority.

SECTION 2. Section 53.152, Occupations Code, as added by this Act, applies only with respect to:

(1) an individual who is enrolled in an educational program subject to that section on or after the effective date of this Act; and

(2) an applicant for enrollment in an educational program subject to that section who applies for enrollment in the program on or after that date.

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

PARLIAMENTARY INQUIRY

REPRESENTATIVE CAIN: Has the parliamentarian determined whether the conferees chosen for a conference committee is an amendable motion?

SPEAKER STRAUS: Mr. Cain, it's not a motion at all. The speaker chooses the conferees.

CAIN: Wouldn't it make sense to allow the author of the bill to select the conferees?

SPEAKER: The author certainly has input on who is named as a conferee.

REMARKS ORDERED PRINTED

Representative Cain moved to print remarks between the chair and Representative Cain.

The motion prevailed.

**HB 3810 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Cyrier called up with senate amendments for consideration at this time,

HB 3810, A bill to be entitled An Act relating to the transfer of jurisdiction over and management of the property known as the French Legation to the Texas Historical Commission and to certain historic sites under the commission's jurisdiction.

Representative Cyrier moved to concur in the senate amendments to **HB 3810**.

The motion to concur in the senate amendments to **HB 3810** prevailed by (Record 1915): 140 Yeas, 5 Nays, 1 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, 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, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; 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.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Rinaldi; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Oliveira.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 3810** (house engrossed version page 2, line 14) by inserting "parking facilities," between "staffing," and "operation".

**HB 4187 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Burkett called up with senate amendments for consideration at this time,

HB 4187, A bill to be entitled An Act relating to the use of revenue from municipal hotel occupancy taxes for a sports facility or field in certain municipalities.

Representative Burkett moved to concur in the senate amendments to **HB 4187**.

The motion to concur in the senate amendments to **HB 4187** prevailed by (Record 1916): 125 Yeas, 20 Nays, 1 Present, not voting.

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

Nays — Anderson, R.; Biedermann; Bonnen, D.; Bonnen, G.; Cain; Fallon; Goldman; Krause; Lang; Leach; Phillips; Rinaldi; Schaefer; Shaheen; Simmons; Springer; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Faircloth.

STATEMENT OF VOTE

When Record No. 1916 was taken, I was in the house but away from my desk. I would have voted yes.

Faircloth

Senate Committee Substitute

CSHB 4187, A bill to be entitled An Act relating to the use of revenue from municipal hotel occupancy taxes for a sports facility or field in certain municipalities.

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

SECTION 1. Section 351.1078, Tax Code, is amended by adding Subsections (a-1) and (c) to read as follows:

(a-1) The report described by Subsection (a)(2) shall be made accessible through a link that appears in a prominent place on the municipality's Internet website.

(c) At least annually, a municipality to which this section applies shall compare the actual area hotel revenue that is attributable to sporting events held at the sporting related facility or sports field described by Section 351.101(i) to the projected annual amount of that revenue anticipated by the municipality to be generated as a result of the construction or expansion of the facility or field. If area hotel revenue attributable to sporting events held at the facility or field is less than the projected amount, the municipality shall, as soon as practicable, develop and implement a plan to increase that revenue.

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.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 4187** (senate committee printing) in SECTION 1 of the bill, in added Section 351.1078(c), Tax Code (page 1, line 32), by striking "actual".

**HB 2639 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Pickett called up with senate amendments for consideration at this time,

HB 2639, A bill to be entitled An Act relating to an alert for a missing senior citizen or person with Alzheimer's disease.

Representative Pickett moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2639**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2639**: Pickett, chair; P. King, Gutierrez, Dale, and Wilson.

**HB 1920 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Flynn called up with senate amendments for consideration at this time,

HB 1920, A bill to be entitled An Act relating to the Palo Duro River Authority, following recommendations of the Sunset Advisory Commission.

Representative Flynn moved to concur in the senate amendments to **HB 1920**.

The motion to concur in the senate amendments to **HB 1920** prevailed by (Record 1917): 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; Cospes; 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, E.; 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; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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 — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 1920, A bill to be entitled An Act relating to the Palo Duro River Authority, following recommendations of the Sunset Advisory Commission.

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

SECTION 1. Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12, Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, are amended to read as follows:

Sec. 1. By virtue of Section 59, Article XVI of the Constitution of the State of Texas, there is hereby created a conservation and reclamation district to be known as "Palo Duro Water District," [~~River Authority of Texas~~ (hereinafter sometimes referred to as the "Authority")] which shall be a governmental agency, a body politic and corporate, and a political subdivision of this state.

Sec. 2. The district [~~Authority~~] hereby created and established shall comprise all of the territory contained within the Counties of Hansford and Moore and the City of Stinnett [~~Ochiltree~~]. It is hereby found and determined that all of the land thus included in the district [~~Authority~~] will be benefited by the improvements to be acquired and constructed by the district [~~Authority~~], and that the district [~~Authority~~] is created to serve a public use and benefit.

Sec. 3. The district, inside or outside its boundaries, [~~Authority within its limits~~] is hereby empowered: (a) to develop, construct or purchase dams and reservoirs. The district [~~Authority~~] is empowered to construct or to purchase all plants and other facilities necessary or useful for the purpose of providing a source of water supply and storing, processing such water and transporting and

distributing it for irrigation, livestock raising, agricultural, municipal, domestic and industrial purposes. The district [Authority] shall at all times have power to develop or purchase additional sources of water and to improve, enlarge and extend its water system. The district [Authority] is also empowered to make contracts for the purchase of water; (b) in order to preserve and protect the purity of the waters of the state and of the district [Authority] and conserve and reclaim said waters for beneficial use by the inhabitants of the district [Authority], to provide all plants, works, facilities and appliances incident to or helpful or necessary to the collection, transportation, processing, disposal, and control of such waters for agricultural, municipal, domestic, oil field flooding, mining and industrial purposes; and (c) the district [Authority] is empowered to impound, store, control and conserve the storm and flood waters and the unappropriated flow waters [~~within the limits of the Authority~~], including but not limited to the storm and flood waters and unappropriated flow waters of Palo Duro Creek and Horse Creek, [~~River and the tributaries thereof within and without its watershed~~] by complying with the provisions of Chapter 1, Title 128, Revised Civil Statutes of Texas, as amended.

Sec. 5. (a) The district may not construct a [~~No~~] dam or other facility [~~facilities~~] for impounding water [~~shall be constructed~~] until the plans therefor are approved by the commission [~~Texas Water Rights Commission~~]. The Authority is not authorized to develop or otherwise acquire underground sources of water.

(b) The district [Authority] may sell, trade, or otherwise dispose of any real or personal property deemed by the district [~~this Commission~~] not to be needed for district [Authority] purposes, subject to the terms of any deed of trust or other indenture [~~issued by the Commission~~].

Sec. 6. The district [Authority] is authorized to enter into contracts with cities and others for supplying water to them. The district [Authority] is also authorized to contract with any city for the rental or leasing of, or for the operation of the water production, water supply, and water filtration or purification [~~and water supply~~] facilities of such city upon such consideration as the district [Authority] and the city may agree. Any such contract may be upon such terms and for such time as the parties may agree, and it may provide that it shall continue in effect until bonds specified therein and refunding bonds issued in lieu of such bonds are paid.

Sec. 7. The district [Authority] is empowered to obtain through appropriate hearings an appropriation permit or permits from the commission [~~Texas Water Rights Commission~~], as provided in Chapter 1 of Title 128, Revised Civil Statutes of 1925, as amended. Thereafter such permit, either upon application of the district [Authority] or at the will of the commission [~~Texas Water Rights Commission~~], may be modified by the commission [~~said Commission~~] after an appropriate hearing to increase or decrease the amount of water which may be appropriated[;] and the amount which may be stored by the district [Authority] to meet fluctuating demands. On [~~either upon~~] application by the district [Authority] or by its own action the commission [~~Texas Water Rights Commission~~] shall redetermine the maximum amount of water which the district

[Authority] may store in its reservoir and in making such determination it shall consider the needs of the cities and others that purchase water from the district [Authority].

Sec. 8. The district [Authority] is authorized to acquire or construct within or without the boundaries of the district [Authority], a dam or dams and all works, plants and other facilities necessary or useful for the purpose of impounding, processing and transporting water to cities and others for municipal, agricultural, domestic, industrial, oil field flooding, and mining purposes. The size of the dam and reservoir shall be determined by the board [Board of Directors], taking into consideration probable future increases in water requirements, and the size of the dam shall not be limited by the amount of water initially authorized by the commission [Texas Water Commission] to be impounded therein. ~~[No dam or other facilities for impounding water shall be constructed until the plans therefor are approved by the Texas Department of Water Resources.]~~

Sec. 9. The district [Authority] is empowered to acquire land within or without the boundaries of the district [Authority], and to construct, lease or otherwise acquire all works, plants and other facilities necessary or useful for the purpose of diverting, further impounding or storing water, processing such water and transporting it to cities and others for agricultural, municipal, domestic, industrial, oil field flooding, and mining purposes.

Sec. 10. (a) For the purpose of carrying out any power or authority conferred by this Act the district [Authority] shall have the right to acquire by condemnation in the manner provided by Title 52, Revised Statutes, as amended, relating to eminent domain:

(1) the fee simple title to land and other property and easements (including land needed for the reservoir and dam and flood easements above the probable high water line around any such reservoirs) within the boundaries of the district [Authority]; and

(2) the fee simple title to land and other property and easements (except for land, other property, and easements to be used for a dam or dams or facilities for the impoundment or storage of water) outside the boundaries of the district [Authority].

(b) The district [Authority] is hereby declared to be a municipal corporation within the meaning of Article 3268 of said Title 52, except that the district [Authority] shall not have the right to so condemn any property which may be owned by any other political subdivision, city or town; provided, however, that as against persons, firms and corporations, or receivers or trustees thereof, who have the power of eminent domain, the fee title may not be condemned, but the district [Authority] may condemn only an easement. The amount of and character of interest in land, other property and easements thus to be acquired shall be determined by the board [Board of Directors].

Sec. 11. The district [Authority] herein created shall be and it is hereby empowered to control, store, conserve, protect, distribute and utilize the storm and flood waters within the area of the district [Authority] for all useful purposes permitted by law; also, to carry out flood prevention and control measures within the district [Authority] and to prevent or aid in preventing damage to the lands of

the district [Authority] and the soil and fertility thereof; to cooperate with all other districts, departments or agencies of the State Government, or any agency, representative, instrumentality or department of the United States Government; and to receive and accept technical and financial assistance therefrom in the accomplishment of the [said] purposes described by this section. The district [said Authority] is further authorized and empowered to purchase, construct, maintain, or in any other lawful manner to acquire, provide and develop all works, facilities, improvements, lands, easements and properties, which may be necessary or useful in fulfilling the purposes of the district [Authority] or any of them.

Sec. 12. The district [Authority] is authorized to acquire water appropriation permits from owners of permits. The district [Authority] is hereby empowered to lease or acquire rights in and to storage and storage capacity in any reservoir constructed or to be constructed by any person, firm, corporation or public agency or from the United States Government or any of its agencies.

SECTION 2. Sections 13(a), (b), (c), and (d), Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, are amended to read as follows:

(a) The board [Board of Directors of the Authority] shall have the power to adopt and promulgate all reasonable regulations to secure, maintain, and preserve the sanitary condition of all water in and to flow into any reservoir owned by the district, [Authority] to prevent waste of water or the unauthorized use thereof, and to regulate residence, hunting, fishing, boating and camping, and all recreational and business privileges, along or around any such reservoir, [or any] body of land, or easement owned by the district [Authority].

(b) The district [Such Authority] may prescribe reasonable penalties for the breach of any regulation of the district [Authority], which penalties shall not exceed fines of more than Two Hundred Dollars (\$200.)~~[, or imprisonment for not more than thirty (30) days, or may provide both such fine and such imprisonment].~~ The penalties hereby authorized shall be in addition to any other penalties provided by the laws of Texas and may be enforced by complaints filed in the appropriate court of jurisdiction, provided, however, that no rule or regulation which provides a penalty for the violation thereof shall be in effect, as to enforcement of the penalty, until five (5) days next after the district [Authority] may have caused a substantive statement of the particular rule or regulation and the penalty for the violation thereof to be published, once a week for two (2) consecutive weeks in the county in which such reservoir is situated, or in any county in which it is partly situated. The substantive statement so to be published shall be as condensed as is possible to afford an intelligent direction of the mind to the act forbidden by the rule or regulation; one (1) notice may embrace any number of regulations; there must be embraced in the notice advice that breach of the particular regulation, or regulations, will subject the violator to the infliction of a penalty and there also shall be included in the notice advice that the full text of the regulations sought to be enforced is on file in the principal office of the district [Authority], where the same may be read by any interested person. Five (5) days after the second publication of the notice hereby required, the advertised regulation shall be in effect, and ignorance of any such regulation shall not

constitute a defense to a prosecution for the enforcement of a penalty and, the rules and regulations authorized hereby, after the required publication, shall judicially be known to the courts and shall be considered of a nature like unto that of valid penal ordinance of a city of the state.

(c) Any duly constituted peace officer, provided such officers meet the Texas Law Officers minimum certification requirements, shall have the power to make arrests when necessary to prevent or abate the commission of any offense against the regulations of the district [Authority], and against the laws of the State of Texas, when any such offense or threatened offense occurs upon any land, water or easement owned or controlled by the district [Authority], or to make such arrest at any place, in case of an offense involving injury or detriment to any property owned or controlled by such district [Authority].

(d) Territory may be annexed to the district [Authority], whether or not contiguous to the district [Authority], in the following manner:

(1) A petition praying for such annexation signed by fifty (50) or a majority, whichever number is smaller, of the resident, qualified voters of the territory or of duly incorporated cities or towns sought to be annexed shall be filed with the board. The petition shall describe the territory to be annexed by metes and bounds, or otherwise, unless such territory is the same as that contained within the boundaries of such city or town, in which event it shall be sufficient to state that the territory to be annexed is that which is contained within the boundaries of such city or town.

(2) If the board [Board of Directors] finds that the petition complies with and is signed by the number of qualified persons required by Subdivision (1) of this subsection, that the annexation would be to the best interest of the territory, city or town, and the district [Authority], and that the district [Authority] will be able to supply water, or cause water to be supplied to the territory, city, or town, it shall adopt a resolution stating the conditions, if any, under which such territory, city, or town may be annexed to the district [Authority], and shall fix a time and place when and where a hearing shall be held by the board on the question of whether the territory, city, or town sought to be annexed will be benefited by the improvements, works, and facilities then owned or operated or contemplated to be owned or operated by the district [Authority] or by the other functions of the district [Authority]. Notice of the adoption of such resolution stating the time and place of such hearing shall be published one (1) time in a newspaper of general circulation in the territory, city, or town sought to be annexed at least ten (10) days prior to the date of such hearing. The notice shall describe the territory in the same manner in which it is required or permitted by this Act to be described in the petition. All persons interested may appear at such hearing and offer evidence for or against the proposed annexation. Such hearing may proceed in such order and under such rules as may be prescribed by said board, and the hearing may be recessed from time to time. If, at the conclusion of the hearing, the board [Board of Directors] finds that the property in such territory, city, or town will be benefited by the present or contemplated improvements, works, or facilities of the district [Authority], the board [Board of Directors] shall adopt a resolution making a finding of such benefit and calling an

election in the territory, city, or town proposed to be annexed stating therein the date of the election, the place or places of holding the same, the proposition to be voted on, and appointing a presiding judge for each voting place who shall appoint the necessary assistant judges and clerks to assist in holding the election.

Notice of such election shall be given by publishing a substantial copy of the resolution calling the election one (1) time in a newspaper of general circulation in the territory sought to be annexed to the district [Authority] at least ten (10) days before the date set for the election. Only constitutionally qualified electors who reside in the territory, city, or town sought to be annexed shall be qualified to vote in said election. Returns of the result of said election shall be made to the board. The board shall canvass the returns of the election and adopt a resolution declaring the results thereof. If such resolution shows that a majority of the votes cast are in favor of annexation, the board shall by resolution annex said territory to the district [Authority], and such annexation shall thereafter be incontestable except in the manner and within the time for contesting the elections under the Texas Election Code, as amended.

(3) The board [~~Board of Directors~~], in calling an election on the proposition for annexation of territory, city, or town, may include as a part of the same proposition or a separate proposition for the assumption of its part of the tax-supported bonds of the district [Authority] then outstanding and those theretofore voted but not yet sold, and for the levy of an ad valorem tax on taxable property in said territory along with the tax in the rest of the district [Authority] for the payment thereof and the levying of maintenance taxes permitted by Section 27 of this Act, in which event the voting shall be restricted to constitutionally qualified electors. If such election fails, the annexed territory, city, or town shall be excluded from the district [Authority].

SECTION 3. Sections 14, 15, 16, 17, 18, and 19, Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, are amended to read as follows:

Sec. 14. The district [Authority] is authorized to establish or otherwise provide for public parks and recreation facilities, and to acquire land for such purposes within the district [Authority].

Sec. 15. In the event that the district [Authority], in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the district [Authority].

Sec. 16. It shall not be necessary for the board [~~Board of Directors~~] to call a confirmation election or to hold a hearing on the exclusion of lands or a hearing on the adoption of a plan of taxation, but the ad valorem plan of taxation shall be used by the district [Authority].

Sec. 17. (a) All powers of the district [~~Authority~~] shall be exercised by the board. Each director of the board [~~a Board of Directors (sometimes herein referred to as the "Board"), each of whom~~] shall serve staggered, two-year terms that expire on December 31 of each year. [~~for a term of two (2) years except for the directors appointed by this Act. The following directors are hereby appointed:~~

<u>DIRECTOR</u>	<u>RESIDENCE</u>	<u>TERM EXPIRING</u>
[Dee Jackson	Spearman, Hansford County, Texas	December 31, 1973
[N. F. (Gus) Renner	Spearman, Hansford County, Texas	December 31, 1974
[Robert V. Skinner	Spearman, Hansford County, Texas	December 31, 1973
[Bill Logsdon	Gruver, Hansford County, Texas	December 31, 1974
[Bob Urban	Perryton, Ochiltree County, Texas	December 31, 1973
[Delbert Timmons	Perryton, Ochiltree County, Texas	December 31, 1974
[Jerry Garrison	Perryton, Ochiltree County, Texas	December 31, 1973
[Robert D. Lemon	Perryton, Ochiltree County, Texas	December 31, 1974

(b) In [~~December of 1973 and in~~] December of each year, [~~hereafter~~] the Commissioners Court of each county contained in the district, except for Hutchinson County, and the city council of the City of Stinnett [~~Authority~~] shall appoint a director or directors [~~from such county~~] whose term or terms are about to expire. Any vacancy shall be filled for the unexpired term by the governing body of the appropriate county or city. Four (4) directors [~~members of the Board of Directors~~] shall be appointed by the Commissioners Court of each county contained in the district, except for Hutchinson County, and one director shall be appointed by the city council of the City of Stinnett. Each [~~Authority, and each~~] director shall reside in the county from which the director [~~he~~] is appointed.

(c) Each director shall serve for the director's [~~his~~] term of office as herein provided, and thereafter until the director's [~~his~~] successor shall be appointed and qualified. No person shall be appointed a director unless the person [~~he~~] resides in and owns taxable property in the county or city from which the person [~~he~~] is appointed. No member of a governing body of a county or the City of Stinnett, and no employee of a county or the City of Stinnett shall be appointed as director. Such directors shall subscribe the Constitutional oath of office, and each shall give bond for the faithful performance of the director's [~~his~~] duties in the amount of Five Thousand Dollars (\$5,000.), the cost of which shall be paid by the district [~~Authority~~]. A majority shall constitute a quorum. If any director moves from the county or city from which the director [~~he~~] is appointed or otherwise ceases to be a director, the Commissioners Court of such county or the city council of the City of Stinnett, as appropriate, shall appoint a director to succeed in the position [~~him,~~] for the unexpired term.

(d) Unless the board by resolution increases the fee to an amount authorized by Section 49.060, Water Code, each ~~[Each]~~ director shall receive a fee of not to exceed Twenty-Five Dollars (\$25.) for attending each meeting of the board ~~[Board]~~, provided that no more than Fifty Dollars (\$50.) shall be paid to any director for meetings held in any one (1) calendar month. Each director shall also be entitled to receive not to exceed Twenty-Five Dollars (\$25.) per day devoted to the business of the district ~~[Authority]~~ and to reimbursement for actual expenses incurred in attending to district ~~[Authority]~~ business provided that such service and expense are expressly approved by the board ~~[Board]~~.

Sec. 18. The board ~~[Board of Directors]~~ shall elect from its number a president and a vice president of the district ~~[Authority]~~, and such other officers as in the judgment of the board ~~[Board]~~ are necessary. The president shall be the chief executive officer of the district ~~[Authority]~~ and the presiding officer of the board ~~[Board]~~, and shall have the same right to vote as any other director. The vice president shall perform all duties and exercise all powers conferred by this Act upon the president when the president is absent or fails or declines to act except the president's right to vote. The board ~~[Board]~~ shall also appoint a secretary and a treasurer who may or may not be members of the board ~~[Board]~~, and it may combine those offices. The treasurer shall give bond in such amount as may be required by the board ~~[Board of Directors]~~. The condition of such bond shall be that the treasurer ~~[he]~~ will faithfully account for all money which shall come into the treasurer's ~~[his]~~ custody as treasurer of the district ~~[Authority]~~, and the board ~~[Board]~~ may adopt a seal for the district ~~[Authority]~~.

Sec. 19. The board ~~[Board of Directors]~~, from time to time, shall be authorized to make or cause to be made surveys and engineering investigations for the information of the district ~~[Authority]~~ to facilitate the accomplishment of the purposes for which the district ~~[Authority]~~ is created; and may employ a general manager, attorneys, accountants, engineers, or other technical or nontechnical employees or assistants; fix the amount and manner of their compensation; and may provide for the payment of expenditures deemed essential to the proper maintenance of the district ~~[Authority]~~ and its affairs. The power to employ and discharge employees may be conferred upon the general manager.

SECTION 4. Sections 20(a), (b), (d), (e), (f), (g), (h), and (i), Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, are amended to read as follows:

(a) For the purpose of providing a source of water supply for cities and other users for agricultural, municipal, domestic, industrial, oil field flooding, and mining purposes, as authorized by this Act, and for the purpose of carrying out any other power or authority conferred by this Act, the district ~~[Authority]~~ is empowered to issue its negotiable bonds to be payable from revenues or taxes or both revenues and taxes of the district ~~[Authority]~~ as are pledged by resolution of the board ~~[Board of Directors]~~. Pending the issuance of definitive bonds the board ~~[Board]~~ may authorize the delivery of negotiable interim bonds or notes, eligible for exchange or substitution by use of the definitive bonds.

(b) Such bonds shall be authorized by resolution of the board [~~Board of Directors~~] and shall be issued in the name of the district [~~Authority~~], signed by the president or vice president, attested by the secretary and shall bear the seal of the district [~~Authority~~]. It is provided, however, that the signatures of the president or of the secretary or of both may be printed or lithographed on the bonds if authorized by the board [~~Board of Directors~~], and that the seal of the district [~~Authority~~] may be impressed on the bonds or may be printed or lithographed thereon. The bonds shall mature serially or otherwise in not to exceed forty (40) years and may be sold at a price and under terms determined by the board [~~Board of Directors~~] to be the most advantageous reasonably obtainable, ~~provided that the interest cost to the Authority, including the discount, if any, shall bear interest at any rate per annum permitted by the Constitution and laws of the State as shall be determined by the Board of Directors,~~ and within the discretion of the board [~~Board~~] may be made callable prior to maturity at such times and prices as may be prescribed in the resolution authorizing the bonds, and may be made registrable as to principal or as to both principal and interest.

(d) The bonds may be secured by a pledge of all or part of the net revenue of the district [~~Authority~~], or by the net revenues of any one (1) or more contracts theretofore or thereafter made or other revenue or income specified by resolution of the board [~~Board of Directors~~] or in the trust indenture. Any such pledge may reserve the right, under conditions therein specified, to issue additional bonds which will be on a parity with or subordinate to the bonds then being issued. The term "net revenues" as used in this Section shall mean the gross revenues and income of the district [~~Authority~~] from all sources after deduction of the amount necessary to pay the cost of maintaining and operating the district [~~Authority~~] and its properties.

(e) The district [~~Authority~~] is also empowered to issue bonds payable from ad valorem taxes to be levied on all taxable property therein, or to issue bonds secured by and payable from both such taxes and the revenues of the district [~~Authority~~]. Where bonds are issued payable wholly or partially from ad valorem taxes, it shall be the duty of the board [~~Board of Directors~~] to levy a tax sufficient to pay the bonds and the interest thereon as such bonds and interest become due without limit as to the rate or the amount, but the rate of the tax for any year may be fixed after giving consideration to the money received from the pledged revenues which may be available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

(f) Where bonds payable wholly from revenues are issued, it shall be the duty of the board [~~Board of Directors~~] to fix, and from time to time to revise, the rates of compensation for water sold and services rendered by the district [~~Authority~~] which will be sufficient to pay the expense of operating and maintaining the facilities of the district [~~Authority~~] and to pay the bonds as they mature and the interest as it accrues and to maintain the reserve and other funds as provided in the resolution authorizing the bonds. Where bonds payable partially from revenues are issued it shall be the duty of the board [~~Board~~] to fix,

and from time to time to revise, the rate of compensation for water sold and services rendered by the district [Authority] which will be sufficient to assure compliance with the resolution authorizing the bonds.

(g) From the proceeds from the sale of the bonds, the district [Authority] may set aside an amount for the payment of interest expected to accrue during construction and a reserve interest and sinking fund, and such provision may be made in the resolution authorizing the bonds. Proceeds from the sale of the bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purpose for which this district [Authority] is created, including expenses of issuing and selling the bonds. The proceeds from the sale of the bonds may be temporarily invested in direct obligations of the United States Government maturing in not more than one (1) year from the date of investment.

(h) In the event of a default or a threatened default in the payment of principal or of interest on bonds payable wholly or partially from revenues, any court of competent jurisdiction may, upon petition of the holders of outstanding bonds, appoint a receiver with authority to collect and receive all income of the district [Authority] except taxes, employ and discharge agents and employees of the district [Authority], take charge of funds on hand (except funds received from taxes unless commingled) and manage the proprietary affairs of the district [Attorney] without consent or hindrance by the directors [Directors]. Such receiver may also be authorized to sell or make contracts for the sale of water or renew such contracts with the approval of the court appointing him. The court may vest the receiver with such other powers and duties as the court may find necessary for the protection of the holders of the bonds. The resolution authorizing the issuance of the bonds or the trust indenture securing the bonds [them] may limit or qualify the rights of the holders of less than all of the outstanding bonds payable from the same source to institute or prosecute any litigation affecting the district's [Authority's] property or income.

(i) Before the district [Authority] shall issue any bonds for improvements authorized herein, it shall secure prior approval from the commission [Texas Water Rights Commission] in the manner provided by Section 51.421, Texas Water Code.

SECTION 5. Sections 21 and 22, Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, are amended to read as follows:

Sec. 21. The district [Authority] is authorized to issue refunding bonds for the purpose of refunding any outstanding bonds authorized by this Act and interest thereon. Such refunding bonds may be issued to refund more than one (1) series of outstanding bonds and combine the pledges for the outstanding bonds for the security of the refunding bonds, and may be secured by other or additional revenues and mortgage liens. The provisions of this law with reference to the issuance by the district [Authority] of other bonds, their security, and their approval by the Attorney General and the remedies of the holders shall be applicable to refunding bonds. Refunding bonds shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the bank where the original bonds

are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the principal of and the interest on the original bonds to their option date or maturity date, and the Comptroller shall register them without concurrent surrender and cancellation of the original bonds.

Sec. 22. Any bonds (including refunding bonds) authorized by this law, not payable wholly from ad valorem taxes, may be additionally secured by a trust indenture under which the Trustee may be a bank having trust powers situated either within or outside of the State of Texas. Such bonds, within the discretion of the board [~~Board of Directors~~], may be additionally secured by a deed of trust or mortgage lien upon physical properties of the district [~~Authority~~] and all franchises, easements, water rights and appropriation permits, leases and contracts and all rights appurtenant to such properties vesting in the trustee power to sell the properties for the payment of the indebtedness, power to operate the properties and all other powers and authority for the further security of the bonds. Such trust indenture, regardless of the existence of the deed of trust or mortgage lien on the properties may contain any provisions prescribed by the board [~~Board of Directors~~] for the security of the bonds and the preservation of the trust estate, and may make provision for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds, and may condition the right to expend district [~~Authority~~] money or sell district [~~Authority~~] property upon approval of a registered professional engineer selected as provided therein, and may make provision for the investment of funds of the district [~~Authority~~]. Any purchaser under a sale under the deed of trust lien, where one is given, shall be the absolute owner of the properties, facilities and rights so purchased and shall have the right to maintain and operate the same.

SECTION 6. Sections 23(a), (b), and (c), Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, are amended to read as follows:

(a) No bonds payable wholly or partially from ad valorem taxes (except refunding bonds) shall be issued unless authorized by a majority vote of the constitutionally qualified electors voting at such election. [~~No territory shall be detached from the Authority after the issuance of bonds which are payable from revenues or taxes or both.~~] Bonds not payable wholly or partially from ad valorem taxes may be issued without an election.

(b) Such election may be called by the board [~~Board of Directors~~] without a petition. The resolution calling the election shall specify the time and places of holding the same, the purpose for which the bonds are to be issued, the maximum amount thereof, the maximum maturity thereof, the form of the ballot, and the presiding judge for each voting place. The presiding judge serving at each voting place shall appoint one (1) assistant judge and at least two (2) clerks to assist in holding such election. Notice of the election shall be given by publishing a substantial copy thereof in one (1) newspaper published in each city contained in the district [~~Authority~~] for two (2) consecutive weeks. The first publication shall be at least twenty-one (21) days prior to the election. In any city in which no newspaper is published, notice shall be given by posting a copy of the resolution in three (3) public places.

(c) The returns of the election shall be made to and canvassed by the board [~~Board of Directors of the Authority~~].

SECTION 7. Sections 24, 25, 26, and 27, Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, are amended to read as follows:

Sec. 24. After any bonds (including refunding bonds) are authorized by the district [~~Authority~~], such bonds and the record relating to their issuance shall be submitted to the Attorney General for [~~his~~] examination as to the validity thereof. Where such bonds recite that they are secured by a pledge of the proceeds of a contract theretofore made between the district [~~Authority~~] and any city or other governmental agency, authority or district, a copy of such contract and the proceedings of the city or other governmental agency, authority or district authorizing such contract shall also be submitted to the Attorney General. If such bonds have been authorized and if such contracts have been made in accordance with the Constitution and laws of the State of Texas the Attorney General [~~he~~] shall approve the bonds and such contracts and the bonds then shall be registered by the Comptroller of Public Accounts. Thereafter the bonds, and the contracts, if any, shall be valid and binding and shall be incontestable for any cause.

Sec. 25. All bonds of the district [~~Authority~~] shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan association, savings and loan association, insurance companies, fiduciaries, trustees, guardians, and for the sinking fund of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivision of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto.

Sec. 26. The accomplishment of the purposes stated in this Act is for the benefit of the people of this state and for the improvement of their properties and industries, and the district [~~Authority~~], in carrying out the purposes of this Act will be performing an essential public function under the Constitution. The district [~~Authority~~] shall not be required to pay any tax or assessment on the project or any part thereof, and the bonds issued hereunder and their transfer and the income therefrom, including the profits made on the sale thereof, shall at all times be free from taxation within this state.

Sec. 27. The district [~~Authority~~] may upon a favorable majority vote of the qualified property taxpaying electors of the district [~~Authority~~], voting at an election held within the boundaries of the district [~~Authority~~] for that purpose, levy, assess and collect annual taxes to provide funds necessary to construct or acquire, maintain and operate dams, works, plants and facilities deemed essential or beneficial to the district [~~Authority~~] and its purposes, and also when so authorized may levy, assess and collect annual taxes as provided by the Tax Code to provide funds adequate to defray the cost of the maintenance, operation and administration of the district [~~Authority~~]; provided, however, that the district [~~Authority~~] shall not have the power to levy or collect a tax for the maintenance,

operation, and administration of the district [Authority] which exceeds fifty cents (50¢) on the One Hundred Dollars (\$100) assessed valuation on the property subject to taxation. Elections for the levy of such taxes shall be ordered by the board [Board of Directors] and shall be held and conducted in the manner provided by this law relating to elections for the authorization of bonds. The board [Board of Directors] shall designate such polling places as they deem fitting and proper. ~~[All taxes levied by the Authority for any purpose shall constitute a lien on the property against which levied and shall not bar the enforcement or collection thereof.]~~

SECTION 8. Sections 28(a), (b), (d), (e), (f), and (h), Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, are amended to read as follows:

(a) The tax rolls of the counties situated within the district [Authority,] are hereby adopted and shall constitute the tax rolls of the district [Authority,] until assessment and tax rolls shall be made by the district [Authority].

(b) If the district [Authority] issues and delivers bonds which are payable wholly or partially from ad valorem taxes, or votes the taxes as provided in Section 27 ~~[of the Authority's Act]~~, the board annually shall cause the taxable property in the district [Authority] to be rendered and assessed for ad valorem taxation, and the value of such taxable property to be equalized, and the ad valorem taxes in the district [Authority] to be collected, in accordance with any of the methods set forth in this section, and any method adopted shall remain in effect until changed by the board.

(d) The laws of this State applicable to counties may be adopted and shall be used to the extent pertinent and practicable, provided that the board shall have the authority to act as its own board of equalization or to appoint three resident, qualified electors of the district [Authority] who own taxable property therein to act as the board of equalization of the district [Authority], and in either case the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(e) The board shall be authorized to have the taxable property in the district [Authority] assessed, its values equalized, and/or its taxes collected, in whole or in part, by the tax assessors, board of equalization, and/or tax collectors, respectively, of any county, city, taxing district, or other governmental subdivision in which all or any part of the district [Authority] is located; and such property may be assessed and the values thereof equalized on the same basis or a different basis than that used by any such governmental subdivision. Such property shall be assessed, the values thereof equalized, and such taxes collected in the manner and for such compensation as shall be agreed on between the appropriate parties, and the functions thus assumed by the officials of any such governmental subdivision shall be additional duties pertaining to their offices, respectively. The ad valorem tax law applicable to each such governmental subdivision shall apply to its officials in carrying out such functions for the district [Authority].

(f) It is specifically provided, however, that under any method used all taxable property within the district [Authority] shall be assessed on the same basis, and the values thereof shall be equalized by only one board of equalization,

in an equal and uniform manner, as required by the Texas Constitution. If the board desires that taxable property shall be assessed and taxes collected by the tax assessors and/or collectors of more than one governmental subdivision, the board shall either act as its own board of equalization or appoint three resident, qualified electors of the district [Authority] who own taxable property therein to act as the board of equalization, and in either case the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(h) If the district [Authority] issues and delivers bonds payable wholly or partially from ad valorem taxes, the board [Board] shall levy and cause to be assessed and collected ad valorem taxes sufficient to pay the interest on and principal of said bonds, without limit as to the rate or the amount~~[-, after giving consideration to any revenues that may be pledged to the payment of bonds].~~

SECTION 9. Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, is amended by amending Section 29 and adding Sections 1B, 3A, 13A, 19A, 19B, 19C, 19D, 19E, 19F, and 19G to read as follows:

Sec. 29. (a) The board [Board of Directors] shall designate one (1) or more banks within the district [Authority] to serve as depository for the funds of the district [Authority]. All funds of the district [Authority] shall be deposited in such depository bank or banks except that funds pledged to pay bonds may be deposited with the trustee bank named in the trust agreement, and except that funds shall be remitted to the bank of payment for the payment of principal of and interest on bonds. To the extent that funds in the depository banks and the trustee bank are not insured by the F.D.I.C. they shall be secured in the manner provided by law for the security of county funds.

(b) Before designating a depository bank or banks, the board [Board of Directors] shall issue a notice stating the time and place when and where the board [Board] will meet for such purpose and inviting the banks in the district [Authority] to submit applications to be designated depositories. The term of service for depositories shall be prescribed by the board [Board]. Such notice shall be published one (1) time in a newspaper or newspapers published in the district [Authority] and specified by the board [Board].

(c) At the time mentioned in the notice, the board [Board] shall consider the applications and the management and condition of the banks filing them, and shall designate as depositories the bank or banks which offer the most favorable terms and conditions for the handling of the funds of the district [Authority] and which the board [Board] finds have proper management and are in condition to warrant handling of district [Authority] funds. Membership on the board [Board of Directors] of an officer or director of a bank shall not disqualify such bank from being designated as depository.

(d) If no applications are received by the time stated in the notice, the board [Board] shall designate some bank or banks within or without the district [Authority] upon such terms and conditions as it may find advantageous to the district [Authority].

Sec. 1B. In this Act:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a member of the board.

(4) "District" means the Palo Duro Water District.

(5) "Member entity" means a county or municipality that is a member of the district.

Sec. 3A. The district may:

(1) lease the hunting rights on property owned by the district;

(2) develop, manage, or lease property owned by the district for any recreational purpose; and

(3) lease property owned by the district to a person seeking to develop renewable energy resources.

Sec. 13A. (a) A county or municipality may withdraw from the district or the district may dissolve according to this section.

(b) In order to withdraw from the district or to dissolve the district, the governing body of a member entity must issue an order or pass a resolution declaring the intent to withdraw from or dissolve the district. The order or resolution must state:

(1) the intention to either withdraw from the district or call for the dissolution of the district; and

(2) the reasons supporting the withdrawal or dissolution.

(c) Not later than the 30th day after the date the district receives an order or resolution under Subsection (b), the district shall hold a public hearing on the matter described by the order or resolution.

(d) In the event of a proposed withdrawal or dissolution under this section, the member entities must reach a financial agreement that:

(1) for a withdrawal of a county or municipality from the district, provides for sufficient revenue for maintaining the Palo Duro Reservoir and the dam that impounds the water in the reservoir; or

(2) for a dissolution of the district, provides for the transfer of:

(A) the ownership rights of the dam to an entity that assumes responsibility for the maintenance of the dam and liability for actions related to the dam;

(B) all assets and liabilities of the district to other entities; and

(C) the responsibility for the continued provision of services, if the district provides services.

(e) The board must provide an opportunity for the public to comment on the financial agreement described by Subsection (d) before the board votes as described by Subsection (f). The period for public comment must last not less than 10 days.

(f) After consideration of the public comments submitted under Subsection (e), the board shall vote on the issue described by the order or resolution under Subsection (b). The board may proceed with the withdrawal or dissolution only if two-thirds of all of the members of the board vote in favor of withdrawal or dissolution.

(g) If the board votes in favor of withdrawal or dissolution as provided by Subsection (f), the governing body of each member entity shall vote on the matter of withdrawal or dissolution.

(h) A withdrawal or dissolution authorized under this section does not take effect until:

(1) the governing body of each county and municipality has voted in favor of withdrawal or dissolution;

(2) all conditions specified in the financial agreement described by Subsection (d) have been met; and

(3) all actions described in the financial agreement described by Subsection (d) have been completed.

Sec. 19A. The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any agenda item at board meetings.

Sec. 19B. A director who has a financial interest in a contract under consideration by the district for the purchase, sale, lease, rental, or supply of property, including supplies, materials, and equipment, or the construction of facilities, shall disclose that fact to the other members of the board and may not vote on or participate in discussions during board meetings on the acceptance of the contract. A financial interest of a director does not affect the validity of a contract if disclosure is made and the director with the financial interest does not vote on the question of entering into the contract.

Sec. 19C. Not earlier than the 10th day after the date a director receives written notice of a charge against the director, and after an opportunity to be heard in person or through the appearance of counsel at a public hearing on the matter of the charge described by the notice, the board may remove a director for:

(1) inefficiency;

(2) neglect of duty; or

(3) misconduct in office.

Sec. 19D. (a) A person who is appointed to and qualifies for office as a director may not vote, deliberate, or be counted as a director in attendance at a meeting of the board until the person completes a training program that complies with this section.

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

(1) the law governing district operations;

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

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

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

(5) the requirements of:

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

(B) other laws applicable to members of the governing body of a water district in performing their duties; and

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

(c) A person appointed to the board is entitled to reimbursement for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) The board shall create a training manual that includes the information required by Subsection (b). The board shall distribute a copy of the training manual annually to each director. On receipt of the training manual, each director shall sign a statement acknowledging receipt of the training manual.

Sec. 19E. The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the general manager and staff of the district.

Sec. 19F. (a) The district shall maintain a system to promptly and efficiently act on complaints filed with the district. The district shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The district shall make information available describing its procedures for complaint investigation and resolution.

(c) The district shall periodically notify the complaint parties of the status of the complaint until final disposition.

Sec. 19G. (a) The district shall develop a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of district rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the district's jurisdiction.

(b) The district's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The district shall:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

SECTION 10. Section 325.025(b), Government Code, is amended to read as follows:

(b) This section applies to the:

- (1) Angelina and Neches River Authority;
- (2) Bandera County River Authority and Groundwater District;
- (3) Brazos River Authority;
- (4) Central Colorado River Authority;
- (5) Guadalupe-Blanco River Authority;
- (6) Lavaca-Navidad River Authority;

- (7) Lower Colorado River Authority;
- (8) Lower Neches Valley Authority;
- (9) Nueces River Authority;
- (10) ~~Palo Duro River Authority of Texas;~~
- ~~[(11)]~~ Red River Authority of Texas;
- ~~[(12)]~~ Sabine River Authority of Texas;
- ~~[(13)]~~ San Antonio River Authority;
- ~~[(14)]~~ San Jacinto River Authority;
- ~~[(15)]~~ Sulphur River Basin Authority;
- ~~[(16)]~~ Trinity River Authority of Texas;
- ~~[(17)]~~ Upper Colorado River Authority; and
- ~~[(18)]~~ Upper Guadalupe River Authority.

SECTION 11. (a) The following sections of Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, are repealed:

- (1) Section 1A;
- (2) Section 2A;
- (3) Section 2B;
- (4) Section 4;
- (5) Section 13(e);
- (6) Section 28(i); and
- (7) Section 30.

(b) The following sections are repealed:

- (1) Section 9, Chapter 115, Acts of the 64th Legislature, Regular Session, 1975;
- (2) Section 6, Chapter 17, Acts of the 68th Legislature, Regular Session, 1983; and
- (3) Section 4, Chapter 651, Acts of the 70th Legislature, Regular Session, 1987.

SECTION 12. (a) Notwithstanding Section 19D(a), Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, as added by this Act, a person serving on the board of directors of the Palo Duro Water District, as renamed by this Act, may vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2017.

(b) This section expires January 1, 2018.

SECTION 13. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

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

SECTION 14. This Act takes effect September 1, 2017.

HB 1808 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Meyer called up with senate amendments for consideration at this time,

HB 1808, A bill to be entitled An Act relating to the prosecution and punishment of certain trafficking and sexual offenses; creating a criminal offense.

Representative Meyer moved to concur in the senate amendments to **HB 1808**.

The motion to concur in the senate amendments to **HB 1808** prevailed by (Record 1918): 142 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; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; Villalba; Vo; Walle; White; Wilson; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Flynn; Phelan; VanDeaver; Wray.

Senate Committee Substitute

CSHB 1808, A bill to be entitled An Act relating to the prosecution and punishment of certain trafficking and sexual offenses; creating a criminal offense.

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

SECTION 1. Section 20A.02(b), Penal Code, is amended to read as follows:

(b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child at the time of ~~[the actor commits]~~ the offense; or

(2) the commission of the offense results in the death of the person who is trafficked.

SECTION 2. Section 21.02(b), Penal Code, is amended to read as follows:

(b) A person commits an offense if:

(1) during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and

(2) at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age, regardless of whether the actor knows the age of the victim at the time of the offense.

SECTION 3. Section 21.11(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex and regardless of whether the person knows the age of the child at the time of the offense, the person:

(1) engages in sexual contact with the child or causes the child to engage in sexual contact; or

(2) with intent to arouse or gratify the sexual desire of any person:

(A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or

(B) causes the child to expose the child's anus or any part of the child's genitals.

SECTION 4. (a) This section takes effect only if the Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

(b) Chapter 21, Penal Code, is amended by adding Section 21.18 to read as follows:

Sec. 21.18. SEXUAL COERCION. (a) In this section:

(1) "Intimate visual material" means the visual material described by Section 21.16(b)(1) or (c).

(2) "Sexual conduct" has the meaning assigned by Section 43.25.

(b) A person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02, 21.08, 21.11, 21.12, 21.15, 21.16, 21.17, 22.011, or 22.021 to obtain, in return for not committing the threatened offense or in connection with the threatened offense, any of the following benefits:

(1) intimate visual material;

(2) an act involving sexual conduct causing arousal or gratification; or

(3) a monetary benefit or other benefit of value.

(c) A person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under Chapter 19 or 20 or Section 20A.02(a)(1), (2), (5), or (6) to obtain, in return for not committing the threatened offense or in connection with the threatened offense, either of the following benefits:

(1) intimate visual material; or

(2) an act involving sexual conduct causing arousal or gratification.

(d) This section applies to a threat regardless of how that threat is communicated, including a threat transmitted through e-mail or an Internet website, social media account, or chat room and a threat made by other electronic or technological means.

(e) An offense under this section is a state jail felony, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted of an offense under this section.

SECTION 5. (a) This section takes effect only if the Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

(b) Chapter 21, Penal Code, is amended by adding Section 21.18 to read as follows:

Sec. 21.18. SEXUAL COERCION. (a) In this section:

(1) "Intimate visual material" means the visual material described by Section 21.16(b)(1) or (c), as added by Chapter 852 (SB 1135), Acts of the 84th Legislature, Regular Session, 2015.

(2) "Sexual conduct" has the meaning assigned by Section 43.25.

(b) A person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02, 21.08, 21.11, 21.12, 21.15, 21.16, as added by Chapter 852 (SB 1135), Acts of the 84th Legislature, Regular Session, 2015, 21.16, as added by Chapter 676 (HB 207), Acts of the 84th Legislature, Regular Session, 2015, 22.011, or 22.021 to obtain, in return for not committing the threatened offense or in connection with the threatened offense, any of the following benefits:

(1) intimate visual material;

(2) an act involving sexual conduct causing arousal or gratification; or

(3) a monetary benefit or other benefit of value.

(c) A person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under Chapter 19 or 20 or Section 20A.02(a)(1), (2), (5), or (6) to obtain, in return for not committing the threatened offense or in connection with the threatened offense, either of the following benefits:

(1) intimate visual material; or

(2) an act involving sexual conduct causing arousal or gratification.

(d) This section applies to a threat regardless of how that threat is communicated, including a threat transmitted through e-mail or an Internet website, social media account, or chat room and a threat made by other electronic or technological means.

(e) An offense under this section is a state jail felony, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted of an offense under this section.

SECTION 6. Sections 22.011(a) and (b), Penal Code, are amended to read as follows:

(a) A person commits an offense if ~~the person~~:

(1) the person intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of a child by any means;

(B) causes the penetration of the mouth of a child by the sexual organ of the actor;

(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

(1) the actor compels the other person to submit or participate by the use of physical force, ~~or~~ violence, or coercion;

(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;

(3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

(4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;

(5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

(6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;

(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;

(8) the actor is a public servant who coerces the other person to submit or participate;

(9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;

(10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or

(11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.

SECTION 7. Section 22.021(a), Penal Code, is amended to read as follows:

(a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

(i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:

(i) causes the penetration of the anus or sexual organ of a child by any means;

(ii) causes the penetration of the mouth of a child by the sexual organ of the actor;

(iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and

(2) if:

(A) the person:

(i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;

(ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;

(iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;

(iv) uses or exhibits a deadly weapon in the course of the same criminal episode;

(v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or

(vi) with the intent of facilitating the commission of the offense, administers or provides [flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine] to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act [with the intent of facilitating the commission of the offense];

(B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or

(C) the victim is an elderly individual or a disabled individual.

SECTION 8. Section 43.02, Penal Code, as amended by Chapters 332 (**HB 10**) and 1273 (**SB 825**), Acts of the 84th Legislature, Regular Session, 2015, is amended by reenacting Subsection (c) and reenacting and amending Subsection (c-1) to read as follows:

(c) An offense under Subsection (a) is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (a); or

(2) a state jail felony if the actor has previously been convicted three or more times of an offense under Subsection (a).

(c-1) An offense under Subsection (b) is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (b);

(2) a state jail felony if the actor has previously been convicted three or more times of an offense under Subsection (b); or

(3) a felony of the second degree if the person solicited is:

(A) younger than 18 years of age, regardless of whether the actor knows the age of the person solicited at the time of [the actor commits] the offense;

(B) represented to the actor as being younger than 18 years of age; or

(C) believed by the actor to be younger than 18 years of age.

SECTION 9. Section 43.03(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if the actor has been previously convicted of an offense under this section; or

(2) a felony of the second degree if the actor engages in conduct described by Subsection (a)(1) or (2) involving a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the person at the time of ~~[the actor commits]~~ the offense.

SECTION 10. Section 43.04(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the first degree if the prostitution enterprise uses as a prostitute one or more persons younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of ~~[the actor commits]~~ the offense.

SECTION 11. Section 43.05(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly:

(1) causes another by force, threat, or fraud to commit prostitution; or
(2) causes by any means a child younger than 18 years to commit prostitution, regardless of whether the actor knows the age of the child at the time of ~~[the actor commits]~~ the offense.

SECTION 12. Section 43.25, Penal Code, is amended by amending Subsections (c) and (e) and adding Subsection (h) to read as follows:

(c) An offense under Subsection (b) is a felony of the second degree, except that the offense is a felony of the first degree if the victim is younger than 14 years of age at the time the offense is committed, regardless of whether the actor knows the age of the victim at the time of the offense.

(e) An offense under Subsection (d) is a felony of the third degree, except that the offense is a felony of the second degree if the victim is younger than 14 years of age at the time the offense is committed, regardless of whether the actor knows the age of the victim at the time of the offense.

(h) Conduct under this section constitutes an offense regardless of whether the actor knows the age of the victim at the time of the offense.

SECTION 13. Section 43.251, Penal Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the victim ~~[child]~~ is younger than 14 years of age at the time the offense is committed, regardless of whether the actor knows the age of the victim at the time of the offense.

(d) Conduct under this section constitutes an offense regardless of whether the actor knows the age of the victim at the time of the offense.

SECTION 14. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 15. This Act takes effect September 1, 2017.

**HB 4268 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Sanford called up with senate amendments for consideration at this time,

HB 4268, A bill to be entitled An Act relating to the creation of the Celina Municipal Management District No. 2; providing a limited authority of eminent domain; providing authority to issue bonds and impose assessments, fees, and taxes.

Representative Sanford moved to concur in the senate amendments to **HB 4268**.

The motion to concur in the senate amendments to **HB 4268** prevailed by (Record 1919): 125 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; 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; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Neave; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Bonnen, D.; Bonnen, G.; Cain; Capriglione; Cyrier; Goldman; Holland; Keough; Murr; Rinaldi; Shaheen; Simmons; Springer; Stickland; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Nevárez; Rose.

STATEMENT OF VOTE

When Record No. 1919 was taken, I was shown voting no. I intended to vote yes.

Holland

Senate Committee Substitute

CSHB 4268, A bill to be entitled An Act relating to the creation of the Celina Municipal Management District No. 2; providing a limited authority of eminent domain; providing authority to issue bonds and impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3798 to read as follows:

CHAPTER 3798. CELINA MUNICIPAL MANAGEMENT DISTRICT NO. 2
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3798.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Celina, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a board member.

(5) "District" means the Celina Municipal Management District No. 2.

Sec. 3798.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3798.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

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

Sec. 3798.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment;

(3) develop or expand transportation and commerce; and

(4) provide quality residential housing.

