

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SEVENTH DAY — SUNDAY, MAY 21, 2017

The house met at 2:05 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1458).

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; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Dukes; 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; Raney; 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, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Davis, Y.; Dutton.

Absent — Stephenson.

(Stephenson now present)

The speaker recognized Representative Shine who offered the invocation.

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

LEAVES OF ABSENCE GRANTED

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

Y. Davis on motion of Reynolds.

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

K. King on motion of Frullo.

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

Kuempel on motion of Frullo.

(Roberts in the chair)

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. 28).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a death in the family:

J. Rodriguez on motion of Collier.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Frullo and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

(Landgraf in the chair)

HCR 146 - ADOPTED (by Smithee)

The following privileged resolution was laid before the house:

HCR 146

WHEREAS, **HB 1691** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 85th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections to the enrolled version of **HB 1691**:

(1) In the caption of the bill, strike "Nelda M. Laney" and substitute "Nelda Laney".

(2) In SECTION 1 of the bill, in the heading to added Section 201.2003, Transportation Code, strike "NELDA M. LANEY" and substitute "NELDA LANEY".

(3) In SECTION 1 of the bill, in added Section 201.2003(a), Transportation Code, strike "Nelda M. Laney" and substitute "Nelda Laney".

(4) In SECTION I of the bill, in added Section 201.2003(b), Transportation Code, strike "Nelda M. Laney" and substitute "Nelda Laney".

HCR 146 was adopted by (Record 1459): 140 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Davis, Y.; Dutton; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Ortega; Thompson, S.

STATEMENT OF VOTE

When Record No. 1459 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

(Speaker in the chair)

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 2076 ON THIRD READING (Pickett - House Sponsor)

SB 2076, A bill to be entitled An Act relating to the titling of motor vehicles; creating a criminal offense and authorizing fees.

SB 2076 was passed by (Record 1460): 130 Yeas, 12 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; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean;

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

Nays — Burrows; Cain; Holland; Krause; Lang; Murr; Phillips; Rinaldi; Schaefer; Springer; Stickland; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Tinderholt.

STATEMENTS OF VOTE

When Record No. 1460 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1460 was taken, I was shown voting yes. I intended to vote no.

Keough

When Record No. 1460 was taken, I was shown voting yes. I intended to vote no.

Swanson

When Record No. 1460 was taken, I was in the house but away from my desk. I would have voted no.

Tinderholt

SB 47 ON THIRD READING (Wu - House Sponsor)

SB 47, A bill to be entitled An Act relating to a study on the availability of information regarding convictions and deferred dispositions for certain misdemeanors punishable by fine only.

SB 47 was passed by (Record 1461): 91 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bonnen, D.; Canales; Clardy; Coleman; Collier; Cortez; Craddick; Darby; Davis, S.; Dean; Deshotel; Elkins; Farrar; Flynn; Frullo; Geren;

Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, T.; Koop; Lambert; Larson; Longoria; Lucio; Martinez; Metcalf; Meyer; Minjarez; Moody; Morrison; Muñoz; Neave; Nevárez; Oliveira; Ortega; Paddie; Parker; Perez; Phelan; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Schofield; Shaheen; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, S.; Turner; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Biedermann; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Cook; Cospers; Cyrier; Dale; Faircloth; Fallon; Frank; Goldman; Hefner; Holland; Isaac; Keough; King, P.; Klick; Krause; Landgraf; Lang; Laubenberg; Leach; Lozano; Miller; Murphy; Murr; Oliverson; Paul; Phillips; Raney; Rinaldi; Sanford; Schaefer; Schubert; Simmons; Springer; Stickland; Swanson; Thompson, E.; Tinderholt; VanDeaver; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Hinojosa; Uresti.

STATEMENTS OF VOTE

When Record No. 1461 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 1461 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1461 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 1461 was taken, I was shown voting yes. I intended to vote no.

Phelan

SB 497 ON THIRD READING (Wu - House Sponsor)

SB 497, A bill to be entitled An Act relating to the creation of an office of data analytics in the Department of Family and Protective Services.

SB 497 was passed by (Record 1462): 134 Yeas, 9 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; Canales; Capriglione; Clardy;

Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; 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 — Cain; Isaac; Krause; Lang; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 1462 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1462 was taken, I was shown voting yes. I intended to vote no.

Keough

SB 1430 ON THIRD READING (Lucio - House Sponsor)

SB 1430, A bill to be entitled An Act relating to a requirement that the Texas Commission on Environmental Quality provide an expedited procedure for acting on certain applications for an amendment to a water right by certain applicants that use desalinated seawater.

SB 1430 was passed by (Record 1463): 141 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.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson;

Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; 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 — Davis, Y.; Dutton; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Paddie; Rodriguez, E.

STATEMENT OF VOTE

When Record No. 1463 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 1538 ON THIRD READING (Phelan, et al. - House Sponsors)

SB 1538, A bill to be entitled An Act relating to the permissible uses of the floodplain management account.

SB 1538 was passed by (Record 1464): 140 Yeas, 3 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; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; Cospier; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 1464 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 1001 ON THIRD READING (Paul, et al. - House Sponsors)

SB 1001, A bill to be entitled An Act relating to vehicles exempt from vehicle safety inspections.

Amendment No. 1

Representative Workman offered the following amendment to **SB 1001**:

Amend **SB 1001** on third reading as follows:

(1) Strike the SECTION of the bill amending Section 548.101, Transportation Code.

(2) Strike the SECTION of the bill adding Section 548.1025, Transportation Code.

Amendment No. 1 was adopted.

SB 1001, as amended, was passed by (Record 1465): 140 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; Capriiglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Uresti.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Holland; Morrison.

STATEMENTS OF VOTE

When Record No. 1465 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1465 was taken, I was in the house but away from my desk. I would have voted yes.

Holland

When Record No. 1465 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

**SB