(e) The district will:

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

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

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

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

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

Sec. 3798.005. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2 of the Act enacting this chapter, as that territory may have been modified under other law.

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

(1) organization, existence, or validity;

(2) right to contract;

(3) authority to borrow money or issue bonds or other obligations described by Section 3798.251 or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect an assessment, or collect other revenue; or

(5) legality or operation.

Sec. 3798.006. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3798.007. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3798.008. CONFLICTS OF LAW. This chapter prevails over any provision of Chapter 375, Local Government Code, that is in conflict or inconsistent with this chapter.

Sec. 3798.009. CONSENT OF MUNICIPALITY REQUIRED. The board may not hold an election to authorize the issuance of bonds until the governing body of the city by ordinance or resolution consents to the creation of the district and to the inclusion of land in the district. The city's consent must be granted in the manner provided by Section 54.016, Water Code, for including land within the corporate limits or extraterritorial jurisdiction of a city.

Sec. 3798.010. EFFECT OF ANNEXATION. Notwithstanding any other law, if all or any part of the territory of the district is annexed by the city into the city's corporate limits, the district retains all of the district's outstanding debt and obligations and continues to operate under this chapter until the district is dissolved under Subchapter G.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3798.051. GOVERNING BODY; TERMS. The district is governed by a board of five directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each even-numbered year. One director is appointed by the city, and four directors are appointed by the commission as provided by Sections 3798.052 and 3798.053, respectively.

Sec. 3798.052. APPOINTMENT AND REMOVAL OF DIRECTOR APPOINTED BY CITY. (a) The governing body of the city shall appoint one director who must be:

- (1) at least 18 years of age; and
- (2) a resident of the city.

(b) At any time the governing body of the city may remove the director appointed by the city and appoint a director to serve the remainder of the removed director's term.

Sec. 3798.053. APPOINTMENT BY COMMISSION. (a) Before the term of a director other than a director appointed under Section 3798.052 expires, the board shall recommend to the commission the appropriate number of persons to serve as successor directors. The commission shall appoint as directors the persons recommended by the board.

(b) A person recommended by the board under Subsection (a) must be:

- (1) at least 18 years of age;
- (2) an owner of property in the district;
- (3) an owner of stock, whether beneficial or otherwise, of a corporate owner of property in the district;
- (4) an owner of a beneficial interest in a trust that owns property in the district; or
- (5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4).

Sec. 3798.054. VACANCY. If a vacancy occurs on the board, the remaining directors shall appoint a director for the remainder of the unexpired term.

Sec. 3798.055. DIRECTOR'S OATH OR AFFIRMATION. (a) A director shall file the director's oath or affirmation of office with the district, and the district shall retain the oath or affirmation in the district records.

(b) A director shall file a copy of the director's oath or affirmation with the secretary of the city.

Sec. 3798.056. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary. The offices of chair and secretary may not be held by the same person.

Sec. 3798.057. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$50 for each board meeting. The total amount of compensation a director may receive each year may not exceed \$2,000.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3798.058. LIABILITY INSURANCE. The district may obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures a director against personal liability and from all claims relating to:

(1) actions taken by the director in the director's capacity as a member of the board;

(2) actions and activities taken by the district; or

(3) the actions of others acting on behalf of the district.

Sec. 3798.059. NO EXECUTIVE COMMITTEE. The board may not create an executive committee to exercise the powers of the board.

Sec. 3798.060. BOARD MEETINGS. The board shall hold meetings at a place that is accessible to the public and located in the district or in the city.

Sec. 3798.061. INITIAL DIRECTORS. (a) On or after September 1, 2017, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the commission requesting that the commission appoint as initial directors the four persons named in the petition. The commission shall appoint as initial directors the four persons named in the petition.

(b) The governing body of the city shall appoint one initial director.

(c) The initial directors shall determine by lot which three positions expire June 1, 2019, and which two positions expire June 1, 2021.

(d) This section expires September 1, 2019.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3798.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3798.102. IMPROVEMENT PROJECTS AND SERVICES. (a) Subject to Subsection (b), the district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may not construct or finance an improvement project, other than a water, sewer, or drainage facility or road, unless the governing body of the city by ordinance or resolution consents to the construction or financing.

(c) The district may issue bonds, notes, or other obligations to maintain or repair an existing improvement project only if the governing body of the city by ordinance or resolution consents to the issuance.

Sec. 3798.103. LOCATION OF IMPROVEMENT PROJECT. A district improvement project may be located inside or outside of the district.

Sec. 3798.104. OWNERSHIP OF IMPROVEMENT PROJECTS. (a) Before a district improvement project may be put into operation, the district must transfer ownership of the project to the city.

(b) The transfer of ownership is complete on the city's acceptance of ownership.

Sec. 3798.105. RETAIL WATER AND SEWER SERVICES PROHIBITED. The district may not provide retail water or sewer services.

Sec. 3798.106. ADDING OR REMOVING TERRITORY. (a) Subject to Subsections (b), (c), and (d), the board may add or remove territory as provided by Subchapter J, Chapter 49, Water Code.

(b) The district may add territory as described by Subsection (a) only if the governing body of the city by ordinance or resolution consents to the addition.

(c) The district and all districts created under Subchapter D collectively may add a total area of not more than 100 acres.

(d) Territory added under Subsection (a) must be contiguous to the district at the time of the addition.

Sec. 3798.107. NO EMINENT DOMAIN. The district may not exercise the power of eminent domain.

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

Sec. 3798.151. DIVISION OF DISTRICT; PREREQUISITES. The district, including territory added to the district under Section 3798.106, may be divided into two or more new districts only if the district has no outstanding bonded debt. Territory previously added to the district under Section 3798.106 may be included in a new district.

Sec. 3798.152. LAW APPLICABLE TO NEW DISTRICT. This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

Sec. 3798.153. DIVISION PROCEDURES. (a) The board, on its own motion or on receipt of a petition signed by an owner of real property in the district, may adopt an order proposing to divide the district.

(b) If the board decides to divide the district, the board shall:

(1) set the terms of the division, including names for the new districts and a plan for the payment or performance of any outstanding district obligations;

(2) prepare a metes and bounds description for each proposed district;
and

(3) appoint four initial directors for each new district.

(c) The governing body of the city shall appoint one director for each new district.

Sec. 3798.154. CONTRACT AUTHORITY OF NEW DISTRICTS. The new districts may contract with each other for any matter the boards of the new districts consider appropriate, including the joint construction or financing of a utility improvement.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3798.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3798.202. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, or finance an improvement project or service authorized by this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3798.203. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3798.204. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district are:

(1) a first and prior lien against the property assessed;

(2) superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

(e) The district may not impose an assessment on a municipality, county, or other political subdivision.

Sec. 3798.205. NOTICE OF ASSESSMENTS. Annually, the board shall file with the secretary of the city written notice that specifies the assessments the district will impose in the district's next fiscal year in sufficient clarity to describe the assessments for the operation and maintenance of the district and the assessments for the payment of debt service of obligations issued or incurred by the district.

SUBCHAPTER F. TAXES AND BONDS

Sec. 3798.251. BONDS AND OTHER OBLIGATIONS. (a) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes or assessments in the manner provided by Subchapter A, Chapter 372, or Subchapter J, Chapter 375, Local Government Code. Sections 375.207(a) and (b), Local Government Code, do not apply to the district.

(b) In exercising the district's borrowing power, the district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

(c) In addition to the sources of money described by Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local Government Code, district bonds may be secured and made payable wholly or partly by a pledge of any part of the money the district receives from improvement revenue or from any other source.

(d) Not later than the 30th day before the date the district holds a bond sale, the district shall provide the governing body of the city written notice of the sale.

SUBCHAPTER G. DISSOLUTION

Sec. 3798.301. DISSOLUTION BY CITY ORDINANCE. (a) The governing body of the city may dissolve the district by ordinance.

(b) The governing body may not dissolve the district until:

(1) water, sanitary, sewer, and drainage improvements and roads have been constructed to serve at least 90 percent of the developable territory of the district; and

(2) the district has reimbursed each party that has an agreement with the district for all costs advanced to or on behalf of the district.

(c) Until the district is dissolved, the district is responsible for all bonds and other obligations of the district.

Sec. 3798.302. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, other than revenue from ad valorem taxes, the city shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations.

Sec. 3798.303. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes, subject to the appropriation and availability of funds, the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

SUBCHAPTER Z. SPECIAL BOND PROVISIONS

Sec. 3798.901. APPLICABILITY. This subchapter applies only to bonds payable wholly or partly from revenue derived from assessments on real property in the district.

Sec. 3798.902. CONFLICT OF LAWS. In the event of a conflict between this subchapter and any other law, this subchapter prevails.

Sec. 3798.903. WRITTEN AGREEMENT REGARDING SPECIAL APPRAISALS. Before the district may issue bonds, the district and any person to whom the board intends that proceeds of the bonds be distributed, including the developer, another owner of land in the district, and any entity acting as a lender to the developer or other landowner for the purpose of a project relating to the district, must enter into a written agreement that:

(1) waives for the term of the agreement the right to a special appraisal with respect to taxation by the district under Subchapters B, C, D, E, F, and H, Chapter 23, Tax Code; and

(2) remains in effect for 30 years and is binding on the parties, on entities related to or affiliated with the parties, and on their successors and assignees.

Sec. 3798.904. REQUIREMENTS FOR ADVERTISING BOND ISSUE. A district may not advertise for an issuance of bonds until the completion of at least 25 percent of the projected value of the improvements, including houses and other buildings, that are liable for district assessments and necessary to support the district bonds.

Sec. 3798.905. REQUIREMENTS FOR BOND ISSUE. The district may not issue bonds until:

(1) the district submits to the commission:

(A) an engineer's report describing the project for which the bonds will provide funding, including data, profiles, maps, plans, and specifications related to the project; and

(B) a cash flow analysis to determine the projected rate of assessment, which includes the following assumptions:

(i) each ending balance for debt service in the analysis is not less than 25 percent of the following year's debt service requirement;

(ii) interest income is only shown on the ending balance for debt service for the first two years; and

(iii) the projected rate of assessment is level or decreasing for the life of the bonds issued by the district;

(2) the completion of at least 75 percent of the projected value of the improvements, including houses and other buildings, that are liable for district assessments and necessary to support the district bonds; and

(3) the district has obtained an independent market study from a firm recognized in the area of real estate market analysis supporting the development projects for the real property that is liable for district assessments and necessary to support the district bonds.

Sec. 3798.906. REQUIREMENTS FOR COLLECTION OF REVENUE TO PAY BONDS. The district may not collect an assessment to be used for the payment of bonds until:

(1) the completion of at least 95 percent of the underground water, wastewater, and drainage facilities financed from bond proceeds that are necessary to serve the projected build-out, as certified by the district's engineer;

(2) the district or other appropriate party has secured the groundwater, surface water, and water discharge permits that are necessary to secure capacity to support the projected build-out;

(3) the completion of at least 95 percent of lift station, water plant, and sewage treatment plant capacity sufficient to serve the connections constructed in the project for a period of not less than 18 months, as certified by the district's engineer; and

(4) the completion of at least 95 percent of the streets and roads that are necessary to provide access to the areas served by utilities and financed by the proceeds of bonds issued by the district, as certified by the district's engineer and constructed in accordance with municipal or county standards.

SECTION 2. The Celina Municipal Management District No. 2 initially includes all the territory contained in the following area:

BEING a tract of land situated in the William H. Herron Survey, Abstract No. 380, the Daniel Howell Survey, Abstract No. 394, Mary Howell Survey, Abstract No. 396 Benjamin Haile Survey, Abstract No. 397, Martha Herron Survey, Abstract No. 415, George Jay Survey, Abstract No. 488 and the Isaac Walker Survey, Abstract No. 1056, City of Celina, Collin County, Texas, and being all of a called 450.71-acre tract of land, conveyed to Central Frisco, Ltd., as evidenced in a Special Warranty Deed, recorded in Instrument No. 2008030600026870 of the Official Public Records of Collin County, Texas, all of a called "Tract A" (43.777 acres) and a called "Tract B" (2.500 acres), conveyed to Eland Energy, Inc., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20150722000903310 of the Official Public Records of Collin County, Texas, all of a called 272.545-acre tract of land, conveyed to Eland Energy, Inc., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20150722000903300 of the Official Public Records of Collin County, Texas, all of a called 154.059-acre tract of land, conveyed to Central Frisco, Ltd., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20070725001023610 of the Official Public Records of Collin County, Texas, all of a called "Tract One" (78.613 acres), a called "Tract Two" (66.676 acres), a called "Tract Three" (59.916 acres), a called "Tract Four" (0.937 acre), and a called "Tract Five" (18.748 acres), conveyed to Eland Energy, Inc., as evidenced in a General Warranty Deed, recorded in Instrument No. 20141002001081250 of the Official Public Records of Collin County, Texas, all of a called 6.000-acre tract of land, conveyed to Central Frisco, Ltd., as evidenced in a General Warranty Deed, recorded in Instrument No. 20110831000926240 of the Official Public Records of Collin County, Texas, all of a called 62.434-acre tract of land, conveyed to Eland Energy, Inc., as evidenced in a General Warranty Deed, recorded in Instrument No. 20141002001081260 of the Official Public Records

of Collin County, Texas, and all of a called 167.027-acre tract of land, conveyed to Eland Energy, Inc., as evidenced in a General Warranty Deed, recorded in Instrument No. 20141002001081290 of the Official Public Records of Collin County, Texas, all of a called 30-foot wide street easement located along the westerly side of said "Tract One", conveyed to County, of Collin, Texas, recorded in County Clerk's File No. 96-0067344 of the Land Records of Collin County, Texas, all of a called 30-foot wide street easement located along the westerly side of said "Tract Five", conveyed to County, of Collin, Texas, recorded in County Clerk's File No. 96-0067345 of the Land Records of Collin County, Texas, the portion of F. M. 455 (a called 90-foot wide right of way) situated between said "Tract One", "Tract Two", "Tract Three" and "Tract Four", the portion of said F. M. 455 along the southerly line of said 167.027-acre tract and the westerly portion of said F. M. 455 along the easterly line of said 167.027-acre tract, and being more particularly described by metes and bounds as follows:

BEGINNING at the westernmost, northwest corner of said 450.71-acre Central Frisco, Ltd., tract, same being the southwest corner of a called 50.487-acre tract of land, conveyed to Preston Acreage, L.P. & Spartan Texas Six-Celina, Ltd., as evidenced in a General Warranty Deed, recorded in Volume 5239, Page 1060 of the Land Records of Collin County, Texas, same also being on the easterly right of way line of State Highway 289 (Preston Road);

THENCE South $89^{\circ}58'20''$ East, departing the easterly right of way line of said State Highway 289 (Preston Road), along a northerly line of said 450.71-acre tract and the southerly line of said 50.487-acre tract, a distance of 985.28 feet to the southeast corner of said 50.487-acre tract;

THENCE North $00^{\circ}33'31''$ East, along a westerly line of said 450.71-acre tract and the easterly line of said 50.487-acre tract, a distance of 2607.81 feet to the northeast corner of said 50.487-acre tract and the northernmost, northwest corner of said 450.71-acre tract, same being in County Road No. 100, a public use right of way, no record found, same also being on the southerly line of a called 33.356-acre tract of land, conveyed to CR 100 Thirty-Three Partners, LP, as evidenced in a Special Warranty Deed, recorded in Instrument No. 20150224000195720 of the Official Public Records of Collin County, Texas;

THENCE North $88^{\circ}52'34''$ East, along the northerly line of said 450.71-acre tract, the southerly line of said 33.356-acre tract and generally along said County Road No. 100, a distance of 1066.91 feet to the southeast corner of said 33.356-acre tract;

THENCE North $88^{\circ}40'20''$ East, continuing along the northerly line of said 450.71-acre tract, the southerly line of a called 93.277-acre tract of land, conveyed to Bellaire Partners, L.L.C., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20160222000196050 of the Official Public Records of Collin County, Texas, and continuing along said County Road No. 100, a distance of 1587.35 feet to the northeast corner of said 450.71-acre tract, and the southeast corner of said 93.277-acre tract, same being the intersection of said County Road No. 100 with County Road No. 97, a public use right of way, no record found;

THENCE South $00^{\circ}26'10''$ West, Along the easterly line of said 450.71-acre tract, the westerly line of Sharrock Addition, an addition to the City of Celina, Texas, according to the Final Plat, recorded in Volume 2016, Page 80 of the Plat Records of Collin County, Texas, and the westerly line of a called 15.00-acre tract of land, conveyed to Carolyn A. Tipton and Joel C. Molinar, as evidenced in a deed recorded in Volume 4698, Page 2781 of the Land Records of Collin County, Texas, and generally along said County Road No. 97, a distance of 780.68 feet to the northwest corner of a called 40.11-acre tract of land, conveyed to N. E. Coit & CR 101, LP, as evidenced in a General Warranty Deed, recorded in Instrument No. 20081014001224170 of the Official Public Records of Collin County, Texas; THENCE South $00^{\circ}04'54''$ West, continuing along the easterly line of said 450.71-acre tract, along the westerly line of said 40.11-acre tract and continuing along said County Road No. 97, a distance of 1861.34 feet to the southwest corner of said 40.11-acre tract, same being the northwest corner of aforesaid "Tract A" (43.777 acres) Eland Energy, Inc., tract, same being the intersection of said County Road No. 97 with County Road No. 101, a public use right of way, no record found;

THENCE North $89^{\circ}35'03''$ East, departing the easterly line of said 450.71-acre tract, along the northerly line of said "Tract A", the southerly line of said 40.11-acre tract, and generally along said County Road No. 101, a distance of 402.01 feet to a corner;

THENCE North $89^{\circ}36'37''$ East, continuing along the northerly line of said "Tract A", the southerly line of said 40.11-acre tract and said County Road No. 101, a distance of 401.65 feet to the northernmost, northeast corner of said "Tract A", same being the northwest corner of a called 7.498-acre tract of land, conveyed to Tom Harper, as evidenced in a General Warranty Deed, recorded in County Clerk's File No. 93-0036670 of the Land Records of Collin County, Texas;

THENCE South $00^{\circ}07'56''$ East, departing said County Road No. 101, along the easterly line of said "Tract A" and the westerly line of said 7.498-acre tract, a distance of 541.77 feet to the southwest corner of said 7.498-acre tract;

THENCE North $89^{\circ}38'16''$ East, along a northerly line of said "Tract A" and the southerly line of said 7.498-acre tract, a distance of 630.23 feet to the easternmost, northeast corner of said "Tract A" and the southeast corner of said 7.498-acre tract, same being on a westerly line of aforesaid 272.545-acre, Eland Energy, Inc., tract;

THENCE North $00^{\circ}01'23''$ West, along an easterly line of said 7.498-acre tract and the westerly line of said 272.545-acre tract, a distance of 116.61 feet to a corner on the southerly line of a called 2.661-acre tract of land, conveyed to Collin County, Texas, as evidenced in a General Warranty Deed, recorded in Volume 5309, Page 7316 of the Land Records of Collin County, Texas;

THENCE South $60^{\circ}05'11''$ East, continuing along the westerly line of said 272.545-acre tract and along the southerly line of said 2.661-acre tract, a distance of 230.59 feet to a corner;

THENCE North 88°50'05" East, continuing along the westerly line of said 272.545-acre tract and along the southerly line of said 2.661-acre tract, a distance of 10.17 feet to the southeast corner of said 2.661-acre tract;

THENCE North 00°20'59" West, continuing along the westerly line of said 272.545-acre tract and along the easterly line of said 2.661-acre tract, a distance of 539.73 feet to the northwest corner of said 272.545-acre tract and the northeasterly corner of said 2.661-acre tract, same being on the occupied southerly line of aforesaid County Road No. 101;

THENCE North 89°30'33" East, along the northerly line of said 272.545-acre tract and along the southerly line of said County Road No. 101, a distance of 1020.62 feet to the northeast corner of said 242.545-acre tract, same being on the westerly line of called Tracts 1, 2, and 3, conveyed to Joe E. Stalling and wife, Janice K. Stalling, as evidenced in a General Warranty Deed with Vendor's Lien, recorded in County Clerk's File No. 93-0075959 of the Land Records of Collin County, Texas;

THENCE South 00°31'02" East, along the easterly line of said 242.545-acre tract, the westerly line of said Tracts 1, 2, and 3, the westerly line of a called 9.943-acre tract of land conveyed to Daniel DW Simons and Misty Simons, as evidenced in a General Warranty Deed, recorded in Instrument No. 20070816001143760 of the Official Public Records of Collin County, Texas, the westerly line of Tract 1 and Tract 2, conveyed to Michael M. Patterson and Charles Dawson, as evidenced in a General Warranty Deed, recorded in Instrument No. 20060630000904460 of the Official Public Records of Collin County, Texas, the westerly line of a called 10.692-acre tract of land, conveyed to John D. Dove, as evidenced in a General Warranty Deed, recorded in Volume 3981, Page 359 of the Land Records of Collin County, Texas, and generally along the centerline of said County Road No. 101, a distance of 1945.32 feet to the northwest corner of aforesaid 154.059-acre Central Frisco, Ltd., tract and the southwest corner of said 10.692-acre tract, same being the intersection of said County Road No. 101 with County Road No. 130, a public use right of way, no record found;

THENCE North 89°37'24" East, along the northerly line of said 154.059-acre tract, the southerly line of said 10.692-acre tract, and generally along said County Road No. 130, a distance of 776.70 feet to a corner;

THENCE North 89°39'58" East, continuing along the northerly line of said 154.059-acre tract and the northerly line of aforesaid "Tract B", Eland Energy, Inc., tract and continuing generally along said County Road No. 130, a distance of 1861.15 feet to the northeast corner of said 154.059-acre tract, same being the northwest corner of aforesaid 62.434-acre Eland Energy, Inc., tract;

THENCE North 89°30'30" East, along the northerly line of said 62.434-acre tract and continuing generally along said County Road No. 130, a distance of 1909.83 feet to the northernmost, northeast corner of said 62.434-acre tract, same being the northwest corner of a tract of land, conveyed to Porfirio Paulino and wife, Ojilvoa Paulino, as evidenced in a General Warranty Deed, recorded in Volume 5674, Page 3250 of the Land Records of Collin County, Texas;

THENCE South 00°29'02" East, departing said County Road No. 130, along an easterly line of said 62.434-acre tract, the westerly line of said Paulino tract and the westerly line of a tract of land, conveyed to John C. Kiesling and wife, Rhonda Kiesling, as evidenced in a Warranty Deed, recorded in Volume 4147, Page 717 of the Land Records of Collin County, Texas, a distance of 714.20 feet to the southwest corner of said Kiesling tract;

THENCE North 89°33'17" East, along the southernmost, northerly line of said 62.434-acre tract and the southerly line of said Kiesling tract, a distance of 728.71 feet to the easternmost, northeast corner of said 62.434-acre tract, same being in County Road No. 128, a public use right of way, no record found;

THENCE South 02°01'47" East, along the easterly line of said 62.434-acre tract and along said County Road No. 128, a distance of 46.49 feet to a corner;

THENCE South 01°52'14" East, continuing along the easterly line of said 62.434-acre tract and said County Road No. 128, a distance of 563.63 feet to the southeast corner of said 62.434-acre tract;

THENCE South 89°21'14" West, along the southerly line of said 62.434-acre tract, a distance of 32.93 feet to the northeast corner of aforesaid 167.027-acre Eland Energy, In., tract;

THENCE South 00°30'22" East, along the easterly line of said 167.027-acre tract and generally along said County Road No. 128, a distance of 2101.08 feet to an inner ell corner of said 167.027-acre tract, same being the southwest corner of Highpoint Estates, an addition to the City of Celina, Texas, according to the Final Plat, recorded in Volume M, Page 116 of the Plat Records of Collin County, Texas;

THENCE North 89°26'58" East, along a northerly line of said 167.027-acre tract, the southerly line of said Highpoint Estates and continuing along said County Road No. 128, a distance of 333.00 feet to the easternmost, northeast corner of said 167.027-acre tract;

THENCE South 00°23'39" East, along the easterly line of said 167.027-acre tract, for part of the way, passing the westerly right of way line of F. M. 455, a 90-foot wide right of way, continuing along the extension of the easterly line of said 167.027-acre tract and within said F. M 455, passing the easterly right of way line of said F. M. 455, a total distance of 1243.28 feet to the northeast corner of a called 69.149-acre tract of land, conveyed to David Lair and wife, June Lair, as evidenced in a deed, recorded in Volume 816, Page 559 of the Land Records of Collin County, Texas;

THENCE in a westerly direction, along the northerly line of said 69.149-acre tract and the southerly right of way line of said F. M. 455, the following:

South 88°31'26" West, a distance of 133.55 feet to a corner;

South 66°55'26" West, a distance of 88.60 feet to a corner;

South 81°35'26" West, a distance of 106.10 feet to a corner;

South 88°31'26" West, a distance of 1210.70 feet to a corner;

South $88^{\circ}37'26''$ West, a distance of 210.30 feet to the northwest corner of said 69.149-acre tract, same being the northeast corner of a called 10.00-acre tract of land, conveyed to Terry M. Collins and spouse, Diana Collins, as evidenced in a General Warranty Deed, recorded in Instrument No. 20150205000127830 of the Official Public Records of Collin County, Texas;

THENCE South $88^{\circ}33'08''$ West, continuing along the southerly right of way line of said F. M. 455 and along the northerly line of said 10.00-acre tract, a distance of 371.93 feet to the northwest corner of said 10.00-acre tract, same being the northeast corner of a called 5.00-acre tract of land, conveyed to Michael S. Armstrong and spouse, Melissa B. Armstrong, as evidenced in a General Warranty Deed, recorded in Instrument No. 20131018001435890 of the Official Public Records of Collin County, Texas;

THENCE South $88^{\circ}55'54''$ West, continuing along the southerly right of way line of said F. M. 455 and along the northerly line of said 5.00-acre tract, a distance of 319.79 feet to the northwest corner of said 5.00-acre tract, same the northeast corner of a called 20.058-acre tract of land, conveyed to Larry N. Lehman and Robbie C. Lehman, as evidenced in a General Warranty Deed, recorded in Instrument No. 20150608000673760 of the Official Public Records of Collin County, Texas;

THENCE South $88^{\circ}55'57''$ West, continuing along the southerly right of way line of said F. M. 455 and along the northerly line of said 20.058-acre tract for part of the way, crossing said F. M. 455 along the extension of the northerly line of said 20.058-acre tract, a distance of 427.32 feet to a corner on the curving westerly right of way line of said F. M. 455, same being on the curving easterly line of aforesaid "Tract Two", Eland Energy, Inc., tract, said curve being a non-tangent curve to the left;

THENCE in a southerly direction, along the westerly right of way line of said F. M. 455, the easterly line of said "Tract Two" and along the arc of said curve to the left, through a central angle of $20^{\circ}27'26''$, having a radius of 363.31 feet, a chord bearing of South $36^{\circ}07'57''$ West, a chord distance of 129.03 feet and an arc length of 129.72 feet to the end of said curve;

THENCE South $00^{\circ}15'57''$ East, departing the easterly line of said "Tract Two", the westerly right of way line of said F. M. 455, crossing said F. M. 455, passing the southerly right of way line of said F. M. 455 and the northeast corner of aforesaid "Tract Three", Eland Energy, tract, continuing along the easterly line of said "Tract Three", a distance of 1443.40 feet to the southeast corner of said "Tract Three", same being the northeast corner of a called 85.04-acre tract of land, conveyed to Jane Willard, as evidenced in a General Warranty Deed, recorded in County Clerk's File No. 96-0039930 of the Land Records of Collin County, Texas;

THENCE South $89^{\circ}51'15''$ West, along the southerly line of said "Tract Three" and the northerly line of said 85.04-acre tract, a distance of 2639.07 feet to the southwest corner of said "Tract Three", same being on the easterly line of a called "First Tract", conveyed to Jane Willard, as evidenced in a Warranty Deed,

recorded in Volume 3368, Page 434 of the Land Records of Collin County, Texas, same also being in County Road No. 98, a public use right of way, no record found;

THENCE North 00°04'01" West, along the westerly line of said "Tract Three", the easterly line of said "First Tract" for part of the way and along said County Road No. 98, a distance of 405.05 feet to a corner on the easterly right of way line of aforesaid F. M. 455;

THENCE North 03°46'21" West, departing the easterly right of way line of said F. M. 455 and crossing said F. M. 455, a distance of 408.54 feet to a corner on the westerly right of way line of said F. M. 455, same being on the easterly line of a called "Second Tract", conveyed to Jane Willard, as evidenced in aforesaid Warranty Deed, recorded in Volume 3368, Page 434, same also being aforesaid County Road No. 101;

THENCE North 00°03'05" West, departing the westerly right of way line of said F. M. 455, along the easterly line of said "Second Tract", the easterly line of a called 66.68-acre tract, conveyed to Jane C. Willard, as evidenced in a Special Warranty Deed, recorded in County Clerk's File No. 93-0007503 of the Land Records of Collin County, Texas, the westerly line of aforesaid 30' Street Easement to Collin County, Texas, recorded in County Clerk's File No. 96-0067344, and generally along said County Road No. 101, a distance of 1520.01 feet to the northwest corner of said street easement, same being the southwest corner of aforesaid 30' Street Easement to Collin County, Texas, recorded in County Clerk's File No. 96-0067345;

THENCE North 00°27'17" West, continuing along the easterly line of said 66.68-acre tract, the easterly line of a called 5.000-acre tract of land, conveyed to Brian Wayne Boyd, as evidenced in a General Warranty Deed, recorded in Instrument No. 20140205000108240, the easterly line of a called 5.000-acre tract of land, conveyed to Brian Wayne Boyd, as evidenced in a General Warranty Deed, recorded in Instrument No. 20140428000404190, both of the Official Public Records of Collin County, Texas, along the westerly line of said 30' Street Easement, recorded in County Clerk's File No. 96-0067345, and generally along said County Road No. 101, a distance of 570.00 feet to the southeast corner of aforesaid 272.545-acre, Eland Energy, Inc., tract;

THENCE North 89°53'04" West, departing said County Road No. 101, along the northerly line of said 5.000-acre Brian Wayne Boyd tract, recorded in Instrument No. 20140428000404190, the northerly line of aforesaid 66.68-acre, Jane C. Willard tract and the southerly line of said 272.545-acre tract, a distance of 2669.41 feet to the southwest corner of said 272.545-acre tract, same being the southeast corner of aforesaid 450.71-acre, Central Frisco, Ltd., tract;

THENCE North 89°54'14" West, along the southerly line of said 450.71-acre tract, the north line of Heritage Phase 3, an addition to the City of Celina, Texas, according to the Final Plat, recorded in Volume 2014, Page 66 of the Plat Records of Collin County, Texas and the northerly line of Heritage Phase 2, an addition to the City of Celina, Texas, according to the Final Plat, recorded in Volume P, Page 632 of the Plat Records of Collin County, Texas, a distance of 2005.13 feet to the southwest corner of said 450.71-acre tract, same being the southeast corner of

Morgan Lakes Estates Phase One, an addition to the City of Celina, Texas, according to the Final Plat, recorded in Volume I, Page 591 of the Plat Records of Collin County, Texas;

THENCE in a northerly direction, along the westerly line of said 450.71-acre tract and the easterly line of said Morgan Lakes Estates Phase One, the following:

North 00°03'12" East, a distance of 461.22 feet to a corner;

North 07°08'40" East, a distance of 60.21 feet to the point of curvature of a non-tangent curve to the left;

Along the arc of said curve to the left, through a central angle of 06°21'24", having a radius of 270.00 feet, a chord bearing of South 86°04'27" East, a chord distance of 29.94 feet and an arc length of 29.96 feet to the end of said curve;

South 89°02'33" East, a distance of 222.34 feet to a corner;

North 01°00'05" East, a distance of 107.20 feet to a corner;

North 51°42'33" East, a distance of 398.05 feet to a corner;

North 49°38'51" East, a distance of 210.56 feet to a corner;

North 36°54'05" West, a distance of 462.25 feet to a corner;

North 15°17'56" West, a distance of 60.26 feet to the point of curvature of a non-tangent curve to the right;

Along the arc of said curve to the right, through a central angle of 07°25'01", having a radius of 530.00 feet, a chord bearing of North 78°46'38" East, a chord distance of 68.56 feet and an arc length of 68.61 feet to the end of said curve;

North 82°26'45" East, a distance of 62.14 feet to a corner;

North 38°02'48" West, a distance of 615.74 feet to a corner;

North 25°29'50" West, a distance of 423.56 feet to a corner;

North 11°11'38" East, a distance of 219.89 feet to a corner;

North 49°12'28" West, a distance of 934.00 feet to a corner;

North 45°38'34" West, a distance of 346.17 feet to a corner;

North 84°06'21" West, a distance of 374.78 feet to the northwest corner of said Morgan Lakes Estates Phase One, same being the westernmost, southwest corner of said 450.71-acre tract, same being on the easterly line of a called 15.071-acre tract of land, conveyed to SMR Family LP, as evidenced in a General Warranty Deed, recorded in Instrument No. 20090526000637370 of the Official Public Records of Collin County, Texas;

THENCE North 01°51'32" East, continuing along the westerly line of said 450.71-acre tract and the easterly line of said 15.071-acre tract, a distance of 132.73 feet to the northeast corner of said 15.071-acre tract, same being the southeast corner of a called 16.369-acre tract of land, conveyed to Pyramid Drywall, Inc., as evidenced in a General Warranty Deed, recorded in Instrument No. 20160721000935850 of the Official Public Records of Collin County, Texas;

THENCE North 00°50'57" West, East, continuing along the westerly line of said 450.71-acre tract and the easterly line of said 16.369-acre tract, a distance of 1184.08 feet to the easternmost, northeast corner of said 16.36-acre tract;

THENCE North 87°07'46" West, continuing along the westerly line of said 450.71-acre tract and the easterly line of said 16.369-acre tract, a distance of 50.86 feet to a corner;

THENCE North 00°51'58" West, continuing along the westerly line of said 450.71-acre tract, the easterly line of said 16.369-acre tract and the easterly line of the remainder of a tract of land, conveyed to Marvin T. Wilson and wife, Renetta T. Wilson, as evidenced in a Warranty Deed, recorded in County Clerk's File No. 92-0004376 of the Land Records of Collin County, Texas, a distance of 489.53 feet to the northeast corner of said Wilson tract;

THENCE South 89°48'22" West, continuing along the westerly line of said 450.71-acre tract and along the northerly line of said Wilson tract, a distance of 341.96 feet to the northwest corner of said Wilson tract, same being on the easterly right of way line of aforesaid State Highway 289 (Preston Road);

THENCE North 00°16'22" East, continuing along the westerly line of said 450.71-acre tract and along the easterly right of way line of said State Highway 289 (Preston Road), a distance of 51.94 feet to the POINT OF BEGINNING and containing 1,432.8 gross acres of land, more or less, SAVE AND EXCEPT the following two tracts of land:

TRACT 1:

BEING a tract of land situated in the Benjamin Haile Survey, Abstract No. 397, City of Celina, Collin County, Texas, and being the remaining portion of a called 160.42-acre tract of land, conveyed to Kirk's Rockin K Ranch & Land Company, Inc., as evidenced in a Special Warranty Deed, recorded in Volume 4139, Page 3116 of the Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of said 160.42-acre tract, and the northwest corner of a 30' Street Easement to Collin County, Texas, recorded in County Clerk's File No. 96-0067345 of the Land Records of Collin County, Texas, same being on the easterly line of a called 272.545-acre tract of land, conveyed to Eland Energy, Inc., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20150722000903300 of the Official Public Records of Collin County, Texas, same also being in County Road No. 101, a public use right of way, no record found;

THENCE North 00°31'00" West, along the westerly line of said 160.42-acre tract, the easterly line of said 272.545-acre tract and along said County Road No. 101, a distance of 417.42 feet to the westernmost, southwest corner of a called 154.059-acre tract of land, conveyed to Central Frisco, Ltd., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20070725001023610 of the Official Public Records of Collin County, Texas;

THENCE North 89°58'09" East, departing the westerly line of said 160.42-acre tract, the easterly line of said 272.545-acre tract, said County Road No. 101 and along a southerly line of said 154.059-acre tract, a distance of 417.42 feet to a corner;

THENCE South 00°31'02" East, along a westerly line of said 154.059-acre tract, a distance of 417.42 feet to the southernmost, southwest corner of said 154.059-acre tract, same being on the southerly line of said 160.42-acre tract, same also being on the northerly line of a called "Tract Five" (18.748 acres),

conveyed to Eland Energy, Inc., as evidenced in a General Warranty Deed, recorded in Instrument No. 20141002001081250 of the Official Public Records of Collin County, Texas;

THENCE South 89°58'09" West, along the southerly line of said 160.42-acre tract, the northerly line of said "Tract Five" and the northerly line of aforesaid 30' wide Street Easement, a distance of 417.43 feet to the POINT OF BEGINNING and containing 4.0 acres of land, more or less.

TRACT 2:

BEING a tract of land, situated in the Mary Howell Survey, Abstract No. 396 and the Benjamin Haile Survey, Abstract No. 397 and being all of a called 26.620-acre tract of land, conveyed to John O. Rea and wife, Patricia O. Rea, as evidenced in a General Warranty Deed, recorded in County Clerk's File No. 92-0067367 and all of a called 5.000-acre tract of land, conveyed to John W. Rea and spouse, Patricia O. Rea, as evidenced in a General Warranty Deed, recorded in County Clerk's File No. 92-0067368, both of the Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at the northeast corner of said 26.620-acre tract, same being the northernmost, northwest corner of a called 167.027-acre tract of land, conveyed to Eland Energy, Inc., as evidenced in a General Warranty Deed, recorded in Instrument No. 20141002001081290 of the Official Public Records of Collin County, Texas, same also being on the southerly line of a called 62.434-acre tract of land, conveyed to Eland Energy, Inc., as evidenced in a General Warranty Deed, recorded in Instrument No. 20141002001081260 of the Official Public Records of Collin County, Texas;

THENCE in a southerly direction, departing the southerly line of said 62.434-acre tract, along the easterly line of said 26.620-acre tract and the westerly line of said 167.027-acre tract, the following:

South 01°29'15" East, a distance of 1335.38 feet to a corner;

North 89°49'39" West, a distance of 508.88 feet to a corner;

South 38°07'37" West, a distance of 430.66 feet to the southeast corner of said 26.620-acre tract;

THENCE South 89°52'35" West, continuing along the westerly line of said 167.027-acre tract and along the southernmost line of said 26.620-acre tract, a distance of 297.86 feet to the southwest corner of said 26.620-acre tract, same being on the easterly line of a "Tract Two" (66.676 acres), conveyed to Eland Energy, Inc., as evidenced in said General Warranty Deed, recorded in Instrument No. 20141002001081250;

THENCE in a northerly direction, along the westerly line of said 26.620-acre tract and the easterly line of said "Tract Two", the following:

North 00°59'41" West, a distance of 263.88 feet to a corner;

South 63°10'27" East, a distance of 93.04 feet to a corner;

North 33°29'47" East, a distance of 96.33 feet to a corner;

North 55°28'52" East, a distance of 144.33 feet to a corner;

North 32°30'37" West, a distance of 235.17 feet to a corner;

North 16°40'31" East, a distance of 139.05 feet to a corner;

North 62°31'57" East, a distance of 233.49 feet to a corner;

North 23°42'01" East, a distance of 277.45 feet to a corner;

North 12°49'11" West, a distance of 66.79 feet to the northeast corner of said "Tract Two";

THENCE in a westerly direction, along the northerly line of said "Tract Two", a southerly line of said 26.620-acre tract and along the southerly line of aforesaid 5.000-acre tract, the following:

North 84°55'21" West, a distance of 167.79 feet to the south common corner of said 26.620-acre tract and said 5.000-acre tract;

North 84°55'21" West, a distance of 31.54 feet to a corner;

South 27°54'16" West, a distance of 108.75 feet to a corner;

North 47°35'32" West, a distance of 127.34 feet to a corner;

South 22°02'46" West, a distance of 111.09 feet to a corner;

North 51°01'12" West, a distance of 184.77 feet to a corner;

South 66°56'55" West, a distance of 73.70 feet to the southwest corner of said 5.000-acre tract and the northernmost, northwest corner of said "Tract Two", same being on the easterly line of a called 154.059-acre tract of land, conveyed to Central Frisco, Ltd., as evidenced in a Special Warranty Deed, recorded in Instrument No. 20070725001023610 of the Official Public Records of Collin County, Texas;

THENCE North 00°21'55" West, along the westerly line of said 5.000-acre tract, the westerly line of said 26.620-acre tract and the easterly line of said 154.059-acre tract, a distance of 525.45 feet to the northwest corner of said 26.620-acre tract, same being the southwest corner of a called 6.000-acre tract of land, conveyed to Central Frisco, Ltd., as evidenced in a General Warranty Deed, recorded in Instrument No. 20110831000926240 of the Official Public Records of Collin County, Texas;

THENCE North 89°21'14" East, departing the easterly line of said 154.059-acre tract, along the northerly line of said 26.620-acre tract, the southerly line of said 6.000-acre tract and the southerly line of aforesaid 62.434-acre tract, a distance of 1170.10 feet to the POINT OF BEGINNING and containing 31.6 acres of land, more or less.

LEAVING a net area of 1,397.2 acres of land, more or less.

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

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

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

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

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

**HB 1974 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Wray called up with senate amendments for consideration at this time,

HB 1974, A bill to be entitled An Act relating to durable powers of attorney.

Representative Wray moved to concur in the senate amendments to **HB 1974**.

The motion to concur in the senate amendments to **HB 1974** prevailed by (Record 1920): 135 Yeas, 11 Nays, 1 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; Cospier; 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, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Krause; Lang; Rinaldi; Sanford; Schofield; Shaheen; Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 1974, A bill to be entitled An Act relating to durable powers of attorney.

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

SECTION 1. Subchapter A, Chapter 751, Estates Code, is amended by adding Section 751.0015 to read as follows:

Sec. 751.0015. APPLICABILITY OF SUBTITLE. This subtitle applies to all durable powers of attorney except:

(1) a power of attorney to the extent it is coupled with an interest in the subject of the power, including a power of attorney given to or for the benefit of a creditor in connection with a credit transaction;

(2) a medical power of attorney, as defined by Section 166.002, Health and Safety Code;

(3) a proxy or other delegation to exercise voting rights or management rights with respect to an entity; or

(4) a power of attorney created on a form prescribed by a government or governmental subdivision, agency, or instrumentality for a governmental purpose.

SECTION 2. Subchapter A, Chapter 751, Estates Code, is amended by amending Sections 751.002, 751.003, and 751.006 and adding Sections 751.00201, 751.0021, 751.0022, 751.0023, 751.0024, and 751.007 to read as follows:

Sec. 751.002. DEFINITIONS [~~DEFINITION OF DURABLE POWER OF ATTORNEY~~]. In this subtitle:

(1) "Actual knowledge" means the knowledge of a person without that person making any due inquiry, and without any imputed knowledge, except as expressly set forth in Section 751.211(c).

(2) "Affiliate" means a business entity that directly or indirectly controls, is controlled by, or is under common control with another business entity.

(3) "Agent" includes:

(A) an attorney in fact; and

(B) a co-agent, successor agent, or successor co-agent.

(4) "Durable power of attorney" means a writing or other record that complies with the requirements of Section 751.0021(a) or is described by Section 751.0021(b).

(5) "Principal" means an adult person who signs or directs the signing of the person's name on a power of attorney that designates an agent to act on the person's behalf.

(6) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 751.00201. MEANING OF DISABLED OR INCAPACITATED FOR PURPOSES OF DURABLE POWER OF ATTORNEY. Unless otherwise defined by a durable power of attorney, a person is considered disabled or incapacitated for purposes of the durable power of attorney if a physician certifies in writing at a date later than the date the durable power of attorney is executed that, based on the physician's medical examination of the person, the person is determined to be mentally incapable of managing the person's financial affairs.

Sec. 751.0021. REQUIREMENTS OF DURABLE POWER OF ATTORNEY. (a) An instrument is a durable power of attorney for purposes of this subtitle if the [A "durable power of attorney" means a written] instrument [that]:

(1) is a writing or other record that designates another person as [attorney in fact or] agent and grants authority to that agent to act in the place of the principal, regardless of whether the term "power of attorney" is used;

(2) is signed by an adult principal or in the adult principal's conscious presence by another adult directed by the principal to sign the principal's name on the instrument;

(3) contains:

(A) the words:

(i) "This power of attorney is not affected by subsequent disability or incapacity of the principal"; or

(ii) "This power of attorney becomes effective on the disability or incapacity of the principal"; or

(B) words similar to those of Paragraph (A) that clearly indicate [show the principal's intent] that the authority conferred on the [attorney in fact or] agent shall be exercised notwithstanding the principal's subsequent disability or incapacity; and

(4) is acknowledged by the principal or another adult directed by the principal as authorized by Subdivision (2) before an officer authorized under the laws of this state or another state to:

(A) take acknowledgments to deeds of conveyance; and

(B) administer oaths.

(b) If the law of a jurisdiction other than this state determines the meaning and effect of a writing or other record that grants authority to an agent to act in the place of the principal, regardless of whether the term "power of attorney" is used, and that law provides that the authority conferred on the agent is exercisable notwithstanding the principal's subsequent disability or incapacity, the writing or other record is considered a durable power of attorney under this subtitle.

Sec. 751.0022. PRESUMPTION OF GENUINE SIGNATURE. A signature on a durable power of attorney that purports to be the signature of the principal or of another adult directed by the principal as authorized by Section 751.0021(a)(2) is presumed to be genuine, and the durable power of attorney is presumed to have been executed under Section 751.0021(a) if the officer taking the acknowledgment has complied with the requirements of Section 121.004(b), Civil Practice and Remedies Code.

Sec. 751.0023. VALIDITY OF POWER OF ATTORNEY. (a) A durable power of attorney executed in this state is valid if the execution of the instrument complies with Section 751.0021(a).

(b) A durable power of attorney executed in a jurisdiction other than this state is valid in this state if, when executed, the execution of the durable power of attorney complied with:

(1) the law of the jurisdiction that determines the meaning and effect of the durable power of attorney as provided by Section 751.0024; or

(2) the requirements for a military power of attorney as provided by 10 U.S.C. Section 1044b.

(c) Except as otherwise provided by statute other than this subtitle or by the durable power of attorney, a photocopy or electronically transmitted copy of an original durable power of attorney has the same effect as the original instrument and may be relied on, without liability, by a person who is asked to accept the durable power of attorney to the same extent as the original.

Sec. 751.0024. MEANING AND EFFECT OF DURABLE POWER OF ATTORNEY. The meaning and effect of a durable power of attorney is determined by the law of the jurisdiction indicated in the durable power of attorney and, in the absence of an indication of jurisdiction, by:

(1) the law of the jurisdiction of the principal's domicile, if the principal's domicile is indicated in the power of attorney; or

(2) the law of the jurisdiction in which the durable power of attorney was executed, if the principal's domicile is not indicated in the power of attorney.

Sec. 751.003. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This subtitle shall be applied and construed to effect the general purpose of this subtitle, which is to make uniform to the fullest extent possible the law with respect to the subject of this subtitle among states enacting these provisions.

Sec. 751.006. REMEDIES UNDER OTHER LAW [~~RIGHTS CUMULATIVE~~]. The ~~remedies~~ ~~[rights set out]~~ under this ~~chapter~~ ~~[subtitle]~~ are not exclusive and do not abrogate any right or remedy under any law of this state other than this chapter ~~[cumulative of any other rights or remedies the principal may have at common law or other applicable statutes and are not in derogation of those rights]~~.

Sec. 751.007. CONFLICT WITH OR EFFECT ON OTHER LAW. This subtitle does not:

(1) supersede any other law applicable to financial institutions or other entities, and to the extent of any conflict between this subtitle and another law applicable to an entity, the other law controls; or

(2) have the effect of validating a conveyance of an interest in real property executed by an agent under a durable power of attorney if the conveyance is determined under a statute or common law to be void but not voidable.

SECTION 3. Chapter 751, Estates Code, is amended by adding Subchapters A-1 and A-2 to read as follows:

SUBCHAPTER A-1. APPOINTMENT OF AGENTS

Sec. 751.021. CO-AGENTS. A principal may designate in a durable power of attorney two or more persons to act as co-agents. Unless the durable power of attorney otherwise provides, each co-agent may exercise authority independently of the other co-agent.

Sec. 751.022. ACCEPTANCE OF APPOINTMENT AS AGENT. Except as otherwise provided in the durable power of attorney, a person accepts appointment as an agent under a durable power of attorney by exercising authority or performing duties as an agent or by any other assertion or conduct indicating acceptance of the appointment.

Sec. 751.023. SUCCESSOR AGENTS. (a) A principal may designate in a durable power of attorney one or more successor agents to act if an agent resigns, dies, or becomes incapacitated, is not qualified to serve, or declines to serve.

(b) A principal may grant authority to designate one or more successor agents to an agent or other person designated by name, office, or function.

(c) Unless the durable power of attorney otherwise provides, a successor agent:

(1) has the same authority as the authority granted to the predecessor agent; and

(2) is not considered an agent under this subtitle and may not act until all predecessor agents, including co-agents, to the successor agent have resigned, died, or become incapacitated, are not qualified to serve, or have declined to serve.

Sec. 751.024. REIMBURSEMENT AND COMPENSATION OF AGENT. Unless the durable power of attorney otherwise provides, an agent is entitled to:

(1) reimbursement of reasonable expenses incurred on the principal's behalf; and

(2) compensation that is reasonable under the circumstances.

SUBCHAPTER A-2. AUTHORITY OF AGENT UNDER DURABLE POWER OF ATTORNEY

Sec. 751.031. GRANTS OF AUTHORITY IN GENERAL AND CERTAIN LIMITATIONS. (a) Subject to Subsections (b), (c), and (d) and Section 751.032, if a durable power of attorney grants to an agent the authority to perform all acts that the principal could perform, the agent has the general authority conferred by Subchapter C, Chapter 752.

(b) An agent may take the following actions on the principal's behalf or with respect to the principal's property only if the durable power of attorney designating the agent expressly grants the agent the authority and the exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject:

(1) create, amend, revoke, or terminate an inter vivos trust;

(2) make a gift;

(3) create or change rights of survivorship;

(4) create or change a beneficiary designation; or

(5) delegate authority granted under the power of attorney.

(c) Notwithstanding a grant of authority to perform an act described by Subsection (b), unless the durable power of attorney otherwise provides, an agent who is not an ancestor, spouse, or descendant of the principal may not exercise authority under the power of attorney to create in the agent, or in an individual to

whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise.

(d) Subject to Subsections (b) and (c) and Section 751.032, if the subjects over which authority is granted in a durable power of attorney are similar or overlap, the broadest authority controls.

(e) Authority granted in a durable power of attorney is exercisable with respect to property that the principal has when the power of attorney is executed or acquires later, regardless of whether:

(1) the property is located in this state; and

(2) the authority is exercised in this state or the power of attorney is executed in this state.

Sec. 751.032. GIFT AUTHORITY. (a) In this section, a gift for the benefit of a person includes a gift to:

(1) a trust;

(2) an account under the Texas Uniform Transfers to Minors Act (Chapter 141, Property Code) or a similar law of another state; and

(3) a qualified tuition program of any state that meets the requirements of Section 529, Internal Revenue Code of 1986.

(b) Unless the durable power of attorney otherwise provides, a grant of authority to make a gift is subject to the limitations prescribed by this section.

(c) Language in a durable power of attorney granting general authority with respect to gifts authorizes the agent to only:

(1) make outright to, or for the benefit of, a person a gift of any of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount per donee not to exceed:

(A) the annual dollar limits of the federal gift tax exclusion under Section 2503(b), Internal Revenue Code of 1986, regardless of whether the federal gift tax exclusion applies to the gift; or

(B) if the principal's spouse agrees to consent to a split gift as provided by Section 2513, Internal Revenue Code of 1986, twice the annual federal gift tax exclusion limit; and

(2) consent, as provided by Section 2513, Internal Revenue Code of 1986, to the splitting of a gift made by the principal's spouse in an amount per donee not to exceed the aggregate annual federal gift tax exclusions for both spouses.

(d) An agent may make a gift of the principal's property only as the agent determines is consistent with the principal's objectives if the agent actually knows those objectives. If the agent does not know the principal's objectives, the agent may make a gift of the principal's property only as the agent determines is consistent with the principal's best interest based on all relevant factors, including the factors listed in Section 751.122 and the principal's personal history of making or joining in making gifts.

Sec. 751.033. AUTHORITY TO CREATE OR CHANGE CERTAIN BENEFICIARY DESIGNATIONS. (a) Unless the durable power of attorney otherwise provides, and except as provided by Section 751.031(c), authority granted to an agent under Section 751.031(b)(4) empowers the agent to:

(1) create or change a beneficiary designation under an account, contract, or another arrangement that authorizes the principal to designate a beneficiary, including an insurance or annuity contract, a qualified or nonqualified retirement plan, including a retirement plan as defined by Section 752.113, an employment agreement, including a deferred compensation agreement, and a residency agreement;

(2) enter into or change a P.O.D. account or trust account under Chapter 113; or

(3) create or change a nontestamentary payment or transfer under Chapter 111.

(b) If an agent is granted authority under Section 751.031(b)(4) and the durable power of attorney grants the authority to the agent described in Section 752.108 or 752.113, then, unless the power of attorney otherwise provides, the authority of the agent to designate the agent as a beneficiary is not subject to the limitations prescribed by Sections 752.108(b) and 752.113(c).

(c) If an agent is not granted authority under Section 751.031(b)(4) but the durable power of attorney grants the authority to the agent described in Section 752.108 or 752.113, then, unless the power of attorney otherwise provides and notwithstanding Section 751.031, the agent's authority to designate the agent as a beneficiary is subject to the limitations prescribed by Sections 752.108(b) and 752.113(c).

Sec. 751.034. INCORPORATION OF AUTHORITY. (a) An agent has authority described in this chapter if the durable power of attorney refers to general authority with respect to the descriptive term for the subjects stated in Chapter 752 or cites the section in which the authority is described.

(b) A reference in a durable power of attorney to general authority with respect to the descriptive term for a subject in Chapter 752 or a citation to one of those sections incorporates the entire section as if the section were set out in its entirety in the power of attorney.

(c) A principal may modify authority incorporated by reference.

SECTION 4. Sections 751.051, 751.057, 751.101, 751.102, 751.103, 751.104, 751.105, and 751.106, Estates Code, are amended to read as follows:

Sec. 751.051. EFFECT OF ACTS PERFORMED BY ~~[ATTORNEY IN FACT OR]~~ AGENT ~~[DURING PRINCIPAL'S DISABILITY OR INCAPACITY]~~. An [Each] act performed by an [attorney in fact or] agent under a durable power of attorney [during a period of the principal's disability or incapacity] has the same effect[;] and inures to the benefit of and binds the principal and the principal's successors in interest[;] as if the principal had performed the act [were not disabled or incapacitated].

Sec. 751.057. EFFECT OF BANKRUPTCY PROCEEDING. (a) The filing of a voluntary or involuntary petition in bankruptcy in connection with the debts of a principal who has executed a durable power of attorney does not revoke or terminate the agency as to the principal's ~~[attorney in fact or]~~ agent.

(b) Any act the ~~[attorney in fact or]~~ agent may undertake with respect to the principal's property is subject to the limitations and requirements of the United States Bankruptcy Code (11 U.S.C. Section 101 et seq.) until a final determination is made in the bankruptcy proceeding.

Sec. 751.101. FIDUCIARY DUTIES. A person who accepts appointment as an agent under a durable power of attorney as provided by Section 751.022 ~~[An attorney in fact or agent]~~ is a fiduciary as to the principal only when acting as an agent under the power of attorney and has a duty to inform and to account for actions taken under the power of attorney.

Sec. 751.102. DUTY TO TIMELY INFORM PRINCIPAL. (a) The ~~[attorney in fact or]~~ agent shall timely inform the principal of each action taken under a durable ~~[the]~~ power of attorney.

(b) Failure of an ~~[attorney in fact or]~~ agent to timely inform, as to third parties, does not invalidate any action of the ~~[attorney in fact or]~~ agent.

Sec. 751.103. MAINTENANCE OF RECORDS. (a) The ~~[attorney in fact or]~~ agent shall maintain records of each action taken or decision made by the ~~[attorney in fact or]~~ agent.

(b) The ~~[attorney in fact or]~~ agent shall maintain all records until delivered to the principal, released by the principal, or discharged by a court.

Sec. 751.104. ACCOUNTING. (a) The principal may demand an accounting by the ~~[attorney in fact or]~~ agent.

(b) Unless otherwise directed by the principal, an accounting under Subsection (a) must include:

(1) the property belonging to the principal that has come to the ~~[attorney in fact's or]~~ agent's knowledge or into the ~~[attorney in fact's or]~~ agent's possession;

(2) each action taken or decision made by the ~~[attorney in fact or]~~ agent;

(3) a complete account of receipts, disbursements, and other actions of the ~~[attorney in fact or]~~ agent that includes the source and nature of each receipt, disbursement, or action, with receipts of principal and income shown separately;

(4) a listing of all property over which the ~~[attorney in fact or]~~ agent has exercised control that includes:

(A) an adequate description of each asset; and

(B) the asset's current value, if the value is known to the ~~[attorney in fact or]~~ agent;

(5) the cash balance on hand and the name and location of the depository at which the cash balance is kept;

(6) each known liability; and

(7) any other information and facts known to the ~~[attorney in fact or]~~ agent as necessary for a full and definite understanding of the exact condition of the property belonging to the principal.

(c) Unless directed otherwise by the principal, the ~~[attorney in fact or]~~ agent shall also provide to the principal all documentation regarding the principal's property.

Sec. 751.105. EFFECT OF FAILURE TO COMPLY; SUIT. If the ~~[attorney in fact or]~~ agent fails or refuses to inform the principal, provide documentation, or deliver an accounting under Section 751.104 within 60 days of a demand under that section, or a longer or shorter period as demanded by the principal or ordered by a court, the principal may file suit to:

(1) compel the ~~[attorney in fact or]~~ agent to deliver the accounting or the assets; or

(2) terminate the durable power of attorney.

Sec. 751.106. EFFECT OF SUBCHAPTER ON PRINCIPAL'S RIGHTS. This subchapter does not limit the right of the principal to terminate the durable power of attorney or to make additional requirements of or to give additional instructions to the ~~[attorney in fact or]~~ agent.

SECTION 5. Chapter 751, Estates Code, is amended by adding Subchapters C-1 and C-2 to read as follows:

SUBCHAPTER C-1. OTHER DUTIES OF AGENT

Sec. 751.121. DUTY TO NOTIFY OF BREACH OF FIDUCIARY DUTY BY OTHER AGENT. (a) An agent who has actual knowledge of a breach or imminent breach of fiduciary duty by another agent shall notify the principal and, if the principal is incapacitated, take any action reasonably appropriate under the circumstances to safeguard the principal's best interest. An agent who fails to notify the principal or take action as required by this subsection is liable for the reasonably foreseeable damages that could have been avoided if the agent had notified the principal or taken the action.

(b) Except as otherwise provided by Subsection (a) or the durable power of attorney, an agent who does not participate in or conceal a breach of fiduciary duty committed by another agent, including a predecessor agent, is not liable for the actions of the other agent.

Sec. 751.122. DUTY TO PRESERVE PRINCIPAL'S ESTATE PLAN. An agent shall preserve to the extent reasonably possible the principal's estate plan to the extent the agent has actual knowledge of the plan if preserving the plan is consistent with the principal's best interest based on all relevant factors, including:

- (1) the value and nature of the principal's property;
- (2) the principal's foreseeable obligations and need for maintenance;
- (3) minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes; and
- (4) eligibility for a benefit, a program, or assistance under a statute or regulation.

SUBCHAPTER C-2. DURATION OF DURABLE POWER OF ATTORNEY AND AGENT'S AUTHORITY

Sec. 751.131. TERMINATION OF DURABLE POWER OF ATTORNEY. A durable power of attorney terminates when:

- (1) the principal dies;

- (2) the principal revokes the power of attorney;
- (3) the power of attorney provides that it terminates;
- (4) the purpose of the power of attorney is accomplished;
- (5) one of the circumstances with respect to an agent described by Section 751.132(a)(1), (2), or (3) arises and the power of attorney does not provide for another agent to act under the power of attorney; or
- (6) a permanent guardian of the estate of the principal has qualified to serve in that capacity as provided by Section 751.133.

Sec. 751.132. TERMINATION OF AGENT'S AUTHORITY. (a) An agent's authority under a durable power of attorney terminates when:

- (1) the principal revokes the authority;
- (2) the agent dies, becomes incapacitated, is no longer qualified, or resigns;
- (3) the agent's marriage to the principal is dissolved by court decree of divorce or annulment or is declared void by a court, unless the power of attorney otherwise provides; or
- (4) the power of attorney terminates.

(b) Unless the durable power of attorney otherwise provides, an agent's authority may be exercised until the agent's authority terminates under Subsection (a), notwithstanding a lapse of time since the execution of the power of attorney.

Sec. 751.134. EFFECT ON CERTAIN PERSONS OF TERMINATION OF DURABLE POWER OF ATTORNEY OR AGENT'S AUTHORITY. Termination of an agent's authority or of a durable power of attorney is not effective as to the agent or another person who, without actual knowledge of the termination, acts in good faith under or in reliance on the power of attorney. An act performed as described by this section, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

Sec. 751.135. PREVIOUS DURABLE POWER OF ATTORNEY CONTINUES IN EFFECT UNTIL REVOKED. The execution of a durable power of attorney does not revoke a durable power of attorney previously executed by the principal unless the subsequent power of attorney provides that the previous power of attorney is revoked or that all other durable powers of attorney are revoked.

SECTION 6. Section 751.052, Estates Code, is transferred to Subchapter C-2, Chapter 751, Estates Code, as added by this Act, redesignated as Section 751.133, Estates Code, and amended to read as follows:

Sec. 751.133 [751.052]. RELATION OF [ATTORNEY IN FACT OR] AGENT TO COURT-APPOINTED GUARDIAN OF ESTATE. (a) If, after execution of a durable power of attorney, a court of the principal's domicile appoints a permanent guardian of the estate of the principal, the powers of the [attorney in fact or] agent terminate on the qualification of the guardian of the estate. The [attorney in fact or] agent shall:

- (1) deliver to the guardian of the estate all assets of the incapacitated person's [ward's] estate that are in the possession of the [attorney in fact or] agent; and

(2) account to the guardian of the estate as the ~~[attorney in fact or]~~ agent would account to the principal if the principal had terminated the powers of the ~~[attorney in fact or]~~ agent.

(b) If, after execution of a durable power of attorney, a court of the principal's domicile appoints a temporary guardian of the estate of the principal, the court may suspend the powers of the ~~[attorney in fact or]~~ agent on the qualification of the temporary guardian of the estate until the date the term of the temporary guardian expires. This subsection may not be construed to prohibit the application for or issuance of a temporary restraining order under applicable law.

SECTION 7. Section 751.151, Estates Code, is amended to read as follows:

Sec. 751.151. RECORDING FOR REAL PROPERTY TRANSACTIONS REQUIRING EXECUTION AND DELIVERY OF INSTRUMENTS. A durable power of attorney for a real property transaction requiring the execution and delivery of an instrument that is to be recorded, including a release, assignment, satisfaction, mortgage, including a reverse mortgage, security agreement, deed of trust, encumbrance, deed of conveyance, oil, gas, or other mineral lease, memorandum of a lease, lien, including a home equity lien, or other claim or right to real property, must be recorded in the office of the county clerk of the county in which the property is located not later than the 30th day after the date the instrument is filed for recording.

SECTION 8. Chapter 751, Estates Code, is amended by adding Subchapters E and F to read as follows:

SUBCHAPTER E. ACCEPTANCE OF AND RELIANCE ON DURABLE
POWER OF ATTORNEY

Sec. 751.201. ACCEPTANCE OF DURABLE POWER OF ATTORNEY REQUIRED; EXCEPTIONS. (a) Unless one or more grounds for refusal under Section 751.206 exist, a person who is presented with and asked to accept a durable power of attorney by an agent with authority to act under the power of attorney shall:

- (1) accept the power of attorney; or
- (2) before accepting the power of attorney:

(A) request an agent's certification under Section 751.203 or an opinion of counsel under Section 751.204 not later than the 10th business day after the date the power of attorney is presented, except as provided by Subsection (c); or

(B) if applicable, request an English translation under Section 751.205 not later than the fifth business day after the date the power of attorney is presented, except as provided by Subsection (c).

(b) Unless one or more grounds for refusal under Section 751.206 exist and except as provided by Subsection (c), a person who requests:

(1) an agent's certification must accept the durable power of attorney not later than the seventh business day after the date the person receives the requested certification; and

(2) an opinion of counsel must accept the durable power of attorney not later than the seventh business day after the date the person receives the requested opinion.

(c) An agent presenting a durable power of attorney for acceptance and the person to whom the power of attorney is presented may agree to extend a period prescribed by Subsection (a) or (b).

(d) If an English translation of a durable power of attorney is requested as authorized by Subsection (a)(2)(B), the power of attorney is not considered presented for acceptance under Subsection (a) until the date the requestor receives the translation. On and after that date, the power of attorney shall be treated as a power of attorney originally prepared in English for all the purposes of this subchapter.

(e) A person is not required to accept a durable power of attorney under this section if the agent refuses to or does not provide a requested certification, opinion of counsel, or English translation under this subchapter.

Sec. 751.202. OTHER FORM OR RECORDING OF DURABLE POWER OF ATTORNEY AS CONDITION OF ACCEPTANCE PROHIBITED. A person who is asked to accept a durable power of attorney under Section 751.201 may not require that:

(1) an additional or different form of the power of attorney be presented for authority that is granted in the power of attorney presented to the person; or

(2) the power of attorney be recorded in the office of a county clerk unless the recording of the instrument is required by Section 751.151 or another law of this state.

Sec. 751.203. AGENT'S CERTIFICATION. (a) Before accepting a durable power of attorney under Section 751.201, the person to whom the power of attorney is presented may request that the agent presenting the power of attorney provide to the person an agent's certification, under penalty of perjury, of any factual matter concerning the principal, agent, or power of attorney. If under its terms the power of attorney becomes effective on the disability or incapacity of the principal, the person to whom the power of attorney is presented may request that the certification include a written statement from a physician attending the principal that states that the principal is presently disabled or incapacitated.

(b) A certification described by Subsection (a) may be in the following form:

CERTIFICATION OF DURABLE POWER OF ATTORNEY BY AGENT

I, _____ (agent), certify under penalty of perjury that:

1. I am the agent named in the power of attorney validly executed by _____ (principal) ("principal") on _____ (date), and the power of attorney is now in full force and effect.

2. The principal is not deceased and is presently domiciled in _____ (city and state/territory or foreign country).

3. To the best of my knowledge after diligent search and inquiry:

a. The power of attorney has not been revoked by the principal or suspended or terminated by the occurrence of any event, whether or not referenced in the power of attorney;

b. At the time the power of attorney was executed, the principal was mentally competent to transact legal matters and was not acting under the undue influence of any other person;

c. A permanent guardian of the estate of the principal has not qualified to serve in that capacity;

d. My powers under the power of attorney have not been suspended by a court in a temporary guardianship or other proceeding;

e. If I am (or was) the principal's spouse, my marriage to the principal has not been dissolved by court decree of divorce or annulment or declared void by a court, or the power of attorney provides specifically that my appointment as the agent for the principal does not terminate if my marriage to the principal has been dissolved by court decree of divorce or annulment or declared void by a court;

f. No proceeding has been commenced for a temporary or permanent guardianship of the person or estate, or both, of the principal; and

g. The exercise of my authority is not prohibited by another agreement or instrument.

4. If under its terms the power of attorney becomes effective on the disability or incapacity of the principal or at a future time or on the occurrence of a contingency, the principal now has a disability or is incapacitated or the specified future time or contingency has occurred.

5. I am acting within the scope of my authority under the power of attorney, and my authority has not been altered or terminated.

6. If applicable, I am the successor to _____ (predecessor agent), who has resigned, died, or become incapacitated, is not qualified to serve or has declined to serve as agent, or is otherwise unable to act. There are no unsatisfied conditions remaining under the power of attorney that preclude my acting as successor agent.

7. I agree not to:

a. Exercise any powers granted by the power of attorney if I attain knowledge that the power of attorney has been revoked, suspended, or terminated; or

b. Exercise any specific powers that have been revoked, suspended, or terminated.

8. A true and correct copy of the power of attorney is attached to this document.

9. If used in connection with an extension of credit under Section 50(a)(6), Article XVI, Texas Constitution, the power of attorney was executed in the office of the lender, the office of a title company, or the law office of

Date: _____, 20 _____.

(signature of agent)

(c) A certification made in compliance with this section is conclusive proof of the factual matter that is the subject of the certification.

Sec. 751.204. OPINION OF COUNSEL. (a) Before accepting a durable power of attorney under Section 751.201, the person to whom the power of attorney is presented may request from the agent presenting the power of attorney

an opinion of counsel regarding any matter of law concerning the power of attorney so long as the person provides to the agent the reason for the request in a writing or other record.

(b) Except as otherwise provided in an agreement to extend the request period under Section 751.201(c), an opinion of counsel requested under this section must be provided by the principal or agent, at the principal's expense. If, without an extension, the requestor requests the opinion later than the 10th business day after the date the durable power of attorney is presented to the requestor, the principal or agent may, but is not required to, provide the opinion, at the requestor's expense.

Sec. 751.205. ENGLISH TRANSLATION. (a) Before accepting a durable power of attorney under Section 751.201 that contains, wholly or partly, language other than English, the person to whom the power of attorney is presented may request from the agent presenting the power of attorney an English translation of the power of attorney.

(b) Except as otherwise provided in an agreement to extend the request period under Section 751.201(c), an English translation requested under this section must be provided by the principal or agent, at the principal's expense. If, without an extension, the requestor requests the translation later than the fifth business day after the date the durable power of attorney is presented to the requestor, the principal or agent may, but is not required to, provide the translation, at the requestor's expense.

Sec. 751.206. GROUNDS FOR REFUSING ACCEPTANCE. A person is not required to accept a durable power of attorney under this subchapter if:

(1) the person would not otherwise be required to engage in a transaction with the principal under the same circumstances, including a circumstance in which the agent seeks to:

(A) establish a customer relationship with the person under the power of attorney when the principal is not already a customer of the person or expand an existing customer relationship with the person under the power of attorney; or

(B) acquire a product or service under the power of attorney that the person does not offer;

(2) the person's engaging in the transaction with the agent or with the principal under the same circumstances would be inconsistent with:

(A) another law of this state or a federal statute, rule, or regulation;

(B) a request from a law enforcement agency; or

(C) a policy adopted by the person in good faith that is necessary to comply with another law of this state or a federal statute, rule, regulation, regulatory directive, guidance, or executive order applicable to the person;

(3) the person would not engage in a similar transaction with the agent because the person or an affiliate of the person:

(A) has filed a suspicious activity report as described by 31 U.S.C. Section 5318(g) with respect to the principal or agent;

(B) believes in good faith that the principal or agent has a prior criminal history involving financial crimes; or

(C) has had a previous, unsatisfactory business relationship with the agent due to or resulting in:

(i) material loss to the person;

(ii) financial mismanagement by the agent;

(iii) litigation between the person and the agent alleging substantial damages; or

(iv) multiple nuisance lawsuits filed by the agent;

(4) the person has actual knowledge of the termination of the agent's authority or of the power of attorney before an agent's exercise of authority under the power of attorney;

(5) the agent refuses to comply with a request for a certification, opinion of counsel, or translation under Section 751.201 or, if the agent complies with one or more of those requests, the requestor in good faith is unable to determine the validity of the power of attorney or the agent's authority to act under the power of attorney because the certification, opinion, or translation is incorrect, incomplete, unclear, limited, qualified, or otherwise deficient in a manner that makes the certification, opinion, or translation ineffective for its intended purpose, as determined in good faith by the requestor;

(6) regardless of whether an agent's certification, opinion of counsel, or translation has been requested or received by the person under this subchapter, the person believes in good faith that:

(A) the power of attorney is not valid;

(B) the agent does not have the authority to act as attempted; or

(C) the performance of the requested act would violate the terms

of:

(i) a business entity's governing documents; or

(ii) an agreement affecting a business entity, including how the entity's business is conducted;

(7) the person commenced, or has actual knowledge that another person commenced, a judicial proceeding to construe the power of attorney or review the agent's conduct and that proceeding is pending;

(8) the person commenced, or has actual knowledge that another person commenced, a judicial proceeding for which a final determination was made that found:

(A) the power of attorney invalid with respect to a purpose for which the power of attorney is being presented for acceptance; or

(B) the agent lacked the authority to act in the same manner in which the agent is attempting to act under the power of attorney;

(9) the person makes, has made, or has actual knowledge that another person has made a report to a law enforcement agency or other federal or state agency, including the Department of Family and Protective Services, stating a good faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or a person acting with or on behalf of the agent;

(10) the person receives conflicting instructions or communications with regard to a matter from co-agents acting under the same power of attorney or from agents acting under different powers of attorney signed by the same principal or another adult acting for the principal as authorized by Section 751.0021, provided that the person may refuse to accept the power of attorney only with respect to that matter; or

(11) the person is not required to accept the durable power of attorney by the law of the jurisdiction that applies in determining the power of attorney's meaning and effect, or the powers conferred under the durable power of attorney that the agent is attempting to exercise are not included within the scope of activities to which the law of that jurisdiction applies.

Sec. 751.207. WRITTEN STATEMENT OF REFUSAL OF ACCEPTANCE REQUIRED. (a) Except as provided by Subsection (b), a person who refuses to accept a durable power of attorney under this subchapter shall provide to the agent presenting the power of attorney for acceptance a written statement advising the agent of the reason or reasons the person is refusing to accept the power of attorney.

(b) If the reason a person is refusing to accept a durable power of attorney is a reason described by Section 751.206(2) or (3):

(1) the person shall provide to the agent presenting the power of attorney for acceptance a written statement signed by the person under penalty of perjury stating that the reason for the refusal is a reason described by Section 751.206(2) or (3); and

(2) the person refusing to accept the power of attorney is not required to provide any additional explanation for refusing to accept the power of attorney.

(c) The person must provide to the agent the written statement required under Subsection (a) or (b) on or before the date the person would otherwise be required to accept the durable power of attorney under Section 751.201.

Sec. 751.208. DATE OF ACCEPTANCE. A durable power of attorney is considered accepted by a person under Section 751.201 on the first day the person agrees to act at the agent's direction under the power of attorney.

Sec. 751.209. GOOD FAITH RELIANCE ON DURABLE POWER OF ATTORNEY. (a) A person who in good faith accepts a durable power of attorney without actual knowledge that the signature of the principal or of another adult directed by the principal to sign the principal's name as authorized by Section 751.0021 is not genuine may rely on the presumption under Section 751.0022 that the signature is genuine and that the power of attorney was properly executed.

(b) A person who in good faith accepts a durable power of attorney without actual knowledge that the power of attorney is void, invalid, or terminated, that the purported agent's authority is void, invalid, or terminated, or that the agent is exceeding or improperly exercising the agent's authority may rely on the power of attorney as if:

(1) the power of attorney were genuine, valid, and still in effect;

(2) the agent's authority were genuine, valid, and still in effect; and

(3) the agent had not exceeded and had properly exercised the authority.

Sec. 751.210. RELIANCE ON CERTAIN REQUESTED INFORMATION. A person may rely on, without further investigation or liability to another person, an agent's certification, opinion of counsel, or English translation that is provided to the person under this subchapter.

Sec. 751.211. ACTUAL KNOWLEDGE OF PERSON WHEN TRANSACTIONS CONDUCTED THROUGH EMPLOYEES. (a) This section applies to a person who conducts a transaction or activity through an employee of the person.

(b) For purposes of this chapter, a person is not considered to have actual knowledge of a fact relating to a durable power of attorney, principal, or agent if the employee conducting the transaction or activity involving the power of attorney does not have actual knowledge of the fact.

(c) For purposes of this chapter, a person is considered to have actual knowledge of a fact relating to a durable power of attorney, principal, or agent if the employee conducting the transaction or activity involving the power of attorney has actual knowledge of the fact.

Sec. 751.212. CAUSE OF ACTION FOR REFUSAL TO ACCEPT DURABLE POWER OF ATTORNEY. (a) The principal or an agent acting on the principal's behalf may bring an action against a person who refuses to accept a durable power of attorney in violation of this subchapter.

(b) An action under Subsection (a) may not be commenced against a person until after the date the person is required to accept the durable power of attorney under Section 751.201.

(c) If the court finds that the person refused to accept the durable power of attorney in violation of this subchapter, the court, as the exclusive remedy under this chapter:

(1) shall order the person to accept the power of attorney; and

(2) may award the plaintiff court costs and reasonable and necessary attorney's fees.

(d) The court shall dismiss an action under this section that was commenced after the date a written statement described by Section 751.207(b) was provided to the agent.

(e) Notwithstanding Subsection (c), if the agent receives a written statement described by Section 751.207(b) after the date a timely action is commenced under this section, the court may not order the person to accept the durable power of attorney, but instead may award the plaintiff court costs and reasonable and necessary attorney's fees as the exclusive remedy under this chapter.

Sec. 751.213. LIABILITY OF PRINCIPAL. (a) Subsection (b) applies to an action brought under Section 751.212 if:

(1) the court finds that the action was commenced after the date the written statement described by Section 751.207(b) was timely provided to the agent;

(2) the court expressly finds that the refusal of the person against whom the action was brought to accept the durable power of attorney was permitted under this chapter; or

(3) Section 751.212(e) does not apply and the court does not issue an order ordering the person to accept the power of attorney.

(b) Under any of the circumstances described by Subsection (a), the principal may be liable to the person who refused to accept the durable power of attorney for court costs and reasonable and necessary attorney's fees incurred in defending the action as the exclusive remedy under this chapter.

SUBCHAPTER F. CIVIL REMEDIES

Sec. 751.251. JUDICIAL RELIEF. (a) The following may bring an action requesting a court to construe, or determine the validity or enforceability of, a durable power of attorney, or to review an agent's conduct under a durable power of attorney and grant appropriate relief:

(1) the principal or the agent;

(2) a guardian, conservator, or other fiduciary acting for the principal;

(3) a person named as a beneficiary to receive property, a benefit, or a contractual right on the principal's death;

(4) a governmental agency with regulatory authority to protect the principal's welfare; and

(5) a person who demonstrates to the court sufficient interest in the principal's welfare or estate.

(b) A person who is asked to accept a durable power of attorney may bring an action requesting a court to construe, or determine the validity or enforceability of, the power of attorney.

(c) On the principal's motion, the court shall dismiss an action under Subsection (a) unless the court finds that the principal lacks capacity to revoke the agent's authority or the durable power of attorney.

SECTION 9. Section 752.051, Estates Code, is amended to read as follows:

Sec. 752.051. FORM. The following form is known as a "statutory durable power of attorney":

STATUTORY DURABLE POWER OF ATTORNEY

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, SUBTITLE P, TITLE 2, ESTATES CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO. IF YOU WANT YOUR AGENT TO HAVE THE AUTHORITY TO SIGN HOME EQUITY LOAN DOCUMENTS ON YOUR BEHALF, THIS POWER OF ATTORNEY MUST BE SIGNED BY YOU AT THE OFFICE OF THE LENDER, AN ATTORNEY AT LAW, OR A TITLE COMPANY.

You should select someone you trust to serve as your agent [~~(attorney in fact)~~]. Unless you specify otherwise, generally the agent's [~~(attorney in fact's)~~] authority will continue until:

- (1) you die or revoke the power of attorney;
- (2) your agent [~~(attorney in fact)~~] resigns or is unable to act for you; or
- (3) a guardian is appointed for your estate.

I, _____ (insert your name and address), appoint _____ (insert the name and address of the person appointed) as my agent [~~(attorney in fact)~~] to act for me in any lawful way with respect to all of the following powers that I have initialed below. (YOU MAY APPOINT CO-AGENTS. UNLESS YOU PROVIDE OTHERWISE, CO-AGENTS MAY ACT INDEPENDENTLY.)

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS LISTED IN (A) THROUGH (M).

TO GRANT A POWER, YOU MUST INITIAL THE LINE IN FRONT OF THE POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF THE POWER. YOU MAY, BUT DO NOT NEED TO, CROSS OUT EACH POWER WITHHELD.

- ___ (A) Real property transactions;
- ___ (B) Tangible personal property transactions;
- ___ (C) Stock and bond transactions;
- ___ (D) Commodity and option transactions;
- ___ (E) Banking and other financial institution transactions;
- ___ (F) Business operating transactions;
- ___ (G) Insurance and annuity transactions;
- ___ (H) Estate, trust, and other beneficiary transactions;
- ___ (I) Claims and litigation;
- ___ (J) Personal and family maintenance;
- ___ (K) Benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service;
- ___ (L) Retirement plan transactions;
- ___ (M) Tax matters;
- ___ (N) ALL OF THE POWERS LISTED IN (A) THROUGH (M). YOU DO NOT HAVE TO INITIAL THE LINE IN FRONT OF ANY OTHER POWER IF YOU INITIAL LINE (N).

SPECIAL INSTRUCTIONS:

Special instructions applicable to agent compensation (initial in front of one of the following sentences to have it apply; if no selection is made, each agent will be entitled to compensation that is reasonable under the circumstances):

___ My agent is entitled to reimbursement of reasonable expenses incurred on my behalf and to compensation that is reasonable under the circumstances.

___ My agent is entitled to reimbursement of reasonable expenses incurred on my behalf but shall receive no compensation for serving as my agent.

Special instructions applicable to co-agents (if you have appointed co-agents to act, initial in front of one of the following sentences to have it apply; if no selection is made, each agent will be entitled to act independently):

 Each of my co-agents may act independently for me.

 My co-agents may act for me only if the co-agents act jointly.

 My co-agents may act for me only if a majority of the co-agents act jointly.

Special instructions applicable to gifts (initial in front of the following sentence to have it apply):

____ I grant my agent [~~(attorney in fact)~~] the power to apply my property to make gifts outright to or for the benefit of a person, including by the exercise of a presently exercisable general power of appointment held by me, except that the amount of a gift to an individual may not exceed the amount of annual exclusions allowed from the federal gift tax for the calendar year of the gift.

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

UNLESS YOU DIRECT OTHERWISE BELOW [~~ABOVE~~], THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT TERMINATES [~~IS REVOKED~~].

CHOOSE ONE OF THE FOLLOWING ALTERNATIVES BY CROSSING OUT THE ALTERNATIVE NOT CHOSEN:

(A) This power of attorney is not affected by my subsequent disability or incapacity.

(B) This power of attorney becomes effective upon my disability or incapacity.

YOU SHOULD CHOOSE ALTERNATIVE (A) IF THIS POWER OF ATTORNEY IS TO BECOME EFFECTIVE ON THE DATE IT IS EXECUTED.

IF NEITHER (A) NOR (B) IS CROSSED OUT, IT WILL BE ASSUMED THAT YOU CHOSE ALTERNATIVE (A).

If Alternative (B) is chosen and a definition of my disability or incapacity is not contained in this power of attorney, I shall be considered disabled or incapacitated for purposes of this power of attorney if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of me, I am mentally incapable of managing my financial affairs. I authorize the physician who examines me for this purpose to disclose my physical or mental condition to another person for

purposes of this power of attorney. A third party who accepts this power of attorney is fully protected from any action taken under this power of attorney that is based on the determination made by a physician of my disability or incapacity.

I agree that any third party who receives a copy of this document may act under it. ~~Termination~~ ~~[Revocation]~~ of this ~~[the]~~ durable power of attorney is not effective as to a third party until the third party has actual knowledge ~~[receives actual notice]~~ of the termination ~~[revocation]~~. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney. The meaning and effect of this durable power of attorney is determined by Texas law.

If any agent named by me dies, becomes incapacitated ~~[legally disabled]~~, resigns, or refuses to act, or if my marriage to an agent named by me is dissolved by a court decree of divorce or annulment or is declared void by a court (unless I provided in this document that the dissolution or declaration does not terminate the agent's authority to act under this power of attorney), I name the following (each to act alone and successively, in the order named) as successor(s) to that agent: _____.

Signed this _____ day of _____, _____

(your signature)

State of _____
County of _____

This document was acknowledged before me on _____ (date) by

(name of principal)

(signature of notarial officer)

(Seal, if any, of notary) _____
(printed name)

My commission expires: _____

IMPORTANT INFORMATION FOR AGENT [~~(ATTORNEY IN FACT)~~]

Agent's Duties

When you accept the authority granted under this power of attorney, you establish a "fiduciary" relationship with the principal. This is a special legal relationship that imposes on you legal duties that continue until you resign or the power of attorney is terminated or revoked by the principal or by operation of law. A fiduciary duty generally includes the duty to:

- (1) act in good faith;
- (2) do nothing beyond the authority granted in this power of attorney;
- (3) act loyally for the principal's benefit;
- (4) avoid conflicts that would impair your ability to act in the principal's best interest; and

(5) disclose your identity as an agent ~~[or attorney in fact]~~ when you act for the principal by writing or printing the name of the principal and signing your own name as "agent" ~~[or "attorney in fact"]~~ in the following manner:

(Principal's Name) by (Your Signature) as Agent ~~[(or as Attorney in Fact)]~~

In addition, the Durable Power of Attorney Act (Subtitle P, Title 2, Estates Code) requires you to:

(1) maintain records of each action taken or decision made on behalf of the principal;

(2) maintain all records until delivered to the principal, released by the principal, or discharged by a court; and

(3) if requested by the principal, provide an accounting to the principal that, unless otherwise directed by the principal or otherwise provided in the Special Instructions, must include:

(A) the property belonging to the principal that has come to your knowledge or into your possession;

(B) each action taken or decision made by you as agent [~~or attorney in fact~~];

(C) a complete account of receipts, disbursements, and other actions of you as agent [~~or attorney in fact~~] that includes the source and nature of each receipt, disbursement, or action, with receipts of principal and income shown separately;

(D) a listing of all property over which you have exercised control that includes an adequate description of each asset and the asset's current value, if known to you;

(E) the cash balance on hand and the name and location of the depository at which the cash balance is kept;

(F) each known liability;

(G) any other information and facts known to you as necessary for a full and definite understanding of the exact condition of the property belonging to the principal; and

(H) all documentation regarding the principal's property.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. An event that terminates this power of attorney or your authority to act under this power of attorney includes:

(1) the principal's death;

(2) the principal's revocation of this power of attorney or your authority;

(3) the occurrence of a termination event stated in this power of attorney;

(4) if you are married to the principal, the dissolution of your marriage by a court decree of divorce or annulment or declaration that your marriage is void, unless otherwise provided in this power of attorney;

(5) the appointment and qualification of a permanent guardian of the principal's estate; or

(6) if ordered by a court, the suspension of this power of attorney on the appointment and qualification of a temporary guardian until the date the term of the temporary guardian expires.

Liability of Agent

The authority granted to you under this power of attorney is specified in the Durable Power of Attorney Act (Subtitle P, Title 2, Estates Code). If you violate the Durable Power of Attorney Act or act beyond the authority granted, you may be liable for any damages caused by the violation or subject to prosecution for misapplication of property by a fiduciary under Chapter 32 of the Texas Penal Code.

THE ~~ATTORNEY IN FACT OR~~ AGENT, BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

SECTION 10. Subchapter B, Chapter 752, Estates Code, is amended by adding Section 752.052 to read as follows:

Sec. 752.052. MODIFYING STATUTORY FORM TO GRANT SPECIFIC AUTHORITY. The statutory durable power of attorney may be modified to allow the principal to grant the agent the specific authority described by Section 751.031(b) by including the following language:

"GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent. If you DO NOT want to grant your agent one or more of the following powers, you may also CROSS OUT a power you DO NOT want to grant.)

_____ Create, amend, revoke, or terminate an inter vivos trust

_____ Make a gift, subject to the limitations of Section 751.032 of the Durable Power of Attorney Act (Section 751.032, Estates Code) and any special instructions in this power of attorney

_____ Create or change rights of survivorship

_____ Create or change a beneficiary designation

_____ Authorize another person to exercise the authority granted under this power of attorney".

SECTION 11. Section 752.102, Estates Code, is amended to read as follows:

Sec. 752.102. REAL PROPERTY TRANSACTIONS. (a) The language conferring authority with respect to real property transactions in a statutory durable power of attorney empowers the ~~attorney in fact or~~ agent, without further reference to a specific description of the real property, to:

(1) accept as a gift or as security for a loan or reject, demand, buy, lease, receive, or otherwise acquire an interest in real property or a right incident to real property;

(2) sell, exchange, convey with or without covenants, quitclaim, release, surrender, mortgage, encumber, partition or consent to partitioning, subdivide, apply for zoning, rezoning, or other governmental permits, plat or

consent to platting, develop, grant options concerning, lease or sublet, or otherwise dispose of an estate or interest in real property or a right incident to real property;

(3) release, assign, satisfy, and enforce by litigation, action, or otherwise a mortgage, deed of trust, encumbrance, lien, or other claim to real property that exists or is claimed to exist;

(4) perform any act of management or of conservation with respect to an interest in real property, or a right incident to real property, owned or claimed to be owned by the principal, including the authority to:

(A) insure against a casualty, liability, or loss;

(B) obtain or regain possession or protect the interest or right by litigation, action, or otherwise;

(C) pay, compromise, or contest taxes or assessments or apply for and receive refunds in connection with the taxes or assessments;

(D) purchase supplies, hire assistance or labor, or make repairs or alterations to the real property; and

(E) manage and supervise an interest in real property, including the mineral estate~~[-by, for example:~~

~~[(i) entering into a lease for oil, gas, and mineral purposes;~~

~~[(ii) making contracts for development of the mineral estate; or~~

~~[(iii) making pooling and unitization agreements];~~

(5) use, develop, alter, replace, remove, erect, or install structures or other improvements on real property in which the principal has or claims to have an estate, interest, or right;

(6) participate in a reorganization with respect to real property or a legal entity that owns an interest in or right incident to real property, receive and hold shares of stock or obligations received in a plan or reorganization, and act with respect to the shares or obligations, including:

(A) selling or otherwise disposing of the shares or obligations;

(B) exercising or selling an option, conversion, or similar right with respect to the shares or obligations; and

(C) voting the shares or obligations in person or by proxy;

(7) change the form of title of an interest in or right incident to real property; ~~[and]~~

(8) dedicate easements or other real property in which the principal has or claims to have an interest to public use, with or without consideration;

(9) enter into mineral transactions, including:

(A) negotiating and making oil, gas, and other mineral leases covering any land, mineral, or royalty interest in which the principal has or claims to have an interest;

(B) pooling and unitizing all or part of the principal's land, mineral leasehold, mineral, royalty, or other interest with land, mineral leasehold, mineral, royalty, or other interest of one or more persons for the purpose of developing and producing oil, gas, or other minerals, and making leases or assignments granting the right to pool and unitize;

(C) entering into contracts and agreements concerning the installation and operation of plants or other facilities for the cycling, repressuring, processing, or other treating or handling of oil, gas, or other minerals;

(D) conducting or contracting for the conducting of seismic evaluation operations;

(E) drilling or contracting for the drilling of wells for oil, gas, or other minerals;

(F) contracting for and making "dry hole" and "bottom hole" contributions of cash, leasehold interests, or other interests toward the drilling of wells;

(G) using or contracting for the use of any method of secondary or tertiary recovery of any mineral, including the injection of water, gas, air, or other substances;

(H) purchasing oil, gas, or other mineral leases, leasehold interests, or other interests for any type of consideration, including farmout agreements requiring the drilling or reworking of wells or participation in the drilling or reworking of wells;

(I) entering into farmout agreements committing the principal to assign oil, gas, or other mineral leases or interests in consideration for the drilling of wells or other oil, gas, or mineral operations;

(J) negotiating the transfer of and transferring oil, gas, or other mineral leases or interests for any consideration, such as retained overriding royalty interests of any nature, drilling or reworking commitments, or production interests;

(K) executing and entering into contracts, conveyances, and other agreements or transfers considered necessary or desirable to carry out the powers granted in this section, including entering into and executing division orders, oil, gas, or other mineral sales contracts, exploration agreements, processing agreements, and other contracts relating to the processing, handling, treating, transporting, and marketing of oil, gas, or other mineral production from or accruing to the principal and receiving and receipting for the proceeds of those contracts, conveyances, and other agreements and transfers on behalf of the principal; and

(L) taking an action described by Paragraph (K) regardless of whether the action is, at the time the action is taken or subsequently, recognized or considered as a common or proper practice by those engaged in the business of prospecting for, developing, producing, processing, transporting, or marketing minerals; and

(10) designate the property that constitutes the principal's homestead.

(b) The power to mortgage and encumber real property provided by this section includes the power to execute documents necessary to create a lien against the principal's homestead as provided by Section 50, Article XVI, Texas Constitution, and to consent to the creation of a lien against property owned by the principal's spouse in which the principal has a homestead interest.

SECTION 12. Section 752.108(b), Estates Code, is amended to read as follows:

(b) Unless the principal has granted the authority to create or change a beneficiary designation expressly as required by Section 751.031(b)(4), an [An attorney in fact or] agent may be named a beneficiary of an insurance contract or an extension, renewal, or substitute for the contract only to the extent the [~~attorney in fact or~~] agent was named as a beneficiary [~~under a contract procured~~] by the principal [~~before executing the power of attorney~~].

SECTION 13. Sections 752.109 and 752.111, Estates Code, are amended to read as follows:

Sec. 752.109. ESTATE, TRUST, AND OTHER BENEFICIARY TRANSACTIONS. The language conferring authority with respect to estate, trust, and other beneficiary transactions in a statutory durable power of attorney empowers the [~~attorney in fact or~~] agent to act for the principal in all matters that affect a trust, probate estate, guardianship, conservatorship, life estate, escrow, custodianship, or other fund from which the principal is, may become, or claims to be entitled, as a beneficiary, to a share or payment, including to:

(1) accept, reject, disclaim, receive, receipt for, sell, assign, release, pledge, exchange, or consent to a reduction in or modification of a share in or payment from the fund;

(2) demand or obtain by litigation, action, or otherwise money or any other thing of value to which the principal is, may become, or claims to be entitled because of the fund;

(3) initiate, participate in, or oppose a legal or judicial proceeding to:

(A) ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal; or

(B) remove, substitute, or surcharge a fiduciary;

(4) conserve, invest, disburse, or use anything received for an authorized purpose; and

(5) transfer all or part of the principal's interest in real property, stocks, bonds, accounts with financial institutions, insurance, and other property to the trustee of a revocable trust created by the principal as settlor.

Sec. 752.111. PERSONAL AND FAMILY MAINTENANCE. The language conferring authority with respect to personal and family maintenance in a statutory durable power of attorney empowers the [~~attorney in fact or~~] agent to:

(1) perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse and children, and other individuals customarily or legally entitled to be supported by the principal, including:

(A) providing living quarters by purchase, lease, or other contract;

or

(B) paying the operating costs, including interest, amortization payments, repairs, and taxes on premises owned by the principal and occupied by those individuals;

(2) provide for the individuals described by Subdivision (1):

(A) normal domestic help;

(B) usual vacations and travel expenses; and

(C) money for shelter, clothing, food, appropriate education, and other living costs;

(3) pay necessary medical, dental, and surgical care, hospitalization, and custodial care for the individuals described by Subdivision (1);

(4) continue any provision made by the principal for the individuals described by Subdivision (1) for automobiles or other means of transportation, including registering, licensing, insuring, and replacing the automobiles or other means of transportation;

(5) maintain or open charge accounts for the convenience of the individuals described by Subdivision (1) and open new accounts the ~~[attorney in fact or]~~ agent considers desirable to accomplish a lawful purpose; ~~[and]~~

(6) continue:

(A) payments incidental to the membership or affiliation of the principal in a church, club, society, order, or other organization; or

(B) contributions to those organizations;

(7) perform all acts necessary in relation to the principal's mail, including:

(A) receiving, signing for, opening, reading, and responding to any mail addressed to the principal, whether through the United States Postal Service or a private mail service;

(B) forwarding the principal's mail to any address; and

(C) representing the principal before the United States Postal Service in all matters relating to mail service; and

(8) subject to the needs of the individuals described by Subdivision (1), provide for the reasonable care of the principal's pets.

SECTION 14. Sections 752.113(b) and (c), Estates Code, are amended to read as follows:

(b) The language conferring authority with respect to retirement plan transactions in a statutory durable power of attorney empowers the ~~[attorney in fact or]~~ agent to perform any lawful act the principal may perform with respect to a transaction relating to a retirement plan, including to:

(1) apply for service or disability retirement benefits;

(2) select payment options under any retirement plan in which the principal participates, including plans for self-employed individuals;

(3) designate or change the designation of a beneficiary or benefits payable by a retirement plan, except as provided by Subsection (c);

(4) make voluntary contributions to retirement plans if authorized by the plan;

(5) exercise the investment powers available under any self-directed retirement plan;

(6) make rollovers of plan benefits into other retirement plans;

(7) borrow from, sell assets to, and purchase assets from retirement plans if authorized by the plan;

(8) waive the principal's right to be a beneficiary of a joint or survivor annuity if the principal is not the participant in the retirement plan ~~[a spouse who is not employed]~~;

- (9) receive, endorse, and cash payments from a retirement plan;
- (10) waive the principal's right to receive all or a portion of benefits payable by a retirement plan; and
- (11) request and receive information relating to the principal from retirement plan records.

(c) Unless the principal has granted the authority to create or change a beneficiary designation expressly as required by Section 751.031(b)(4), an ~~an attorney in fact or~~ agent may be named a beneficiary under a retirement plan only to the extent the ~~attorney in fact or~~ agent was a named a beneficiary by the principal under the retirement plan, or in the case of a rollover or trustee-to-trustee transfer, the predecessor retirement plan ~~before the durable power of attorney was executed~~.

SECTION 15. The following sections of the Estates Code are repealed:

- (1) Section 751.004;
- (2) Section 751.053;
- (3) Section 751.054;
- (4) Section 751.055;
- (5) Section 751.056; and
- (6) Section 751.058.

SECTION 16. (a) Except as otherwise provided by this Act, this Act applies to:

- (1) a durable power of attorney, including a statutory durable power of attorney, created before, on, or after the effective date of this Act; and
- (2) a judicial proceeding concerning a durable power of attorney pending on, or commenced on or after, the effective date of this Act.

(b) The following provisions apply only to a durable power of attorney, including a statutory durable power of attorney, executed on or after the effective date of this Act:

- (1) Section 751.024, Estates Code, as added by this Act;
- (2) Subchapter A-2, Chapter 751, Estates Code, as added by this Act;
- (3) Subchapters B, C, and D, Chapter 751, Estates Code, as amended by this Act; and
- (4) Chapter 752, Estates Code, as amended by this Act.

(c) A durable power of attorney, including a statutory durable power of attorney, executed before the effective date of this Act is governed by the provisions specified in Subsections (b)(3) and (4) of this section as those provisions existed on the date the durable power of attorney was executed, and the former law is continued in effect for that purpose.

(d) If the court finds that application of a provision of this Act would substantially interfere with the effective conduct of a judicial proceeding concerning a durable power of attorney commenced before the effective date of this Act or would prejudice the rights of a party to the proceeding, the provision of this Act does not apply and the former law continues in effect for that purpose and applies in those circumstances.

(e) An act performed by a principal or agent with respect to a durable power of attorney before the effective date of this Act is not affected by this Act.

SECTION 17. This Act takes effect September 1, 2017.

**HB 1500 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Giddings called up with senate amendments for consideration at this time,

HB 1500, A bill to be entitled An Act relating to indicators of achievement under the public school accountability system.

Representative Giddings moved to concur in the senate amendments to **HB 1500**.

The motion to concur in the senate amendments to **HB 1500** prevailed by (Record 1921): 143 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; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospier; 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, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; 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); Cain.

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Nevárez; Oliveira.

Senate Committee Substitute

CSHB 1500, A bill to be entitled An Act relating to the public school accountability system.

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

SECTION 1. Section 39.053, Education Code, is amended by amending Subsection (c) and adding Subsections (c-4) and (g-3) to read as follows:

(c) School districts and campuses must be evaluated based on five domains of indicators of achievement adopted under this section that include:

(1) in the first domain, the results of:

(A) assessment instruments required under Sections 39.023(a), (c), and (l), including the results of assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including:

(i) for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(ii) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(B) assessment instruments required under Section 39.023(b), aggregated across grade levels by subject area, including the percentage of students who performed satisfactorily on the assessment instruments, as determined by the performance standard adopted by the agency, aggregated across grade levels by subject area;

(2) in the second domain:

(A) for assessment instruments under Subdivision (1)(A):

(i) for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area; and

(ii) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area; and

(B) for assessment instruments under Subdivision (1)(B), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area;

(3) in the third domain, the student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds;

(4) in the fourth domain:

(A) for evaluating the performance of high school campuses and districts that include high school campuses:

(i) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education;

(ii) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the Every Student Succeeds Act [~~No Child Left Behind Act of 2001~~] (20 U.S.C. Section 6301 et seq.);

(iii) the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high school program;

(iv) the percentage of students who successfully completed the curriculum requirements for an endorsement under Section 28.025(c-1);

(v) the percentage of students who completed a coherent sequence of career and technical courses;

(vi) the percentage of students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument in reading, writing, or mathematics designated by the Texas Higher Education Coordinating Board under Section 51.3062(c);

(vii) the percentage of students who earn at least 12 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);

(viii) the percentage of students who have completed an advanced placement or international baccalaureate course;

(ix) the percentage of students who enlist in the armed forces of the United States; ~~and~~

(x) the percentage of students who earn an industry certification;

(xi) the percentage of students who successfully completed an OnRamps dual enrollment course;

(xii) the percentage of students who have received credit by examination;

(xiii) the percentage of students who have been promoted to higher grade levels than the grade levels to which the students would ordinarily be assigned;

(xiv) the percentage of students who have earned a diploma after not more than three years of high school attendance; and

(xv) the percentage of students who earn an associate degree;

(B) for evaluating the performance of middle and junior high school and elementary school campuses and districts that include those campuses:

(i) student attendance; ~~and~~

(ii) for middle and junior high school campuses:

(a) dropout rates, computed in the manner described by Paragraph (A)(i); ~~and~~

(b) the percentage of students in grades seven and eight who receive instruction in preparing for high school, college, and a career that includes information regarding the creation of a high school personal graduation plan under Section 28.02121, the distinguished level of achievement described by Section 28.025(b-15), each endorsement described by Section 28.025(c-1), college readiness standards, and potential career choices and the education needed to enter those careers; and

(c) the percentage of students in grades seven and eight who complete a pre-advanced placement course or pre-international baccalaureate course; and

(iii) the percentage of students who participate in a University Interscholastic League A+ academic event; and

(C) any additional indicators of student achievement not associated with performance on standardized assessment instruments determined appropriate for consideration by the commissioner in consultation with educators, parents, business and industry representatives, and employers; and

(5) in the fifth domain, three programs or specific categories of performance related to community and student engagement locally selected and evaluated as provided by Section 39.0546.

(c-4) For purposes of evaluating the performance of a district or campus under Subsection (c), the commissioner shall determine a method by which the performance of a student is attributed greater weight for each school year a student has been continuously enrolled in the school district or at the campus, as applicable.

(g-3) The commissioner shall adopt rules for computing the percentage of students participating in a University Interscholastic League A+ academic event under Subsection (c)(4)(B)(iii).

SECTION 2. Section 39.107, Education Code, is amended by adding Subsections (b-10), (b-11), and (b-12) to read as follows:

(b-10) Not later than June 15 of each year, the commissioner shall, in writing, either approve or reject any campus turnaround plan prepared and submitted to the commissioner by a district. If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection.

(b-11) If the commissioner rejects a campus turnaround plan, the district must create a modified plan with assistance from agency staff and submit the modified plan to the commissioner for approval not later than August 15. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than September 1.

(b-12) If the agency assists or offers assistance to a district in modifying a campus turnaround plan following a rejection under Subsection (b-10), the agency may not recommend or require participation by the district in any of the following:

(1) general workshops for the board of trustees of the district;
(2) the use of fidelity instruments as part of the campus turnaround plan; or

(3) any other initiative that does not directly relate to a concern raised in regard to the rejected campus turnaround plan that was identified by the commissioner under Subsection (b-10).

SECTION 3. This Act applies beginning with the 2017-2018 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1500** (senate committee printing) by striking SECTION 2 of the bill, amending Section 39.107, Education Code (page 3, lines 36-60) and substituting the following:

SECTION 2. Section 39.107, Education Code, is amended by adding Subsections (b-10) and (b-11) to read as follows:

(b-10) Not later than June 15 of each year, the commissioner shall, in writing, either approve or reject any campus turnaround plan prepared and submitted to the commissioner by a district. If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection.

(b-11) If the commissioner rejects a campus turnaround plan, the district must create a modified plan with assistance from agency staff and submit the modified plan to the commissioner for approval not later than the 60th day after the date the commissioner rejects the campus turnaround plan. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than the 15th day after the date the commissioner receives the modified plan.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 1500** (senate committee report) in SECTION 1 of the bill, in amended Section 39.053(c), Education Code (page 2, line 34), between "technical" and "courses", by inserting "or fine arts".

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **HB 1500** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 39.053(b), Education Code, is amended to read as follows:

(b) Performance on the achievement indicators adopted under Subsections (c)(1)-(4) shall be compared to state-established standards. To the extent feasible, the [The] indicators should allow for disaggregation [must be based on information that is disaggregated] by race, ethnicity, and socioeconomic status.

SECTION _____. Sections 39.054(a), (a-1), and (a-3), Education Code, as effective September 1, 2017, are amended to read as follows:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each applicable domain under Sections 39.053(c)(1)-(4). An overall or domain performance rating of A reflects

exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflects performance that needs improvement. An overall or domain performance rating of [✗] F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of ~~D or~~ F. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, ~~C,~~ or D or performance that is exemplary, recognized, or acceptable or needs improvement [performance].

(a-1) In [For purposes of] assigning [an overall] performance ratings [rating] under Subsection (a), the commissioner may adjust the overall performance rating of a district or campus if the performance of the district or campus under the indicators described by Section 39.053(c), based on information disaggregated by race, ethnicity, socioeconomic status, or other factors, does not meet standards established by the commissioner. The commissioner shall attribute:

(1) 55 percent of the performance evaluation to the achievement indicators for the first, second, and third domains under Sections 39.053(c)(1)-(3);

(2) for middle and junior-high school and elementary campuses and districts that include only those campuses, 35 percent of the performance evaluation to the applicable achievement indicators for the fourth domain under Section 39.053(c)(4);

(3) for high school campuses and districts that include those campuses:

[(A) 10 percent of the performance evaluation to the high school graduation rate achievement indicator described by Section 39.053(c)(4)(A)(ii); and

[(B) 25 percent to the remaining applicable achievement indicators for the fourth domain under Section 39.053(c)(4); and

(4) 10 percent of the performance evaluation to the locally selected and evaluated achievement indicators provided for under the fifth domain under Section 39.053(c)(5)].

(a-3) Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted under this section. ~~[If a district or campus received an overall or domain performance rating of D or F for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.]~~

(2) SECTION _____. Section 39.054(a-1)(1), Education Code, is amended to read as follows:

(1) an overall performance rating for a district or campus under Subsection (a), the commissioner shall:

(A) consider either the district's or campus's performance rating under the student achievement domain under Section 39.053(c)(1) or the school performance domain under Section 39.053(c)(2), whichever performance rating is

higher, unless the district or campus received a performance rating of F in either domain, in which case the district or campus may not be assigned an overall performance rating higher than a B; and

(B) attribute not less than 20 percent of the performance rating to the school climate domain under Section 39.053(c)(3) if the district or campus has received a performance rating of C or higher for the other two domains; and

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

SECTION _____. Section 12A.001(b), Education Code, is amended to read as follows:

(b) A school district is eligible for designation as a district of innovation only if the district's most recent overall performance rating under Section 39.054 is exemplary, recognized, or acceptable as reflected by an overall [reflects at least acceptable] performance rating of A, B, or C.

SECTION _____. Section 12A.001(b), Education Code, as amended by this Act, applies only to a school district designated as a district of innovation on or after the effective date of this Act.

SECTION _____. Subchapter E, Chapter 39, Education Code, is amended by adding Section 39.101 to read as follows:

Sec. 39.101. NEEDS IMPROVEMENT RATING. (a) Notwithstanding any other law, if a school district or campus is assigned an overall or domain performance rating of D:

(1) the commissioner shall order the district or campus to develop and implement a targeted improvement plan approved by the board of trustees of the district; and

(2) the interventions and sanctions provided by this subchapter based on failure to satisfy performance standards under Section 39.054(e) apply to the district or campus only as provided by this section.

(b) The interventions and sanctions provided by this subchapter based on failure to satisfy performance standards under Section 39.054(e) apply to a district or campus ordered to develop and implement a targeted improvement plan under Subsection (a) only if the district or campus is assigned an overall or domain performance rating of F, including the assignment of a performance rating of F in the manner provided by Subsection (c) or (d).

(c) If a school district or campus is assigned an overall performance rating of D for two consecutive school years after the district or campus is ordered to develop and implement a targeted improvement plan under Subsection (a), the commissioner shall assign that district or campus an overall performance rating of F for the following school year unless, based on the performance of the district or campus in that following school year, the commissioner determines that the district or campus should be assigned a performance rating of C or higher.

(d) If a district or campus is assigned a domain performance rating of D for the same domain for two consecutive school years after the district or campus is ordered to develop and implement a targeted improvement plan under Subsection (a), the commissioner shall assign that district or campus a domain performance rating of F for that domain for the following school year unless, based on the

performance of the district or campus in that following school year, the commissioner determines the district or campus should be assigned a performance rating of C or higher in that domain.

(e) The commissioner shall adopt rules as necessary to implement this section.

HB 3050 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative P. King called up with senate amendments for consideration at this time,

HB 3050, A bill to be entitled An Act relating to driver's and learner licenses.

Representative P. King moved to concur in the senate amendments to **HB 3050**.

The motion to concur in the senate amendments to **HB 3050** prevailed by (Record 1922): 99 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; Klick; Koop; Kuempel; Lambert; Larson; Laubenberg; Lozano; Martinez; Metcalf; Moody; Morrison; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Perez; Phillips; Pickett; Price; Reynolds; Roberts; Rodriguez, E.; Romero; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Cain; Cyrier; Dean; Dutton; Elkins; Faircloth; Fallon; Hernandez; Holland; Keough; Krause; Landgraf; Lang; Leach; Longoria; Lucio; Meyer; Miller; Muñoz; Murr; Parker; Paul; Phelan; Raymond; Rinaldi; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Stickland; Swanson; Thompson, E.; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Minjarez; Raney.

Absent — Allen; Dukes; Farrar; King, T.; Rodriguez, J.

STATEMENTS OF VOTE

When Record No. 1922 was taken, I was shown voting yes. I intended to vote no.

Giddings

When Record No. 1922 was taken, I was shown voting yes. I intended to vote no.

Gonzales

Senate Committee Substitute

CSHB 3050, A bill to be entitled An Act relating to driver's and learner licenses and the issuance of certain driver's licenses and identification certificates; authorizing a fee.

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

SECTION 1. Section 521.001(a)(3), Transportation Code, is amended to read as follows:

(3) "Driver's license" means an authorization issued by the department for the operation of a motor vehicle. The term includes:

- (A) a temporary license or learner license [~~instruction permit~~]; and
- (B) an occupational license.

SECTION 2. Sections 521.009(a), (a-1), and (c), Transportation Code, are amended to read as follows:

(a) The department may establish a program for the provision of renewal and duplicate driver's license, election identification certificate, and personal identification certificate services in counties and municipalities that enter into an agreement with the department under Subsection (a-1).

(a-1) Under the program, the department may enter into an agreement with the commissioners court of a county or the governing body of a municipality to permit county or municipal employees to provide services at a county or municipal office relating to the issuance of renewal and duplicate driver's licenses, election identification certificates, and personal identification certificates, including:

- (1) taking photographs;
- (2) administering vision tests;
- (3) updating a driver's license, election identification certificate, or personal identification certificate to change a name, address, or photograph;
- (4) distributing and collecting information relating to donations under Section 521.401;
- (5) collecting fees; and
- (6) performing other basic ministerial functions and tasks necessary to issue renewal and duplicate driver's licenses, election identification certificates, and personal identification certificates.

(c) A participating county or municipality must remit to the department for deposit as required by this chapter fees collected for the issuance of a renewal or duplicate driver's license or personal identification certificate.

SECTION 3. Section 521.0475(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (b) [~~or (e)~~], the department shall provide a certified abstract of a complete driving record of a license holder, for a fee of \$20, to the license holder or a person eligible to receive the information under Sections 730.007(a)(2)(A), (D), and (I).

SECTION 4. Sections 521.050(a) and (c), Transportation Code, are amended to read as follows:

(a) In addition to the provisions of this subchapter relating to the disclosure of driver's license information on an individual, the department may provide a purchaser, in a format prescribed by the department and acceptable to the purchaser, with a magnetic tape of the names, addresses, and dates of birth of all license holders that are contained in the department's basic driver's license record file if the purchaser certifies in writing that the purchaser is eligible to receive the information under Chapter 730.

(c) The department shall impose and collect a fee of:

(1) \$2,000 for the initial driver's license information provided [each magnetic tape provided] under Subsection (a); and

(2) if the department provides a weekly update of the information ~~on the tape~~, \$75 for each update.

SECTION 5. Section 521.121(a), Transportation Code, is amended to read as follows:

(a) The driver's license must include:

(1) a distinguishing number assigned by the department to the license holder;

(2) a ~~color~~ photograph of the entire face of the holder;

(3) the full name and date of birth of the holder;

(4) a brief description of the holder; and

(5) the license holder's residence address or, for a license holder using the procedure under Subsection (c), the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge.

SECTION 6. Sections 521.1211(a) and (b), Transportation Code, are amended to read as follows:

(a) In this section, "peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure, except that the term includes a special investigator as defined by Article 2.122, Code of Criminal Procedure.

(b) Notwithstanding Section 521.121(a), the department by rule shall adopt procedures for the issuance of a driver's license to a peace officer that omits the license holder's actual residence address and includes, as an alternative, an address that is ~~[in the municipality or county of the peace officer's residence and is]~~ acceptable to the department and is in the:

(1) municipality or county of the peace officer's residence; or

(2) county of the peace officer's place of employment.

SECTION 7. Section 521.204(b), Transportation Code, is amended to read as follows:

(b) The department may not issue a Class A, B, or C driver's license other than a hardship license to an applicant under 18 years of age unless the applicant has held a learner license ~~[an instruction permit]~~ or hardship license for at least six months preceding the date of the application.

SECTION 8. The heading to Section 521.222, Transportation Code, is amended to read as follows:

Sec. 521.222. LEARNER LICENSE [~~INSTRUCTION PERMIT~~].

SECTION 9. Sections 521.222(d), (f), and (g), Transportation Code, are amended to read as follows:

(d) A learner license [~~An instruction permit~~] entitles the holder to operate a type of motor vehicle on a highway while:

- (1) the license [~~permit~~] is in the holder's possession; and
- (2) the holder is accompanied by a person occupying the seat by the operator who:

(A) holds a license that qualifies the operator to operate that type of vehicle;

(B) is 21 years of age or older; and

(C) has at least one year of driving experience.

(f) The department may issue a learner license [~~an instruction permit~~] under this section to a person who is subject to the registration requirements under Chapter 62, Code of Criminal Procedure, and is otherwise eligible for the license [~~permit~~]. A learner license [~~An instruction permit~~] issued under this subsection must include a photograph of the person.

(g) A person who occupies the seat in a vehicle by a holder of a learner license [~~an instruction permit~~] commits an offense if, while the holder is operating the vehicle, the person:

- (1) sleeps;
- (2) is intoxicated, as defined by Section 49.01, Penal Code; or
- (3) is engaged in an activity that prevents the person from observing and responding to the actions of the operator.

SECTION 10. Sections 521.271(a) and (a-3), Transportation Code, are amended to read as follows:

(a) Each original driver's license, provisional license, learner license [~~instruction permit~~], or occupational driver's license issued to an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on the 18th birthday of the license holder;

(3) a learner license [~~an instruction permit~~] expires on the 18th birthday of the license holder;

(4) an occupational driver's license expires on the first anniversary of the court order granting the license; and

(5) unless an earlier date is otherwise provided, a driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.

(a-3) Each original provisional license or learner license [~~instruction permit~~] issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earliest of:

- (1) the 18th birthday of the license holder;
- (2) the first birthday of the license holder occurring after the date of the application; or
- (3) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law.

SECTION 11. Section 521.272(d), Transportation Code, is amended to read as follows:

(d) Subsection (c) does not apply to a:

- (1) ~~[a]~~ provisional license;
 - (2) learner license [~~an instruction permit~~] issued under Section 521.222;
- or

(3) ~~[a]~~ hardship license issued under Section 521.223.

SECTION 12. Section 521.3451, Transportation Code, is amended to read as follows:

Sec. 521.3451. SUSPENSION OR DENIAL ON ORDER OF JUSTICE OR MUNICIPAL COURT FOR CONTEMPT OF COURT; REINSTATEMENT. (a) The department shall suspend or deny the issuance of a driver's license or learner license [~~instruction permit~~] on receipt of an order to suspend or deny the issuance of either ~~[the]~~ license [~~or permit~~] from a justice or municipal court under Article 45.050, Code of Criminal Procedure.

(b) The department shall reinstate a license [~~or permit~~] suspended or reconsider a license [~~or permit~~] denied under Subsection (a) on receiving notice from the justice or municipal court that ordered the suspension or denial that the contemnor has fully complied with the court's order.

SECTION 13. Sections 521.421(c) and (h), Transportation Code, are amended to read as follows:

(c) The fee for issuance of a provisional license or learner license [~~instruction permit~~] is \$15.

(h) The fee for issuance or renewal of a driver's license, a provisional license, a learner license [~~an instruction permit~~], or a hardship license issued to a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure, is \$20.

SECTION 14. Section 521.428, Transportation Code, is amended to read as follows:

Sec. 521.428. COUNTY OR MUNICIPAL FEE. A county or municipality that provides services under an agreement described by Section 521.009 may collect an additional fee of up to \$5 for each transaction provided that relates to driver's license and personal identification certificate services only.

SECTION 15. Section 545.424(c), Transportation Code, is amended to read as follows:

(c) This section does not apply to:

(1) a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of a learner license [~~an instruction permit~~]; or

(2) a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device.

SECTION 16. Sections 521.0475(c) and 521.222(b), (c), and (e), Transportation Code, are repealed.

SECTION 17. The changes in law made by this Act to Sections 521.121 and 521.1211, Transportation Code, apply only to a driver's license issued or renewed on or after the effective date of this Act. A driver's license issued or renewed before the effective date of this Act is governed by the law in effect when the license was issued, and the former law is continued in effect for that purpose.

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

HB 2263 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Gooden called up with senate amendments for consideration at this time,

HB 2263, A bill to be entitled An Act relating to continued monitoring of certain public school campuses that have been assigned a campus intervention team.

Representative Gooden moved to concur in the senate amendments to **HB 2263**.

The motion to concur in the senate amendments to **HB 2263** prevailed by (Record 1923): 132 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Bohac; 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; 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, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Bonnen, D.; Faircloth; Hefner; Krause; Lang; Leach; Rinaldi; Shaheen; Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Keough; Simmons.

STATEMENTS OF VOTE

When Record No. 1923 was taken, I was shown voting yes. I intended to vote no.

Isaac

When Record No. 1923 was taken, I was shown voting yes. I intended to vote no.

Schaefer

Senate Committee Substitute

CSHB 2263, A bill to be entitled An Act relating to the public school accountability system.

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

SECTION 1. Section 39.053, Education Code, is amended by amending Subsection (c) and adding Subsections (c-4) and (g-3) to read as follows:

(c) School districts and campuses must be evaluated based on five domains of indicators of achievement adopted under this section that include:

(1) in the first domain, the results of:

(A) assessment instruments required under Sections 39.023(a), (c), and (l), including the results of assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including:

(i) for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(ii) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(B) assessment instruments required under Section 39.023(b), aggregated across grade levels by subject area, including the percentage of students who performed satisfactorily on the assessment instruments, as determined by the performance standard adopted by the agency, aggregated across grade levels by subject area;

(2) in the second domain:

(A) for assessment instruments under Subdivision (1)(A):

(i) for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area; and

(ii) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area; and

(B) for assessment instruments under Subdivision (1)(B), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area;

(3) in the third domain, the student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds;

(4) in the fourth domain:

(A) for evaluating the performance of high school campuses and districts that include high school campuses:

(i) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education;

(ii) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the Every Student Succeeds Act [~~No Child Left Behind Act of 2001~~] (20 U.S.C. Section 6301 et seq.);

(iii) the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high school program;

(iv) the percentage of students who successfully completed the curriculum requirements for an endorsement under Section 28.025(c-1);

(v) the percentage of students who completed a coherent sequence of career and technical courses;

(vi) the percentage of students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument in reading, writing, or mathematics designated by the Texas Higher Education Coordinating Board under Section 51.3062(c);

(vii) the percentage of students who earn at least 12 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);

(viii) the percentage of students who have completed an advanced placement or international baccalaureate course;

(ix) the percentage of students who enlist in the armed forces of the United States; ~~and~~

(x) the percentage of students who earn an industry certification;

(xi) the percentage of students who successfully completed an OnRamps dual enrollment course;

(xii) the percentage of students who have received credit by examination;

(xiii) the percentage of students who have been promoted to higher grade levels than the grade levels to which the students would ordinarily be assigned;

(xiv) the percentage of students who have earned a diploma after not more than three years of high school attendance; and

(xv) the percentage of students who earn an associate degree;

(B) for evaluating the performance of middle and junior high school and elementary school campuses and districts that include those campuses:

(i) student attendance; ~~and~~

(ii) for middle and junior high school campuses:

(a) dropout rates, computed in the manner described by Paragraph (A)(i); ~~and~~

(b) the percentage of students in grades seven and eight who receive instruction in preparing for high school, college, and a career that includes information regarding the creation of a high school personal graduation plan under Section 28.02121, the distinguished level of achievement described by Section 28.025(b-15), each endorsement described by Section 28.025(c-1), college readiness standards, and potential career choices and the education needed to enter those careers; and

(c) the percentage of students in grades seven and eight who complete a pre-advanced placement course or pre-international baccalaureate course; and

(iii) the percentage of students who participate in a University Interscholastic League A+ academic event; and

(C) any additional indicators of student achievement not associated with performance on standardized assessment instruments determined appropriate for consideration by the commissioner in consultation with educators, parents, business and industry representatives, and employers; and

(5) in the fifth domain, three programs or specific categories of performance related to community and student engagement locally selected and evaluated as provided by Section 39.0546.

(c-4) For purposes of evaluating the performance of a district or campus under Subsection (c), the commissioner shall determine a method by which the performance of a student is attributed greater weight for each school year a student has been continuously enrolled in the school district or at the campus, as applicable.

(g-3) The commissioner shall adopt rules for computing the percentage of students participating in a University Interscholastic League A+ academic event under Subsection (c)(4)(B)(iii).

SECTION 2. Section 39.107, Education Code, is amended by adding Subsections (b-10), (b-11), and (b-12) to read as follows:

(b-10) Not later than June 15 of each year, the commissioner shall, in writing, either approve or reject any campus turnaround plan prepared and submitted to the commissioner by a district. If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection.

(b-11) If the commissioner rejects a campus turnaround plan, the district must create a modified plan with assistance from agency staff and submit the modified plan to the commissioner for approval not later than August 15. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than September 1.

(b-12) If the agency assists or offers assistance to a district in modifying a campus turnaround plan following a rejection under Subsection (b-10), the agency may not recommend or require participation by the district in any of the following:

(1) general workshops for the board of trustees of the district;

(2) the use of fidelity instruments as part of the campus turnaround plan; or

(3) any other initiative that does not directly relate to a concern raised in regard to the rejected campus turnaround plan that was identified by the commissioner under Subsection (b-10).

SECTION 3. This Act applies beginning with the 2017-2018 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 2263** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 39.106(e), Education Code, is amended to read as follows:

(e) For each year a campus is assigned an unacceptable performance rating, a campus intervention team shall:

(1) ~~continue to work with a campus until:~~

~~[(A) the campus satisfies all performance standards under Section 39.054(e) for a two-year period; or~~

~~[(B) the campus satisfies all performance standards under Section 39.054(e) for a one-year period and the commissioner determines that the campus is operating and will continue to operate in a manner that improves student achievement;~~

~~[(2)] assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and~~

~~[(2)] submit each updated plan described by Subdivision (1) [(2)] to the board of trustees of the school district.~~

SECTION 2. Section 39.107, Education Code, is amended by adding Subsections (b-10) and (b-11) to read as follows:

(b-10) Not later than June 15 of each year, the commissioner shall, in writing, either approve or reject any campus turnaround plan prepared and submitted to the commissioner by a district. If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection.

(b-11) If the commissioner rejects a campus turnaround plan, the district must create a modified plan with assistance from agency staff and submit the modified plan to the commissioner for approval not later than the 60th day after the date the commissioner rejects the campus turnaround plan. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than the 15th day after the date the commissioner receives the modified plan.

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

HB 2561 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 2561, A bill to be entitled An Act relating to the continuation and functions of the Texas State Board of Pharmacy; authorizing a reduction in fees.

Representative S. Thompson moved to concur in the senate amendments to **HB 2561**.

The motion to concur in the senate amendments to **HB 2561** prevailed by (Record 1924): 131 Yeas, 15 Nays, 1 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, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; 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, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Simmons; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Fallon; Krause; Lang; Leach; Rinaldi; Sanford; Schaefer; Shaheen; Smithee; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes.

Senate Committee Substitute

CSHB 2561, A bill to be entitled An Act relating to the continuation and functions of the Texas State Board of Pharmacy; authorizing a reduction in fees.

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

SECTION 1. Section 481.074(q), Health and Safety Code, is amended to read as follows:

(q) Each dispensing pharmacist shall send all required information, including any information required to complete the Schedule III through V prescription forms, to the board by electronic transfer or another form approved by the board not later than the next business ~~[seventh]~~ day after the date the prescription is completely filled.

SECTION 2. Section 481.075(i), Health and Safety Code, is amended to read as follows:

(i) Each dispensing pharmacist shall:

(1) fill in on the official prescription form or note in the electronic prescription record each item of information given orally to the dispensing pharmacy under Subsection (h) and the date the prescription is filled, and:

(A) for a written prescription, fill in the dispensing pharmacist's signature; or

(B) for an electronic prescription, appropriately record the identity of the dispensing pharmacist in the electronic prescription record;

(2) retain with the records of the pharmacy for at least two years:

(A) the official prescription form or the electronic prescription record, as applicable; and

(B) the name or other patient identification required by Section 481.074(m) or (n); and

(3) send all required information, including any information required to complete an official prescription form or electronic prescription record, to the board by electronic transfer or another form approved by the board not later than the next business ~~[seventh]~~ day after the date the prescription is completely filled.

SECTION 3. Section 481.0761, Health and Safety Code, is amended by adding Subsections (h), (i), and (j) to read as follows:

(h) The board, in consultation with the department and the regulatory agencies listed in Section 481.076(a)(1), shall identify prescribing practices that may be potentially harmful and patient prescription patterns that may suggest drug diversion or drug abuse. The board shall determine the conduct that constitutes a potentially harmful prescribing pattern or practice and develop indicators for levels of prescriber or patient activity that suggest a potentially harmful prescribing pattern or practice may be occurring or drug diversion or drug abuse may be occurring.

(i) The board, based on the indicators developed under Subsection (h), may send an electronic notification to a dispenser or prescriber if the information submitted under Section 481.074(q) or 481.075 indicates a potentially harmful prescribing pattern or practice may be occurring or drug diversion or drug abuse may be occurring.

(j) The board by rule may develop guidelines identifying behavior suggesting a patient is obtaining controlled substances that indicate drug diversion or drug abuse is occurring. A pharmacist who observes behavior described by this subsection by a person who is to receive a controlled substance shall access the information under Section 481.076(a)(5) regarding the patient for whom the substance is to be dispensed.

SECTION 4. Subchapter C, Chapter 481, Health and Safety Code, is amended by adding Sections 481.0763 and 481.0764 to read as follows:

Sec. 481.0763. DUTY OF PHARMACISTS. A pharmacist must access information under Section 481.076(a)(5) with respect to a patient before dispensing opioids, benzodiazepines, barbiturates, or carisoprodol for the patient.

Sec. 481.0764. REPORTS OF WHOLESALE DISTRIBUTORS. (a) A wholesale distributor shall report to the board the information that the distributor is required to report to the Automation of Reports and Consolidated Orders System (ARCOS) of the Federal Drug Enforcement Administration for the distribution of a controlled substance by the distributor to a person in this state. The distributor shall report the information to the board in the same format and with the same frequency as the information is reported to ARCOS.

(b) Information reported to the board under Subsection (a) is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 5. Section 551.005, Occupations Code, is amended to read as follows:

Sec. 551.005. APPLICATION OF SUNSET ACT. The Texas State Board of Pharmacy is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subtitle expires September 1, 2029 [2017].

SECTION 6. Chapter 551, Occupations Code, is amended by adding Section 551.008 to read as follows:

Sec. 551.008. CLAIM OR DEFENSE FOR PROHIBITED RULE OR POLICY. (a) A person may assert as an affirmative defense in an administrative hearing or as a claim or defense in a judicial proceeding under Chapter 37, Civil Practice and Remedies Code, that a board rule, regulation, or policy, or a penalty imposed by the board:

(1) limits the ability of an applicant for a license or for registration under this subtitle to be licensed or registered based on a sincerely held religious belief of the applicant; or

(2) burdens a license holder's or registrant's:

(A) free exercise of religion, regardless of whether the burden is the result of a rule generally applicable to all license holders or registrants, as applicable;

(B) freedom of speech regarding a sincerely held religious belief;

or

(C) membership in any religious organization.

(b) Subsection (a) does not apply to a rule, regulation, or policy adopted or a penalty imposed by the board that results in a limitation or burden described by Subsection (a) if the rule, regulation, policy, or penalty is:

- (1) essential to enforcing a compelling governmental purpose; and
- (2) narrowly tailored to accomplish that purpose.

(c) Subsection (a) does not apply to any action imposed by the board to enforce a minimum standard applicable to the licensing, practice, or professional conduct of a license holder or registrant, as required by a statute or rule of the board.

(d) A person may bring an action for injunctive relief against a violation of this section.

SECTION 7. Section 552.006, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

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

(1) the law governing the board's operations;
 (2) [this subtitle and] the programs, functions, rules, and budget of the board;

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

(4) ~~[(2)]~~ the results of the most recent formal audit of the board;

(5) ~~[(3)]~~ the requirements of:

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

(B) other laws applicable to members of the board in performing their duties; and

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

(d) The executive director shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. On receipt of the training manual, each board member shall sign and submit to the executive director a statement acknowledging receipt of the training manual. The board shall publish a copy of each signed statement on the board's Internet website.

SECTION 8. Section 553.003(b), Occupations Code, is amended to read as follows:

(b) The executive director is a full-time employee of the board and shall:

(1) serve as secretary to the board; ~~and~~

(2) perform the regular administrative functions of the board and any other duty as the board directs; and

(3) under the direction of the board, perform the duties required by this subtitle or designated by the board.

SECTION 9. Subchapter A, Chapter 554, Occupations Code, is amended by adding Section 554.0011 to read as follows:

Sec. 554.0011. USE OF ALTERNATIVE RULEMAKING AND DISPUTE RESOLUTION. (a) The board shall develop a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of board rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the board's jurisdiction.

(b) The board's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The board shall:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

SECTION 10. Section 558.051(a), Occupations Code, is amended to read as follows:

(a) To qualify for a license to practice pharmacy, an applicant for licensing by examination must submit to the board:

(1) a license fee set by the board; and

(2) a completed application on a form prescribed by the board with satisfactory sworn evidence that the applicant:

(A) is at least 18 years of age;

(B) ~~is of good moral character;~~

~~(C)~~ has completed a minimum of a 1,000-hour internship or other program that has been approved by the board or has demonstrated, to the board's satisfaction, experience in the practice of pharmacy that meets or exceeds the board's minimum internship requirements;

(C) ~~(D)~~ has graduated and received a professional practice degree, as defined by board rule, from an accredited pharmacy degree program approved by the board;

(D) ~~(E)~~ has passed the examination required by the board; and

(E) ~~(F)~~ has not had a pharmacist license granted by another state restricted, suspended, revoked, or surrendered, for any reason.

SECTION 11. Section 558.101(a), Occupations Code, is amended to read as follows:

(a) To qualify for a license to practice pharmacy, an applicant for licensing by reciprocity must:

(1) submit to the board:

(A) a reciprocity fee set by the board; and

(B) a completed application in the form prescribed by the board, given under oath;

(2) ~~be of good moral character;~~

~~(3)~~ have graduated and received a professional practice degree, as defined by board rule, from an accredited pharmacy degree program approved by the board;

(3) ~~(4)~~ have presented to the board:

(A) proof of current or initial licensing by examination; and

(B) proof that the current license and any other license granted to the applicant by another state has not been restricted, suspended, revoked, or surrendered for any reason; and

(4) ~~(5)~~ pass the Texas Pharmacy Jurisprudence examination.

SECTION 12. Section 559.003, Occupations Code, is amended by adding Subsection (f) to read as follows:

(f) The board may refuse to renew a license to practice pharmacy for a license holder who is in violation of a board order.

SECTION 13. Section 568.002(c), Occupations Code, is amended to read as follows:

(c) An applicant for registration as a pharmacy technician or a pharmacy technician trainee must[+:

~~(1) be of good moral character; and~~

~~(2)~~ submit an application on a form prescribed by the board.

SECTION 14. Section 568.004, Occupations Code, is amended to read as follows:

Sec. 568.004. RENEWAL OF REGISTRATION. (a) The board may adopt a system in which the registrations of pharmacy technicians and pharmacy technician trainees expire on various dates during the year.

(b) To renew a pharmacy technician registration, the registrant must, before the expiration date of the registration:

(1) pay a renewal fee as determined by the board under Section 568.005; and

(2) comply with the continuing education requirements prescribed by the board in accordance with Section 568.0045.

(c) A person whose pharmacy technician registration has been expired for 90 days or less may renew the expired registration by paying to the board a renewal fee that is equal to one and one-half times the normally required renewal fee for the registration.

(d) A person whose pharmacy technician registration has been expired for more than 90 days but less than one year may renew the expired registration by paying to the board a renewal fee that is equal to two times the normally required renewal fee for the registration.

(e) A person whose pharmacy technician registration has been expired for one year or more may not renew the registration. The person may register by complying with the requirements and procedures for initially registering, including the examination requirement.

(f) The board may refuse to renew a pharmacy technician registration for a registrant who is in violation of a board order.

SECTION 15. Chapter 568, Occupations Code, is amended by adding Section 568.0045 to read as follows:

Sec. 568.0045. RULES RELATING TO CONTINUING EDUCATION. The board shall adopt rules relating to the continuing education required for pharmacy technicians. The rules must include requirements for:

(1) the number of hours of continuing education;

(2) the methods for meeting the continuing education requirements;

(3) the approval of continuing education programs;
(4) reporting completion of continuing education;
(5) records of completion of continuing education; and
(6) board audits to ensure compliance with the continuing education requirements.

SECTION 16. A pharmacist is not required to comply with a rule adopted under Section 481.0761(j), Health and Safety Code, as added by this Act, before January 1, 2018.

SECTION 17. Section 481.0763, Health and Safety Code, as added by this Act, applies only to a pharmacist who dispenses a controlled substance on or after January 1, 2018.

SECTION 18. (a) Except as provided by Subsection (b) of this section, Section 552.006, Occupations Code, as amended by this Act, applies to a member of the Texas State Board of Pharmacy appointed before, on, or after the effective date of this Act.

(b) A member of the Texas State Board of Pharmacy who, before the effective date of this Act, completed the training program required by Section 552.006, Occupations Code, as that law existed before the effective date of this Act, is required to complete additional training only on subjects added by this Act to the training program as required by Section 552.006, Occupations Code, as amended by this Act. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2017, until the member completes the additional training.

SECTION 19. Sections 558.051, 558.101, and 568.002, Occupations Code, as amended by this Act, apply only to an application for a license to practice pharmacy or for registration as a pharmacy technician or pharmacy technician trainee filed on or after the effective date of this Act. An application for a license or registration filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 20. Section 559.003, Occupations Code, as amended by this Act, and Sections 568.004(b), (e), and (f), Occupations Code, as added by this Act, apply only to the renewal of a license to practice pharmacy or of a pharmacy technician registration on or after the effective date of this Act. The renewal of a license or registration before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 21. As soon as practicable after the effective date of this Act, the Texas State Board of Pharmacy shall adopt rules to reduce the amount of the fees imposed by the board for the renewal of an expired pharmacy technician registration to reflect the amounts provided for by Sections 568.004(c) and (d), Occupations Code, as added by this Act. A pharmacy technician who renews an expired registration certificate on or after the effective date of this Act shall pay

the amount provided for by Section 568.004(c) or (d), Occupations Code, as added by this Act, instead of the amount provided for under board rules adopted before that date.

SECTION 22. This Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 2561** (senate committee report) as follows:

(1) In SECTION 7 of the bill, in amended Section 552.006(b), Occupations Code (page 3, between lines 18 and 19), insert the following appropriately numbered subdivision:

() the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the board regulates, including rules, interpretations, and enforcement actions that:

(A) regulate the scope of practice of persons in a profession or business the board regulates;

(B) restrict advertising by persons in a profession or business the board regulates;

(C) affect the price of goods or services provided by persons in a profession or business the board regulates; and

(D) restrict participation in a profession or business the board regulates;

(2) Renumber subsequent subdivisions of amended Section 552.006(b), Occupations Code, appropriately.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 2561** (senate committee report) by striking added Section 551.008, Occupations Code (page 2, line 49 through page 3, line 8), and replacing it with the following:

Sec. 551.008. PROHIBITION ON RULE VIOLATING SINCERELY HELD RELIGIOUS BELIEF. (a) All rules, regulations, or policies adopted by the board may not violate Chapter 110, Civil Practice and Remedies Code.

(b) A person may assert a violation of Subsection (a) as an affirmative defense in an administrative hearing or as a claim or defense in a judicial proceeding under Chapter 37, Civil Practice and Remedies Code.

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **CSHB 2561** (senate committee report) as follows:

(1) In the recital to SECTION 3 of the bill (page 1, line 58), strike "(i, and (j))" and substitute "(i), (j), and (k)".

(2) In SECTION 3 of the bill, following added Subsection 481.0761(j), Health and Safety Code (page 2, between lines 20 and 21), insert the following:

(k) The board by rule may develop guidelines identifying patterns that may indicate that a particular patient to whom a controlled substance is prescribed or dispensed is engaging in drug abuse or drug diversion. These guidelines may be based on the frequency of prescriptions issued to and filled by the patient, the types of controlled substances prescribed, and the number of prescribers who

prescribe controlled substances to the patient. The board may, based on the guidelines developed under this subsection, send a prescriber or dispenser an electronic notification if there is reason to believe that a particular patient is engaging in drug abuse or drug diversion.

(3) In the recital to SECTION 4 of the bill (page 2, line 22), strike "481.0763 and 481.0764" and substitute "481.0762, 481.0763, 481.0764, 481.0765, and 481.0766".

(4) In SECTION 4 of the bill, strike added Section 481.0763, Health and Safety Code (page 2, lines 24 through 27), and substitute the following:

Sec. 481.0762. MONITORING BY REGULATORY AGENCY. (a) Each regulatory agency that issues a license, certification, or registration to a prescriber shall promulgate specific guidelines for prescribers regulated by that agency for the responsible prescribing of opioids, benzodiazepines, barbiturates, or carisoprodol.

(b) A regulatory agency that issues a license, certification, or registration to a prescriber shall periodically access the information submitted to the board under Sections 481.074(q) and 481.075 to determine whether a prescriber is engaging in potentially harmful prescribing patterns or practices.

(c) If the board sends a prescriber an electronic notification authorized under Section 481.0761(i), the board shall immediately send an electronic notification to the appropriate regulatory agency.

(d) In determining whether a potentially harmful prescribing pattern or practice is occurring, the appropriate regulatory agency, at a minimum, shall consider:

(1) the number of times a prescriber prescribes opioids, benzodiazepines, barbiturates, or carisoprodol; and

(2) for prescriptions described by Subdivision (1), patterns of prescribing combinations of those drugs and other dangerous combinations of drugs identified by the board.

(e) If, during a periodic check under this section, the regulatory agency finds evidence that a prescriber may be engaging in potentially harmful prescribing patterns or practices, the regulatory agency may notify that prescriber.

(f) A regulatory agency may open a complaint against a prescriber if the agency finds evidence during a periodic check under this section that the prescriber is engaging in conduct that violates this subchapter or any other statute or rule.

Sec. 481.0763. REGISTRATION BY REGULATORY AGENCY. A regulatory agency that issues a license, certification, or registration to a prescriber or dispenser shall provide the board with any necessary information for each prescriber or dispenser, including contact information for the notifications described by Sections 481.0761(i) and (k), to register the prescriber or dispenser with the system by which the prescriber or dispenser receives information as authorized under Section 481.076(a)(5).

Sec. 481.0764. DUTIES OF PRESCRIBERS, PHARMACISTS, AND RELATED HEALTH CARE PRACTITIONERS. (a) A person authorized to receive information under Section 481.076(a)(5), other than a veterinarian, shall access that information with respect to the patient before prescribing or dispensing opioids, benzodiazepines, barbiturates, or carisoprodol.

(b) A person authorized to receive information under Section 481.076(a)(5) may access that information with respect to the patient before prescribing or dispensing any controlled substance.

(c) A veterinarian authorized to access information under Subsection (b) regarding a controlled substance may access the information for prescriptions dispensed only for the animals of an owner and may not consider the personal prescription history of the owner.

(d) A violation of Subsection (a) is grounds for disciplinary action by the regulatory agency that issued a license, certification, or registration to the person who committed the violation.

(e) This section does not grant a person the authority to issue prescriptions for or dispense controlled substances.

Sec. 481.0765. EXCEPTIONS. (a) A prescriber is not subject to the requirements of Section 481.0764(a) if:

(1) the patient has been diagnosed with cancer or the patient is receiving hospice care; and

(2) the prescriber clearly notes in the prescription record that the patient was diagnosed with cancer or is receiving hospice care, as applicable.

(b) A dispenser is not subject to the requirements of Section 481.0764(a) if it is clearly noted in the prescription record that the patient has been diagnosed with cancer or is receiving hospice care.

(c) A prescriber or dispenser is not subject to the requirements of Section 481.0764(a) and a dispenser is not subject to a rule adopted under Section 481.0761(j) if the prescriber or dispenser makes a good faith attempt to comply but is unable to access the information under Section 481.076(a)(5) because of circumstances outside the control of the prescriber or dispenser.

(5) In SECTION 4 of the bill, in the heading to added Section 481.0764, Health and Safety Code (page 2, line 28), strike "481.0764" and substitute "481.0766".

(6) Strike SECTION 17 of the bill (page 5, lines 30 through 32) and substitute the following appropriately numbered SECTION:

SECTION ____. Section 481.0764(a), Health and Safety Code, as added by this Act, applies only to:

(1) a prescriber other than a veterinarian who issues a prescription for a controlled substance on or after September 1, 2019; or

(2) a person authorized by law to dispense a controlled substance other than a veterinarian who dispenses a controlled substance on or after September 1, 2019.

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

SECTION _____. Section 481.003(a), Health and Safety Code, is amended to read as follows:

(a) The director may adopt rules to administer and enforce this chapter, other than Sections 481.073, 481.074, 481.075, 481.076, ~~[and] 481.0761, 481.0762, 481.0763, 481.0764, 481.0765, and 481.0766.~~ The board may adopt rules to administer Sections 481.073, 481.074, 481.075, 481.076, ~~[and] 481.0761, 481.0762, 481.0763, 481.0764, 481.0765, and 481.0766.~~

SECTION _____. Sections 481.076(a) and (d), Health and Safety Code, are amended to read as follows:

(a) The board may not permit any person to have access to information submitted to the board under Section 481.074(q) or 481.075 except:

(1) ~~[an investigator for]~~ the board, the Texas Medical Board, the Texas State Board of Podiatric Medical Examiners, the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, the Texas Board of Nursing, or the Texas Optometry Board for the purpose of:

(A) investigating a specific license holder; or

(B) monitoring for potentially harmful prescribing or dispensing patterns or practices under Section 481.0762;

(2) an authorized officer or member of the department or authorized employee of the board engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(3) the department on behalf of a law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(4) a medical examiner conducting an investigation;

(5) provided that accessing the information is authorized under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) and regulations adopted under that Act;

(A) a pharmacist or a pharmacy technician, as defined by Section 551.003, Occupations Code, acting at the direction of a pharmacist; or

(B) a practitioner who:

(i) is a physician, dentist, veterinarian, podiatrist, optometrist, or advanced practice nurse or is a physician assistant described by Section 481.002(39)(D) or an employee or other agent of a practitioner acting at the direction of a practitioner; and

(ii) is inquiring about a recent Schedule II, III, IV, or V prescription history of a particular patient of the practitioner~~[-, provided that the person accessing the information is authorized to do so under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) and rules adopted under that Act];~~

(6) a pharmacist or practitioner who is inquiring about the person's own dispensing or prescribing activity; or

(7) one or more states or an association of states with which the board has an interoperability agreement, as provided by Subsection (j).

(d) Information submitted to the board under this section may be used only for:

(1) the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(2) investigatory, ~~or~~ evidentiary, or monitoring purposes in connection with the functions of an agency listed in Subsection (a)(1);

(3) the prescribing and dispensing of controlled substances by a person listed in Subsection (a)(5); or

(4) ~~(3)~~ dissemination by the board to the public in the form of a statistical tabulation or report if all information reasonably likely to reveal the identity of each patient, practitioner, or other person who is a subject of the information has been removed.

SECTION _____. Section 554.051(a-1), Occupations Code, is amended to read as follows:

(a-1) The board may adopt rules to administer Sections 481.073, 481.074, 481.075, 481.076, ~~and~~ 481.0761, 481.0762, 481.0763, 481.0764, 481.0765, and 481.0766, Health and Safety Code.

SECTION _____. (a) A joint interim committee is created to conduct an interim study on the monitoring of the prescribing and dispensing of controlled substances in this state.

(b) The joint interim committee shall be composed of three senators appointed by the lieutenant governor and three members of the house of representatives appointed by the speaker of the house of representatives.

(c) The lieutenant governor and speaker of the house of representatives shall each designate a co-chair from among the joint interim committee members.

(d) The joint interim committee shall convene at the joint call of the co-chairs.

(e) The joint interim committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.

(f) The interim study conducted by the joint interim committee must:

(1) include the number of prescribers and dispensers registered to receive information electronically under Section 481.076, Health and Safety Code, as amended by this Act;

(2) evaluate the accessing of information under Section 481.076, Health and Safety Code, as amended by this Act, by regulatory agencies to monitor persons issued a license, certification, or registration by those agencies;

(3) address any complaints, technical difficulties, or other issues with electronically accessing and receiving information under Section 481.076, Health and Safety Code, as amended by this Act;

(4) examine controlled substance prescribing and dispensing trends that may be affected by the passage and implementation of this Act;

(5) evaluate the use and effectiveness of electronic notifications sent to prescribers and dispensers under Sections 481.0761(i) and (k), Health and Safety Code, as added by this Act;

(6) evaluate the use and effectiveness of identifying geographic anomalies in comparing delivery and dispensing data;

(7) evaluate the integration of any new data elements required to be reported under this Act;

(8) evaluate the existence and scope of diversion of controlled substances by animal owners to whom the substances are dispensed by veterinarians;

(9) explore the best methods for preventing the diversion of controlled substances by animal owners; and

(10) determine how any future reporting by dispensing veterinarians might best be tailored to fit the practice of veterinary medicine.

(g) The committee shall solicit feedback from regulatory agencies, prescribers, dispensers, and patients affected by the passage of this Act.

(h) The committee shall submit a report to the legislature on the results of the interim study, including any legislative recommendations for improvements to information access and controlled substance prescription monitoring, not later than January 1, 2019.

(i) Subject to available resources, the Texas Legislative Council shall provide legal and policy research, drafts of proposed legislation, and statistical analysis services to the joint interim committee for the purpose of the study required under this section.

(j) Notwithstanding Section 481.076, Health and Safety Code, as amended by this Act, or any other law relating to access to or disclosure of prescription drug information maintained by the Texas State Board of Pharmacy, the Texas State Board of Pharmacy shall disclose any information maintained by the board under Section 481.076, Health and Safety Code, to the Texas Legislative Council on request of the council for the purpose of assisting with the study required under this section.

(k) Not later than November 1, 2017, the lieutenant governor and speaker of the house of representatives shall appoint the members of the joint interim committee in accordance with this section.

(l) The joint interim committee created under this section is abolished and this section expires January 2, 2019.

Senate Amendment No. 4 (Senate Floor Amendment No. 4)

Amend Amendment No. 3 by Hinojosa to **CSHB 2561** by adding the following appropriately numbered items to the amendment and renumbering subsequent items of the amendment accordingly:

() In the recital to SECTION 6 of the bill, adding Section 551.008, Occupations Code (page 2, line 48), strike "Section" and substitute "Sections 551.006 and".

() In SECTION 6 of the bill, immediately before added Section 551.008, Occupations Code (page 2, between lines 48 and 49), insert the following:

Sec. 551.006. EXCLUSIVE AUTHORITY. Notwithstanding any other law, a pharmacist has the exclusive authority to determine whether or not to dispense a drug.

Senate Amendment No. 5 (Senate Floor Amendment No. 5)

Amend **CSHB 2561** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 562.110, Occupations Code, is amended by amending Subsections (a), (b), (d), (e), and (f) and adding Subsections (g), (h), and (i) to read as follows:

(a) In this section:

(1) "Provider pharmacy" means a Class A pharmacy that provides pharmacy services through a telepharmacy system at a remote dispensing site.

(2) "Remote dispensing site" means a location licensed as a telepharmacy that is authorized by a provider pharmacy through a telepharmacy system to store and dispense prescription drugs and devices, including dangerous drugs and controlled substances.

(3) "Telepharmacy[~~," telepharmacy~~] system" means a system that monitors the dispensing of prescription drugs and provides for related drug use review and patient counseling services by an electronic method, including the use of the following types of technology:

(A) [~~4~~] audio and video;

(B) [~~2~~] still image capture; and

(C) [~~3~~] store and forward.

(b) A Class A or Class C pharmacy located in this state may provide pharmacy services, including the dispensing of drugs, through a telepharmacy system at locations separate from [in a facility that is not at the same location as] the Class A or Class C pharmacy.

(d) A telepharmacy system may be located only at:

(1) a health care facility in this state that is regulated by this state or the United States; or

(2) a remote dispensing site.

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

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

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

(B) a health center as defined by 42 U.S.C. Section 254b[~~, as amended~~];

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) ~~(3)~~ recordkeeping requirements; and

(6) ~~(4)~~ security requirements.

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

(g) A telepharmacy system located at a remote dispensing site under Subsection (d)(2) may not dispense a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481, Health and Safety Code, and may not be located within 22 miles by road of a Class A pharmacy.

(h) If a Class A pharmacy is established within 22 miles by road of a remote dispensing site that is currently operating, the remote dispensing site may continue to operate at that location.

(i) The board by rule shall require and develop a process for a remote dispensing site to apply for classification as a Class A pharmacy if the average number of prescriptions dispensed each day the remote dispensing site is open for business is more than 125, as calculated each calendar year.

SECTION _____. The Texas State Board of Pharmacy shall adopt rules under Section 562.110, Occupations Code, as amended by this Act, not later than January 1, 2018.

Senate Amendment No. 6 (Senate Floor Amendment No. 6)

Amend **CSHB 2561** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. (a) Subtitle A, Title 6, Health and Safety Code, is amended by adding Chapter 442 to read as follows:

CHAPTER 442. DONATION OF PRESCRIPTION DRUGS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 442.001. DEFINITIONS. In this chapter:

(1) "Donor" means an individual who donates unused prescription drugs under this chapter to a participating provider.

(2) "Health care facility" means a facility that provides health care services to patients and maintains a pharmacy in the facility. The term includes the following facilities if a pharmacy is maintained in the facility:

(A) a general or special hospital as defined by Chapter 241;

(B) an ambulatory surgical center licensed under Chapter 243; and

(C) an institution licensed under Chapter 242.

(3) "Health care professional" means an individual licensed, certified, or otherwise authorized to administer health care and prescribe prescription drugs, for profit or otherwise, in the ordinary course of business or professional practice. The term does not include a health care facility.

(4) "Participating provider" means a health care facility or pharmacy, or a pharmacist who is an employee of the facility or pharmacy, that elects to participate in the collection and redistribution of donated prescription drugs under this chapter.

(5) "Pharmacist" means a person licensed under Chapter 558, Occupations Code.

(6) "Pharmacy" means an entity licensed under Chapter 560, Occupations Code.

(7) "Prescription drug" has the meaning assigned by Section 551.003, Occupations Code.

(8) "Recipient" means an individual who voluntarily receives donated prescription drugs under this chapter.

(9) "Tamper-evident" means packaging that allows for detection of unauthorized access to a prescription drug.

Sec. 442.002. RULEMAKING AUTHORITY. The executive commissioner may adopt rules to implement this chapter.

Sec. 442.003. CONSTRUCTION WITH OTHER LAW. This chapter does not limit the authority of this state or a political subdivision of this state to regulate or prohibit a prescription drug.

SUBCHAPTER B. DONATION AND REDISTRIBUTION OF UNUSED PRESCRIPTION DRUGS

Sec. 442.051. DONATION AND REDISTRIBUTION OF PRESCRIPTION DRUGS. (a) A donor may donate unused prescription drugs to a participating provider in accordance with this chapter and rules adopted under this chapter.

(b) A participating provider may dispense donated prescription drugs to a recipient in accordance with this chapter and rules adopted under this chapter.

Sec. 442.052. STANDARDS FOR DONATION AND REDISTRIBUTION. (a) The executive commissioner by rule shall adopt standards and procedures for:

(1) accepting, storing, labeling, and dispensing donated prescription drugs; and

(2) inspecting donated prescription drugs to determine whether the drugs are adulterated and whether the drugs are safe and suitable for redistribution.

(b) In adopting standards and procedures under this section, the executive commissioner shall ensure that the donation and redistribution process is consistent with public health and safety standards.

Sec. 442.053. REQUIREMENTS FOR DONATED PRESCRIPTION DRUGS. (a) A donated prescription drug may be accepted or dispensed under this chapter only if the drug is in its original, unopened, sealed, and tamper-evident unit-dose packaging. A drug packaged in single unit doses may be accepted and dispensed if the outside packaging is opened but the single unit-dose packaging is unopened.

(b) A donated prescription drug may not be accepted or dispensed under this chapter if:

(1) the drug is a controlled substance;

(2) the drug is adulterated or misbranded;

(3) the drug is not stored in compliance with the drug's product label;

or

(4) the United States Food and Drug Administration requires the drug to have a risk evaluation or mitigation strategy.

(c) A participating provider shall comply with all applicable provisions of state and federal law relating to the inspection, storage, labeling, and dispensing of prescription drugs.

Sec. 442.054. DONATION PROCESS. (a) Before being dispensed to a recipient, a prescription drug donated under this chapter must be inspected by the participating provider in accordance with federal law, laws of this state, and department rule to determine whether the drug is adulterated or misbranded and whether the drug has been stored in compliance with the requirements of the product label.

(b) A donated prescription drug dispensed to a recipient under this chapter must be prescribed by a health care professional for use by the recipient.

(c) A participating provider may charge a handling fee not to exceed \$20 to a recipient to cover the costs of inspecting, storing, labeling, and dispensing the donated prescription drug. A participating provider may not resell a prescription drug donated under this chapter. A donor may not sell a prescription drug to a participating provider.

(d) A participating provider may not submit a claim or otherwise seek reimbursement from any public or private third-party payor for donated prescription drugs dispensed to a recipient under this chapter. A public or private third-party payor is not required to provide reimbursement for donated drugs dispensed to a recipient under this chapter.

Sec. 442.055. DONOR FORM. Before donating a prescription drug under this chapter, a donor shall sign a form prescribed by the department stating that:

(1) the donor is the owner of the donated prescription drug;

(2) the donated prescription drug has been properly stored and the container has not been opened or tampered with;

(3) the donated prescription drug has not been adulterated or misbranded; and

(4) the donor is voluntarily donating the prescription drug.

Sec. 442.056. RECIPIENT FORM. Before accepting a donated prescription drug under this chapter, a recipient shall sign a form prescribed by the department stating that:

(1) the recipient acknowledges that the donor is not a pharmacist and the donor took ordinary care of the prescription drug;

(2) the recipient acknowledges that the donor is known to the participating provider and that there is no reason to believe that the prescription drug was improperly handled or stored;

(3) by accepting the prescription drug, the recipient accepts any risk that an accidental mishandling could create; and

(4) the recipient releases the donor, participating provider, and manufacturer of the drug from liability related to the prescription drug.

Sec. 442.057. LIMITATION OF LIABILITY. (a) A donor or participating provider who acts in good faith in donating, accepting, storing, labeling, distributing, or dispensing prescription drugs under this chapter:

(1) is not criminally liable and is not subject to professional disciplinary action for those activities; and

(2) is not civilly liable for damages for bodily injury, death, or property damage that arises from those activities unless the injury, death, or damage arises from the donor or participating provider's recklessness or intentional conduct.

(b) A manufacturer of a prescription drug that donates a drug under this chapter is not, in the absence of bad faith, criminally or civilly liable for bodily injury, death, or property damage arising from the donation, acceptance, or dispensing of the drug, including the manufacturer's failure to communicate to a donor or other person:

(1) product or consumer information about the donated prescription drug; or

(2) the expiration date of the donated prescription drug.

Sec. 442.058. DATABASE OF PARTICIPATING PROVIDERS. The department shall establish and maintain an electronic database that lists each participating provider. The department shall post the database on its Internet website.

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

SECTION _____. Not later than December 1, 2017, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary for the implementation of Chapter 442, Health and Safety Code, as added by this Act.

Senate Amendment No. 7 (Senate Floor Amendment No. 8)

Amend **CSHB 2561** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 89.051(b), Education Code, is amended to read as follows:

(b) The college shall be known as The Texas A&M University System Health Science Center Irma Lerma Rangel College of Pharmacy, and the primary building in which the school is operated shall be located in Kleberg County and must include "Irma Rangel" in its official name.

HB 1372 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Koop called up with senate amendments for consideration at this time,

HB 1372, A bill to be entitled An Act relating to information included in the curriculum of each driver education course and driving safety course.

Representative Koop moved to concur in the senate amendments to **HB 1372**.

The motion to concur in the senate amendments to **HB 1372** prevailed by (Record 1925): 135 Yeas, 9 Nays, 1 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, 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, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Krause; Rinaldi; Sanford; Schaefer; Stickland; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Oliveira; Smithee.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1372** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 23), strike "Sections 1001.109 and 1001.1091" and substitute "Section 1001.1091".

(2) In Section 1 of the bill, strike added Section 1001.109, Education Code (page 1, lines 25-37).

(3) In SECTION 2(a) of the bill, in the transition language (page 1, line 45), strike "Sections 1001.109(a) and 1001.1091" and substitute "Section 1001.1091".

(4) In SECTION 2(b) of the bill, in the transition language (page 1, line 49), strike "Sections 1001.109(a) and 1001.1091" and substitute "Section 1001.1091".

HB 2590 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Raymond called up with senate amendments for consideration at this time,

HB 2590, A bill to be entitled An Act relating to the amelioration and informal dispute resolution processes for providers participating in certain Medicaid waiver programs.

Representative Raymond moved to concur in the senate amendments to **HB 2590**.

The motion to concur in the senate amendments to **HB 2590** prevailed by (Record 1926): 144 Yeas, 1 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; Cospes; 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, E.; 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; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Oliveira.

Senate Committee Substitute

CSHB 2590, A bill to be entitled An Act relating to the administrative penalty, amelioration, and informal dispute resolution processes for providers participating in certain Medicaid waiver programs.

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

SECTION 1. Section 161.088, Human Resources Code, as added by Chapters 826 (**HB 4001**) and 1200 (**SB 1385**), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 161.089, Human Resources Code, and amended to read as follows:

Sec. 161.089 [~~161.088~~]. ADMINISTRATIVE PENALTIES. (a) This section applies to the following waiver programs established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c)), and administered by the commission [~~department~~] to serve persons with an intellectual or developmental disability:

(1) the home and community-based services (HCS) waiver program;
and

(2) the Texas home living (TxHmL) waiver program.

(b) The commission [~~department~~] may assess and collect an administrative penalty against a provider who participates in a program to which this section applies for a violation of a law or rule relating to the program. If the commission [~~department~~] assesses an administrative penalty against a provider for a violation

of a law or rule, the commission [~~department~~] may not impose a payment hold against or otherwise withhold contract payments from the provider for the same violation of a law or rule.

(c) After consulting with appropriate stakeholders, the executive commissioner shall develop and adopt rules regarding the imposition of administrative penalties under this section. The rules must:

(1) specify the types of violations that warrant imposition of an administrative penalty;

(2) establish a schedule of progressive administrative penalties in accordance with the relative type, frequency, and seriousness of a violation;

(3) prescribe reasonable amounts to be imposed for each violation giving rise to an administrative penalty, subject to Subdivision (4);

(4) authorize the imposition of an administrative penalty in an amount not to exceed \$5,000 for each violation;

(5) provide that a provider commits a separate violation each day the provider continues to violate the law or rule;

(6) ensure standard and consistent application of administrative penalties throughout the state; and

(7) provide for an administrative appeals process to adjudicate claims and appeals relating to the imposition of an administrative penalty under this section that is in accordance with Chapter 2001, Government Code.

~~(d) [In specifying the types of violations that warrant imposition of an administrative penalty under Subsection (c), the executive commissioner shall specify the types of minor violations that allow a provider an opportunity to take corrective action before a penalty is imposed.]~~

[(e)] In determining the types of violations that warrant imposition of an administrative penalty and in establishing the schedule of progressive administrative penalties and penalty amounts under Subsection (c), the executive commissioner must consider:

(1) the seriousness of a violation, including:

(A) the nature, circumstances, extent, and gravity of the violation;

and

(B) the hazard to the health or safety of recipients resulting from the violation;

(2) the provider's history of previous violations;

(3) whether the provider:

(A) had prior knowledge of the violation, including whether the provider identified the violation through the provider's internal quality assurance process; and

(B) made any efforts to mitigate or correct the identified violation;

(4) the penalty amount necessary to deter future violations; and

(5) any other matter justice may require.

(e) Except as provided by Subsection (f), the executive commissioner by rule [(f) In lieu of imposing an administrative penalty under this section, the department] shall provide to [allow] a provider who has implemented a plan of correction [found to have committed a minor violation specified by rule in

~~accordance with Subsection (d) to have~~ a reasonable period of time following [that is not less than 45 days after] the date the commission [department] sends notice to the provider of the violation to correct [take corrective action regarding] the violation before the commission may assess an administrative penalty. The period may not be less than 45 days [department may not allow time for corrective action for any violation that is not a minor violation].

(f) The commission may assess an administrative penalty without providing a reasonable period of time to a provider to correct the violation if the violation:

- (1) represents a pattern of violation that results in actual harm;
- (2) is widespread in scope and results in actual harm;
- (3) is widespread in scope and constitutes a potential for actual harm;
- (4) constitutes an immediate threat to the health or safety of a recipient;
- (5) substantially limits the provider's ability to provide care; or
- (6) is a violation in which a provider:

(A) wilfully interferes with the work of a representative of the commission or the enforcement of a law relating to a program to which this section applies;

(B) fails to pay a penalty assessed by the commission under this section not later than the 10th day after the date the assessment of the penalty becomes final, subject to Section 161.0891; or

(C) fails to submit a plan of correction not later than the 10th day after the date the provider receives a statement of the violation.

(g) Notwithstanding any other provision of this section, an administrative penalty ceases to be incurred on the date a violation is corrected.

(h) In this section:

(1) "Actual harm" means an observed, documented, measured, or diagnosed injury or outcome that causes a serious or significant impairment or reduction of a recipient's physical, mental, or emotional well-being, including death. The term does not include a physical, emotional, or financial injury that constitutes minor harm.

(2) "Immediate threat to the health or safety of a recipient" means a situation that caused, or is likely to cause, actual harm to a recipient.

(3) "Minor harm" means a physical, emotional, or financial injury that is:

(A) temporary in duration and transient in effect, including:

(i) a temporary change in mood; and

(ii) a temporary reduction in self-esteem that does not have a permanent or prolonged effect on the recipient's behavior; or

(B) limited in scope or impact, including:

(i) an injury that does not represent a risk of self-harm, harm to others, or damage to property; and

(ii) a financial loss that represents less than 10 percent of a recipient's financial resources or personal property.

(4) "Pattern of violation" means repeated, but not pervasive, failures of a provider to comply with a law relating to a program to which this section applies that:

(A) result in a violation; and
(B) are found throughout the services provided by the provider or that affect or involve the same recipients or provider employees or volunteers.

(5) "Recipient" means a person served by a program to which this section applies.

(6) "Widespread in scope" means a violation of a law relating to a program to which this section applies that:

(A) is pervasive throughout the services provided by the provider;
or

(B) represents a systemic failure by the provider that affects or has the potential to affect a large portion of or all of the recipients.

SECTION 2. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Sections 161.0891 and 161.0892 to read as follows:

Sec. 161.0891. AMELIORATION PROCESS. (a) In lieu of demanding payment of an administrative penalty assessed under Section 161.089, the commission may, in accordance with this section, allow the provider subject to the penalty to use, under the supervision of the commission, any portion of the amount of the penalty to ameliorate the violation or to improve services in the waiver program in which the provider participates.

(b) The commission shall offer amelioration to a provider under this section not later than the 10th day after the date the provider receives from the commission a final notification of the assessment of an administrative penalty that is sent to the provider after an informal dispute resolution process but before an administrative hearing.

(c) A provider to whom amelioration has been offered must file a plan for amelioration not later than the 45th day after the date the provider receives the offer of amelioration from the commission. In submitting the plan, the provider must agree to waive the provider's right to an administrative hearing if the commission approves the plan.

(d) At a minimum, a plan for amelioration must:

(1) propose changes to the management or operation of the waiver program in which the provider participates that will improve services to or quality of care for recipients under the program;

(2) identify, through measurable outcomes, the ways in which and the extent to which the proposed changes will improve services to or quality of care for recipients under the waiver program;

(3) establish clear goals to be achieved through the proposed changes;

(4) establish a timeline for implementing the proposed changes; and

(5) identify specific actions necessary to implement the proposed changes.

(e) The commission may require that an amelioration plan propose changes that would result in conditions that exceed the requirements of a law or rule relating to the waiver program in which the provider participates.

(f) The commission shall approve or deny an amelioration plan not later than the 45th day after the date the commission receives the plan. On approval of a provider's plan, the commission or the State Office of Administrative Hearings, as appropriate, shall deny a pending request for a hearing submitted by the provider.

(g) The commission may not offer amelioration to a provider:

(1) more than three times in a two-year period; or

(2) more than one time in a two-year period for the same or similar violation.

Sec. 161.0892. INFORMAL DISPUTE RESOLUTION. (a) The executive commissioner by rule shall establish an informal dispute resolution process in accordance with this section. The process must provide for adjudication by an appropriate disinterested person of disputes relating to a proposed enforcement action or related proceeding of the commission against a provider participating in a waiver program described by Section 161.089. The informal dispute resolution process must require:

(1) a provider participating in a waiver program described by Section 161.089 to request informal dispute resolution not later than the 10th calendar day after the date of notification by the commission of the violation of a law or rule relating to the program; and

(2) the commission to complete the process not later than the 30th calendar day after the date of receipt of a request from a provider for informal dispute resolution.

(b) As part of the informal dispute resolution process established under this section, the commission shall contract with an appropriate disinterested person who is a nonprofit organization to adjudicate disputes between a provider participating in a program described by Section 161.089 and the commission concerning a statement of violations prepared by the commission. Section 2009.053, Government Code, does not apply to the selection of an appropriate disinterested person under this subsection. The person with whom the commission contracts shall adjudicate all disputes described by this subsection.

(c) The executive commissioner shall adopt rules to adjudicate claims in contested cases.

(d) The commission may not delegate its responsibility to administer the informal dispute resolution process established by this section to another state agency.

SECTION 3. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement the changes in law made by this Act.

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

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 2590** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Sections 161.089(h)(1), (2), and (3), Human Resources Code (page 3, lines 3 through 25), substitute the following, and renumber subsequent subdivisions accordingly:

(1) "Actual harm" means a negative outcome that compromises a recipient's physical, mental, or emotional well-being.

(2) "Immediate threat to the health or safety of a recipient" means a situation that causes, or is likely to cause, serious injury, harm, or impairment to or the death of a recipient.

(2) In SECTION 2 of the bill, in added Section 161.0891(g), Human Resources Code (page 4, line 21), strike "or".

(3) In SECTION 2 of the bill, in added Section 161.0891(g), Human Resources Code (page 4, line 23), between "violation" and the underlined period, insert the following:

; or

(3) for a violation that resulted in hazard to the health or safety of a recipient, including serious harm or death, or that substantially limits the provider's ability to provide care

(4) In SECTION 2 of the bill, immediately following added Section 161.0891(g), Human Resources Code (page 4, between lines 23 and 24), insert the following appropriately lettered subsection:

() This section expires September 1, 2023.

(5) In SECTION 2 of the bill, in added Section 161.0892(b), Human Resources Code (page 4, line 42), strike "who is a nonprofit organization".

(6) In SECTION 2 of the bill, in added Section 161.0892(b), Human Resources Code (page 4, line 44), immediately before "program", insert "waiver".

**HB 22 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Huberty called up with senate amendments for consideration at this time,

HB 22, A bill to be entitled An Act relating to public school accountability.

Representative Huberty moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 22**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 22**: Huberty, chair; K. King, VanDeaver, Bernal, and Dutton.

**HB 8 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Simmons called up with senate amendments for consideration at this time,

HB 8, A bill to be entitled An Act relating to cybersecurity for state agency information resources.

Representative Simmons moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 8**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 8**: Capriglione, chair; Blanco, Parker, Dale, and Burrows.

(Wu in the chair)

HR 627 - PREVIOUSLY ADOPTED
(by Huberty)

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

HR 627, In memory of Dr. Charles Aubrey "Mickey" LeMaistre.

INTRODUCTION OF GUEST

The chair recognized Representative Zerwas who introduced Andreae "Andi" LeMaistre.

HB 1886 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED

Representative Miller called up with senate amendments for consideration at this time,

HB 1886, A bill to be entitled An Act relating to dyslexia screening and testing, the employment of dyslexia specialists by regional education service centers, and the development by the Texas Education Agency of a list of training opportunities for educators regarding dyslexia.

Representative Miller moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1886**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1886**: Miller, chair; D. Bonnen, Cosper, Huberty, and Bernal.

(Cyrier in the chair)

HB 7 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Wu called up with senate amendments for consideration at this time,

HB 7, A bill to be entitled An Act relating to child protective services suits, motions, and services by the Department of Family and Protective Services.

Representative Wu moved to concur in the senate amendments to **HB 7**.

The motion to concur in the senate amendments to **HB 7** prevailed by (Record 1927): 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; Cospes; Craddick; Dale; Darby; Davis, S.; Davis, Y.; 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, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler.

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

Absent, Excused — Minjarez; Raney.

Absent — Dean; Dukes; Keough; White; Wilson; Zerwas.

STATEMENTS OF VOTE

When Record No. 1927 was taken, I was in the house but away from my desk. I would have voted yes.

Dean

When Record No. 1927 was taken, I was in the house but away from my desk. I would have voted yes.

Zerwas

Senate Committee Substitute

CSHB 7, A bill to be entitled An Act relating to child protective services suits, motions, and services by the Department of Family and Protective Services.

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

SECTION 1. Section 58.0052, Family Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the information provided under Subsection (b), the Department of Family and Protective Services and the Texas Juvenile Justice Department shall coordinate and develop protocols for sharing with each other, on request, any other information relating to a multi-system youth necessary to:

(1) identify and coordinate the provision of services to the youth and prevent duplication of services;

(2) enhance rehabilitation of the youth; and

(3) improve and maintain community safety.

SECTION 2. Section 105.002, Family Code, is amended by adding Subsection (d) to read as follows:

(d) The Department of Family and Protective Services in collaboration with interested parties, including the Permanent Judicial Commission for Children, Youth and Families, shall review the form of jury submissions in this state and make recommendations to the legislature not later than December 31, 2017, regarding whether broad-form or specific jury questions should be required in suits affecting the parent-child relationship filed by the department. This subsection expires September 1, 2019.

SECTION 3. Sections 107.002(b) and (c), Family Code, are amended to read as follows:

(b) A guardian ad litem appointed for the child under this chapter shall:

(1) within a reasonable time after the appointment, interview:

(A) the child in a developmentally appropriate manner, if the child is four years of age or older;

(B) each person who has significant knowledge of the child's history and condition, including educators, child welfare service providers, and any foster parent of the child; and

(C) the parties to the suit;

(2) seek to elicit in a developmentally appropriate manner the child's expressed objectives;

(3) consider the child's expressed objectives without being bound by those objectives;

(4) encourage settlement and the use of alternative forms of dispute resolution; and

(5) perform any specific task directed by the court.

(c) A guardian ad litem appointed for the child under this chapter is entitled to:

(1) receive a copy of each pleading or other paper filed with the court in the case in which the guardian ad litem is appointed;

(2) receive notice of each hearing in the case;

(3) participate in case staffings by the Department of Family and Protective Services concerning the child;

(4) attend all legal proceedings in the case but may not call or question a witness or otherwise provide legal services unless the guardian ad litem is a licensed attorney who has been appointed in the dual role;

(5) review and sign, or decline to sign, an agreed order affecting the child; ~~and~~

(6) explain the basis for the guardian ad litem's opposition to the agreed order if the guardian ad litem does not agree to the terms of a proposed order;

(7) have access to the child in the child's placement;

(8) be consulted and provide comments on decisions regarding placement, including kinship, foster care, and adoptive placements;

(9) evaluate whether the child welfare services providers are protecting the child's best interests regarding appropriate care, treatment, services, and all other foster children's rights listed in Section 263.008;

(10) receive notification regarding and an invitation to attend meetings related to the child's service plan and a copy of the plan; and

(11) attend court-ordered mediation regarding the child's case.

SECTION 4. Section 107.016, Family Code, is amended to read as follows:

Sec. 107.016. CONTINUED REPRESENTATION; DURATION OF APPOINTMENT. In a suit filed by a governmental entity in which termination of the parent-child relationship or appointment of the entity as conservator of the child is requested:

(1) an order appointing the Department of Family and Protective Services as the child's managing conservator may provide for the continuation of the appointment of the guardian ad litem [or attorney ad litem] for the child for any period during the time the child remains in the conservatorship of the department, as set by the court; [and]

(2) an order appointing the Department of Family and Protective Services as the child's managing conservator may provide for the continuation of the appointment of the attorney ad litem for the child as long as the child remains in the conservatorship of the department; and

(3) an attorney appointed under this subchapter to serve as an attorney ad litem for a parent or an alleged father continues to serve in that capacity until the earliest of:

(A) the date the suit affecting the parent-child relationship is dismissed;

(B) the date all appeals in relation to any final order terminating parental rights are exhausted or waived; or

(C) the date the attorney is relieved of the attorney's duties or replaced by another attorney after a finding of good cause is rendered by the court on the record.

SECTION 5. Section 155.201, Family Code, is amended by adding Subsection (d) to read as follows:

(d) On receiving notice that a court exercising jurisdiction under Chapter 262 has ordered the transfer of a suit under Section 262.203(a)(2), the court of continuing, exclusive jurisdiction shall, pursuant to the requirements of Section 155.204(i), transfer the proceedings to the court in which the suit under Chapter 262 is pending within the time required by Section 155.207(a).

SECTION 6. Section 155.204(i), Family Code, is amended to read as follows:

(i) If a transfer order has been signed by a court exercising jurisdiction under Chapter 262, the Department of Family and Protective Services shall [a party may] file the transfer order with the clerk of the court of continuing, exclusive jurisdiction. On receipt and without a hearing or further order from the court of continuing, exclusive jurisdiction, the clerk of the court of continuing, exclusive jurisdiction shall transfer the files as provided by this subchapter within the time required by Section 155.207(a).

SECTION 7. Section 161.001, Family Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A court may not make a finding under Subsection (b) and order termination of the parent-child relationship based on evidence that the parent:

(1) homeschooled the child;

(2) is economically disadvantaged;

(3) has been charged with a nonviolent misdemeanor offense other

than:

(A) an offense under Title 5, Penal Code;

(B) an offense under Title 6, Penal Code; or

(C) an offense that involves family violence, as defined by Section

71.004 of this code;

(4) provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; or

(5) declined immunization for the child for reasons of conscience, including a religious belief.

(d) A court may not order termination under Subsection (b)(1)(O) based on the failure by the parent to comply with a specific provision of a court order if a parent proves by a preponderance of evidence that:

(1) the parent was unable to comply with specific provisions of the court order; and

(2) the parent made a good faith effort to comply with the order and the failure to comply with the order is not attributable to any fault of the parent.

(e) This section does not prohibit the Department of Family and Protective Services from offering evidence described by Subsection (c) as part of an action to terminate the parent-child relationship under this subchapter.

SECTION 8. Section 161.206, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In a suit filed by the Department of Family and Protective Services seeking termination of the parent-child relationship for more than one parent of the child, the court may order termination of the parent-child relationship for one of the parents only if the court finds by clear and convincing evidence grounds for the termination of the parent-child relationship for that parent.

SECTION 9. Chapter 261, Family Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PROTECTIVE ORDER IN CERTAIN CASES OF ABUSE
OR NEGLECT

Sec. 261.501. FILING APPLICATION FOR PROTECTIVE ORDER IN CERTAIN CASES OF ABUSE OR NEGLECT. The department may file an application for a protective order for a child's protection under this subchapter on the department's own initiative or jointly with a parent, relative, or caregiver of the child who requests the filing of the application if the department:

(1) has temporary managing conservatorship of the child;

(2) determines that:

(A) the child:

(i) is a victim of abuse or neglect; or

- (ii) has a history of being abused or neglected; and
- (B) there is a threat of:
 - (i) immediate or continued abuse or neglect to the child;
 - (ii) someone illegally taking the child from the home in which the child is placed;
 - (iii) behavior that poses a threat to the caregiver with whom the child is placed; or
 - (iv) someone committing an act of violence against the child or the child's caregiver; and
- (3) is not otherwise authorized to apply for a protective order for the child's protection under Chapter 82.

Sec. 261.502. CERTIFICATION OF FINDINGS. (a) In making the application under this subchapter, the department must certify that:

- (1) the department has diligently searched for and:
 - (A) was unable to locate the child's parent, legal guardian, or custodian, other than the respondent to the application; or
 - (B) located and provided notice of the proposed application to the child's parent, legal guardian, or custodian, other than the respondent to the application; and
- (2) if applicable, the relative or caregiver who is jointly filing the petition, or with whom the child would reside following an entry of the protective order, has not abused or neglected the child and does not have a history of abuse or neglect.

(b) An application for a temporary ex parte order under Section 261.503 may be filed without making the findings required by Subsection (a) if the department certifies that the department believes there is an immediate danger of abuse or neglect to the child.

Sec. 261.503. TEMPORARY EX PARTE ORDER. If the court finds from the information contained in an application for a protective order that there is an immediate danger of abuse or neglect to the child, the court, without further notice to the respondent and without a hearing, may enter a temporary ex parte order for the protection of the child.

Sec. 261.504. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. (a) At the close of a hearing on an application for a protective order under this subchapter, the court shall find whether there are reasonable grounds to believe that:

- (1) the child:
 - (A) is a victim of abuse or neglect; or
 - (B) has a history of being abused or neglected; and
- (2) there is a threat of:
 - (A) immediate or continued abuse or neglect to the child;
 - (B) someone illegally taking the child from the home in which the child is placed;
 - (C) behavior that poses a threat to the caregiver with whom the child is placed; or

(D) someone committing an act of violence against the child or the child's caregiver.

(b) If the court makes an affirmative finding under Subsection (a), the court shall issue a protective order that includes a statement of that finding.

Sec. 261.505. APPLICATION OF OTHER LAW. To the extent applicable, except as otherwise provided by this subchapter, Title 4 applies to a protective order issued under this subchapter.

SECTION 10. Subchapter A, Chapter 262, Family Code, is amended by adding Section 262.0022 to read as follows:

Sec. 262.0022. REVIEW OF PLACEMENT; FINDINGS. At each hearing under this chapter, the court shall review the placement of each child in the temporary or permanent managing conservatorship of the Department of Family and Protective Services who is not placed with a relative caregiver or designated caregiver as defined by Section 264.751. The court shall include in its findings a statement on whether the department has the option of placing the child with a relative or other designated caregiver.

SECTION 11. Subchapter A, Chapter 262, Family Code, is amended by adding Sections 262.013 and 262.014 to read as follows:

Sec. 262.013. VOLUNTARY TEMPORARY MANAGING CONSERVATORSHIP. In a suit affecting the parent-child relationship filed by the Department of Family and Protective Services, the existence of a parent's voluntary agreement to temporarily place the parent's child in the managing conservatorship of the department is not an admission by the parent that the parent engaged in conduct that endangered the child.

Sec. 262.014. DISCLOSURE OF CERTAIN EVIDENCE. On the request of the attorney for a parent who is a party in a suit affecting the parent-child relationship filed under this chapter, or the attorney ad litem for the parent's child, the Department of Family and Protective Services shall, before the full adversary hearing, provide:

(1) the name of any person, excluding a department employee, whom the department will call as a witness to any of the allegations contained in the petition filed by the department;

(2) a copy of any offense report relating to the allegations contained in the petition filed by the department that will be used in court to refresh a witness's memory; and

(3) a copy of any photograph, video, or recording that will be presented as evidence.

SECTION 12. Section 262.113, Family Code, is amended to read as follows:

Sec. 262.113. FILING SUIT WITHOUT TAKING POSSESSION OF CHILD. An original suit filed by a governmental entity that requests to take possession of a child after notice and a hearing must be supported by an affidavit sworn to by a person with personal knowledge and stating facts sufficient to satisfy a person of ordinary prudence and caution that:

(1) there is a continuing danger to the physical health or safety of the child caused by an act or failure to act of the person entitled to possession of the child and that allowing the child to remain in the home would be contrary to the child's welfare; and

(2) reasonable efforts, consistent with the circumstances and providing for the safety of the child, have been made to prevent or eliminate the need to remove the child from the child's home[; and

~~(2) allowing the child to remain in the home would be contrary to the child's welfare].~~

SECTION 13. Subchapter B, Chapter 262, Family Code, is amended by adding Section 262.116 to read as follows:

Sec. 262.116. LIMITS ON REMOVAL. (a) The Department of Family and Protective Services may not take possession of a child under this subchapter based on evidence that the parent:

(1) homeschooled the child;

(2) is economically disadvantaged;

(3) has been charged with a nonviolent misdemeanor offense other

than:

(A) an offense under Title 5, Penal Code;

(B) an offense under Title 6, Penal Code; or

(C) an offense that involves family violence, as defined by Section

71.004 of this code;

(4) provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; or

(5) declined immunization for the child for reasons of conscience, including a religious belief.

(b) The department shall train child protective services caseworkers regarding the prohibitions on removal provided under Subsection (a).

(c) The executive commissioner of the Health and Human Services Commission may adopt rules to implement this section.

(d) This section does not prohibit the department from gathering or offering evidence described by Subsection (a) as part of an action to take possession of a child under this subchapter.

SECTION 14. Section 262.201, Family Code, is amended by amending Subsection (a) and adding Subsection (a-5) to read as follows:

(a) Unless the child has already been returned to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession and the temporary order, if any, has been dissolved, a full adversary hearing shall be held not later than the 14th day after the date the child was taken into possession by the governmental entity, unless the court grants an extension under Subsection (a-3) or (a-5).

(a-5) If a parent who is not indigent appears in opposition to the suit, the court may, for good cause shown, postpone the full adversary hearing for not more than seven days from the date of the parent's appearance to allow the parent to hire an attorney or to provide the parent's attorney time to respond to the

petition and prepare for the hearing. A postponement under this subsection is subject to the limits and requirements prescribed by Subsection (a-3) and Section 155.207.

SECTION 15. Section 262.203(a), Family Code, is amended to read as follows:

(a) On the motion of a party or the court's own motion, if applicable, the court that rendered the temporary order shall in accordance with procedures provided by Chapter 155:

(1) transfer the suit to the court of continuing, exclusive jurisdiction, if any, within the time required by Section 155.207(a), if the court finds that the transfer is:

(A) necessary for the convenience of the parties; and

(B) in the best interest of the child;

(2) ~~[if grounds exist for mandatory transfer from the court of continuing, exclusive jurisdiction under Section 155.201,]~~ order transfer of the suit from the ~~[that]~~ court of continuing, exclusive jurisdiction; or

(3) if grounds exist for transfer based on improper venue, order transfer of the suit to the court having venue of the suit under Chapter 103.

SECTION 16. Subchapter C, Chapter 262, Family Code, is amended by adding Section 262.206 to read as follows:

Sec. 262.206. EX PARTE HEARINGS PROHIBITED. Unless otherwise authorized by this chapter or other law, a hearing held by a court in a suit under this chapter may not be ex parte.

SECTION 17. Section 263.002, Family Code, is amended to read as follows:

Sec. 263.002. REVIEW OF PLACEMENTS BY COURT; FINDINGS. (a) In a suit affecting the parent-child relationship in which the department has been appointed by the court or designated in an affidavit of relinquishment of parental rights as the temporary or permanent managing conservator of a child, the court shall hold a hearing to review:

(1) the conservatorship appointment and substitute care; and

(2) for a child committed to the Texas Juvenile Justice Department, the child's commitment in the Texas Juvenile Justice Department or release under supervision by the Texas Juvenile Justice Department.

(b) At each hearing under this chapter, the court shall review the placement of each child in the temporary managing conservatorship of the department who is not placed with a relative caregiver or designated caregiver as defined by Section 264.751. The court shall include in its findings a statement whether the department placed the child with a relative or other designated caregiver.

(c) At each permanency hearing under this chapter, the court shall review the placement of each child in the temporary managing conservatorship of the department who has not been returned to the child's home. The court shall make a finding on whether returning the child to the child's home is safe and appropriate, whether the return is in the best interest of the child, and whether it is contrary to the welfare of the child for the child to return home.

SECTION 18. Section 263.0021, Family Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) Notice of a hearing under this chapter provided to an individual listed under Subsection (b)(2) must state that the individual may, but is not required to, attend the hearing and may request to be heard at the hearing.

(f) In a hearing under this chapter, the court shall determine whether the child's caregiver is present at the hearing and allow the caregiver to testify if the caregiver wishes to provide information about the child.

SECTION 19. Section 263.401, Family Code, is amended to read as follows:

Sec. 263.401. DISMISSAL AFTER ONE YEAR; NEW TRIALS; EXTENSION. (a) Unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court's jurisdiction over [court shall dismiss] the suit affecting the parent-child relationship filed by the department that requests termination of the parent-child relationship or requests that the department be named conservator of the child is terminated and the suit is automatically dismissed without a court order. Not later than the 60th day before the day the suit is automatically dismissed, the court shall notify all parties to the suit of the automatic dismissal date.

(b) Unless the court has commenced the trial on the merits, the court may not retain the suit on the court's docket after the time described by Subsection (a) unless the court finds that extraordinary circumstances necessitate the child remaining in the temporary managing conservatorship of the department and that continuing the appointment of the department as temporary managing conservator is in the best interest of the child. If the court makes those findings, the court may retain the suit on the court's docket for a period not to exceed 180 days after the time described by Subsection (a). If the court retains the suit on the court's docket, the court shall render an order in which the court:

(1) schedules the new date on which the suit will be automatically dismissed if the trial on the merits has not commenced, which date must be not later than the 180th day after the time described by Subsection (a);

(2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and

(3) sets the trial on the merits on a date not later than the date specified under Subdivision (1).

(b-1) If, after commencement of the initial trial on the merits within the time required by Subsection (a) or (b), the court grants a motion for a new trial or mistrial, or the case is remanded to the court by an appellate court following an appeal of the court's final order, the court shall retain the suit on the court's docket and render an order in which the court:

(1) schedules a new date on which the suit will be automatically dismissed if the new trial has not commenced, which must be a date not later than the 180th day after the date on which:

(A) the motion for a new trial or mistrial is granted; or

(B) the appellate court remanded the case;

(2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and

(3) sets the new trial on the merits for a date not later than the date specified under Subdivision (1).

(c) If the court grants an extension under Subsection (b) or (b-1) but does not commence the trial on the merits before the dismissal date, the court's jurisdiction over [court shall dismiss] the suit is terminated and the suit is automatically dismissed without a court order. The court may not grant an additional extension that extends the suit beyond the required date for dismissal under Subsection (b) or (b-1), as applicable.

SECTION 20. Section 263.402, Family Code, is amended to read as follows:

Sec. 263.402. LIMIT ON EXTENSION[~~;- WAIVER~~]. ~~[(a)]~~ The parties to a suit under this chapter may not extend the deadlines set by the court under this subchapter by agreement or otherwise.

~~[(b) A party to a suit under this chapter who fails to make a timely motion to dismiss the suit under this subchapter waives the right to object to the court's failure to dismiss the suit. A motion to dismiss under this subsection is timely if the motion is made before the trial on the merits commences.]~~

SECTION 21. Section 263.403, Family Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a) Notwithstanding Section 263.401, the court may retain jurisdiction and not dismiss the suit or render a final order as required by that section if the court renders a temporary order that:

(1) finds that retaining jurisdiction under this section is in the best interest of the child;

(2) orders the department to:

(A) return the child to the child's parent; or

(B) transition the child, according to a schedule determined by the department or court, from substitute care to the parent while the parent completes the remaining requirements imposed under a service plan and specified in the temporary order that are necessary for the child's return;

(3) orders the department to continue to serve as temporary managing conservator of the child; and

(4) orders the department to monitor the child's placement to ensure that the child is in a safe environment.

(a-1) Unless the court has granted an extension under Section 263.401(b), the department or the parent may request the court to retain jurisdiction for an additional six months as necessary for a parent to complete the remaining requirements in a service plan and specified in the temporary order that are mandatory for the child's return.

(c) If before the dismissal of the suit or the commencement of the trial on the merits a child placed with a parent under this section must be moved from that home by the department or the court renders a temporary order terminating the transition order issued under Subsection (a)(2)(B) [before the dismissal of the suit

~~or the commencement of the trial on the merits~~], the court shall, at the time of the move or order, schedule a new date for dismissal of the suit [~~unless a trial on the merits has commenced~~]. The new dismissal date may not be later than the original dismissal date established under Section 263.401 or the 180th day after the date the child is moved or the order is rendered under this subsection, whichever date is later.

SECTION 22. Subchapter E, Chapter 263, Family Code, is amended by adding Section 263.4055 to read as follows:

Sec. 263.4055. SUPREME COURT RULES. The supreme court by rule shall establish civil and appellate procedures to address:

(1) conflicts between the filing of a motion for new trial and the filing of an appeal of a final order rendered under this chapter; and

(2) the period, including an extension of at least 20 days, for a court reporter to submit the reporter's record of a trial to an appellate court following a final order rendered under this chapter.

SECTION 23. Section 263.5031, Family Code, is amended to read as follows:

Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER. At each permanency hearing after the court renders a final order, the court shall:

(1) identify all persons and parties present at the hearing;

(2) review the efforts of the department or other agency in notifying persons entitled to notice under Section 263.0021; and

(3) review the permanency progress report to determine:

(A) the safety and well-being of the child and whether the child's needs, including any medical or special needs, are being adequately addressed;

(B) whether the department placed the child with a relative or other designated caregiver and the continuing necessity and appropriateness of the placement of the child, including with respect to a child who has been placed outside of this state, whether the placement continues to be in the best interest of the child;

(C) if the child is placed in institutional care, whether efforts have been made to ensure that the child is placed in the least restrictive environment consistent with the child's best interest and special needs;

(D) the appropriateness of the primary and alternative permanency goals for the child, whether the department has made reasonable efforts to finalize the permanency plan, including the concurrent permanency goals, in effect for the child, and whether:

(i) the department has exercised due diligence in attempting to place the child for adoption if parental rights to the child have been terminated and the child is eligible for adoption; or

(ii) another permanent placement, including appointing a relative as permanent managing conservator or returning the child to a parent, is appropriate for the child;

(E) for a child whose permanency goal is another planned permanent living arrangement:

(i) the desired permanency outcome for the child, by asking the child; and

(ii) whether, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and, if so, provide compelling reasons why it continues to not be in the best interest of the child to:

- (a) return home;
- (b) be placed for adoption;
- (c) be placed with a legal guardian; or
- (d) be placed with a fit and willing relative;

(F) if the child is 14 years of age or older, whether services that are needed to assist the child in transitioning from substitute care to independent living are available in the child's community;

(G) whether the child is receiving appropriate medical care and has been provided the opportunity, in a developmentally appropriate manner, to express the child's opinion on any medical care provided;

(H) for a child receiving psychotropic medication, whether the child:

(i) has been provided appropriate nonpharmacological interventions, therapies, or strategies to meet the child's needs; or

(ii) has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days;

(I) whether an education decision-maker for the child has been identified, the child's education needs and goals have been identified and addressed, and there are major changes in the child's school performance or there have been serious disciplinary events;

(J) for a child for whom the department has been named managing conservator in a final order that does not include termination of parental rights, whether to order the department to provide services to a parent for not more than six months after the date of the permanency hearing if:

(i) the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent managing conservatorship of the child; and

(ii) the court determines that further efforts at reunification with a parent are:

- (a) in the best interest of the child; and
- (b) likely to result in the child's safe return to the child's parent; and

(K) whether the department has identified a family or other caring adult who has made a permanent commitment to the child.

SECTION 24. Section 264.018, Family Code, is amended by adding Subsection (d-1) and amending Subsection (f) to read as follows:

(d-1) As soon as possible but not later than 24 hours after a change in placement of a child in the conservatorship of the department, the department shall give notice of the placement change to the managed care organization that contracts with the commission to provide health care services to the child under

the STAR Health program. The managed care organization shall give notice of the placement change to the primary care physician listed in the child's health passport before the end of the second business day after the day the organization receives the notification from the department.

(f) Except as provided by Subsection (d-1), as [As] soon as possible but not later than the 10th day after the date the department becomes aware of a significant event affecting a child in the conservatorship of the department, the department shall provide notice of the significant event to:

- (1) the child's parent;
- (2) an attorney ad litem appointed for the child under Chapter 107;
- (3) a guardian ad litem appointed for the child under Chapter 107;
- (4) a volunteer advocate appointed for the child under Chapter 107;
- (5) the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee;
- (6) a foster parent, prospective adoptive parent, relative of the child providing care to the child, or director of the group home or general residential operation where the child is residing; and
- (7) any other person determined by a court to have an interest in the child's welfare.

SECTION 25. The heading to Chapter 266, Family Code, is amended to read as follows:

CHAPTER 266. MEDICAL CARE AND EDUCATIONAL SERVICES FOR CHILDREN IN CONSERVATORSHIP OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES [FOSTER CARE]

SECTION 26. Chapter 266, Family Code, is amended by adding Section 266.005 to read as follows:

Sec. 266.005. FINDING ON HEALTH CARE CONSULTATION. If a court finds that a health care professional has been consulted regarding a health care service, procedure, or treatment for a child in the conservatorship of the department and the court declines to follow the recommendation of the health care professional, the court shall make findings in the record supporting the court's order.

SECTION 27. (a) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0056 to read as follows:

Sec. 533.0056. STAR HEALTH PROGRAM: NOTIFICATION OF PLACEMENT CHANGE. A contract between a managed care organization and the commission for the organization to provide health care services to recipients under the STAR Health program must require the organization to ensure continuity of care for a child whose placement has changed by:

- (1) notifying each specialist treating the child of the placement change;
- and
- (2) coordinating the transition of care from the child's previous treating primary care physician and treating specialists to the child's new treating primary care physician and treating specialists, if any.

(b) The changes in law made by this section apply only to a contract for the provision of health care services under the STAR Health program between the Health and Human Services Commission and a managed care organization under Chapter 533, Government Code, that is entered into, renewed, or extended on or after the effective date of this section.

(c) If before implementing Section 533.0056, Government Code, as added by this section, the Health and Human Services Commission determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the health and human services agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 28. Effective September 1, 2018, Section 572.001, Health and Safety Code, is amended by amending Subsection (c) and adding Subsections (c-2), (c-3), and (c-4) to read as follows:

(c) A person or agency appointed as the guardian or a managing conservator of a person younger than 18 years of age and acting as an employee or agent of the state or a political subdivision of the state may request admission of the person younger than 18 years of age to an inpatient mental health facility ~~[only with the person's consent. If the person does not consent, the person may be admitted for inpatient services]~~ only as provided by Subsection (c-2) or pursuant to an application for court-ordered mental health services or emergency detention or an order for protective custody.

(c-2) The Department of Family and Protective Services may request the admission to an inpatient mental health facility of a minor in the managing conservatorship of that department only if a physician states the physician's opinion, and the detailed reasons for that opinion, that the minor is a person:

(1) with mental illness or who demonstrates symptoms of a serious emotional disorder; and

(2) who presents a risk of serious harm to self or others if not immediately restrained or hospitalized.

(c-3) The admission to an inpatient mental health facility under Subsection (c-2) of a minor in the managing conservatorship of the Department of Family and Protective Services is a significant event for purposes of Section 264.018, Family Code, and the Department of Family and Protective Services shall provide notice of the significant event:

(1) in accordance with that section to all parties entitled to notice under that section; and

(2) to the court with continuing jurisdiction before the expiration of three business days after the minor's admission.

(c-4) The Department of Family and Protective Services periodically shall review the need for continued inpatient treatment of a minor admitted to an inpatient mental health facility under Subsection (c-2). If following the review that department determines there is no longer a need for continued inpatient treatment, that department shall notify the facility administrator designated to detain the minor that the minor may no longer be detained unless an application for court-ordered mental health services is filed.

SECTION 29. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.066 to read as follows:

Sec. 42.066. REQUIRED SUBMISSION OF INFORMATION REQUESTED BY COURT. A general residential operation that provides mental health treatment or services to a child in the managing conservatorship of the department shall timely submit to the court in a suit affecting the parent-child relationship under Subtitle E, Title 5, Family Code, all information requested by that court.

SECTION 30. The heading to Section 25.07, Penal Code, is amended to read as follows:

Sec. 25.07. VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN A FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING CASE.

SECTION 31. Section 25.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, in violation of a condition of bond set in a family violence, sexual assault or abuse, stalking, or trafficking case and related to the safety of a victim or the safety of the community, an order issued under Chapter 7A, Code of Criminal Procedure, an order issued under Article 17.292, Code of Criminal Procedure, an order issued under Section 6.504, Family Code, Chapter 83, Family Code, if the temporary ex parte order has been served on the person, ~~or~~ Chapter 85, Family Code, or Subchapter F, Chapter 261, Family Code, or an order issued by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:

(1) commits family violence or an act in furtherance of an offense under Section 20A.02, 22.011, 22.021, or 42.072;

(2) communicates:

(A) directly with a protected individual or a member of the family or household in a threatening or harassing manner;

(B) a threat through any person to a protected individual or a member of the family or household; or

(C) in any manner with the protected individual or a member of the family or household except through the person's attorney or a person appointed by the court, if the violation is of an order described by this subsection and the order prohibits any communication with a protected individual or a member of the family or household;

(3) goes to or near any of the following places as specifically described in the order or condition of bond:

(A) the residence or place of employment or business of a protected individual or a member of the family or household; or

(B) any child care facility, residence, or school where a child protected by the order or condition of bond normally resides or attends;

(4) possesses a firearm;

(5) harms, threatens, or interferes with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a person protected by the order or condition of bond; or

(6) removes, attempts to remove, or otherwise tampers with the normal functioning of a global positioning monitoring system.

SECTION 32. The heading to Section 25.072, Penal Code, is amended to read as follows:

Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING CASE.

SECTION 33. (a) In this section:

(1) "Attorney ad litem" has the meaning assigned by Section 107.001, Family Code.

(2) "Commission" means the Permanent Judicial Commission for Children, Youth and Families established by the supreme court.

(b) The commission shall study the appointment and use of attorneys ad litem in cases involving the Department of Family and Protective Services. The commission shall:

(1) examine:

(A) the method for appointing attorneys ad litem;

(B) the oversight and accountability measures used across the state to monitor attorneys ad litem;

(C) the methods by which qualifications for appointment as an attorney ad litem and training requirements for an attorney ad litem are established and enforced;

(D) the timing of and duration of appointments;

(E) the rate of compensation for appointments and the method for establishing compensation rates across the state;

(F) the quality of representation and methods for assessing performance of attorneys ad litem;

(G) the pretrial and posttrial client satisfaction with representation by attorneys ad litem representing parents and attorneys ad litem representing children;

(H) organizational studies and national standards related to the workload of attorneys ad litem;

(I) the best practices for attorneys ad litem; and

(J) the estimated and average costs associated with legal representation by an attorney ad litem per child compared with the costs associated with foster care per child;

(2) conduct a survey of attorneys ad litem about the attorney's training, including:

(A) the attorney's legal education;

(B) whether the attorney is certified as a specialist by the Texas Board of Legal Specialization in any area of law; and

(C) the professional standards followed by the attorney;

(3) perform a statistical analysis of the data and information collected under Subdivisions (1) and (2) of this subsection; and

(4) develop policy recommendations for improving the attorney ad litem appointment process.

(c) The commission shall prepare a report based on the findings of the study conducted under this section and shall submit the report to each member of the legislature not later than September 1, 2018.

SECTION 34. (a) The changes in law made by this Act apply only to a service plan filed for a full adversary hearing held under Section 262.201, Family Code, or a status hearing held under Chapter 263, Family Code, on or after January 1, 2018. A hearing held before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) The changes made by this Act to Section 263.401, Family Code, apply only to a suit affecting the parent-child relationship pending in a trial court on the effective date of this Act or filed on or after the effective date of this Act. A suit affecting the parent-child relationship in which a final order is rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

(c) Except as otherwise provided by this section, the changes in law made by this Act apply only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is subject to the law in effect at the time the suit was filed, and the former law is continued in effect for that purpose.

SECTION 35. Subchapter F, Chapter 261, Family Code, as added by this Act, Section 262.206, Family Code, as added by this Act, Section 572.001, Health and Safety Code, as amended by this Act, and Section 25.07(a), Penal Code, as amended by this Act, take effect only if a specific appropriation for the implementation of those sections is provided in a general appropriations act of the 85th Legislature.

SECTION 36. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 7** (senate committee report) in SECTION 8 of the bill, in added Section 161.206(a-1), Family Code (page 3, lines 48 and 49), by striking "one of the parents" and substituting "the parent".

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 7** (senate committee report) as follows:

(1) In SECTION 17 of the bill, in added Section 263.002(b), Family Code (page 6, line 53), between "each" and "hearing", insert "permanency".

(2) In SECTION 17 of the bill, in added Section 263.002(c), Family Code (page 6, line 60), strike "under this chapter" and substitute "before the final order".

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **CSHB 7** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 107.004, Family Code, is amended by adding Subsection (d-3) to read as follows:

(d-3) An attorney ad litem appointed to represent a child in the managing conservatorship of the Department of Family and Protective Services shall periodically continue to review the child's safety and well-being, including any effects of trauma to the child, and take appropriate action, including requesting a review hearing when necessary to address an issue of concern.

Senate Amendment No. 4 (Senate Floor Amendment No. 5)

Amend **CSHB 7** (senate committee report) by adding the following appropriately numbered SECTIONS and renumbering the SECTIONS of the bill as appropriate:

SECTION _____. Section 109.331(d), Alcoholic Beverage Code, is amended to read as follows:

(d) This section does not apply to a [~~foster group home, foster family home,~~] family home, specialized child-care [~~agency group~~] home, or agency foster home as those terms are defined by Section 42.002, Human Resources Code.

SECTION _____. Section 29.081(d), Education Code, is amended to read as follows:

(d) For purposes of this section, "student at risk of dropping out of school" includes each student who is under 26 years of age and who:

(1) was not advanced from one grade level to the next for one or more school years;

(2) if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

(3) did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

(4) the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

(5) is pregnant or is a parent;

(6) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;

(7) has been expelled in accordance with Section 37.007 during the preceding or current school year;

(8) is currently on parole, probation, deferred prosecution, or other conditional release;

(9) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

(10) is a student of limited English proficiency, as defined by Section 29.052;

(11) is in the custody or care of the Department of Family and Protective [~~and Regulatory~~] Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

(12) is homeless, as defined by 42 U.S.C. Section 11302, and its subsequent amendments; or

(13) resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation [~~foster group home~~].

SECTION _____. Section 101.0133, Family Code, is amended to read as follows:

Sec. 101.0133. FOSTER CARE. "Foster care" means the placement of a child who is in the conservatorship of the Department of Family and Protective Services and in care outside the child's home in a residential child-care facility, including an [~~agency foster group home,~~] agency foster home, specialized child-care [~~foster group~~] home, cottage [~~foster~~] home operation, general residential operation, or another facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day.

SECTION _____. Section 101.017, Family Code, is amended to read as follows:

Sec. 101.017. LICENSED CHILD PLACING AGENCY. "Licensed child placing agency" means a person, including an organization or corporation, licensed or certified under Chapter 42, Human Resources Code, by the Department of Family and Protective Services to place a child in an adoptive home or a residential child-care facility, including a child-care facility, agency foster home, cottage home operation, or general residential operation [~~agency foster group home, or adoptive home~~].

SECTION _____. Section 262.011, Family Code, as added by Chapter 338 (**HB 418**), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 262.011. PLACEMENT IN SECURE AGENCY FOSTER HOME [~~OR SECURE AGENCY FOSTER GROUP HOME~~]. A court in an emergency, initial, or full adversary hearing conducted under this chapter may order that the child who is the subject of the hearing be placed in a secure agency foster home [~~or secure agency foster group home~~] verified in accordance with Section 42.0531, Human Resources Code, if the court finds that:

(1) the placement is in the best interest of the child; and

(2) the child's physical health or safety is in danger because the child has been recruited, harbored, transported, provided, or obtained for forced labor or commercial sexual activity, including any child subjected to an act specified in Section 20A.02 or 20A.03, Penal Code.

SECTION _____. Section 263.008(a)(1), Family Code, is amended to read as follows:

(1) "Agency foster [~~group~~] home[;]" and [~~"agency foster home,"~~] "facility[;]" [~~"foster group home,"~~ and "~~foster home~~"] have the meanings assigned by Section 42.002, Human Resources Code.

SECTION _____. Section 263.008(e), Family Code, is amended to read as follows:

(e) An [~~agency foster group home,~~] agency foster home[; ~~foster group home, foster home,~~] or other residential child-care facility in which a child is placed in foster care shall provide a copy of the foster children's bill of rights to a child on the child's request. The foster children's bill of rights must be printed in English and in a second language.

SECTION _____. Section 264.0111(a), Family Code, is amended to read as follows:

(a) A child for whom the department has been appointed managing conservator and who has been placed by the department in a residential [~~foster home or~~] child-care facility [~~institution~~] as defined by Chapter 42, Human Resources Code, is entitled to keep any money earned by the child during the time of the child's placement.

SECTION _____. Sections 264.751(1) and (3), Family Code, are amended to read as follows:

(1) "Designated caregiver" means an individual who has a longstanding and significant relationship with a child for whom the department has been appointed managing conservator and who:

(A) is appointed to provide substitute care for the child, but is not [~~licensed by the department or~~] verified by a licensed child-placing agency [~~or the department~~] to operate an [~~a foster home, foster group home,~~] agency foster home[; ~~or agency foster group home~~] under Chapter 42, Human Resources Code; or

(B) is subsequently appointed permanent managing conservator of the child after providing the care described by Paragraph (A).

(3) "Relative caregiver" means a relative who:

(A) provides substitute care for a child for whom the department has been appointed managing conservator, but who is not [~~licensed by the department or~~] verified by a licensed child-placing agency [~~or the department~~] to operate an [~~a foster home, foster group home,~~] agency foster home[; ~~or agency foster group home~~] under Chapter 42, Human Resources Code; or

(B) is subsequently appointed permanent managing conservator of the child after providing the care described by Paragraph (A).

SECTION _____. Section 264.760, Family Code, is amended to read as follows:

Sec. 264.760. ELIGIBILITY FOR FOSTER CARE PAYMENTS AND PERMANENCY CARE ASSISTANCE. Notwithstanding any other provision of this subchapter, a relative or other designated caregiver who becomes ~~[licensed by the department or]~~ verified by a licensed child-placing agency ~~[or the department]~~ to operate an ~~[a foster home, foster group home,]~~ agency foster home~~[, or agency foster group home]~~ under Chapter 42, Human Resources Code, may receive foster care payments in lieu of the benefits provided by this subchapter, beginning with the first month in which the relative or other designated caregiver becomes licensed or is verified.

SECTION _____. Section 264.8521, Family Code, is amended to read as follows:

Sec. 264.8521. NOTICE TO APPLICANTS. At the time a person applies to become ~~[licensed by the department or]~~ verified by a licensed child-placing agency ~~[or the department]~~ to provide foster care in order to qualify for the permanency care assistance program, the department or the child-placing agency shall:

(1) notify the applicant that a background check, including a criminal history record check, will be conducted on the individual; and

(2) inform the applicant about criminal convictions that:

(A) preclude an individual from becoming a ~~[licensed foster home or]~~ verified agency foster home; and

(B) may also be considered in evaluating the individual's application.

SECTION _____. Section 531.151(3), Government Code, is amended to read as follows:

(3) "Institution" means:

(A) an ICF-IID, as defined by Section 531.002, Health and Safety Code;

(B) a group home operated under the authority of the commission ~~[Department of Aging and Disability Services]~~, including a residential service provider under a Medicaid waiver program authorized under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n), as amended, that provides services at a residence other than the child's home or agency foster home;

(C) ~~[a foster group home or an agency foster group home as defined by Section 42.002, Human Resources Code;~~

~~(D)~~ a nursing facility;

(D) ~~(E)~~ a general residential operation for children with an intellectual disability that is licensed by the commission ~~[Department of Family and Protective Services]~~; or

(E) ~~(F)~~ another residential arrangement other than a foster home as defined by Section 42.002, Human Resources Code, that provides care to four or more children who are unrelated to each other.

SECTION _____. Section 31.002(b), Human Resources Code, is amended to read as follows:

(b) In this chapter, the term "dependent child" also applies to a child:

- (1) who meets the specifications set forth in Subsections (a)(1)-(4);
- (2) who has been removed from the home of a relative specified in Subsection (a)(5) as a result of a judicial determination that the child's residence there is contrary to his or her welfare;
- (3) whose placement and care are the responsibility of the Department of Family and Protective Services or an agency with which the Department of Family and Protective Services has entered into an agreement for the care and supervision of the child;
- (4) who has been placed in a residential ~~[foster home or]~~ child-care facility ~~[institution]~~ by the Department of Family and Protective Services; and
- (5) for whom the state may receive federal funds for the purpose of providing foster care in accordance with rules promulgated by the executive commissioner.

SECTION _____. Section 31.008(d), Human Resources Code, is amended to read as follows:

(d) The commission may make payments on behalf of a dependent child residing in a residential ~~[foster family home or a]~~ child-care facility ~~[institution]~~ in accordance with the provisions of this chapter and commission rules.

SECTION _____. Section 42.002, Human Resources Code, is amended by amending Subdivisions (4), (5), (6), (10), (11), (12), (13), and (19) and adding Subdivision (24) to read as follows:

(4) "General residential operation" means a child-care facility that provides care for seven or more ~~[than 12]~~ children for 24 hours a day, including facilities known as ~~[children's homes, halfway houses,]~~ residential treatment centers and ~~[;]~~ emergency shelters ~~[, and therapeutic camps]~~.

(5) "Continuum-of-care residential operation" means a group of residential child-care facilities that operate under the same license or certification to provide a continuum of services to children ~~["Foster group home" means a child-care facility that provides care for 7 to 12 children for 24 hours a day].~~

(6) "Cottage ~~[Foster]~~ home operation" means cottage family homes that:

- (A) are identified on the operation's license;
- (B) share a child-care administrator who is responsible for oversight for all homes within the operation; and
- (C) are all in or near the same location as defined by department rule ~~[a child care facility that provides care for not more than six children for 24 hours a day].~~

(10) "Cottage family home" means a family residential setting with one or more homes operating under the license of a cottage home operation and in which:

- (A) each home has at least one houseparent who lives at the home while children are in care; and
- (B) based on the size of the home and the children's needs, each home cares for not more than six children ~~["Agency foster group home" means a facility that provides care for seven to 12 children for 24 hours a day, is used only by a licensed child placing agency, and meets department standards].~~

(11) "Agency foster home" means a facility that provides care for not more than six children for 24 hours a day, is used only by a licensed child-placing agency or continuum-of-care residential operation, and meets department standards.

(12) "Child-placing agency" means a person, including an organization, other than the natural parents or guardian of a child who plans for the placement of or places a child in a child-care facility, agency foster home, [~~agency foster group home~~], or adoptive home.

(13) "Facilities" includes child-care facilities, [~~and~~] child-placing agencies, and continuum-of-care residential operations.

(19) "Residential child-care facility" means a facility licensed or certified by the department that operates for all of the 24-hour day. The term includes general residential operations, child-placing agencies, specialized child-care [foster group] homes, cottage home operations [foster homes], continuum-of-care residential operations [agency foster group homes], and agency foster homes.

(24) "Specialized child-care home" means a child-care facility that:

(A) based on the size of the home and the children's needs, provides care for not more than six children for 24 hours a day; and

(B) has a director and has at least one houseparent who lives at the home while children are in care.

SECTION _____. Subchapter A, Chapter 42, Human Resources Code, is amended by adding Section 42.0031 to read as follows:

Sec. 42.0031. REFERENCE TO PART OF CONTINUUM-OF-CARE OPERATION. With respect to a continuum-of-care operation, a reference in this code or in any other law to a type of residential child-care facility that is a part of a continuum-of-care operation shall be construed as a reference to that portion of the continuum-of-care operation, and the department may take all regulatory action with respect to the continuum-of-care operation that the department could take with respect to the type of residential child-care facility, as further specified in department rule.

SECTION _____. Section 42.041(b), Human Resources Code, is amended to read as follows:

(b) This section does not apply to:

(1) a state-operated facility;

(2) an agency foster home [~~or agency foster group home~~];

(3) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities, including retreats or classes for religious instruction, on or near the premises, that does not advertise as a child-care facility or day-care center, and that informs parents that it is not licensed by the state;

(4) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;

(5) a youth camp licensed by the Department of State Health Services;
(6) a facility licensed, operated, certified, or registered by another state agency;

(7) an educational facility that is accredited by the Texas Education Agency, the Southern Association of Colleges and Schools, or an accreditation body that is a member of the Texas Private School Accreditation Commission and that operates primarily for educational purposes for prekindergarten and above, a before-school or after-school program operated directly by an accredited educational facility, or a before-school or after-school program operated by another entity under contract with the educational facility, if the Texas Education Agency, the Southern Association of Colleges and Schools, or the other accreditation body, as applicable, has approved the curriculum content of the before-school or after-school program operated under the contract;

(8) an educational facility that operates solely for educational purposes for prekindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;

(9) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Texas Education Agency, that offers educational programs through grade six, and that does not provide custodial care during the hours before or after the customary school day;

(10) a family home, whether registered or listed;

(11) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers an educational program in one or more of the following: prekindergarten through at least grade three, elementary grades, or secondary grades;

(12) an emergency shelter facility, other than a facility that would otherwise require a license as a child-care facility under this section, that provides shelter or care to a minor and the minor's child or children, if any, under Section 32.201, Family Code, if the facility:

(A) is currently under a contract with a state or federal agency; or

(B) meets the requirements listed under Section 51.005(b)(3);

(13) a juvenile detention facility certified under Section 51.12, Family Code, a juvenile correctional facility certified under Section 51.125, Family Code, a juvenile facility providing services solely for the Texas Juvenile Justice Department, or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state;

(14) an elementary-age (ages 5-13) recreation program operated by a municipality provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, that such standards are provided to the parents of each program participant, and that the ordinances shall include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms

for monitoring and enforcing the adopted local standards; and further provided that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility;

(15) an annual youth camp held in a municipality with a population of more than 1.5 million that operates for not more than three months and that has been operated for at least 10 years by a nonprofit organization that provides care for the homeless;

(16) a food distribution program that:

(A) serves an evening meal to children two years of age or older;
and

(B) is operated by a nonprofit food bank in a nonprofit, religious, or educational facility for not more than two hours a day on regular business days;

(17) a child-care facility that operates for less than three consecutive weeks and less than 40 days in a period of 12 months;

(18) a program:

(A) in which a child receives direct instruction in a single skill, talent, ability, expertise, or proficiency;

(B) that does not provide services or offerings that are not directly related to the single talent, ability, expertise, or proficiency;

(C) that does not advertise or otherwise represent that the program is a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D) that informs the parent or guardian:

(i) that the program is not licensed by the state; and

(ii) about the physical risks a child may face while participating in the program; and

(E) that conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(19) an elementary-age (ages 5-13) recreation program that:

(A) adopts standards of care, including standards relating to staff ratios, staff training, health, and safety;

(B) provides a mechanism for monitoring and enforcing the standards and receiving complaints from parents of enrolled children;

(C) does not advertise as or otherwise represent the program as a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D) informs parents that the program is not licensed by the state;

(E) is organized as a nonprofit organization or is located on the premises of a participant's residence;

(F) does not accept any remuneration other than a nominal annual membership fee;

(G) does not solicit donations as compensation or payment for any good or service provided as part of the program; and

(H) conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(20) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the caretaker:

(A) had a prior relationship with the child or sibling group or other family members of the child or sibling group;

(B) does not care for more than one unrelated child or sibling group;

(C) does not receive compensation or solicit donations for the care of the child or sibling group; and

(D) has a written agreement with the parent to care for the child or sibling group;

(21) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which:

(A) the department is the managing conservator of the child or sibling group;

(B) the department placed the child or sibling group in the caretaker's home; and

(C) the caretaker had a long-standing and significant relationship with the child or sibling group before the child or sibling group was placed with the caretaker;

(22) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the child is in the United States on a time-limited visa under the sponsorship of the caretaker or of a sponsoring organization; ~~or~~

(23) a facility operated by a nonprofit organization that:

(A) does not otherwise operate as a child-care facility that is required to be licensed under this section;

(B) provides emergency shelter and care for not more than 15 days to children 13 years of age or older but younger than 18 years of age who are victims of human trafficking alleged under Section 20A.02, Penal Code;

(C) is located in a municipality with a population of at least 600,000 that is in a county on an international border; and

(D) meets one of the following criteria:

(i) is licensed by, or operates under an agreement with, a state or federal agency to provide shelter and care to children; or

(ii) meets the eligibility requirements for a contract under Section 51.005(b)(3); or

(24) a facility that provides respite care exclusively for a local mental health authority under a contract with the local mental health authority.

SECTION _____. Section 42.042, Human Resources Code, is amended by amending Subsections (e-1), (g), and (h-1) and adding Subsection (s) to read as follows:

(e-1) The department may not prohibit possession of lawfully permitted firearms and ammunition in ~~[a foster home of any type, including a foster group home, a foster home, an agency foster group home, and]~~ an agency foster home. Minimum standards may be adopted under this section relating to safety and proper storage of firearms and ammunition, including standards requiring firearms and ammunition to be stored separately in locked locations.

(g) In promulgating minimum standards the executive commissioner may recognize and treat differently the types of services provided by the following:

- (1) registered family homes;
- (2) child-care facilities, including general residential operations, cottage home operations ~~[foster group homes]~~, specialized child-care ~~[foster]~~ homes, group day-care homes, and day-care centers;
- (3) child-placing agencies;
- (4) agency foster homes;
- (5) continuum-of-care residential operations ~~[agency foster group homes]~~;
- (6) before-school or after-school programs; and
- (7) school-age programs.

(h-1) The executive commissioner shall adopt rules governing:

- (1) the placement and care of children by a child-placing agency, as necessary to ensure the health and safety of those children;
- (2) the verification and monitoring of agency foster homes ~~[, agency foster group homes,]~~ and adoptive homes by a child-placing agency; and
- (3) if appropriate, child-placing agency staffing levels, office locations, and administration.

(s) A continuum-of-care residential operation shall ensure that each residential child-care facility operating under the operation's license complies with this chapter and any standards and rules adopted under this chapter that apply to the facility. The executive commissioner by rule may prescribe the actions a continuum-of-care residential operation must take to comply with the minimum standards for each facility type.

SECTION _____. Section 42.0421(e), Human Resources Code, is amended to read as follows:

(e) In addition to other training required by this section, the executive commissioner by rule shall require an owner, operator, or employee of a day-care center, group day-care home, registered family home, general residential operation, cottage home operation ~~[foster group home]~~, or specialized child-care ~~[agency foster group]~~ home who transports a child under the care of the facility whose chronological or developmental age is younger than nine years of age to complete at least two hours of annual training on transportation safety.

SECTION _____. Section 42.044(e), Human Resources Code, is amended to read as follows:

(e) In addition to the department's responsibility to investigate an agency foster home ~~[or agency foster group home]~~ under Subsection (c), the department shall:

(1) periodically conduct inspections of a random sample of agency foster homes ~~[and agency foster group homes]~~;

(2) investigate any report of a serious incident in an agency foster home ~~[or agency foster group home]~~ that pertains to a child under the age of six;

(3) investigate any alleged violation of a minimum standard by an agency foster home ~~[or agency foster group home]~~ that poses a high degree of risk to a child in the care of the home who is under the age of six; and

(4) conduct at least one annual enforcement team conference for each child-placing agency to thoroughly review the investigations or inspections of the child-placing agency and all of its agency foster homes to monitor and enforce compliance by a child-placing agency with rules and standards established under Section 42.042.

SECTION _____. Section 42.0448, Human Resources Code, is amended to read as follows:

Sec. 42.0448. NOTIFICATION OF FAMILY VIOLENCE CALLS. The department shall notify a child-placing agency or a continuum-of-care residential operation that includes a child-placing agency of each family violence report the department receives under Article 5.05, Code of Criminal Procedure, that:

(1) occurred at an agency foster home ~~[verified by the child placing agency]~~; or

(2) involves a person who resides at an agency foster home ~~[verified by the child placing agency]~~.

SECTION _____. Section 42.0449, Human Resources Code, is amended to read as follows:

Sec. 42.0449. REQUIRED ACTIONS AFTER NOTICE OF FAMILY VIOLENCE CALL. The executive commissioner shall adopt rules specifying the actions that the department, ~~[an independent foster home, and]~~ a child-placing agency, and a continuum-of-care residential operation that includes a child-placing agency shall take after receiving notice of a family violence report under Article 5.05, Code of Criminal Procedure, or Section 42.0448 to ensure the health, safety, and welfare of each child residing in the ~~[licensed foster home or]~~ verified agency foster home.

SECTION _____. Section 42.045(d), Human Resources Code, is amended to read as follows:

(d) A ~~[An independent foster home and a]~~ child-placing agency shall notify the department of any change of address for an ~~[a licensed foster home or a verified]~~ agency foster home. The ~~[independent foster home and]~~ child-placing agency shall notify the department of the address change within the earlier of two business days or 72 hours of the date the agency foster home changes its address.

SECTION _____. The heading to Section 42.0451, Human Resources Code, is amended to read as follows:

Sec. 42.0451. DATABASE OF AGENCY FOSTER HOMES; INFORMATION PROVIDED TO DEPARTMENT OF PUBLIC SAFETY.

SECTION _____. Sections 42.0451(a) and (c), Human Resources Code, are amended to read as follows:

(a) The department shall maintain a database of [~~licensed foster homes and verified~~] agency foster homes including the current address for each agency foster [~~licensed or verified~~] home as reported to the department. The database must be updated on a regular basis.

(c) The Department of Public Safety shall include the information provided under Subsection (b) in the Texas Crime Information Center database and establish a procedure by which a peace officer or employee of a law enforcement agency who provides the department with a street address is automatically provided information as to whether the address is [~~licensed as a foster home or~~] verified as an agency foster home under this chapter.

SECTION _____. Section 42.0452, Human Resources Code, is amended to read as follows:

Sec. 42.0452. FOSTER PARENT RIGHTS AND RESPONSIBILITIES STATEMENT. (a) The department shall develop a statement that lists the rights and responsibilities of a foster parent in [~~a foster home or~~] an agency foster home and [~~of the department or~~] a child-placing agency, as applicable.

(b) The department shall provide a written copy of the statement developed under Subsection (a) to each foster parent in an agency [~~a~~] foster home and to each child-placing agency licensed by the department. A child-placing agency shall provide a written copy of the statement developed under Subsection (a) to each foster parent in an agency foster home verified by the child-placing agency.

SECTION _____. Section 42.046(a), Human Resources Code, is amended to read as follows:

(a) An applicant for a license to operate a child-care facility, [~~or~~] child-placing agency, or continuum-of-care residential operation or for a listing or registration to operate a family home shall submit to the department the appropriate fee prescribed by Section 42.054 and a completed application on a form provided by the department.

SECTION _____. The heading to Section 42.0461, Human Resources Code, is amended to read as follows:

Sec. 42.0461. PUBLIC NOTICE AND HEARING [~~IN CERTAIN COUNTIES~~]: RESIDENTIAL CHILD CARE.

SECTION _____. Sections 42.0461(a), (d), and (e), Human Resources Code, are amended to read as follows:

(a) Before the department may issue a license or certificate for the operation or the expansion of the capacity [~~of a foster group home or foster family home that is located in a county with a population of less than 300,000 and that provides child care for 24 hours a day at a location other than the actual residence of a child's primary caretaker or~~] of a general residential operation, a cottage home operation, or a continuum-of-care residential operation that is located in a county with a population of less than 300,000, the applicant for the license, certificate, or expansion shall, at the applicant's expense:

(1) conduct a public hearing on the application in accordance with department rules after notifying the department of the date, time, and location of the hearing; and

(2) publish notice of the application in a newspaper of general circulation in the community in which the child-care services are proposed to be provided.

(d) Before issuing a license or certificate described by Subsection (a), the department shall consider written information provided by an interested party directly to the department's representative at the public hearing concerning:

(1) the amount of local resources available to support children proposed to be served by the applicant;

(2) the impact of the proposed child-care services on the ratio in the local school district of students enrolled in a special education program to students enrolled in a regular education program and the effect, if any, on the children proposed to be served by the applicant; and

(3) the impact of the proposed child-care services on the community and the effect on opportunities for social interaction for the children proposed to be served by the applicant.

(e) Based on the written information provided to the department's representative at the public hearing, the [The] department may deny the application if the department determines that:

(1) the community has insufficient resources to support children proposed to be served by the applicant;

(2) granting the application would significantly increase the ratio in the local school district of students enrolled in a special education program to students enrolled in a regular education program and the increase would adversely affect the children proposed to be served by the applicant; or

(3) granting the application would have a significant adverse impact on the community and would limit opportunities for social interaction for the children proposed to be served by the applicant.

SECTION _____. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0463 to read as follows:

Sec. 42.0463. EXPANSION OF CAPACITY. (a) Notwithstanding the limitations established by Section 42.002, the department may:

(1) develop, by rule, criteria to determine when it may be appropriate to exclude children who are related to a caretaker in determining a residential child-care facility's total capacity; and

(2) issue an exception in accordance with department rules allowing an agency foster home, cottage family home, or specialized child-care home to expand its capacity and care for not more than eight children.

(b) The department may include children who are related to a caretaker when determining under Subsection (a)(1) whether a residential child-care facility complies with the standards relating to total capacity or child-to-caregiver ratios for the facility.

SECTION _____. Section 42.048(e), Human Resources Code, is amended to read as follows:

(e) A license issued under this chapter is not transferable and applies only to the operator and facility location stated in the license application. Except as provided by this subsection, a change in location or ownership automatically

revokes a license. A change in location of a child-placing agency does not automatically revoke the license to operate the child-placing agency. A residential child-care facility operating under the license of a continuum-of-care residential operation that changes location may not continue to operate under that license unless the department approves the new location after the continuum-of-care residential operation meets all requirements related to the new location.

SECTION _____. Section 42.053, Human Resources Code, is amended to read as follows:

Sec. 42.053. AGENCY FOSTER HOMES [~~AND AGENCY FOSTER GROUP HOMES~~]. (a) An agency foster home [~~or agency foster group home~~] is considered part of the child-placing agency that operates the agency foster home [~~or agency foster group home~~] for purposes of licensing.

(b) The operator of a licensed agency shall display a copy of the license in a prominent place in the agency foster home [~~or agency foster group home~~] used by the agency.

(c) An agency foster home [~~or agency foster group home~~] shall comply with all provisions of this chapter and all department rules and standards that apply to a child-care facility caring for a similar number of children for a similar number of hours each day.

(d) The department shall revoke or suspend the license of a child-placing agency if an agency foster home [~~or agency foster group home~~] operated by the licensed agency fails to comply with Subsection (c).

(e) Before verifying an agency foster home, a child-placing agency may issue a provisional verification to the home. The executive commissioner by rule may establish the criteria for a child-placing agency to issue a provisional verification to a prospective agency foster home.

(f) If a child-placing agency under contract with the division to provide services as an integrated care coordinator places children with caregivers described by Subchapter I, Chapter 264, Family Code, those caregivers are not considered a part of the child-placing agency for purposes of licensing.

SECTION _____. Section 42.0531, Human Resources Code, is amended to read as follows:

Sec. 42.0531. SECURE AGENCY FOSTER HOMES [~~AND SECURE AGENCY FOSTER GROUP HOMES~~]. (a) The commissioners court of a county or governing body of a municipality may contract with a child-placing agency to verify a secure agency foster home [~~or secure agency foster group home~~] to provide a safe and therapeutic environment tailored to the needs of children who are victims of trafficking.

(b) A child-placing agency may not verify a secure agency foster home [~~or secure agency foster group home~~] to provide services under this section unless the child-placing agency holds a license issued under this chapter that authorizes the agency to provide services to victims of trafficking in accordance with department standards adopted under this chapter for child-placing agencies.

(c) A secure agency foster home [~~or secure agency foster group home~~] verified under this section must provide:

(1) mental health and other services specifically designed to assist children who are victims of trafficking under Section 20A.02 or 20A.03, Penal Code, including:

- (A) victim and family counseling;
- (B) behavioral health care;
- (C) treatment and intervention for sexual assault;
- (D) education tailored to the child's needs;
- (E) life skills training;
- (F) mentoring; and
- (G) substance abuse screening and treatment as needed;

(2) individualized services based on the trauma endured by a child, as determined through comprehensive assessments of the service needs of the child;

(3) 24-hour services; and

(4) appropriate security through facility design, hardware, technology, and staffing.

SECTION _____. Sections 42.0535(a), (b), (d), and (e), Human Resources Code, are amended to read as follows:

(a) A child-placing agency that seeks to verify an agency foster home [~~or an agency group home~~] shall request background information about the agency foster home [~~or group home~~] from a child-placing agency that has previously verified the home as an [~~that~~] agency foster home or agency foster group home.

(b) Notwithstanding Section 261.201, Family Code, a child-placing agency that has verified an agency foster home or an agency foster group home is required to release to another child-placing agency background information requested under Subsection (a).

(d) For purposes of this section, background information means the home study under which the agency foster home or agency foster group home was verified by the previous child-placing agency and any record of noncompliance with state minimum standards received and the resolution of any such noncompliance by the previous child-placing agency.

(e) The executive commissioner by rule shall develop a process by which a child-placing agency shall report to the department:

(1) the name of any agency [~~verified~~] foster home [~~or foster group home~~] that has been closed for any reason, including a voluntary closure;

(2) information regarding the reasons for the closure of the agency foster home [~~or foster group home~~]; and

(3) the name and other contact information of a person who may be contacted by another child-placing agency to obtain the records relating to the closed agency foster home [~~or foster group home~~] that are required to be maintained and made available under this section.

SECTION _____. Sections 42.054(a), (b), (d), and (g), Human Resources Code, are amended to read as follows:

(a) The department shall charge an applicant a nonrefundable application fee for an initial license to operate a child-care facility, [~~or~~] a child-placing agency, or a continuum-of-care residential operation.

(b) The department shall charge each child-care facility a fee for an initial license. The department shall charge each child-placing agency and continuum-of-care residential operation a fee for an initial license.

(d) The department shall charge each licensed child-placing agency and continuum-of-care residential operation an annual license fee. The fee is due on the date on which the department issues the [~~child-placing agency's~~] initial license to the child-placing agency or continuum-of-care residential operation and on the anniversary of that date.

(g) The provisions of Subsections (b) through (f) do not apply to:

(1) [~~licensed foster homes and licensed foster group homes;~~
(2)] nonprofit facilities regulated under this chapter that provided 24-hour care for children in the managing conservatorship of the department during the 12-month period immediately preceding the anniversary date of the facility's license;

(2) [~~(3)]~~ facilities operated by a nonprofit corporation or foundation that provides 24-hour residential care and does not charge for the care provided; or

(3) [~~(4)]~~ a family home listed under Section 42.0523 in which the relative child-care provider cares for the child in the child's own home.

SECTION _____. Section 42.0561, Human Resources Code, is amended to read as follows:

Sec. 42.0561. INFORMATION RELATING TO FAMILY VIOLENCE REPORTS. Before [~~the department may issue a license or registration for a foster home or~~] a child-placing agency may issue a verification certificate for an agency foster home, the [~~department or~~] child-placing agency must obtain information relating to each family violence report at the applicant's residence to which a law enforcement agency responded during the 12 months preceding the date of the application. The applicant shall provide the information on a form prescribed by the department.

SECTION _____. Section 42.063(d), Human Resources Code, is amended to read as follows:

(d) An employee or volunteer of a general residential operation, child-placing agency, continuum-of-care residential operation, cottage home operation [~~foster home~~], or specialized child-care [~~foster group~~] home shall report any serious incident directly to the department if the incident involves a child under the care of the operation, agency, or home.

SECTION _____. Sections 42.0461(f) and (g), Human Resources Code, are repealed.

SECTION _____. Subject to an appropriation of funds for this purpose, the executive commissioner of the Health and Human Services Commission shall adopt minimum standards related to continuum-of-care operations, cottage home operations, and specialized child-care homes as provided by Section 42.042, Human Resources Code, as amended by this Act, as soon as practicable after the effective date of this Act.

SECTION _____. (a) The executive commissioner of the Health and Human Services Commission shall develop and implement a procedure by which a residential child-care facility that holds a license or certification issued under Chapter 42, Human Resources Code, may convert the license or certification to a new type of residential child-care facility license or certification created by this Act.

(b) With respect to a residential child-care facility converting a license or certification under Subsection (a) of this section, the Health and Human Services Commission may waive requirements for an initial inspection, an initial background and criminal history check, or a family violence report, or for notice and hearing if the commission determines that previous inspections, background and criminal history checks, family violence reports, or notice and hearing, as applicable, were conducted and are sufficient to ensure the safety of children receiving care at the residential child-care facility converting a license or certification.

SECTION _____. (a) The executive commissioner of the Health and Human Services Commission shall develop and implement a procedure that requires a foster home or a foster group home that holds a license issued by the Department of Family and Protective Services under Chapter 42, Human Resources Code, before September 1, 2017, to convert the license to another residential child-care facility license issued under Chapter 42, Human Resources Code, or relinquish the license.

(b) With respect to a foster home or foster group home converting a license under Subsection (a) of this section, the Health and Human Services Commission may waive requirements for an initial inspection, an initial background and criminal history check, or a family violence report, or for notice and hearing if the commission determines that previous inspections, background and criminal history checks, family violence reports, or notice and hearing, as applicable, were conducted and are sufficient to ensure the safety of children receiving care at the foster home or foster group home converting a license or certification.

(c) The Department of Family and Protective Services may not issue a license or certification to a foster home or foster group home after August 31, 2017.

(d) A foster home or a foster group home that was licensed by the department before September 1, 2017, may continue to operate under the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose, until each foster home and foster group home has been converted to another residential child-care facility license or the license has been relinquished.

SECTION _____. (a) The executive commissioner of the Health and Human Services Commission shall develop and implement a procedure that requires a child-placing agency that verified, before September 1, 2017, an agency foster group home according to the Minimum Standards for Child-Placing Agencies to convert the agency foster group home to an agency foster home or to close the agency foster group home.

(b) With respect to a child-placing agency converting an agency foster group home under Subsection (a) of this section, the Health and Human Services Commission may waive requirements for an initial inspection, an initial background and criminal history check, or a family violence report, if the commission determines that previous inspections, background and criminal history checks, or family violence reports, as applicable, were conducted and are sufficient to ensure the safety of children receiving care at the agency foster home.

(c) A child-placing agency may not verify an agency foster group home after August 31, 2017.

(d) An agency foster group home that was verified by a child-placing agency before September 1, 2017, may continue to operate under the child-placing agency that verified the home and under the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose, until each agency foster group home has been converted to a verified foster home or has been closed.

HB 4034 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Bohac called up with senate amendments for consideration at this time,

HB 4034, A bill to be entitled An Act relating to updating a voter's information using information provided on a federal postcard application or an application for an early voting ballot.

Representative Bohac moved to concur in the senate amendments to **HB 4034**.

The motion to concur in the senate amendments to **HB 4034** prevailed by (Record 1928): 141 Yeas, 1 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; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; 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; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Stickland.

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

Absent, Excused — Minjarez; Raney.

Absent — Dukes; Leach; White; Wilson.

Senate Committee Substitute

CSHB 4034, A bill to be entitled An Act relating to certain voter registration information.

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

SECTION 1. Section 13.004(c-1), Election Code, is amended to read as follows:

(c-1) The registrar shall ensure that the information listed in Subsection (c) is excluded from disclosure, except that the registrar shall forward to the county chair of each county executive committee the information necessary to contact applicants who indicate interest in working as an election judge.

SECTION 2. Section 16.031(a), Election Code, is amended to read as follows:

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b) or 15.021 or a response under Section 15.053 that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has applied for a limited ballot in another county;

(5) notice from a voter registration official in another state that the voter has registered to vote outside this state;

(6) notice from the early voting clerk under Section 101.053 ~~101.004~~ that a federal postcard application submitted by an applicant states a voting residence address located outside the registrar's county; or

(7) notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or personal identification card number issued by the Department of Public Safety or social security number.

SECTION 3. Section 18.061(c), Election Code, is amended to read as follows:

(c) Under procedures prescribed by the secretary of state, each voter registrar shall provide to the secretary of state on an expedited basis the information necessary to maintain the registration list established under

Subsection (a). The procedures shall provide for the electronic submission of the information and ensure that each voter registrar collects and reports the correct month, day, and year of birth for each registered voter.

SECTION 4. Subchapter C, Chapter 18, Election Code, is amended by adding Section 18.0681 to read as follows:

Sec. 18.0681. SECRETARY OF STATE AUTHORITY TO ELIMINATE DUPLICATE REGISTRATION RECORDS. (a) The secretary of state shall periodically compare the information regarding voters maintained as part of the statewide computerized voter registration list to determine whether any voters have more than one voter registration record on file.

(b) The secretary of state shall by rule determine what information combinations identified as common to more than one registration record constitute a weak match or a strong match in order to:

- (1) produce the least possible impact on Texas voters; and
- (2) fulfill its responsibility to manage the voter rolls.

(c) The secretary of state may not determine that a voter has more than one registration record based on a weak match. The secretary of state may inform the county of the voter's residence that a weak match exists.

(d) If the secretary of state determines that a voter on the registration list has more than one registration record on file based on a strong match, the secretary shall send notice of the determination to the voter registrar of each county in which the voter is registered to vote. If the voter records identified are:

(1) located in the same county, the voter registrar may merge the records following a determination that each record belongs to the same voter using the procedure for the correction of registration records under Section 15.022; or

(2) located in more than one county, the registrar of the county with the oldest record may deliver a written confirmation notice in accordance with Section 15.051.

SECTION 5. Section 19.002(d), Election Code, is amended to read as follows:

(d) The secretary of state may not make a payment under Subsection (b) if on June 1 of the year in which the payment is to be made the registrar is not in substantial compliance with Section 15.083, 16.031, 16.032, or 18.065 or with rules implementing the registration service program.

SECTION 6. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.014 to read as follows:

Sec. 84.014. ACTION BY EARLY VOTING CLERK ON CERTAIN APPLICATIONS. If an applicant provides a date of birth, driver's license number, or social security number on the applicant's application for an early voting ballot to be voted by mail that is different from or in addition to the information maintained by the voter registrar in accordance with Title 2, the early voting clerk shall notify the voter registrar. The voter registrar shall update the voter's record with the information provided by the applicant.

SECTION 7. Section 101.053, Election Code, is amended to read as follows:

Sec. 101.053. ACTION BY EARLY VOTING CLERK ON CERTAIN APPLICATIONS. (a) The early voting clerk shall notify the voter registrar of a federal postcard application submitted by an applicant that states a voting residence address located outside the registrar's county.

(b) If an applicant provides a date of birth, driver's license number, or social security number on the applicant's federal postcard application that is different from or in addition to the information maintained by the voter registrar in accordance with Title 2, the early voting clerk shall notify the voter registrar. The voter registrar shall update the voter's record with the information provided by the applicant.

SECTION 8. Section 62.0132(g), Government Code, is amended to read as follows:

(g) The information contained in a completed questionnaire may be disclosed to:

(1) a judge assigned to hear a cause of action in which the respondent to the questionnaire is a potential juror;

(2) court personnel; ~~and~~

(3) a litigant and a litigant's attorney in a cause of action in which the respondent to the questionnaire is a potential juror; and

(4) other than information provided that is related to Section 62.102(8) or (9), the voter registrar of a county in connection with any matter of voter registration or the administration of elections.

SECTION 9. 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.

HB 2305 - WITH SENATE AMENDMENTS

Representative Guillen called up with senate amendments for consideration at this time,

HB 2305, A bill to be entitled An Act relating to the operations, reports, records, communications, information technology, and notice procedures of state agencies and to the electronic publication of certain state legal materials.

HB 2305 - POINT OF ORDER

Representative Herrero raised a point of order against further consideration of **HB 2305** under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules and Article III, Section 30 and Article III, Section 35 of the Texas Constitution on the grounds that the senate amendments are not germane to the bill and the senate amendments would change the original purpose of the bill.

The chair sustained the point of order and submitted the following statement:

Article III, Section 35 of the Texas Constitution requires bills to contain only one subject. Rule 11, Section 2, states that "No motion or proposition on a subject different from the subject under consideration shall be admitted as an amendment or as a substitute for the motion or proposition under debate." Rule 11, Section 3,

prohibits a bill from being "amended in its passage through either house so as to change its original purpose." Article III, Section 35 of the Texas Constitution contains a similar provision.

Representative Herrero argues that as **HB 2305** left the house the sole subject of the bill was state agency electronic records, reports, and publications. Specifically, the house engrossment version did not include provisions related to the substantive statutory authority of state agencies to regulate other state agencies. As Representative Herrero pointed out, the senate added 10 amendments to **HB 2305**. Amendment No. 3 was germane, however the rest of the amendments were not germane.

Amendment No. 1 is not germane because it is not related to state electronic records, reports, and publications, but instead is related to the repeal of the management-to-staff ratio requirement for state agencies. Amendment No. 2 is not germane because it is not related to state electronic records, reports, and publications, but instead is the Texas Emissions Reduction Plan (or "TERP Plan"). Amendment No. 4 is not germane because it is not related to the narrow subject of the bill but rather deals with regulatory authority to the Texas Higher Education Coordinating Board. Amendment No. 5 is not germane because it is not related to any state reporting action, but instead is related to the use by a political subdivision of public money for lobbying activities. Amendment No. 8 is not germane because it is related to the internet broadcast of certain open meetings. Amendment No. 9 is not germane because it is not related to state electronic records, reports, and publications, but instead is related to the creation of a statewide alert system for missing military members. Amendment No. 10 is not germane because it is related to the allocation of money associated with delays of transportation projects, and not the subject of the bill.

HB 2305 as it left the house was not an omnibus bill to which any provision relating to the operation of state or local government would be germane. The senate amendments are not germane to **HB 2305** and create an impermissible second subject. The point of order is sustained.

HB 2305 was returned to the senate.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a graduation:

Dukes on motion of Reynolds.

HB 2937 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Canales called up with senate amendments for consideration at this time,

HB 2937, A bill to be entitled An Act relating to the establishment of a pilot program under which a licensed hospital may offer dual credit courses to public high school students.

Representative Canales moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2937**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2937**: Canales, chair; Nevárez, Longoria, Ashby, and González.

(Raney now present)

SB 5 - REQUEST OF SENATE GRANTED

On motion of Representative P. King, the house granted the request of the senate for the appointment of a Conference Committee on **SB 5**.

SB 5 - CONFERENCE COMMITTEE INSTRUCTED

Representative Turner moved to instruct the Conference Committee on **SB 5** to adhere to the house amendments in their entirety.

The motion to instruct conferees prevailed.

SB 5 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 5**: P. King, chair; Laubenberg, Fallon, Lucio, and Goldman.

SB 11 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Frank, the house granted the request of the senate for the appointment of a Conference Committee on **SB 11**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 11**: Frank, chair; Klick, Raymond, Dale, and Burkett.

SB 30 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative S. Thompson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 30**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 30**: S. Thompson, chair; Coleman, White, Nevárez, and P. King.

SB 277 - REQUEST OF SENATE GRANTED

Representative Frank moved to grant the request of the senate for the appointment of a Conference Committee on **SB 277**.

The motion prevailed by (Record 1929): 114 Yeas, 27 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Ashby; Burrows; Cain; Canales; Craddick; Darby; Elkins; Fallon; Keough; King, K.; King, T.; Leach; Metcalf; Moody; Phelan; Rinaldi; Roberts; Romero; Schaefer; Shine; Smithee; Swanson; Thompson, E.; Tinderholt; Wray; Zerwas.

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

Absent, Excused — Dukes; Minjarez.

Absent — Burkett; Giddings; Larson; White; Wilson.

STATEMENTS OF VOTE

When Record No. 1929 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 1929 was taken, I was shown voting yes. I intended to vote no.

Paul

SB 277 - CONFERENCE COMMITTEE INSTRUCTED

Representative K. King moved to instruct the Conference Committee on **SB 277** to adhere to the house amendments without changes in the language.

The motion to instruct conferees prevailed.

SB 277 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 277**: Frank, chair; Murr, Price, Hunter, and Blanco.

SB 302 - REQUEST OF SENATE GRANTED

On motion of Representative S. Thompson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 302**.

SB 302 - CONFERENCE COMMITTEE INSTRUCTED

Representative Krause moved to instruct the Conference Committee on **SB 302** to retain the language relating to religious liberty and the state bar.

The motion to instruct conferees prevailed.

SB 302 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 302**: S. Thompson, chair; Gonzales, Raymond, Smithee, and Minjarez.

**SB 303 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative S. Thompson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 303**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 303**: S. Thompson, chair; Gonzales, Raymond, Smithee, and Minjarez.

**HB 1111 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 1111, A bill to be entitled An Act relating to the child safety zone applicable to a person released on parole or to mandatory supervision.

Representative S. Thompson moved to concur in the senate amendments to **HB 1111**.

The motion to concur in the senate amendments to **HB 1111** prevailed by (Record 1930): 144 Yeas, 2 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; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; 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; 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.

Nays — Rose; Stickland.

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

Absent, Excused — Dukes; Minjarez.

Senate Committee Substitute

CSHB 1111, A bill to be entitled An Act relating to the child safety zone applicable to registered sex offenders and to certain other persons who are released on parole or to mandatory supervision.

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

SECTION 1. Section 508.187, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding Subsection (b)(1)(B), a requirement that a releasee not go in, on, or within a distance specified by a parole panel of certain premises does not apply to a releasee while the releasee is in or going immediately to or from:

(1) a parole office;

(2) premises at which the releasee is participating in a program or activity required as a condition of release;

(3) a residential facility in which the releasee is required to reside as a condition of release;

(4) a private residence in which the releasee is required to reside as a condition of release; or

(5) any other premises, facility, or location that is:

(A) designed to rehabilitate or reform the releasee; or

(B) authorized by the division as a premises, facility, or location where it is reasonable and necessary for the releasee to be present and at which the releasee has legitimate business, including a church, synagogue, or other established place of religious worship, a workplace, a health care facility, or a location of a funeral.

SECTION 2. Section 508.225, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a)(2), a requirement that an inmate not go in, on, or within a distance specified by a parole panel of certain premises does not apply to an inmate while the inmate is in or going immediately to or from:

(1) a parole office;

(2) premises at which the inmate is participating in a program or activity required as a condition of release;

(3) a residential facility in which the inmate is required to reside as a condition of release;

(4) a private residence in which the inmate is required to reside as a condition of release; or

(5) any other premises, facility, or location that is:

(A) designed to rehabilitate or reform the inmate; or

(B) authorized by the division as a premises, facility, or location where it is reasonable and necessary for the inmate to be present and at which the inmate has legitimate business, including a church, synagogue, or other established place of religious worship, a workplace, a health care facility, or a location of a funeral.

SECTION 3. Subchapter Z, Chapter 341, Local Government Code, is amended by adding Section 341.906 to read as follows:

Sec. 341.906. LIMITATIONS ON REGISTERED SEX OFFENDERS IN GENERAL-LAW MUNICIPALITIES. (a) In this section:

(1) "Child safety zone" means premises where children commonly gather. The term includes a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children. The term does not include a church, as defined by Section 544.251, Insurance Code.

(2) "Playground," "premises," "school," "video arcade facility," and "youth center" have the meanings assigned by Section 481.134, Health and Safety Code.

(3) "Registered sex offender" means an individual who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(b) To provide for the public safety, the governing body of a general-law municipality by ordinance may restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the municipality.

(c) It is an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender was in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes.

(d) The ordinance may establish a distance requirement described by Subsection (b) at any distance of not more than 1,000 feet.

(e) The ordinance shall establish procedures for a registered sex offender to apply for an exemption from the ordinance.

(f) The ordinance must exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted. The exemption must apply only to:

(1) areas necessary for the registered sex offender to have access to and to live in the residence; and

(2) the period the registered sex offender maintains residency in the residence.

SECTION 4. Sections 508.187 and 508.225, Government Code, as amended by this Act, apply to a person on parole or mandatory supervision on or after the effective date of this Act, regardless of whether the person was released on parole or to mandatory supervision before, on, or after that date.

SECTION 5. This Act takes effect September 1, 2017.

**SB 416 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Smithee, the house granted the request of the senate for the appointment of a Conference Committee on **SB 416**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 416**: Smithee, chair; Farrar, S. Thompson, Laubenberg, and Murr.

**SB 319 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Raymond, the house granted the request of the senate for the appointment of a Conference Committee on **SB 319**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 319**: Raymond, chair; Gonzales, S. Thompson, Burkett, and C. Anderson.

SB 715 - REQUEST OF SENATE GRANTED

Representative Huberty moved to grant the request of the senate for the appointment of a Conference Committee on **SB 715**.

The motion prevailed by (Record 1931): 92 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Alonzo; Ashby; Bailes; Bernal; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Button; Cain; Capriglione; Clardy; Cook; Cortez; Cosper; Craddick; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Faircloth; Fallon; Flynn; Frullo; Geren; Giddings; Goldman; Gonzales; Gooden; Guillen; Hefner; Hernandez; Holland; Howard; Huberty; Hunter; Isaac; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lang; Larson; Leach; Longoria; Lozano; Metcalf; Morrison; Murphy; Oliverson; Ortega; Paddie; Parker; Paul; Phelan; Phillips; Raney; Rinaldi; Roberts; Rodriguez, E.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thompson, S.; Tinderholt; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Anderson, C.; Anderson, R.; Arévalo; Bell; Blanco; Burns; Burrows; Canales; Coleman; Collier; Dale; Dutton; Elkins; Farrar; Frank; Gervin-Hawkins; González; Guerra; Gutierrez; Herrero; Hinojosa; Israel; Johnson, E.; Lambert; Landgraf; Laubenberg; Martinez; Meyer; Miller; Moody; Muñoz; Murr; Neave; Nevárez; Perez; Pickett; Raymond; Reynolds; Rodriguez, J.; Sheffield; Shine; Stickland; Thierry; Thompson, E.; Turner; Walle; Wu.

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

Absent, Excused — Dukes; Minjarez.

Absent — Alvarado; Lucio; Oliveira; Price; Rose.

STATEMENTS OF VOTE

When Record No. 1931 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1931 was taken, I was shown voting yes. I intended to vote no.

Keough

SB 715 - CONFERENCE COMMITTEE INSTRUCTED

Representative Gutierrez moved to instruct the Conference Committee on **SB 715** to adhere to the house amendments.

The motion to instruct conferees prevailed.

SB 715 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 715**: Huberty, chair; Larson, Geren, Cortez, and J. Rodriguez.

**SB 813 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Meyer, the house granted the request of the senate for the appointment of a Conference Committee on **SB 813**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 813**: Meyer, chair; Clardy, Phelan, Minjarez, and Hefner.

**SB 894 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Muñoz, the house granted the request of the senate for the appointment of a Conference Committee on **SB 894**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 894**: Muñoz, chair; Raymond, Zerwas, Price, and S. Davis.

**SB 968 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Alvarado, the house granted the request of the senate for the appointment of a Conference Committee on **SB 968**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 968**: Alvarado, chair; Clardy, Lozano, Leach, and Hinojosa.

**SB 999 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Giddings, the house granted the request of the senate for the appointment of a Conference Committee on **SB 999**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 999**: Giddings, chair; Raymond, Frank, Klick, and Wu.

**SB 1148 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative G. Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1148**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1148**: G. Bonnen, chair; Oliverson, Price, Zerwas, and Coleman.

**SB 1172 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Geren, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1172**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1172**: Geren, chair; T. King, Elkins, Hefner, and Goldman.

**SB 1248 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Geren, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1248**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1248**: Lucio, chair; Kuempel, Kacal, Guillen, and Roberts.

**SB 1329 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Smithee, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1329**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1329**: Smithee, chair; Parker, Gutierrez, Schofield, and Hernandez.

**SB 1511 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Kuempel, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1511**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1511**: Price, chair; Larson, Moody, Darby, and Workman.

**SB 1625 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Cortez, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1625**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1625**: Cortez, chair; Sheffield, Zerwas, J. Rodriguez, and Oliverson.

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).

**SB 1633 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Oliverson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1633**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1633**: Oliverson, chair; Burkett, K. King, Nevárez, and Darby.

**SB 1831 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Simmons, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1831**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1831**: Capriglione, chair; Roberts, Goldman, Cospere, and Collier.

**SB 1913 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative S. Thompson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1913**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1913**: S. Thompson, chair; White, Capriglione, Thierry, and Y. Davis.

**SB 2131 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Howard, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2131**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2131**: Howard, chair; Morrison, Moody, Clardy, and J. Rodriguez.

**SB 2227 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Martinez, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2227**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2227**: Martinez, chair; Morrison, Phillippe, Minjarez, and Wray.

**HR 2585 - ADOPTED
(by E. Thompson)**

Representative E. Thompson moved to suspend all necessary rules to take up and consider at this time **HR 2585**.

The motion prevailed.

The following resolution was laid before the house:

HR 2585, Commending Emily Eppright Kirchner for her service as chief of staff in the office of State Representative Ed Thompson.

HR 2585 was adopted.

On motion of Representative D. Bonnen, the names of all the members of the house were added to **HR 2585** as signers thereof.

HB 1595 - WITH SENATE AMENDMENTS

Representative Bohac called up with senate amendments for consideration at this time,

HB 1595, A bill to be entitled An Act relating to the dates to provide a ballot by mail to a voter.

HB 1595 - POINT OF ORDER

Representative Romero raised a point of order against further consideration of **HB 1595** under Article III, Section 30 and Article III, Section 35 of the Texas Constitution on the grounds that the senate amendments are not germane to the bill and it contains more than one subject.

The chair sustained the point of order and submitted the following statement:

Representative Romero raised a point of order against further consideration of **HB 1595** under Article III, Section 30 and Article III, Section 35 of the Texas Constitution on the grounds that the amendment is not germane to the bill and impermissibly changes the purpose of the bill. The point of order is sustained.

Article III, Section 35 of the constitution requires bills to contain only one subject. Article III, Section 30 provides that "no bill shall be so amended in its passage through either House, as to change its original purpose."

HB 1595's sole purpose and subject was to change the deadline by which balloting materials for voting by mail must be mailed. The senate amendments added provisions relating to the contents of the application form for an early voting ballot, cancellation of an application to vote by mail, updates to certain voters' addresses and registrations, signature verifications, and procedures for correcting defects in an application. These amendments did not relate to, and went well beyond, changing the deadline for mailing balloting materials. Thus, the senate amendments violated Article III, Section 30 and Article III, Section 35 of the Texas Constitution.

HB 1595 was returned to the senate.

HB 2025 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Y. Davis called up with senate amendments for consideration at this time,

HB 2025, A bill to be entitled An Act relating to staffing requirements for certain facilities that provide care to persons with Alzheimer's disease or related disorders; authorizing an administrative penalty.

Representative Y. Davis moved to concur in the senate amendments to **HB 2025**.

The motion to concur in the senate amendments to **HB 2025** prevailed by (Record 1932): 139 Yeas, 5 Nays, 2 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; Cospere; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; 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; 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.; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Bonnen, D.; Cain; Stickland; Tinderholt.

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

Absent, Excused — Dukes; Minjarez.

Absent — Gutierrez; Walle.

STATEMENTS OF VOTE

When Record No. 1932 was taken, I was shown voting yes. I intended to vote no.

Rinaldi

When Record No. 1932 was taken, I was shown voting yes. I intended to vote no.

Schofield

When Record No. 1932 was taken, I was shown voting yes. I intended to vote no.

Shaheen

Senate Committee Substitute

CSHB 2025, A bill to be entitled An Act relating to the regulation of certain long-term care facilities, including facilities that provide care to persons with Alzheimer's disease or related disorders; authorizing an administrative penalty.

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

SECTION 1. Sections 531.058(a) and (a-1), Government Code, are amended to read as follows:

(a) The executive commissioner by rule shall establish an informal dispute resolution process in accordance with this section. The process must provide for adjudication by an appropriate disinterested person of disputes relating to a proposed enforcement action or related proceeding of the commission under Section 32.021(d), Human Resources Code, or the Department of Aging and Disability Services or its successor agency under Chapter 242, 247, or 252, Health and Safety Code. The informal dispute resolution process must require:

(1) an institution or facility to request informal dispute resolution not later than the 10th calendar day after notification by the commission or department, as applicable, of the violation of a standard or standards; and

(2) the commission to complete the process not later than:

(A) the 30th calendar day after receipt of a request from an institution or facility, other than an assisted living facility, for informal dispute resolution; or

(B) the 90th calendar day after receipt of a request from an assisted living facility for informal dispute resolution.

(a-1) As part of the informal dispute resolution process established under this section, the commission shall contract with an appropriate disinterested person [~~who is a nonprofit organization~~] to adjudicate disputes between an institution or facility licensed under Chapter 242 or 247, Health and Safety Code, and the Department of Aging and Disability Services or its successor agency concerning a statement of violations prepared by the department in connection with a survey conducted by the department of the institution or facility. Section 2009.053 does not apply to the selection of an appropriate disinterested person under this subsection. The person with whom the commission contracts shall adjudicate all disputes described by this subsection.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0585 to read as follows:

Sec. 531.0585. ISSUANCE OF MATERIALS TO CERTAIN LONG-TERM CARE FACILITIES. The executive commissioner shall review the commission's methods for issuing informational letters, policy updates, policy clarifications, and other related materials to an entity licensed under Chapter 103, Human Resources Code, or Chapter 242, 247, 248A, or 252, Health and Safety Code, and develop and implement more efficient methods to issue those materials as appropriate.

SECTION 3. Section 242.066, Health and Safety Code, is amended by amending Subsections (a) and (e) and adding Subsection (i) to read as follows:

(a) The commission [~~department~~] may assess an administrative penalty against a person who:

(1) violates this chapter or a rule, standard, or order adopted or license issued under this chapter;

(2) makes a false statement, that the person knows or should know is false, of a material fact:

(A) on an application for issuance or renewal of a license or in an attachment to the application; or

(B) with respect to a matter under investigation by the commission [~~department~~];

(3) refuses to allow a representative of the commission [~~department~~] to inspect:

(A) a book, record, or file required to be maintained by an institution; or

(B) any portion of the premises of an institution;

(4) wilfully interferes with the work of a representative of the commission [~~department~~] or the enforcement of this chapter;

(5) wilfully interferes with a representative of the commission [~~department~~] preserving evidence of a violation of this chapter or a rule, standard, or order adopted or license issued under this chapter;

(6) fails to pay a penalty assessed by the commission [~~department~~] under this chapter not later than the 10th day after the date the assessment of the penalty becomes final; or

(7) fails to notify the commission [~~department~~] of a change of ownership before the effective date of the change of ownership.

(e) In determining the amount of a penalty, the commission [~~department~~] shall consider any matter that justice may require, including:

(1) the gradations of penalties established under Subsection (d);

(2) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the prohibited act and the hazard or potential hazard created by the act to the health or safety of the public;

(3) the history of previous violations;

(4) deterrence of future violations; and

(5) efforts to correct the violation.

(i) The commission shall develop and use a system to record and track the scope and severity of each violation of this chapter or a rule, standard, or order adopted under this chapter for the purpose of assessing an administrative penalty for the violation or taking some other enforcement action against the appropriate institution to deter future violations. The system:

(1) must be comparable to the system used by the Centers for Medicare and Medicaid Services to categorize the scope and severity of violations for nursing homes; and

(2) may be modified, as appropriate, to reflect changes in industry practice or changes made to the system used by the Centers for Medicare and Medicaid Services.

SECTION 4. Section 242.0665, Health and Safety Code, is amended to read as follows:

Sec. 242.0665. RIGHT TO CORRECT. (a) The commission ~~[department]~~ may not collect an administrative penalty against an institution under this subchapter if, not later than the 45th day after the date the institution receives notice under Section 242.067(c), the institution corrects the violation.

(b) Subsection (a) does not apply:

(1) to a violation that the commission ~~[department]~~ determines:

(A) represents a pattern of violation that results in actual ~~[serious]~~ harm ~~[to or death of a resident];~~

(B) is widespread in scope and results in actual harm;

(C) is widespread in scope, constitutes a potential for actual harm, and relates to:

(i) residents' rights;

(ii) treatment of residents;

(iii) resident behavior and institution practices;

(iv) quality of care;

(v) medication errors;

(vi) standard menus and nutritional adequacy;

(vii) physician visits;

(viii) infection control;

(ix) life safety from fire; or

(x) emergency preparedness and response;

(D) ~~[(B)]~~ constitutes an immediate ~~[a serious]~~ threat to the health or safety of a resident; or

(E) ~~[(C)]~~ substantially limits the institution's capacity to provide care;

(2) to a violation described by Sections 242.066(a)(2)-(7);

(3) to a violation of Section 260A.014 or 260A.015; ~~[or]~~

(4) to a violation of a right of a resident adopted under Subchapter L; or

(5) to a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation.

(c) An institution that corrects a violation under Subsection (a) must maintain the correction. If the institution fails to maintain the correction until at least the first anniversary of the date the correction was made, the commission

~~[department]~~ may assess an administrative penalty under this subchapter for the subsequent violation. A penalty assessed under this subsection shall be equal to three times the amount of the penalty assessed but not collected under Subsection (a). The commission ~~[department]~~ is not required to provide the institution an opportunity to correct the subsequent violation under this section.

(d) In this section:

(1) "Actual harm" means a negative outcome that compromises a resident's physical, mental, or emotional well-being.

(2) "Immediate threat to the health or safety of a resident" means a situation that causes, or is likely to cause, serious injury, harm, or impairment to or the death of a resident.

(3) "Pattern of violation" means repeated, but not pervasive, failures of an institution to comply with this chapter or a rule, standard, or order adopted under this chapter that:

(A) result in a violation; and

(B) are found throughout the services provided by the institution or that affect or involve the same residents or institution employees.

(4) "Widespread in scope" means a violation of this chapter or a rule, standard, or order adopted under this chapter that:

(A) is pervasive throughout the services provided by the institution; or

(B) represents a systemic failure by the institution that affects or has the potential to affect a large portion of or all of the residents of the institution.

SECTION 5. Section 247.023, Health and Safety Code, is amended to read as follows:

Sec. 247.023. ISSUANCE AND RENEWAL OF LICENSE. (a) The commission ~~[department]~~ shall issue a license if, after inspection and investigation, it finds that the applicant, the assisted living facility, and all controlling persons with respect to the applicant or facility meet the requirements of this chapter and the standards adopted under this chapter. The license expires on the third ~~[second]~~ anniversary of the date of its issuance. The executive commissioner by rule shall ~~[may]~~ adopt a system under which licenses expire on staggered ~~[various]~~ dates during each three-year ~~[the two-year]~~ period. The commission shall prorate the license fee as appropriate if the expiration date of a license changes as a result of this subsection ~~[For the year in which a license expiration date is changed, the department shall prorate the license fee on a monthly basis. Each license holder shall pay only that portion of the license fee allocable to the number of months during which the license is valid. A license holder shall pay the total license renewal fee at the time of renewal].~~

(b) To renew a license, the license holder must submit to the commission ~~[department]~~ the license renewal fee.

(c) The commission ~~[department]~~ may require participation in a continuing education program as a condition of renewal of a license. The executive commissioner shall adopt rules to implement this subsection.

SECTION 6. Sections 247.024(a), (d), and (e), Health and Safety Code, are amended to read as follows:

(a) The executive commissioner by rule shall set license fees imposed by this chapter:

(1) on the basis of the number of beds in assisted living facilities required to pay the fee; and

(2) in amounts reasonable and necessary to defray the cost of administering this chapter, but not to exceed \$2,250 [~~\$1,500~~].

(d) Investigation fees or attorney's fees may not be assessed against or collected from an assisted living facility by or on behalf of the commission [~~department~~] or another state agency unless the commission [~~department~~] or other state agency assesses and collects a penalty authorized by this chapter from the facility.

(e) An applicant who submits a license renewal later than the 45th day before the expiration date of a current license is subject to a late fee in accordance with commission [~~department~~] rules.

SECTION 7. Section 247.027, Health and Safety Code, is amended to read as follows:

Sec. 247.027. INSPECTIONS. (a) In addition to the inspection required under Section 247.023(a), the commission:

(1) shall [~~department may~~] inspect each [~~an~~] assisted living facility at least every two years following the initial inspection required under Section 247.023(a); [~~annually~~] and

(2) may inspect a facility at other reasonable times as necessary to assure compliance with this chapter.

(b) The commission [~~department~~] shall establish an inspection checklist based on the minimum standards that describes the matters subject to inspection. The commission [~~department~~] shall use the inspection checklist in conducting inspections under this section and Section 247.023(a).

SECTION 8. Section 247.0451, Health and Safety Code, is amended by amending Subsections (a), (b), (d), and (f) and adding Subsections (g) and (h) to read as follows:

(a) The commission [~~department~~] may assess an administrative penalty against a person who:

(1) violates this chapter or a rule, standard, or order adopted under this chapter or a term of a license issued under this chapter;

(2) makes a false statement, that the person knows or should know is false, of a material fact:

(A) on an application for issuance or renewal of a license or in an attachment to the application; or

(B) with respect to a matter under investigation by the commission [~~department~~];

(3) refuses to allow a representative of the commission [~~department~~] to inspect:

(A) a book, record, or file required to be maintained by an assisted living facility; or

(B) any portion of the premises of an assisted living facility;

(4) wilfully interferes with the work of a representative of the commission [department] or the enforcement of this chapter;

(5) wilfully interferes with a representative of the commission [department] preserving evidence of a violation of this chapter or a rule, standard, or order adopted under this chapter or a term of a license issued under this chapter;

(6) fails to pay a penalty assessed under this chapter not later than the 30th day after the date the assessment of the penalty becomes final; or

(7) fails to notify the commission [department] of a change of ownership before the effective date of the change of ownership.

(b) Except as provided by Section 247.0452(c), the penalty may not exceed:

(1) \$5,000 for each violation that:

(A) represents a pattern of violation that results in actual harm or is widespread in scope and results in actual harm; or

(B) constitutes an immediate threat to the health or safety of a resident; or

(2) \$1,000 for each other violation.

(d) In determining the amount of a penalty, the commission [department] shall consider any matter that justice may require, but must consider each of the following and make a record of the extent to which each of the following was considered:

(1) the gradations of penalties established under Subsection (c);

(2) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the prohibited act and the hazard or potential hazard created by the act to the health or safety of the public;

(3) the history of previous violations;

(4) deterrence of future violations;

(5) efforts to correct the violation; and

(6) the size of the facility and of the business entity that owns the facility.

(f) The commission [department] may not assess a penalty under this section against a resident of an assisted living facility unless the resident is also an employee of the facility or a controlling person.

(g) The commission shall develop and use a system to record and track the scope and severity of each violation of this chapter or a rule, standard, or order adopted under this chapter for the purpose of assessing an administrative penalty for the violation or taking some other enforcement action against the appropriate assisted living facility to deter future violations. The system:

(1) must be comparable to the system used by the Centers for Medicare and Medicaid Services to categorize the scope and severity of violations for nursing homes; and

(2) may be modified, as appropriate, to reflect changes in industry practice or changes made to the system used by the Centers for Medicare and Medicaid Services.

(h) In this section, "actual harm," "immediate threat to the health or safety of a resident," "pattern of violation," and "widespread in scope" have the meanings assigned by Section 247.0452.

SECTION 9. Section 247.0452, Health and Safety Code, is amended to read as follows:

Sec. 247.0452. RIGHT TO CORRECT. (a) The commission [~~department~~] may not collect an administrative penalty from an assisted living facility under Section 247.0451 if, not later than the 45th day after the date the facility receives notice under Section 247.0453(c), the facility corrects the violation.

(b) Subsection (a) does not apply:

(1) to a violation that the commission [~~department~~] determines represents a pattern of violation that results in actual [~~serious~~] harm [~~to or death of a resident~~];

(2) to a violation that the commission determines is widespread in scope and results in actual harm;

(3) to a violation that the commission determines is widespread in scope, constitutes a potential for actual harm, and relates to:

(A) resident assessment;

(B) staffing, including staff training;

(C) administration of medication;

(D) infection control;

(E) restraints; or

(F) emergency preparedness and response;

(4) to a violation that the commission determines constitutes an immediate threat to the health or safety of a resident;

(5) [~~2~~] to a violation described by Sections 247.0451(a)(2)-(7) or a violation of Section 260A.014 or 260A.015;

(6) [~~3~~] to a second or subsequent violation of:

(A) a right of the same resident under Section 247.064; or

(B) the same right of all residents under Section 247.064; [~~or~~]

(7) [~~4~~] to a violation described by Section 247.066, which contains its own right to correct provisions; or

(8) to a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation.

(c) An assisted living facility that corrects a violation must maintain the correction. If the facility fails to maintain the correction until at least the first anniversary of the date the correction was made, the commission [~~department~~] may assess and collect an administrative penalty for the subsequent violation. An administrative penalty assessed under this subsection is equal to three times the amount of the original penalty assessed but not collected. The commission [~~department~~] is not required to provide the facility with an opportunity under this section to correct the subsequent violation.

(d) In this section:

(1) "Actual harm" means a negative outcome that compromises a resident's physical, mental, or emotional well-being.

(2) "Immediate threat to the health or safety of a resident" means a situation that causes, or is likely to cause, serious injury, harm, or impairment to or the death of a resident.

(3) "Pattern of violation" means repeated, but not pervasive, failures of an assisted living facility to comply with this chapter or a rule, standard, or order adopted under this chapter that:

(A) result in a violation; and

(B) are found throughout the services provided by the facility or that affect or involve the same residents or facility employees.

(4) "Widespread in scope" means a violation of this chapter or a rule, standard, or order adopted under this chapter that:

(A) is pervasive throughout the services provided by the assisted living facility; or

(B) represents a systemic failure by the assisted living facility that affects or has the potential to affect a large portion of or all of the residents of the facility.

SECTION 10. Section 248A.053, Health and Safety Code, is amended to read as follows:

Sec. 248A.053. INITIAL OR RENEWAL LICENSE TERM; RENEWAL; NOTIFICATION. (a) An initial or renewal license issued under this chapter expires on the third ~~second~~ anniversary of the date of issuance. The executive commissioner by rule shall adopt a system under which licenses expire on staggered dates during each three-year period. The commission shall prorate the license fee as appropriate if the expiration date of a license changes as a result of this subsection.

(b) A person applying to renew a center license shall:

(1) submit a renewal application to the commission ~~[department]~~ on a ~~[the form]~~ prescribed form ~~[by the department]~~ at least 60 days but not more than 120 days before expiration of the license;

(2) submit the renewal fee in the amount required by agency ~~[department]~~ rule; and

(3) comply with any other requirements specified by agency ~~[department]~~ rule.

(c) The commission ~~[department]~~ shall assess a \$50 per day late fee to a license holder who submits a renewal application after the date required by Subsection (b)(1), except that the total amount of a late fee may not exceed the lesser of 50 percent of the license renewal fee or \$500.

(d) At least 120 days before expiration of a center license, the commission ~~[department]~~ shall notify the owner or operator of the center of the license expiration.

SECTION 11. Subchapter F, Chapter 248A, Health and Safety Code, is amended by adding Section 248A.2515 to read as follows:

Sec. 248A.2515. SYSTEM FOR ASSESSMENT OF PENALTY. The commission shall develop and use a system to record and track the scope and severity of each violation of this chapter or a rule or standard adopted or order

issued under this chapter for the purpose of assessing an administrative penalty for the violation or taking some other enforcement action against the appropriate center to deter future violations. The system:

(1) must be comparable to the system used by the Centers for Medicare and Medicaid Services to categorize the scope and severity of violations for nursing homes; and

(2) may be modified, as appropriate, to reflect changes in industry practice or changes made to the system used by the Centers for Medicare and Medicaid Services.

SECTION 12. Sections 252.033(a), (b), (d), (f), and (h), Health and Safety Code, are amended to read as follows:

(a) After receiving the application, the commission [~~department~~] shall issue a license if, after inspection and investigation, it finds that the applicant and facility meet the requirements established under this chapter.

(b) The commission [~~department~~] may issue a license only for:

(1) the premises and persons or governmental unit named in the application; and

(2) the maximum number of beds specified in the application.

(d) A license is renewable on the third [~~second~~] anniversary of issuance or renewal of the license after:

(1) an inspection;

(2) filing and approval of a renewal report; and

(3) payment of the renewal fee.

(f) The commission [~~department~~] may not issue a license for new beds or an expansion of an existing facility under this chapter unless the addition of new beds or the expansion is included in the plan approved by the commission in accordance with Section 533A.062.

(h) The executive commissioner by rule shall:

(1) define specific, appropriate, and objective criteria on which the commission [~~department~~] may deny an initial license application or license renewal or revoke a license; and

(2) adopt a system under which:

(A) licenses expire on staggered dates during each three-year period; and

(B) the commission prorates the license fee as appropriate if the expiration date of a license changes as a result of the system adopted under Paragraph (A).

SECTION 13. Sections 252.034(a), (e), and (f), Health and Safety Code, are amended to read as follows:

(a) The executive commissioner by rule may adopt a fee for a license issued under this chapter. The fee may not exceed \$225 [~~\$150~~] plus \$7.50 [~~\$5~~] for each unit of capacity or bed space for which the license is sought.

(e) All license fees collected under this section shall be deposited in the state treasury to the credit of the commission [~~department~~] and may be appropriated to the commission [~~department~~] to administer and enforce this chapter.

(f) An applicant who submits an application for license renewal later than the 45th day before the expiration date of a current license is subject to a late fee in accordance with commission [~~department~~] rules.

SECTION 14. Section 252.041, Health and Safety Code, is amended to read as follows:

Sec. 252.041. UNANNOUNCED INSPECTIONS. (a) Each licensing period, the commission [~~department~~] shall conduct at least three [~~two~~] unannounced inspections of each facility.

(b) In order to ensure continuous compliance, the commission [~~department~~] shall randomly select a sufficient percentage of facilities for unannounced inspections to be conducted between 5 p.m. and 8 a.m. Those inspections must be cursory to avoid to the greatest extent feasible any disruption of the residents.

(c) The commission [~~department~~] may require additional inspections.

(d) As considered appropriate and necessary by the commission [~~department~~], the commission [~~department~~] may invite at least one person as a citizen advocate to participate in inspections. The invited advocate must be an individual who has an interest in or who is employed by or affiliated with an organization or entity that represents, advocates for, or serves individuals with an intellectual disability or a related condition.

SECTION 15. Section 252.065, Health and Safety Code, is amended by amending Subsections (a), (b), (c), (f), (i), and (j) and adding Subsections (l) and (m) to read as follows:

(a) The commission [~~department~~] may assess an administrative penalty against a person who:

(1) violates this chapter or a rule, standard, or order adopted or license issued under this chapter;

(2) makes a false statement, that the person knows or should know is false, of a material fact:

(A) on an application for issuance or renewal of a license or in an attachment to the application; or

(B) with respect to a matter under investigation by the commission [~~department~~];

(3) refuses to allow a representative of the commission [~~department~~] to inspect:

(A) a book, record, or file required to be maintained by the institution; or

(B) any portion of the premises of an institution;

(4) wilfully interferes with the work of a representative of the commission [~~department~~] or the enforcement of this chapter;

(5) wilfully interferes with a representative of the commission [~~department~~] preserving evidence of a violation of this chapter or a rule, standard, or order adopted or license issued under this chapter;

(6) fails to pay a penalty assessed by the commission [~~department~~] under this chapter not later than the 10th day after the date the assessment of the penalty becomes final;

(7) fails to submit a plan of correction within 10 days after receiving a statement of licensing violations; or

(8) fails to notify the commission [~~department~~] of a change in ownership before the effective date of that change of ownership.

(b) The penalty for a facility with fewer than 60 beds shall be not less than \$100 or more than \$1,000 for each violation. The penalty for a facility with 60 beds or more shall be not less than \$100 or more than \$5,000 for each violation. [~~The total amount of the penalty assessed for a violation continuing or occurring on separate days under this subsection may not exceed \$5,000 for a facility with fewer than 60 beds or \$25,000 for a facility with 60 beds or more.~~] Each day a violation occurs or continues is a separate violation for purposes of imposing a penalty.

(e) The executive commissioner by rule shall provide the facility with a reasonable period of time, not less than 45 days, following the first day of a violation to correct the violation before the commission [~~department~~] may assess an administrative penalty if a plan of correction has been implemented. This subsection does not apply to a violation described by Subsections (a)(2)-(8) or to a violation that the commission [~~department~~] determines:

(1) represents a pattern of violation that results [~~has resulted~~] in actual [~~serious~~] harm [~~to or the death of a resident~~];

(2) is widespread in scope and results in actual harm;

(3) is widespread in scope, constitutes a potential for actual harm, and

relates to:

(A) staff treatment of a resident;

(B) active treatment;

(C) client behavior and facility practices;

(D) health care services;

(E) drug administration;

(F) infection control;

(G) food and nutrition services; or

(H) emergency preparedness and response;

(4) [~~2~~] constitutes an immediate [~~a serious~~] threat to the health or safety of a resident; or

(5) [~~3~~] substantially limits the facility's [~~institution's~~] capacity to provide care.

(f) The commission [~~department~~] may not assess an administrative penalty for a minor violation if the person corrects the violation not later than the 46th day after the date the person receives notice of the violation.

(i) The commission [~~department~~] may not assess an administrative penalty against a state agency.

(j) Notwithstanding any other provision of this section, an administrative penalty ceases to be incurred on the date a violation is corrected. The administrative penalty ceases to be incurred only if the facility:

(1) notifies the commission [~~department~~] in writing of the correction of the violation and of the date the violation was corrected; and

(2) shows later that the violation was corrected.

(l) The commission shall develop and use a system to record and track the scope and severity of each violation of this chapter or a rule, standard, or order adopted under this chapter for the purpose of assessing an administrative penalty for the violation or taking some other enforcement action against the appropriate facility to deter future violations. The system:

(1) must be comparable to the system used by the Centers for Medicare and Medicaid Services to categorize the scope and severity of violations for nursing homes; and

(2) may be modified, as appropriate, to reflect changes in industry practice or changes made to the system used by the Centers for Medicare and Medicaid Services.

(m) In this section:

(1) "Actual harm" means a negative outcome that compromises a resident's physical, mental, or emotional well-being.

(2) "Immediate threat to the health or safety of a resident" means a situation that causes, or is likely to cause, serious injury, harm, or impairment to or the death of a resident.

(3) "Pattern of violation" means repeated, but not pervasive, failures of a facility to comply with this chapter or a rule, standard, or order adopted under this chapter that:

(A) result in a violation; and

(B) are found throughout the services provided by the facility or that affect or involve the same residents or facility employees.

(4) "Widespread in scope" means a violation of this chapter or a rule, standard, or order adopted under this chapter that:

(A) is pervasive throughout the services provided by the facility; or

(B) that affects or has the potential to affect a large portion of or all of the residents of the facility.

SECTION 16. Subtitle G, Title 4, Health and Safety Code, is amended by adding Chapter 326 to read as follows:

CHAPTER 326. STAFFING REQUIREMENTS FOR FACILITIES
PROVIDING CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR
RELATED DISORDERS

Sec. 326.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Facility" means:

(A) a nursing facility licensed under Chapter 242;

(B) a continuing care facility regulated under Chapter 246;

(C) an assisted living facility licensed under Chapter 247;

(D) a day activity and health services facility licensed under Chapter 103, Human Resources Code;

(E) an establishment subject to Chapter 105, Human Resources Code;

(F) a community home qualified under Chapter 123, Human Resources Code; and

(G) an adult foster care provider that contracts with the commission.

Sec. 326.002. WRITTEN POLICY REQUIRED. A facility shall adopt, implement, and enforce a written policy that:

(1) requires a facility employee who provides direct care to a person with Alzheimer's disease or a related disorder to successfully complete training in the provision of care to persons with Alzheimer's disease and related disorders; and

(2) ensures the care and services provided by a facility employee to a person with Alzheimer's disease or a related disorder meet the specific identified needs of the person relating to the person's diagnosis of Alzheimer's disease or a related disorder.

Sec. 326.003. ENFORCEMENT. (a) The commission may assess an administrative penalty against a facility for a violation of Section 326.002.

(b) The commission is not required to provide a facility an opportunity to correct a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation.

(c) A violation of Section 326.002 constitutes a violation of the law regulating a facility, and the commission may initiate for the violation any other enforcement action authorized by that law against the facility, including an adult foster care facility with three or fewer beds.

Sec. 326.004. RULES. The executive commissioner shall adopt rules related to the administration and implementation of this chapter.

SECTION 17. Section 103.003, Human Resources Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (4-b) to read as follows:

(1) "Commission" means the Health and Human Services Commission.

(1-a) "Day activity and health services facility" means a facility that provides services under a day activity and health services program on a daily or regular basis but not overnight to four or more elderly persons or persons with disabilities who are not related by blood, marriage, or adoption to the owner of the facility.

(4-b) "Facility" means a day activity and health services facility.

SECTION 18. Sections 103.006(a) and (b), Human Resources Code, are amended to read as follows:

(a) The commission ~~[department]~~ shall issue a license to operate a day activity and health services facility to a person who has met the application requirements and received approval after an on-site inspection.

(b) The license expires three ~~[two]~~ years from the date of its issuance. The executive commissioner by rule shall ~~[may]~~ adopt a system under which licenses expire on staggered ~~[various]~~ dates during the three-year ~~[two-year]~~ period. The commission shall prorate the license fee as appropriate if the expiration date of a license changes as a result of this subsection ~~[For the year in which a license expiration date is changed, the department shall prorate the license fee on a~~

~~monthly basis. Each license holder shall pay only that portion of the license fee allocable to the number of months for which the license is valid. A license holder shall pay the total license renewal fee at the time of renewal.~~

SECTION 19. Section 103.007, Human Resources Code, is amended to read as follows:

Sec. 103.007. LICENSE APPLICATION. (a) An applicant for a license to operate a day activity and health services facility must file an application on a form prescribed by the commission ~~[department]~~ together with a license fee of \$75 ~~[\$50]~~.

(b) The applicant must provide evidence of:

(1) the ability to comply with the requirements of the commission ~~[department]~~;

(2) responsible management; and

(3) qualified professional staff and personnel.

(c) A person who operates a facility that is licensed under this chapter must file an application for a renewal license not later than the 45th day before the expiration date of the current license on a form prescribed by the commission ~~[department]~~ together with a renewal fee of \$50.

(d) An applicant for a license renewal who submits an application later than the 45th day before the expiration date of the license is subject to a late fee in accordance with commission ~~[department]~~ rules.

SECTION 20. Section 103.008, Human Resources Code, is amended to read as follows:

Sec. 103.008. INSPECTIONS. (a) In addition to the inspection required under Section 103.006(a), the commission:

(1) shall inspect each facility every two years following the initial inspection required under Section 103.006(a); and

(2) ~~[The department] may inspect [enter the premises of]~~ a facility at other reasonable times as ~~[and make an inspection]~~ necessary to ensure compliance with this chapter ~~[issue a license or renew a license].~~

(b) Any person may request an inspection of a facility by notifying the commission ~~[department]~~ in writing of an alleged violation of a licensing requirement. The complaint shall be as detailed as possible and signed by the complainant. The commission ~~[department]~~ shall perform an on-site inspection as soon as feasible but no later than 30 days after receiving the complaint unless after an investigation the complaint is found to be frivolous. The commission ~~[department]~~ shall respond to a complainant in writing. The commission ~~[department]~~ shall also receive and investigate anonymous complaints.

SECTION 21. Section 103.012, Human Resources Code, is amended by amending Subsections (a) and (e) and adding Subsection (g) to read as follows:

(a) The commission ~~[department]~~ may assess an administrative penalty against a person who:

(1) violates this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(2) makes a false statement of a material fact that the person knows or should know is false:

(A) on an application for issuance or renewal of a license or in an attachment to the application; or

(B) with respect to a matter under investigation by the commission [~~department~~];

(3) refuses to allow a representative of the commission [~~department~~] to inspect:

(A) a book, record, or file required to be maintained by a day activity and health services facility; or

(B) any portion of the premises of a day activity and health services facility;

(4) wilfully interferes with the work of a representative of the commission [~~department~~] or the enforcement of this chapter;

(5) wilfully interferes with a representative of the commission [~~department~~] preserving evidence of a violation of this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(6) fails to pay a penalty assessed under this chapter not later than the 30th day after the date the assessment of the penalty becomes final; or

(7) fails to notify the commission [~~department~~] of a change of ownership before the effective date of the change of ownership.

(e) In determining the amount of a penalty, the commission [~~department~~] shall consider any matter that justice may require, including:

(1) the gradations of penalties established under Subsection (d);

(2) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the prohibited act and the hazard or potential hazard created by the act to the health or safety of the public;

(3) the history of previous violations;

(4) the deterrence of future violations; and

(5) the efforts to correct the violation.

(g) The commission shall develop and use a system to record and track the scope and severity of each violation of this chapter or a rule, standard, or order adopted under this chapter for the purpose of assessing an administrative penalty for the violation or taking some other enforcement action against the appropriate facility to deter future violations. The system:

(1) must be comparable to the system used by the Centers for Medicare and Medicaid Services to categorize the scope and severity of violations for nursing homes; and

(2) may be modified, as appropriate, to reflect changes in industry practice or changes made to the system used by the Centers for Medicare and Medicaid Services.

SECTION 22. Section 103.013, Human Resources Code, is amended to read as follows:

Sec. 103.013. RIGHT TO CORRECT BEFORE IMPOSITION OF ADMINISTRATIVE PENALTY. (a) The commission [~~department~~] may not collect an administrative penalty from a day activity and health services facility under Section 103.012 if, not later than the 45th day after the date the facility receives notice under Section 103.014(c), the facility corrects the violation.

(b) Subsection (a) does not apply to:

(1) a violation that the commission [~~department~~] determines:

(A) represents a pattern of violation that results in actual [~~serious~~] harm [~~to or death of a person attending the facility~~];

(B) is widespread in scope and results in actual harm;

(C) is widespread in scope, constitutes a potential for actual harm, and relates to:

(i) staffing, including staff training, ratio, and health;

(ii) administration of medication; or

(iii) emergency preparedness and response;

(D) [~~(B)~~] constitutes an immediate [~~a serious~~] threat to the health or [~~and~~] safety of an elderly person or a person with a disability receiving services at a [~~a person attending the~~] facility; or

(E) [~~(C)~~] substantially limits the facility's capacity to provide care;

(2) a violation described by Sections 103.012(a)(2)-(7); [~~or~~]

(3) a violation of Section 103.011; or

(4) a second or subsequent violation of Section 326.002, Health and Safety Code, that occurs before the second anniversary of the date of the first violation.

(c) A day activity and health services facility that corrects a violation must maintain the correction. If the facility fails to maintain the correction until at least the first anniversary after the date the correction was made, the commission [~~department~~] may assess and collect an administrative penalty for the subsequent violation. An administrative penalty assessed under this subsection is equal to three times the amount of the original penalty assessed but not collected. The commission [~~department~~] is not required to provide the facility with an opportunity under this section to correct the subsequent violation.

(d) In this section:

(1) "Actual harm" means a negative outcome that compromises the physical, mental, or emotional well-being of an elderly person or a person with a disability receiving services at a facility.

(2) "Immediate threat to the health or safety of an elderly person or a person with a disability" means a situation that causes, or is likely to cause, serious injury, harm, or impairment to or the death of an elderly person or a person with a disability receiving services at a facility.

(3) "Pattern of violation" means repeated, but not pervasive, failures of a facility to comply with this chapter or a rule, standard, or order adopted under this chapter that:

(A) result in a violation; and

(B) are found throughout the services provided by the facility or that affect or involve the same elderly persons or persons with disabilities receiving services at the facility or the same facility employees.

(4) "Widespread in scope" means a violation of this chapter or a rule, standard, or order adopted under this chapter that:

(A) is pervasive throughout the services provided by the facility; or

(B) represents a systemic failure by the facility that affects or has the potential to affect a large portion of or all of the elderly persons or persons with disabilities receiving services at the facility.

SECTION 23. Section 247.0025, Health and Safety Code, is repealed.

SECTION 24. The changes in law made by this Act apply only to actions taken by the Health and Human Services Commission and license holders under Chapter 103, Human Resources Code, and Chapters 242, 247, 248A, and 252, Health and Safety Code, on or after the effective date of this Act. An action taken before the effective date of this Act is governed by the law in effect at that time, and the former law is continued in effect for that purpose.

SECTION 25. Chapter 326, Health and Safety Code, as added by this Act, does not affect the terms of a contract entered into before the effective date of this Act, except that if the contract is renewed, modified, or extended on or after the effective date of this Act, Chapter 326 applies to the contract beginning on the date of renewal, modification, or extension.

SECTION 26. This Act takes effect September 1, 2017.

HB 351 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Canales called up with senate amendments for consideration at this time,

HB 351, A bill to be entitled An Act relating to the discharge or waiver of fines and costs imposed on indigent defendants; authorizing a fee.

Representative Canales moved to concur in the senate amendments to **HB 351**.

The motion to concur in the senate amendments to **HB 351** prevailed by (Record 1933): 132 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Arévalo; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddock; 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, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts;

Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anchia; Anderson, R.; Ashby; Bonnen, D.; Cain; Lambert; Landgraf; Paul; Rinaldi; Schofield; Thompson, E.

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

Absent, Excused — Dukes; Minjarez.

Absent — Shaheen; White; Wilson.

STATEMENTS OF VOTE

When Record No. 1933 was taken, I was shown voting yes. I intended to vote no.

Murr

When Record No. 1933 was taken, I was in the house but away from my desk. I would have voted no.

Shaheen

When Record No. 1933 was taken, I was in the house but away from my desk. I would have voted no.

White

Senate Committee Substitute

CSHB 351, A bill to be entitled An Act relating to the administrative, civil, and criminal consequences, including fines, fees, and costs, imposed on persons arrested for, charged with, or convicted of certain criminal offenses.

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

SECTION 1. Article 14.06(b), Code of Criminal Procedure, is amended to read as follows:

(b) A peace officer who is charging a person, including a child, with committing an offense that is a Class C misdemeanor, other than an offense under Section 49.02, Penal Code, may, instead of taking the person before a magistrate, issue a citation to the person that contains:

(1) written notice of the time and place the person must appear before a magistrate;

(2) [] the name and address of the person charged;

(3) [] the offense charged;

(4) information regarding the alternatives to the full payment of any fine or costs assessed against the person, if the person is convicted of the offense and is unable to pay that amount; [] and

(5) the following admonishment, in boldfaced or underlined type or in capital letters:

"If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be

unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney."

SECTION 2. Section 4(a), Article 17.42, Code of Criminal Procedure, is amended to read as follows:

(a) Except as otherwise provided by this subsection, if [H] a court releases an accused on personal bond on the recommendation of a personal bond office, the court shall assess a personal bond fee of \$20 or three percent of the amount of the bail fixed for the accused, whichever is greater. The court may waive the fee or assess a lesser fee if good cause is shown. A court that requires a defendant to give a personal bond under Article 45.016 may not assess a personal bond fee under this subsection.

SECTION 3. Article 27.14(b), Code of Criminal Procedure, is amended to read as follows:

(b) A defendant charged with a misdemeanor for which the maximum possible punishment is by fine only may, in lieu of the method provided in Subsection (a) [~~of this article~~], mail or deliver in person to the court a plea of "guilty" or a plea of "nolo contendere" and a waiver of jury trial. The defendant may also request in writing that the court notify the defendant, at the address stated in the request, of the amount of an appeal bond that the court will approve. If the court receives a plea and waiver before the time the defendant is scheduled to appear in court, the court shall dispose of the case without requiring a court appearance by the defendant. If the court receives a plea and waiver after the time the defendant is scheduled to appear in court but at least five business days before a scheduled trial date, the court shall dispose of the case without requiring a court appearance by the defendant. The court shall notify the defendant either in person or by regular [~~certified~~] mail [~~, return receipt requested,~~] of the amount of any fine or costs assessed in the case, information regarding the alternatives to the full payment of any fine or costs assessed against the defendant, if the defendant is unable to pay that amount, and, if requested by the defendant, the amount of an appeal bond that the court will approve. Except as otherwise provided by this code, the [The] defendant shall pay any fine or costs assessed or give an appeal bond in the amount stated in the notice before the 31st day after receiving the notice.

SECTION 4. Article 42.15, Code of Criminal Procedure, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) Notwithstanding any other provision of this article, immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.13, 27.14(a), or 27.16(a), a court shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the court determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the court shall determine whether the fine and costs should be:

(1) required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under, as applicable, Article 43.09(f), Article 45.049, Article 45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (HB 1964), Acts of the 82nd Legislature, Regular Session, 2011;

(3) waived in full or in part under Article 43.091 or 45.0491; or

(4) satisfied through any combination of methods under Subdivisions

(1)-(3).

(b) Subject to Subsections (c) and (d) and Article 43.091, when imposing a fine and costs, a court may direct a defendant:

(1) to pay the entire fine and costs when sentence is pronounced;

(2) to pay the entire fine and costs at some later date; or

(3) to pay a specified portion of the fine and costs at designated intervals.

SECTION 5. Article 43.05, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) Before a court may issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms:

(1) the court must provide by regular mail to the defendant notice that includes:

(A) a statement that the defendant has failed to satisfy the judgment according to its terms; and

(B) a date and time when the court will hold a hearing on the defendant's failure to satisfy the judgment according to its terms; and

(2) either:

(A) the defendant fails to appear at the hearing; or

(B) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.

(a-2) The court shall recall a capias pro fine if, before the capias pro fine is executed:

(1) the defendant voluntarily appears to resolve the amount owed; and

(2) the amount owed is resolved in any manner authorized by this code.

SECTION 6. Article 43.09, Code of Criminal Procedure, is amended by amending Subsections (a), (g), (h), (j), and (l) and adding Subsection (h-1) to read as follows:

(a) When a defendant is convicted of a misdemeanor and the defendant's ~~his~~ punishment is assessed at a pecuniary fine or is confined in a jail after conviction of a felony for which a fine is imposed, if the defendant ~~he~~ is unable to pay the fine and costs adjudged against the defendant ~~him~~, the defendant ~~he~~ may for such time as will satisfy the judgment be put to work in the county jail industries program, in the workhouse, or on the county farm, or public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the county, as provided in Article 43.10 ~~the succeeding article~~; or if there is ~~be~~ no such county jail industries program,

workhouse, farm, or improvements and maintenance projects, the defendant ~~[he]~~ shall be confined in jail for a sufficient length of time to discharge the full amount of fine and costs adjudged against the defendant [him]; rating such confinement at \$100 ~~[\$50]~~ for each day and rating such labor at \$100 ~~[\$50]~~ for each day; provided, however, that the defendant may pay the pecuniary fine assessed against the defendant [him] at any time while the defendant ~~[he]~~ is serving at work in the county jail industries program, in the workhouse, or on the county farm, or on the public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the county, or while the defendant [he] is serving the defendant's ~~[his]~~ jail sentence, and in such instances the defendant is [he shall be] entitled to the credit ~~[he has]~~ earned under this subsection during the time that the defendant [he] has served and the defendant [he] shall only be required to pay the [his] balance of the pecuniary fine assessed against the defendant [him]. A defendant who performs labor under this article during a day in which the defendant ~~[he]~~ is confined is entitled to both the credit for confinement and the credit for labor provided by this article.

(g) In the court's [its] order requiring a defendant to perform [participate in] community service ~~[work]~~ under Subsection (f) ~~[of this article]~~, the court must specify:

(1) the number of hours of community service the defendant is required to perform [work]; [and]

(2) whether the community supervision and corrections department or a court-related services office will perform the administrative duties required by the placement of the defendant in the community service program; and

(3) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.

(h) The court may order the defendant to perform community service ~~[work]~~ under Subsection (f):

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program; or

(G) any similar activity; or

(2) ~~[of this article only]~~ for:

(A) a governmental entity;

(B) ~~[or]~~ a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the court; or

(C) an educational institution.

(h-1) An ~~[A governmental]~~ entity ~~[or nonprofit organization]~~ that accepts a defendant under Subsection (f) ~~[of this article]~~ to perform community service must agree to supervise, either on-site or remotely, the defendant in the

performance of the defendant's community service [~~work~~] and report on the defendant's community service [~~work~~] to the district probation department or court-related services office.

(j) A court may not order a defendant to perform more than 16 hours per week of community service under Subsection (f) [~~of this article~~] unless the court determines that requiring the defendant to perform [~~work~~] additional hours does not impose an undue [~~work a~~] hardship on the defendant or the defendant's dependents.

(l) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, an employee of a community corrections and supervision department, restitution center, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article to perform community service is not liable for damages arising from an act or failure to act in connection with manual labor performed by an inmate or community service performed by a defendant under [~~pursuant to~~] this article if the act or failure to act:

(1) was performed pursuant to confinement or other court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

SECTION 7. Article 43.091, Code of Criminal Procedure, is amended to read as follows:

Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN [~~INDIGENT~~] DEFENDANTS AND FOR CHILDREN. A court may waive payment of all or part of a fine or costs [~~cost~~] imposed on a defendant [~~who defaults in payment~~] if the court determines that:

(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) each alternative method of discharging the fine or cost under Article 43.09 or 42.15 would impose an undue hardship on the defendant.

SECTION 8. Article 45.014, Code of Criminal Procedure, is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) A justice or judge may not issue an arrest warrant for the defendant's failure to appear, including failure to appear as required by a citation issued under Article 14.06(b), unless:

(1) the justice or judge provides by telephone or regular mail to the defendant notice that includes:

(A) a date and time when the defendant must appear before the justice or judge;

(B) the name and address of the court with jurisdiction in the case;

(C) information regarding alternatives to the full payment of any fine or costs owed by the defendant, if the defendant is unable to pay that amount; and

(D) an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and

(2) the defendant fails to appear before the justice or judge as required by this article.

(f) A defendant who receives notice under Subsection (e) may request an alternative date or time to appear before the justice or judge if the defendant is unable to appear on the date and time included in the notice.

(g) A justice or judge shall recall an arrest warrant for the defendant's failure to appear if, before the arrest warrant is executed:

(1) the defendant voluntarily appears to resolve the arrest warrant; and

(2) the arrest warrant is resolved in any manner authorized by this code.

SECTION 9. Article 45.016, Code of Criminal Procedure, is amended to read as follows:

Art. 45.016. PERSONAL BOND; BAIL BOND. (a) The justice or judge may require the defendant to give a personal bond [~~bail~~] to secure the defendant's appearance in accordance with this code.

(b) The justice or judge may not, either instead of or in addition to the personal bond, require a defendant to give a bail bond unless:

(1) the defendant fails to appear in accordance with this code with respect to the applicable offense; and

(2) the justice or judge determines that:

(A) the defendant has sufficient resources or income to give a bail bond; and

(B) a bail bond is necessary to secure the defendant's appearance in accordance with this code.

(c) If a defendant required to give a bail bond under Subsection (b) remains in custody, without giving the bond, for more than 48 hours after the issuance of the applicable order, the justice or judge shall reconsider the requirement for the defendant to give the bond.

(d) If the defendant refuses to give a personal bond or, except as provided by Subsection (c), refuses or otherwise fails to give a bail bond, the defendant may be held in custody.

SECTION 10. Article 45.041, Code of Criminal Procedure, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) Notwithstanding any other provision of this article, immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:

(1) required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under, as applicable, Article 45.049, Article 45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (HB 1964), Acts of the 82nd Legislature, Regular Session, 2011;

- (3) waived in full or in part under Article 45.0491; or
- (4) satisfied through any combination of methods under Subdivisions (1)-(3).

(b) Subject to Subsections (b-2) and (b-3) and Article 45.0491, the justice or judge may direct the defendant:

- (1) to pay:
 - (A) the entire fine and costs when sentence is pronounced;
 - (B) the entire fine and costs at some later date; or
 - (C) a specified portion of the fine and costs at designated intervals;
- (2) if applicable, to make restitution to any victim of the offense; and
- (3) to satisfy any other sanction authorized by law.

SECTION 11. Article 45.0425(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the court from whose judgment and sentence the appeal is taken is in session, the court must approve the bail. The amount of an appeal ~~[a bail]~~ bond may not be less than two times the amount of the fine and costs adjudged against the defendant, payable to the State of Texas. The appeal bond ~~[bail]~~ may not in any case be for an amount ~~[a sum]~~ less than \$50. If the appeal bond otherwise meets the requirements of this code, the court without requiring a court appearance by the defendant shall approve the appeal bond in the amount the court under Article 27.14(b) notified the defendant would be approved.

SECTION 12. Article 45.045, Code of Criminal Procedure, is amended by adding Subsections (a-2) and (a-3) to read as follows:

(a-2) Before a court may issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms:

(1) the court must provide by regular mail to the defendant notice that includes:

(A) a statement that the defendant has failed to satisfy the judgment according to its terms; and

(B) a date and time when the court will hold a hearing on the defendant's failure to satisfy the judgment according to its terms; and

(2) either:

(A) the defendant fails to appear at the hearing; or

(B) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.

(a-3) The court shall recall a capias pro fine if, before the capias pro fine is executed:

(1) the defendant voluntarily appears to resolve the amount owed; and

(2) the amount owed is resolved in any manner authorized by this

chapter.

SECTION 13. Article 45.046(a), Code of Criminal Procedure, is amended to read as follows:

(a) When a judgment and sentence have been entered against a defendant and the defendant defaults in the discharge of the judgment, the judge may order the defendant confined in jail until discharged by law if the judge at a hearing makes a written determination that:

(1) the defendant is not indigent and has failed to make a good faith effort to discharge the fine or ~~[and]~~ costs; or

(2) the defendant is indigent and:

(A) has failed to make a good faith effort to discharge the fine or ~~[fines and]~~ costs under Article 45.049; and

(B) could have discharged the fine or ~~[fines and]~~ costs under Article 45.049 without experiencing any undue hardship.

SECTION 14. Article 45.048, Code of Criminal Procedure, is amended to read as follows:

Art. 45.048. DISCHARGED FROM JAIL. (a) A defendant placed in jail on account of failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:

(1) is too poor to pay the fine and costs; or

(2) has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of not less than \$100 ~~[\$50]~~ for each period ~~[of time]~~ served, as specified by the convicting court in the judgment in the case.

(b) A convicting court may specify a period ~~[of time]~~ that is not less than eight hours or more than 24 hours as the period for which a defendant who fails to pay the fine ~~[fines]~~ and costs in the case must remain in jail to satisfy \$100 ~~[\$50]~~ of the fine and costs.

SECTION 15. Article 45.049, Code of Criminal Procedure, is amended by amending Subsections (b), (c), (d), (e), (f), and (g) and adding Subsection (c-1) to read as follows:

(b) In the justice's or judge's order requiring a defendant to perform ~~[participate in]~~ community service ~~[work]~~ under this article, the justice or judge must specify:

(1) the number of hours of community service the defendant is required to perform; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service [work].

(c) The justice or judge may order the defendant to perform community service ~~[work]~~ under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program; or

(G) any similar activity; or

(2) [only] for:

(A) a governmental entity;

(B) ~~[or]~~ a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(c-1) An ~~[A governmental]~~ entity ~~[or nonprofit organization]~~ that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service [work] and report on the defendant's community service [work] to the justice or judge who ordered the ~~[community]~~ service.

(d) A justice or judge may not order a defendant to perform more than 16 hours per week of community service under this article unless the justice or judge determines that requiring the defendant to perform [work] additional hours does not impose an undue [work-a] hardship on the defendant or the defendant's dependents.

(e) A defendant is considered to have discharged not less than \$100 ~~[\$50]~~ of fines or costs for each eight hours of community service performed under this article.

(f) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article to perform community service is not liable for damages arising from an act or failure to act in connection with community service [manual labor] performed by a defendant under this article if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(g) This subsection applies only to a defendant who is charged with a traffic offense or an offense under Section 106.05, Alcoholic Beverage Code, and is a resident of this state. If under Article 45.051(b)(10), Code of Criminal Procedure, the judge requires the defendant to perform community service as a condition of the deferral, the defendant is entitled to elect whether to perform the required ~~[governmental entity or nonprofit organization community]~~ service in:

(1) the county in which the court is located; or

(2) the county in which the defendant resides, but only if the applicable entity ~~[or organization]~~ agrees to:

(A) supervise, either on-site or remotely, the defendant in the performance of the defendant's community service ~~[work]~~; and

(B) report to the court on the defendant's community service ~~[work]~~.

SECTION 16. Article 45.0491, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN ~~[INDIGENT]~~ DEFENDANTS AND FOR CHILDREN. A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of a fine or costs imposed on a defendant ~~[who defaults in payment]~~ if the court determines that:

(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) discharging the fine or [and] costs under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

SECTION 17. The heading to Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

Art. 45.0492. COMMUNITY SERVICE ~~[OR TUTORING]~~ IN SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS.

SECTION 18. Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsections (b), (c), (d), (f), (g), and (h) and adding Subsection (d-1) to read as follows:

(b) A justice or judge may require a defendant described by Subsection (a) to discharge all or part of the fine or costs by performing community service ~~[or attending a tutoring program that is satisfactory to the court]~~. A defendant may discharge an obligation to perform community service ~~[or attend a tutoring program]~~ under this article by paying at any time the fine and costs assessed.

(c) In the justice's or judge's order requiring a defendant to perform ~~[participate in]~~ community service ~~[work or a tutoring program]~~ under this article, the justice or judge must specify:

(1) the number of hours of community service the defendant is required to perform; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service ~~[work or attend tutoring]~~.

(d) The justice or judge may order the defendant to perform community service ~~[work]~~ under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program;

(G) a tutoring program; or

(H) any similar activity; or

(2) ~~only~~ for:

(A) a governmental entity;

(B) ~~or~~ a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(d-1) An ~~[A governmental]~~ entity ~~[or nonprofit organization]~~ that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service [work] and report on the defendant's community service [work] to the justice or judge who ordered the ~~[community]~~ service.

(f) A justice or judge may not order a defendant to perform more than 16 hours of community service per week ~~[or attend more than 16 hours of tutoring per week]~~ under this article unless the justice or judge determines that requiring the defendant to perform additional hours ~~[of work or tutoring]~~ does not impose an undue ~~[cause a]~~ hardship on the defendant or the defendant's family. For purposes of this subsection, "family" has the meaning assigned by Section 71.003, Family Code.

(g) A defendant is considered to have discharged not less than \$100 ~~[\$50]~~ of fines or costs for each eight hours of community service performed ~~[or tutoring program attended]~~ under this article.

(h) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article to perform community service~~[, nonprofit organization, or tutoring program]~~ is not liable for damages arising from an act or failure to act in connection with community service [an activity] performed by a defendant under this article if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, grossly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

SECTION 19. Article 45.0492, Code of Criminal Procedure, as added by Chapter 777 (**HB 1964**), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsections (c), (d), (e), and (f) and adding Subsections (d-1) and (h) to read as follows:

(c) In the justice's or judge's order requiring a defendant to perform community service under this article, the justice or judge shall specify:

(1) the number of hours of community service the defendant is required to perform, ~~[and may]~~ not to exceed ~~[order more than]~~ 200 hours; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.

(d) The justice or judge may order the defendant to perform community service ~~[work]~~ under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program; or

(G) any similar activity; or

(2) ~~only~~ for:

(A) a governmental entity;

(B) ~~or~~ a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(d-1) An ~~[A governmental]~~ entity ~~[or nonprofit organization]~~ that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service ~~[work]~~ and report on the defendant's community service ~~[work]~~ to the justice or judge who ordered the ~~[community]~~ service.

(e) A justice or judge may not order a defendant to perform more than 16 hours of community service per week under this article unless the justice or judge determines that requiring the defendant to perform additional hours ~~[of work]~~ does not impose an undue ~~[cause a]~~ hardship on the defendant or the defendant's family. For purposes of this subsection, "family" has the meaning assigned by Section 71.003, Family Code.

(f) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article to perform community service is not liable for damages arising from an act or failure to act in connection with community service performed by a defendant under this article if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(h) A defendant is considered to have discharged not less than \$100 of fines or costs for each eight hours of community service performed under this article.

SECTION 20. Article 45.051(a), Code of Criminal Procedure, is amended to read as follows:

(a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, the judge may defer further proceedings without entering an adjudication of guilt and place the defendant on probation for a period not to exceed 180 days. In issuing the order of deferral, the judge may impose a special expense fee on the defendant in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense. The special expense fee may be collected at any time before the date on which the period of probation ends. The judge may elect not to impose the special expense fee for good cause

shown by the defendant. If the judge orders the collection of a special expense fee, the judge shall require that the amount of the special expense fee be credited toward the payment of the amount of the fine imposed by the judge. An order of deferral under this subsection terminates any liability under a [~~bail bond or an appearance~~] bond given for the charge.

SECTION 21. Article 45.0511(t), Code of Criminal Procedure, is amended to read as follows:

(t) An order of deferral under Subsection (c) terminates any liability under a [~~bail bond or appearance~~] bond given for the charge.

SECTION 22. Article 103.0031(j), Code of Criminal Procedure, is amended to read as follows:

(j) A communication to the accused person regarding the amount of payment that is acceptable to the court under the court's standard policy for resolution of a case must include:

(1) a notice of the person's right to enter a plea or go to trial on any offense charged; and

(2) a statement that, if the person is unable to pay the full amount of payment that is acceptable to the court, the person should contact the court regarding the alternatives to full payment that are available to resolve the case.

SECTION 23. Section 502.010, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (b-1), (i), and (j) to read as follows:

(a) Except as otherwise provided by this section, a [A] county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or the department receives information that the owner of the vehicle:

(1) owes the county money for a fine, fee, or tax that is past due; or

(2) failed to appear in connection with a complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner.

(b-1) Information that is provided to make a determination under Subsection (a)(1) and that concerns the past due status of a fine or fee imposed for a criminal offense and owed to the county expires on the second anniversary of the date the information was provided and may not be used to refuse registration after that date. Once information about a past due fine or fee is provided under Subsection (b), subsequent information about other fines or fees that are imposed for a criminal offense and that become past due before the second anniversary of the date the initial information was provided may not be used, either before or after the second anniversary of that date, to refuse registration under this section unless the motor vehicle is no longer subject to refusal of registration because of notice received under Subsection (c).

(c) A county that has a contract under Subsection (b) shall notify the department regarding a person for whom the county assessor-collector or the department has refused to register a motor vehicle on:

(1) the person's payment or other means of discharge, including a waiver, of the past due fine, fee, or tax; or

(2) perfection of an appeal of the case contesting payment of the fine, fee, or tax.

(i) A municipal court judge or justice of the peace who has jurisdiction over the underlying offense may waive an additional fee imposed under Subsection (f) if the judge or justice makes a finding that the defendant is economically unable to pay the fee or that good cause exists for the waiver.

(j) If a county assessor-collector is notified that the court having jurisdiction over the underlying offense has waived the past due fine or fee due to the defendant's indigency, the county may not impose an additional fee on the defendant under Subsection (f).

SECTION 24. Section 502.010(f), Transportation Code, as amended by Chapters 1094 (**SB 1386**) and 1296 (**HB 2357**), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(f) Except as otherwise provided by this section, a [A] county that has a contract under Subsection (b) may impose an additional fee of \$20 to:

(1) a person who fails to pay a fine, fee, or tax to the county by the date on which the fine, fee, or tax is due; or

(2) a person who fails to appear in connection with a complaint, citation, information, or indictment in a court in which a criminal proceeding is pending against the owner. ~~[The additional fee may be used only to reimburse the department or the county for its expenses for providing services under the contract.]~~

SECTION 25. Section 706.005, Transportation Code, is amended to read as follows:

Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT. (a) A political subdivision shall immediately notify the department that there is no cause to continue to deny renewal of a person's driver's license based on the person's previous failure to appear or failure to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court in a matter involving an offense described by Section 706.002(a), on payment of a fee as provided by Section 706.006 and:

(1) the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;

(2) the dismissal of the charge for which the warrant of arrest was issued or judgment arose, other than a dismissal with prejudice by motion of the appropriate prosecuting attorney for lack of evidence;

(3) the posting of bond or the giving of other security to reinstate the charge for which the warrant was issued;

(4) the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or

(5) other suitable arrangement to pay the fine and cost within the court's discretion.

(b) The department may not continue to deny the renewal of the person's driver's license under this chapter after the department receives notice:

(1) under Subsection (a);

(2) that the person was acquitted of the charge on which the person failed to appear;

(3) that the charge on which the person failed to appear was dismissed with prejudice by motion of the appropriate prosecuting attorney for lack of evidence; or

(4) ~~(3)~~ from the political subdivision that the failure to appear report or court order to pay a fine or cost relating to the person:

(A) was sent to the department in error; or

(B) has been destroyed in accordance with the political subdivision's records retention policy.

SECTION 26. Section 706.006, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (d) to read as follows:

(a) Except as provided by Subsection (d), a [A] person who fails to appear for a complaint or citation for an offense described by Section 706.002(a) shall be required to pay an administrative fee of \$30 for each complaint or citation reported to the department under this chapter, unless:

(1) the person is acquitted of the charges for which the person failed to appear;

(2) the charges on which the person failed to appear were dismissed with prejudice by motion of the appropriate prosecuting attorney for lack of evidence;

(3) the failure to appear report was sent to the department in error; or

(4) the case regarding the complaint or citation is closed and the failure to appear report has been destroyed in accordance with the applicable political subdivision's records retention policy.

(a-1) A ~~The~~ person who is required to pay a fee under Subsection (a) shall pay the fee when:

(1) the court enters judgment on the underlying offense reported to the department;

(2) the underlying offense is dismissed, other than a dismissal described by Subsection (a)(2); or

(3) bond or other security is posted to reinstate the charge for which the warrant was issued.

(b) Except as provided by Subsection (d), a [A] person who fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders shall be required to pay an administrative fee of \$30.

(d) If the court having jurisdiction over the underlying offense makes a finding that the person is indigent, the person may not be required to pay an administrative fee under this section. For purposes of this subsection, a person is presumed to be indigent if the person:

(1) is required to attend school full time under Section 25.085, Education Code;

(2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or

(3) receives assistance from:

(A) the financial assistance program established under Chapter 31, Human Resources Code;

(B) the medical assistance program under Chapter 32, Human Resources Code;

(C) the supplemental nutrition assistance program established under Chapter 33, Human Resources Code;

(D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or

(E) the child health plan program under Chapter 62, Health and Safety Code.

SECTION 27. Article 45.0492(e), Code of Criminal Procedure, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

SECTION 28. The changes in law made by this Act to Articles 14.06 and 27.14, Code of Criminal Procedure, and Section 502.010 and Chapter 706, Transportation Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 29. The changes in law made by this Act to Articles 42.15, 43.09, 43.091, 45.014, 45.041, 45.046, 45.049, and 45.0491, Code of Criminal Procedure, and Articles 45.0492, Code of Criminal Procedure, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011, and 45.0492, Code of Criminal Procedure, as added by Chapter 777 (**HB 1964**), Acts of the 82nd Legislature, Regular Session, 2011, apply to a sentencing proceeding that commences before, on, or after the effective date of this Act.

SECTION 30. The change in law made by this Act to Articles 43.05 and 45.045, Code of Criminal Procedure, applies only to a capias pro fine issued on or after the effective date of this Act. A capias pro fine issued before the effective date of this Act is governed by the law in effect on the date the capias pro fine was issued, and the former law is continued in effect for that purpose.

SECTION 31. The changes in law made by this Act to Articles 45.016, 45.051, and 45.0511, Code of Criminal Procedure, apply only to a bond executed on or after the effective date of this Act. A bond executed before the effective date of this Act is governed by the law in effect when the bond was executed, and the former law is continued in effect for that purpose.

SECTION 32. The change in law made by this Act to Article 45.048, Code of Criminal Procedure, applies to a defendant who is placed in jail on or after the effective date of this Act for failure to pay the fine and costs imposed on conviction of an offense, regardless of whether the offense for which the defendant was convicted was committed before, on, or after the effective date of this Act.

SECTION 33. This Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 351** (senate committee printing) as follows:

(1) Insert "during or" in each of the following places:

(A) SECTION 4 of the bill, in added Article 42.15(a-1), Code of Criminal Procedure (page 2, line 30), after the underlined comma; and

(B) SECTION 10 of the bill, in added Article 45.041(a-1), Code of Criminal Procedure (page 5, line 34), after the underlined comma.

(2) In SECTION 8 of the bill, in added Article 45.014(e), Code of Criminal Procedure (page 4, line 50), between "the defendant's failure to appear" and the underlined comma, insert "at the initial court setting".

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 351** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. (a) Article 42A.602(a), Code of Criminal Procedure, is amended to read as follows:

(a) If a judge requires as a condition of community supervision or participation in a pretrial intervention program operated under Section 76.011, Government Code, or a drug court program established under Chapter 123, Government Code, or former law that the defendant serve a term of confinement in a community corrections facility, the term may not exceed 24 months.

(b) Article 42A.604(a), Code of Criminal Procedure, is amended to read as follows:

(a) As directed by the judge, the community corrections facility director shall file with the community supervision and corrections department director or administrator of a drug court program, as applicable, a copy of an evaluation made by the facility director of the defendant's behavior and attitude at the facility. The community supervision and corrections department director or program administrator shall examine the evaluation, make written comments on the evaluation that the director or administrator considers relevant, and file the evaluation and comments with the judge who granted community supervision to the defendant or placed the defendant in a pretrial intervention program or drug court program. If the evaluation indicates that the defendant has made significant progress toward compliance with court-ordered conditions of community supervision or objectives of placement in the [~~drug court~~] program, as applicable, the judge may release the defendant from the community corrections facility. A defendant who served a term in the facility as a condition of community supervision shall serve the remainder of the defendant's community supervision under any terms and conditions the court imposes under this chapter.

(c) Section 509.001(1), Government Code, is amended to read as follows:

(1) "Community corrections facility" means a physical structure, established by the judges described by Section 76.002 after authorization of the establishment of the structure has been included in a department's strategic plan, that is operated by the department or operated for the department by an entity under contract with the department, for the purpose of treating persons who have

been placed on community supervision or who are participating in a pretrial intervention program operated under Section 76.011 or a drug court program established under Chapter 123 or former law and providing services and programs to modify criminal behavior, deter criminal activity, protect the public, and restore victims of crime. The term includes:

- (A) a restitution center;
- (B) a court residential treatment facility;
- (C) a substance abuse treatment facility;
- (D) a custody facility or boot camp;
- (E) a facility for an offender with a mental impairment, as defined by Section 614.001, Health and Safety Code; and
- (F) an intermediate sanction facility.

(d) The change in law made by this section applies only to a person placed in a pretrial intervention program operated under Section 76.011, Government Code, for an offense committed on or after the effective date of this Act. A person placed in a pretrial intervention program operated under Section 76.011, Government Code, for an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **CSHB 351** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) A commission is created to study and review all penal laws of this state other than criminal offenses:

- (1) under the Penal Code;
- (2) under Chapter 481, Health and Safety Code; or
- (3) related to the operation of a motor vehicle.

(b) The commission shall:

- (1) evaluate all laws described by Subsection (a) of this section;
- (2) make recommendations to the legislature regarding the repeal or amendment of laws that are identified as being unnecessary, unclear, duplicative, overly broad, or otherwise insufficient to serve the intended purpose of the law, including the laws identified by the commission created by Section 29, Chapter 1251 (**HB 1396**), Acts of the 84th Legislature, Regular Session, 2015, as requiring additional review; and

- (3) evaluate the recommendations made by the commission created by Section 29, Chapter 1251 (**HB 1396**), Acts of the 84th Legislature, Regular Session, 2015.

(c) The commission is composed of nine members appointed as follows:

- (1) two members appointed by the governor;
- (2) two members appointed by the lieutenant governor;
- (3) two members appointed by the speaker of the house of representatives;

(4) two members appointed by the chief justice of the Supreme Court of Texas; and

(5) one member appointed by the presiding judge of the Texas Court of Criminal Appeals.

(d) The officials making appointments to the commission under Subsection (c) of this section shall ensure that the membership of the commission includes representatives of all areas of the criminal justice system, including prosecutors, defense attorneys, judges, legal scholars, and relevant business interests.

(e) The governor shall designate one member of the commission to serve as the presiding officer of the commission.

(f) A member of the commission is not entitled to compensation or reimbursement of expenses.

(g) The commission shall meet at the call of the presiding officer.

(h) Not later than November 1, 2018, the commission shall report the commission's findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, the Supreme Court of Texas, the Texas Court of Criminal Appeals, and the standing committees of the house of representatives and the senate with primary jurisdiction over criminal justice. The commission shall include in its recommendations any specific statutes that the commission recommends repealing or amending.

(i) Not later than the 60th day after the effective date of this Act, the governor, the lieutenant governor, the speaker of the house of representatives, the chief justice of the Supreme Court of Texas, and the presiding judge of the Texas Court of Criminal Appeals shall appoint the members of the commission created under this section.

(j) The commission is abolished and this section expires December 31, 2018.

Senate Amendment No. 4 (Senate Floor Amendment No. 4)

Amend **CSHB 351** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. Article 102.0071, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0071. JUSTICE COURT DISHONORED CHECK OR SIMILAR SIGHT ORDER. On conviction in justice court of an offense under Section 32.41, Penal Code, or an offense under Section 31.03, ~~or~~ 31.04, or 32.21, Penal Code, in which it is shown that the defendant committed the offense by issuing, ~~or~~ passing, or forging a check or similar sight order, as defined by Section 1.07, Penal Code, that was subsequently dishonored, the court may collect from the defendant and pay to the holder of the check or order the fee permitted by Section 3.506, Business & Commerce Code.

SECTION _____. Section 32.21, Penal Code, is amended by amending Subsections (d), (e), and (e-1) and adding Subsections (e-2) and (g) to read as follows:

(d) Subject to Subsection (e-1), an [Am] offense under this section is a state jail felony if the writing is or purports to be a will, codicil, deed, deed of trust, mortgage, security instrument, security agreement, credit card, check, authorization to debit an account at a financial institution, or similar sight order for payment of money, contract, release, or other commercial instrument.

(e) Subject to Subsection (e-1), an [Am] offense under this section is a felony of the third degree if the writing is or purports to be:

- (1) part of an issue of money, securities, postage or revenue stamps;
- (2) a government record listed in Section 37.01(2)(C); or
- (3) other instruments issued by a state or national government or by a subdivision of either, or part of an issue of stock, bonds, or other instruments representing interests in or claims against another person.

(e-1) If it is shown on the trial of an offense under this section that the actor engaged in the conduct to obtain or attempt to obtain a property or service, an offense under this section is:

(1) a Class C misdemeanor if the value of the property or service is less than \$100;

(2) a Class B misdemeanor if the value of the property or service is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the value of the property or service is \$750 or more but less than \$2,500;

(4) a state jail felony if the value of the property or service is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the value of the property or service is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the value of the property or service is \$150,000 or more but less than \$300,000; and

(7) a felony of the first degree if the value of the property or service is \$300,000 or more.

(e-2) Notwithstanding any other provision of this section, an [Am] offense under this section, other than an offense described for purposes of punishment by Subsection (e-1)(7), is increased to the next higher category of offense if it is shown on the trial of the offense that the offense was committed against an elderly individual as defined by Section 22.04.

(g) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.

SECTION _____. The change in law made by this Act in amending Article 102.0071, Code of Criminal Procedure, and Section 32.21, Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

**HB 2 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Zerwas called up with senate amendments for consideration at this time,

HB 2, A bill to be entitled An Act relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

(Speaker in the chair)

Representative Zerwas moved to concur in the senate amendments to **HB 2**.

The motion to concur in the senate amendments to **HB 2** prevailed by (Record 1934): 115 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Mr. Speaker(C); 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; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gooden; Guerra; Hefner; Herrero; Holland; Huberty; Hunter; Isaac; 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; Morrison; Murphy; Murr; Nevárez; Oliveira; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Romero; Rose; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Thompson, E.; Tinderholt; VanDeaver; Villalba; Wilson; Workman; Wray; Zerwas.

Nays — Anchia; Blanco; Cortez; Davis, Y.; Dutton; González; Guillen; Howard; Israel; Johnson, E.; Muñoz; Neave; Ortega; Reynolds; Rodriguez, E.; Thierry; Turner; Vo; Walle; White; Wu.

Present, not voting — Hinojosa.

Absent, Excused — Dukes; Minjarez.

Absent — Gutierrez; Hernandez; Johnson, J.; Moody; Perez; Rodriguez, J.; Sanford; Swanson; Thompson, S.; Uresti; Zedler.

The speaker stated that **HB 2** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

STATEMENTS OF VOTE

When Record No. 1934 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1934 was taken, I was shown voting present, not voting. I intended to vote no.

Hinojosa

When Record No. 1934 was taken, my vote failed to register. I would have voted yes.

J. Johnson

When Record No. 1934 was taken, I was shown voting yes. I intended to vote no.

Martinez

When Record No. 1934 was taken, I was in the house but away from my desk. I would have voted no.

Moody

When Record No. 1934 was taken, I was in the house but away from my desk. I would have voted no.

Perez

When Record No. 1934 was taken, I was in the house but away from my desk. I would have voted no.

J. Rodriguez

When Record No. 1934 was taken, I was temporarily out of the house chamber. I would have voted yes.

Sanford

When Record No. 1934 was taken, my vote failed to register. I would have voted yes.

Swanson

When Record No. 1934 was taken, I was in the house but away from my desk. I would have voted yes.

S. Thompson

When Record No. 1934 was taken, I was in the house but away from my desk. I would have voted no.

Uresti

When Record No. 1934 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

REASONS FOR VOTE

The vote on the motion to concur with senate amendments to **HB 2** (Record No. 1934) was one of the hardest votes of the 85th Regular Session. No matter the vote cast, it was clear that decisions made by the Texas Senate were not going to allow house members to reverse the rate cuts to acute speech, occupational, and physical therapy services provided to children served by Medicaid.

Texas children were counting on us this session. These are children who are learning how to walk and to talk, how to eat their food and succeed in schools—children suffering from Down syndrome, speech delays, autism, and other serious disabilities. Texas children needed the Texas Legislature to act and to not let politics or personalities decide the fate for these children.

The Texas House could not have taken a clearer position on the issue. For almost two years, house members made it forcefully known that the Texas Legislature needed to reverse the damaging language placed in Rider 50 of the 2016-17 budget (84R). Whether we voted for or against the motion to concur on **HB 2**, members of the Texas House of Representatives showed absolute commitment to supporting and protecting Texas children. Tragically, the Texas Senate did not share our commitment.

Legislators had a resolute moral obligation to reverse cuts to acute therapy services provided to Texas children served by Medicaid. The Texas House responded with clear and meaningful solutions. The Texas Senate did the very least they could do.

Bernal, Howard, Israel, and Moody

The vote on the motion to concur with senate amendments to **HB 2** was one of the hardest votes of the 85th Regular Session. I voted no for many reasons. It was clear that the decisions made by the Texas Senate in changing **HB 2** would not allow house members to include additional funding for critical programs, specifically funding to reverse the rate cuts to acute speech, occupational, and physical therapy services provided to children served by this program. The threat was made and stated that if we did not concur, Medicaid and other programs would lose funding by July of this year, and there was not enough time to go to a conference committee on the bill and bring it back to concur. I strongly reject such statements. The supplemental budget bill (**HB 2**) was eligible at 5:50 p.m. on May 24, 2017. The house did not bring up this bill for a discussion and vote until Friday, May 26, 2017, late afternoon. If the concern was not enough time for conference and changes, then why was the bill taken up so late? The box that we operate under is one that is intentionally constructed in order to limit people's options. I cannot sit idly by and accept excuses. The one thing I know about the legislature is that if there is the will to get something done, it will be so.

Texas children were counting on us this session. Children who are learning how to walk and to talk, how to eat their food and succeed in schools—children suffering from Down syndrome, speech delays, autism, and other serious disabilities. Texas children needed the Texas Legislature to act and to not let politics or personalities decide the fate for these children.

The Texas House could not have taken a clearer position on the issue. For almost two years, house members made it forcefully known that the Texas Legislature needed to reverse the damaging language placed in Rider 50 of the 2016-17 budget (84R). Another reason I voted no was to show my absolute commitment to supporting and protecting Texas children.

We as legislators have an obligation to reverse these cuts to acute therapy services provided, and we need to find clear and meaningful solutions. We need to put people before politics.

Muñoz

I voted against concurring with the senate's amendments because I was concerned about the removal of funding and specific language regarding acute speech, occupational, and physical therapy services provided to children served by Medicaid. I preferred requesting a conference committee to work with the senate to restore the level of funding for acute therapy.

Neave

I voted not to concur with the senate amendments because the amendments reduced the acute therapy services for children receiving Medicaid. I preferred requesting a conference committee to work with the senate to restore the level of funding for the acute therapy services as originally passed out of the house.

Thierry

Senate Committee Substitute

CSHB 2, A bill to be entitled An Act relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

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

SECTION 1. APPROPRIATION REDUCTIONS: PUBLIC FINANCE AUTHORITY. (a) The unencumbered appropriations from the general revenue fund to the Public Finance Authority made by Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, for bond debt service payments, including appropriations subject to Rider 2, page I-47, Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the bill pattern of the appropriations to the authority, are reduced by a total aggregate of \$51,566,581.

(b) In addition to the reductions made by Subsection (a) of this section, the unencumbered appropriations from the general revenue fund to the Public Finance Authority made by Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, are reduced by \$217,487.

(c) The Public Finance Authority shall identify the strategies and objectives to which the reductions made by Subsections (a) and (b) of this section are to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 2. APPROPRIATION REDUCTIONS: FACILITIES COMMISSION. (a) The unencumbered appropriations from the general revenue fund to the Facilities Commission made by Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, for lease payments are reduced by \$13,780,014.

(b) In addition to the reductions made by Subsection (a) of this section, the unencumbered appropriations from the general revenue fund to the Facilities Commission made by Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, are reduced by \$220,000.

(c) The Facilities Commission shall identify the strategies and objectives to which the reductions made by Subsections (a) and (b) of this section are to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 3. APPROPRIATION REDUCTION: DEPARTMENT OF TRANSPORTATION. The unencumbered appropriations from the general revenue fund made by Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the Department of Transportation for Strategy G.1.1., General Obligation Bonds, as listed in that Act, for general obligation bond debt service payments for the state fiscal biennium ending August 31, 2017, are reduced by \$14,191,000.

SECTION 4. APPROPRIATION REDUCTION: COMMISSION ON ENVIRONMENTAL QUALITY. The unencumbered appropriations from the Texas Emissions Reduction Plan Account No. 5071 made by Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the Commission on Environmental Quality for use during the state fiscal biennium ending August 31, 2017, are reduced by \$31,000,000. The commission shall identify the strategies and objectives to which the reduction is to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 5. APPROPRIATION REDUCTION: PUBLIC UTILITY COMMISSION OF TEXAS. The unencumbered appropriations from the System Benefit Account No. 5100 made by Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the Public Utility Commission of Texas for use during the state fiscal biennium ending August 31, 2017, are reduced by \$1,209,355. The commission shall identify the strategies and objectives to which the reduction is to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 6. APPROPRIATION REDUCTION: TEXAS EDUCATION AGENCY. The unencumbered appropriations from the general revenue fund made by Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the Texas Education Agency for use during the state fiscal biennium ending August 31, 2017, are reduced by

\$492,589. The agency shall identify the strategies and objectives to which the reduction is to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 7. HEALTH AND HUMAN SERVICES COMMISSION: MEDICAID SHORTFALL. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$793,586,397 is appropriated from the general revenue fund, and \$1,599,849,506 is appropriated from federal funds, to the Health and Human Services Commission for the state fiscal year ending August 31, 2017, for Medicaid services under Goal B, Medicaid, as listed in Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act).

(b) The expenditure or emergency transfer of money appropriated under Subsection (a) of this section is subject to the prior written approval of the Legislative Budget Board in accordance with Section 69, Article XVI, Texas Constitution. A request by the Health and Human Services Commission to expend or transfer an amount of that money is considered approved unless the Legislative Budget Board issues a written disapproval not later than the 10th business day after the date on which the staff of the Legislative Budget Board concludes its review of the request and forwards its review to the chair of the House Appropriations Committee, the chair of the Senate Finance Committee, the speaker of the house of representatives, and the lieutenant governor.

SECTION 8. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: ADDITIONAL APPROPRIATIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, the following amounts are appropriated from the general revenue fund to the Department of Family and Protective Services for the state fiscal year ending August 31, 2017, for the following purposes as listed in Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act):

- (1) \$16,279,099 for Strategy B.1.3., TWC Contracted Day Care;
- (2) \$39,665,526 for Strategy B.1.9., Foster Care Payments; and
- (3) \$694,681 for Strategy B.1.10., Adoption/PCA Payments.

SECTION 9. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: CERTAIN TRANSFERS. The Department of Family and Protective Services shall transfer \$4,355,118 from Strategy G.1.1., Agency-Wide Automated Systems, to Strategy B.1.9., Foster Care Payments, as listed in Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act).

SECTION 10. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: ADDITIONAL APPROPRIATIONS FOR AGENCY CRITICAL NEEDS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, the Department of Family and Protective Services is appropriated for the state fiscal year ending August 31, 2017, the following amounts from the general revenue fund for the following strategies as

listed in Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to address critical needs of the agency with respect to those strategies:

- (1) \$75,521,204 for Strategy B.1.1., CPS Direct Delivery Staff;
- (2) \$613,174 for Strategy B.1.2., CPS Program Support;
- (3) \$21,000,000 for Strategy B.1.9., Foster Care Payments;
- (4) \$138,854 for Strategy D.1.1., APS Direct Delivery Staff;
- (5) \$6,703 for Strategy D.1.2., APS Program Support;
- (6) \$376,259 for Strategy F.1.1., Central Administration;
- (7) \$33,546 for Strategy F.1.2., Other Support Services;
- (8) \$3,067,626 for Strategy F.1.4., IT Program Support; and
- (9) \$940,108 for Strategy G.1.1., Agency-Wide Automated Systems.

SECTION 11. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: CERTAIN TRANSFERS. (a) Notwithstanding any transfer limitation specified in Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), the Department of Family and Protective Services shall transfer to the Health and Human Services Commission the following amounts:

- (1) \$29,247,213 of general revenue funds; and
- (2) \$72,450,261 of Temporary Assistance for Needy Families (TANF) program federal funds.

(b) The Health and Human Services Commission may spend Temporary Assistance for Needy Families (TANF) program federal funds transferred under Subsection (a)(2) of this section during the state fiscal year ending August 31, 2017, only with the prior written approval of the Legislative Budget Board in accordance with Section 69, Article XVI, Texas Constitution.

SECTION 12. TEXAS A&M FOREST SERVICE: APPROPRIATION FOR GENERAL COSTS CAUSED BY VARIOUS EMERGENCY WEATHER-RELATED RESPONSES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$7,450,427 is appropriated from the general revenue fund to the Texas A&M Forest Service for the state fiscal year ending August 31, 2017, for the purpose of paying for, or reimbursing payments made for, costs incurred by the forest service associated with responding to various weather-related emergencies.

SECTION 13. DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONAL MANAGED HEALTH CARE SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$80,000,000 is appropriated from the general revenue fund to the Department of Criminal Justice for the state fiscal year ending August 31, 2017, for correctional managed health care under Strategy C.1.9., Hospital and Clinical Care, as listed in Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act).

SECTION 14. JUVENILE JUSTICE DEPARTMENT: OPERATIONAL SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$4,469,257 is appropriated from the general revenue fund to the Juvenile Justice Department for the state fiscal year ending August 31, 2017, for an operational shortfall.

SECTION 15. ANIMAL HEALTH COMMISSION: CATTLE FEVER TICKS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$649,987 is appropriated from the general revenue fund to the Animal Health Commission for the state fiscal year ending August 31, 2017, for preparedness for, response to, and mitigation of cattle fever ticks under Strategy A.1.1., Field Operations, as listed in Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act).

SECTION 16. TEXAS ALCOHOLIC BEVERAGE COMMISSION. (a) The Texas Alcoholic Beverage Commission may not spend money appropriated to the agency by Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017:

(1) for travel outside the state, other than for bona fide and documented law enforcement or investigative activities; or

(2) to attend or participate in an event, training, conference, class, or similar activity outside the state.

(b) The Texas Alcoholic Beverage Commission and employees of the commission may not accept payments from or spending authority on behalf of any trade, professional, or industry organization for any purpose or in any form, including a travel subsidy, payment of travel or other expenses for conference presenters, prepaid meals, or lodging.

SECTION 17. DEPARTMENT OF STATE HEALTH SERVICES: STATE HOSPITALS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$15,100,000 is appropriated from the general revenue fund to the Department of State Health Services for the state fiscal year ending August 31, 2017, for staffing costs, maintenance, and repair at state hospitals.

SECTION 18. HEALTH AND HUMAN SERVICES COMMISSION: EARLY CHILDHOOD INTERVENTION PROGRAM. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$4,500,000 is appropriated from the general revenue fund to the Health and Human Services Commission for the state fiscal year ending August 31, 2017, to provide funding for early childhood intervention program providers.

SECTION 19. HEALTH AND HUMAN SERVICES COMMISSION: COMPREHENSIVE REHABILITATION SERVICES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$2,400,000 is appropriated from the general revenue fund to the Health and Human Services Commission for the state fiscal year ending August 31, 2017, to provide comprehensive rehabilitation services.

SECTION 20. DEPARTMENT OF AGING AND DISABILITY SERVICES: STATE SUPPORTED LIVING CENTERS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$11,300,000 is appropriated from the general revenue fund to the Department of Aging and Disability Services for the state fiscal year ending August 31, 2017, to provide additional funding for state supported living centers.

SECTION 21. DEPARTMENT OF AGING AND DISABILITY SERVICES: MEXIA STATE SUPPORTED LIVING CENTER TORNADO REPAIR. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$2,400,000 is appropriated from the general revenue fund to the Department of Aging and Disability Services for the state fiscal year ending August 31, 2017, to repair tornado damage at the Mexia State Supported Living Center.

SECTION 22. KILGORE COLLEGE: HIGHER EDUCATION GROUP INSURANCE CONTRIBUTIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$1,073,998 is appropriated from the general revenue fund to Kilgore College for the state fiscal year ending August 31, 2017, to provide for state contributions for health benefits.

SECTION 23. DEPARTMENT OF TRANSPORTATION: ADJUSTMENT TO CAPITAL BUDGET ITEM EXPENDITURES. Notwithstanding Item d, Rider 2, page VII-19, Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the bill pattern appropriations to the Department of Transportation, the department's maximum capital expenditure for fiscal year 2017 for transportation items is increased by \$3,500,000, for a total amount of \$8,500,000 for that fiscal year. Notwithstanding Item e of that rider, the department's maximum capital expenditure for fiscal year 2017 for acquisition of capital equipment and items is correspondingly decreased by \$3,500,000, for a total amount of \$44,400,000 for that fiscal year.

SECTION 24. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: IMPACT PROJECT. Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), is amended by adding the following rider at the end of the riders to the appropriations made to the Department of Family and Protective Services in that Act (page II-46):

43. IMPACT Project. (a) The Department of Family and Protective Services shall report to the Legislative Budget Board any anticipated cost overruns and project delays for the IMPACT project that, before June 1, 2017, have not been identified and reported.

(b) Notwithstanding any other provision of this Act, all cost overruns must be paid from amounts appropriated above out of Appropriated Receipts. The Department of Family and Protective Services may not expend on IMPACT project cost overruns any other appropriations made from another method of financing without prior written approval from the Legislative Budget Board. The department shall request the approval and shall provide any additional information the Legislative Budget Board requests related to the request for approval in a timely manner and in a format specified by the Legislative Budget

Board. The request for approval is considered approved unless the Legislative Budget Board issues a written disapproval not later than the 30th business day after the date on which the staff of the Legislative Budget Board concludes its review of the request and forwards its review to the chair of the House Appropriations Committee, the chair of the Senate Finance Committee, the speaker of the house of representatives, and the lieutenant governor.

SECTION 25. DEPARTMENT OF PUBLIC SAFETY: DRIVER LICENSE IMPROVEMENT PLAN. In making expenditures of amounts appropriated to the Department of Public Safety for Strategy E.2.1., Driver License Services, and for Strategy E.2.2., Driving and Motor Vehicle Safety, as listed in Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, the department shall endeavor to use those amounts in a manner that ensures completion of all outstanding driver license improvement plan projects, including the installation of driver license kiosks, not later than August 31, 2017.

SECTION 26. GOVERNOR'S HIRING FREEZE. (a) This section applies only to a state agency, institution of higher education, or other state entity in the executive branch of state government that is under the direction of the governor. This section does not apply to an agency that is under the direction of a statewide elected official other than the governor.

(b) Notwithstanding the appropriations made by Chapter 1281 (**HB 1**), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, each agency, institution, or other entity to which this section applies is directed to adhere to the memorandum issued to heads of state agencies by Steven Albright, Budget Director for Governor Greg Abbott, on January 31, 2017, regarding the governor's directive that the agencies, institutions, and entities impose an immediate hiring freeze and maintain that hiring freeze through the end of the state fiscal year ending August 31, 2017. At the end of the state fiscal biennium ending on that date, all amounts appropriated to those agencies, institutions, and entities that are unexpended, because of the hiring freeze, lapse, and the comptroller of public accounts shall credit those amounts to the funds and accounts from which the appropriations were made.

SECTION 27. EFFECTIVE DATE. This Act takes effect immediately.

**HB 2912 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative P. King called up with senate amendments for consideration at this time,

HB 2912, A bill to be entitled An Act relating to the creation of the New Fairview Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative P. King moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2912**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2912**: P. King, chair; Lambert, Guillen, Dean, and Morrison.

**HB 929 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Miller called up with senate amendments for consideration at this time,

HB 929, A bill to be entitled An Act relating to certain early voting procedures.

Representative Miller moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 929**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 929**: Miller, chair; Schofield, Laubenberg, Larson, and Reynolds.

**HB 3124 - RETURNED TO SENATE
BY THE SPEAKER**

Pursuant to Rule 13, Section 5A of the House Rules, the speaker returned **HB 3124** with senate amendments to the senate and submitted the following statement:

Pursuant to Rule 13, Section 5A of the House Rules, 85th Legislature, I am returning the attached house bill to the Texas Senate for further action because the amendments the senate adopted to the bill are not germane for the following reasons:

As **HB 3124** left the house, the sole subject of the bill was to authorize a health benefit plan issuer to provide cost comparison data compiled by the plan issuer to show the health care costs associated with a physician relative to another physician or provider to a physician participating in an accountable care organization or to a designated entity. The senate added three nongermane amendments that impermissibly introduced a second subject to **HB 3124**.

Amendment No. 1 requires the Department of State Health Services to conduct a study, using data collected by the state but unrelated to the data described in **HB 3124** (house version), on the feasibility of creating a searchable database on specific health care costs, unrelated to the costs described in **HB 3124** (house version). The amendment is not germane to **HB 3124**.

Amendment No. 2 amends the Business and Commerce Code to prevent a consumer reporting agency from furnishing a consumer report containing information related to bankruptcy, records of arrest, or a collection account with a medical history code. This information has nothing to do with a physician-specific comparison data. The amendment is not germane to **HB 3124**.

Amendment No. 3 deals with the constitutionality of the federal Patient Protection and Affordable Care Act. The amendment goes on to discuss prohibitions and requirements related to coverage for abortion. Neither the federal Affordable Care Act nor coverage for abortion have to do with physician-specific comparison data. The amendment is not germane to **HB 3124**.

**SB 1539 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Bohac, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1539**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1539**: Bohac, chair; D. Bonnen, Murphy, Springer, and Shine.

**SB 27 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Blanco, the house granted the request of the senate for the appointment of a Conference Committee on **SB 27**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 27**: Blanco, chair; Price, Cortez, Muñoz, and Sheffield.

**SB 634 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Button, the house granted the request of the senate for the appointment of a Conference Committee on **SB 634**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 634**: Button, chair; Hinojosa, Gooden, Roberts, and C. Anderson.

**SB 1462 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Geren, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1462**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1462**: Lucio, chair; Geren, Coleman, Koop, and Burns.

**SB 1839 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Koop, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1839**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1839**: Koop, chair; Bohac, Meyer, Bernal, and VanDeaver.

**SB 1987 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Murphy, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1987**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1987**: Murphy, chair; Bell, Cospers, Schubert, and Cortez.

**SB 2244 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Giddings, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2244**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2244**: Giddings, chair; Murphy, Cospers, Perez, and Holland.

**SB 2118 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative K. King, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2118**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2118**: S. Davis, chair; D. Bonnen, Goldman, Muñoz, and Giddings.

**SB 801 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative K. King, the house granted the request of the senate for the appointment of a Conference Committee on **SB 801**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 801**: K. King, chair; Ashby, VanDeaver, Kacal, and Allen.

SB 2065 - REQUEST OF SENATE GRANTED

On motion of Representative K. King, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2065**.

SB 2065 - CONFERENCE COMMITTEE INSTRUCTED

Representative Raymond moved to instruct the Conference Committee on **SB 2065** to include language from **HB 1457** and **SB 1917** that relates to maintaining the legality of fantasy football.

The motion to instruct conferees prevailed by (Record 1935): 119 Yeas, 25 Nays, 1 Present, not voting.

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

Nays — Anderson, C.; Biedermann; Bonnen, D.; Cain; Elkins; Faircloth; Hefner; Isaac; Krause; Lang; Leach; Murphy; Nevárez; Oliverson; Paul; Sanford; Schaefer; Schofield; Shaheen; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes; Minjarez.

Absent — Deshotel; Giddings; Phillips.

STATEMENTS OF VOTE

When Record No. 1935 was taken, I was shown voting yes. I intended to vote no.

G. Bonnen

When Record No. 1935 was taken, I was shown voting yes. I intended to vote no.

Frullo

When Record No. 1935 was taken, my vote failed to register. I would have voted no.

Phillips

When Record No. 1935 was taken, I was shown voting yes. I intended to vote no.

Simmons

When Record No. 1935 was taken, I was shown voting yes. I intended to vote no.

Workman

(Speaker pro tempore in the chair)

SB 2065 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2065**: Kuempel, chair; Goldman, Guillen, Bailes, and Hernandez.

PROVIDING FOR ADJOURNMENT

At 5:52 p.m., Representative Isaac moved that, at the conclusion of the receipt of messages from the senate and administrative duties, the house adjourn until 9:30 a.m. tomorrow in memory of Oscar Gilbert Kozlowski of Kyle.

The motion prevailed.

(Hunter in the chair)

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. 3).

(Flynn in the chair)

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. 4).

ADJOURNMENT

In accordance with a previous motion, the house, at 8:38 a.m. Saturday, May 27, adjourned until 9:30 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 33

HB 108, HB 136, HB 590, HB 658, HB 912, HB 928, HB 1170, HB 1207, HB 1284, HB 1296, HB 1486, HB 1542, HB 1545, HB 1608, HB 1631, HB 1661, HB 1814, HB 1884, HB 1934, HB 1948, HB 1978, HB 2004, HB 2010, HB 2121, HB 2533, HB 2537, HB 2671, HB 2774, HB 2825, HB 2848, HB 3016, HB 3021, HB 3198, HB 3294, HB 3521, HB 3647, HB 3976, HB 4042, HCR 59, HJR 21

Senate List No. 27

SB 15, SB 132, SB 261, SB 314, SB 584, SB 625, SB 670, SB 679, SB 919, SB 1016, SB 1138, SB 1557, SB 1664, SB 1665, SB 1680, SB 1780, SB 1805, SB 1963, SB 2190, SCR 26

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

SB 292	(31 Yeas, 0 Nays)
SB 396	(31 Yeas, 0 Nays)
SB 537	(31 Yeas, 0 Nays)
SB 570	(20 Yeas, 11 Nays)
SB 589	(25 Yeas, 6 Nays)
SB 744	(31 Yeas, 0 Nays)
SB 830	(25 Yeas, 5 Nays)
SB 840	(31 Yeas, 0 Nays)
SB 873	(21 Yeas, 10 Nays)
SB 922	(29 Yeas, 2 Nays)
SB 969	(30 Yeas, 1 Nay)
SB 1004	(29 Yeas, 0 Nays, 2 Present, not voting)
SB 1005	(31 Yeas, 0 Nays)
SB 1009	(31 Yeas, 0 Nays)
SB 1051	(29 Yeas, 2 Nays)
SB 1089	(31 Yeas, 0 Nays)
SB 1353	(31 Yeas, 0 Nays)
SB 1501	(31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 27

Senate Conferees: Campbell - Chair/Buckingham/Menéndez/Schwertner/Uresti

SB 634

Senate Conferees: Estes - Chair/Birdwell/Garcia/Seliger/Taylor, Larry

SB 669

Senate Conferees: Nelson - Chair/Bettencourt/Birdwell/Creighton/Hinojosa

SB 1462

Senate Conferees: Hinojosa - Chair/Bettencourt/Birdwell/Campbell/Taylor, Van

SB 1660

Senate Conferees: Taylor, Larry - Chair/Bettencourt/Huffines/Hughes/West

SB 1839

Senate Conferees: Hughes - Chair/Bettencourt/Campbell/Lucio/Taylor, Larry

SB 1987

Senate Conferees: Lucio - Chair/Bettencourt/Campbell/Creighton/Garcia

SB 2065

Senate Conferees: Hancock - Chair/Huffines/Schwertner/Taylor, Larry/Whitmire

SB 2078

Senate Conferees: Taylor, Larry - Chair/Bettencourt/Kolkhorst/Lucio/Perry

SB 2118

Senate Conferees: Seliger - Chair/Bettencourt/Taylor, Larry/Watson/West

SB 2244

Senate Conferees: West - Chair/Campbell/Creighton/Lucio/Nichols

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 26, 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:

HCR 130 Hefner SPONSOR: Hughes
Commemorating the 100th anniversary of the first aircraft landing at Mineola-Wisener Field Airport in Wood County.

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

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

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

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

SB 8	(29 Yeas, 2 Nays)
SB 73	(31 Yeas, 0 Nays)
SB 195	(22 Yeas, 9 Nays)
SB 255	(27 Yeas, 4 Nays)
SB 262	(31 Yeas, 0 Nays)
SB 315	(31 Yeas, 0 Nays)
SB 532	(31 Yeas, 0 Nays)
SB 674	(31 Yeas, 0 Nays)
SB 1066	(31 Yeas, 0 Nays)
SB 1076	(30 Yeas, 1 Nay)
SB 1129	(31 Yeas, 0 Nays)
SB 1233	(31 Yeas, 0 Nays)
SB 1304	(31 Yeas, 0 Nays)
SB 1383	(28 Yeas, 3 Nays)
SB 1503	(31 Yeas, 0 Nays)
SB 1538	(31 Yeas, 0 Nays)
SB 1571	(31 Yeas, 0 Nays)
SB 1649	(25 Yeas, 6 Nays)
SB 1813	(31 Yeas, 0 Nays)
SB 1842	(29 Yeas, 2 Nays)
SB 1893	(30 Yeas, 1 Nay)
SB 1910	(31 Yeas, 0 Nays)
SB 1911	(31 Yeas, 0 Nays)
SB 2212	(30 Yeas, 0 Nays, 1 Present, not voting)
SB 2242	(31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 801

Senate Conferees: Seliger - Chair/Bettencourt/Campbell/Hughes/Uresti

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 26, 2017 - 3

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:

HCR 145

Klick

SPONSOR: Hall

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

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 463

Senate Conferees: Seliger - Chair/Bettencourt/Taylor, Larry/Taylor, Van/West

SB 762

Senate Conferees: Menéndez - Chair/Birdwell/Huffman/Lucio/Seliger

SB 1001

Senate Conferees: Taylor, Larry - Chair/Hancock/Hinojosa/Nichols/Perry

SB 1450

Senate Conferees: Taylor, Larry - Chair/Campbell/Estes/Hancock/Zaffirini

SB 1731

Senate Conferees: Birdwell - Chair/Estes/Nichols/Taylor, Larry/Zaffirini

SB 2014

Senate Conferees: Creighton - Chair/Kolkhorst/Lucio/Menéndez/Nichols

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 5

Senate Conferees: Schwertner - Chair/Huffman/Nelson/Perry/Uresti

HB 29

Senate Conferees: Huffman - Chair/Garcia/Kolkhorst/Perry/Schwertner

HB 150

Senate Conferees: Creighton - Chair/Buckingham/Hall/Huffines/Lucio

HB 555

Senate Conferees: Hughes - Chair/Creighton/Huffman/Taylor, Larry/West

HB 557

Senate Conferees: Burton - Chair/Creighton/Hughes/Perry/Whitmire

HB 810

Senate Conferees: Bettencourt - Chair/Menéndez/Perry/Schwertner/Taylor, Van

HB 1003

Senate Conferees: West - Chair/Estes/Hancock/Nichols/Taylor, Van

HB 1036

Senate Conferees: Whitmire - Chair/Burton/Campbell/Garcia/Nelson

HB 1290

Senate Conferees: Kolkhorst - Chair/Bettencourt/Birdwell/Burton/Hancock

HB 1549

Senate Conferees: Kolkhorst - Chair/Bettencourt/Perry/Schwertner/Uresti

HB 1553

Senate Conferees: Hinojosa - Chair/Campbell/Lucio/Nelson/Taylor, Larry

HB 1823

Senate Conferees: Zaffirini - Chair/Huffman/Hughes/Lucio/Schwertner

HB 1886

Senate Conferees: Huffman - Chair/Campbell/Rodríguez/Taylor, Larry/Zaffirini

HB 2101

Senate Conferees: Creighton - Chair/Estes/Miles/Taylor, Larry/Whitmire

HB 2304

Senate Conferees: Schwertner - Chair/Birdwell/Campbell/Huffman/Whitmire

HB 2445

Senate Conferees: Estes - Chair/Buckingham/Nelson/Taylor, Larry/Zaffirini

HB 2552

Senate Conferees: Huffman - Chair/Buckingham/Hughes/Nelson/Zaffirini

HB 2639

Senate Conferees: Buckingham - Chair/Burton/Creighton/Hughes/Uresti

HB 2950

Senate Conferees: Hinojosa - Chair/Nichols/Schwertner/Taylor, Van/Watson

HB 2994

Senate Conferees: Hinojosa - Chair/Kolkhorst/Seliger/Taylor, Larry/West

HB 3083

Senate Conferees: Hinojosa - Chair/Buckingham/Huffman/Nelson/Watson

HB 3292

Senate Conferees: Hinojosa - Chair/Buckingham/Campbell/Kolkhorst/Uresti

HB 3767

Senate Conferees: Uresti - Chair/Buckingham/Campbell/Taylor, Larry/West

HB 3879

Senate Conferees: Hancock - Chair/Creighton/Estes/Nichols/Whitmire

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Saturday, May 27, 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 CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 196 (19 Yeas, 12 Nays)

SB 1153 (31 Yeas, 0 Nays)

SB 1381 (30 Yeas, 1 Nay)

SB 1401 (31 Yeas, 0 Nays)

SB 1882 (31 Yeas, 0 Nays)

SB 2076 (27 Yeas, 4 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 1553

Senate Conferees: Menéndez - Chair/Hughes/Taylor, Larry/Uresti/West

SB 1784

Senate Conferees: Taylor, Larry - Chair/Bettencourt/Campbell/Taylor, Van/Uresti

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 22

Senate Conferees: Taylor, Larry - Chair/Bettencourt/Hancock/Hughes/West

HB 501

Senate Conferees: Taylor, Van - Chair/Bettencourt/Birdwell/Hughes/Lucio

HB 515

Senate Conferees: Taylor, Larry - Chair/Bettencourt/Nelson/Taylor, Van/Uresti

HB 1521

Senate Conferees: Whitmire - Chair/Birdwell/Burton/Garcia/Hughes

HB 1643

Senate Conferees: Seliger - Chair/Hancock/Hughes/Perry/Rodríguez

HB 2377

Senate Conferees: Perry - Chair/Estes/Hall/Hinojosa/Kolkhorst

HB 2442

Senate Conferees: Taylor, Larry - Chair/Bettencourt/Campbell/Huffines/West

HB 2691

Senate Conferees: Huffman - Chair/Hughes/Nelson/Schwertner/Zaffirini

HB 2937

Senate Conferees: Lucio - Chair/Hinojosa/Nichols/Rodríguez/Seliger

HB 3270

Senate Conferees: Taylor, Larry - Chair/Hall/Hughes/Taylor, Van/West

HB 3526

Senate Conferees: Taylor, Larry - Chair/Campbell/Hall/Lucio/Taylor, Van

HB 4345

Senate Conferees: Watson - Chair/Buckingham/Campbell/Menéndez/Seliger

THE SENATE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 1070

(31 Yeas, 0 Nays)

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 25

Judiciary and Civil Jurisprudence - **HCR 142**

State Affairs - **HR 1854**

ENROLLED

May 25 - HB 108, HB 136, HB 590, HB 658, HB 912, HB 928, HB 1170, HB 1207, HB 1284, HB 1296, HB 1486, HB 1542, HB 1545, HB 1608, HB 1631, HB 1661, HB 1814, HB 1884, HB 1934, HB 1948, HB 1978, HB 2004, HB 2010, HB 2121, HB 2533, HB 2537, HB 2774, HB 2825, HB 2848, HB 3016, HB 3021, HB 3198, HB 3521, HB 3647, HB 3976, HB 4042, HCR 59, HJR 21

SENT TO THE GOVERNOR

May 25 - HB 53, HB 62, HB 264, HB 268, HB 355, HB 448, HB 493, HB 804, HB 961, HB 1043, HB 1076, HB 1178, HB 1186, HB 1187, HB 1249, HB 1264, HB 1303, HB 1410, HB 1463, HB 1468, HB 1512, HB 1526, HB 1573, HB 1630, HB 1646, HB 1810, HB 1859, HB 1891, HB 1896, HB 1913, HB 1930, HB 1946, HB 2007, HB 2008, HB 2019, HB 2029, HB 2040, HB 2048, HB 2064, HB 2095, HB 2115, HB 2124, HB 2130, HB 2207, HB 2215, HB 2223, HB 2228, HB 2277, HB 2285, HB 2378, HB 2413, HB 2431, HB 2475, HB 2501, HB 2567, HB 2647, HB 2654, HB 2700, HB 2761, HB 2798, HB 2849, HB 2895, HB 2928, HB 2943, HB 2999, HB 3018, HB 3063, HB 3078, HB 3130, HB 3157, HB 3167, HB 3177, HB 3232, HB 3257, HB 3275, HB 3283, HB 3329, HB 3389, HB 3398, HB 3433, HB 3484, HB 3537, HB 3563, HB 3618, HB 3917, HB 4002, HB 4054, HB 4056, HB 4181, HB 4279, HB 4284, HCR 136, HCR 144

RECOMMENDATIONS FILED WITH THE SPEAKER

May 25 - HB 4322

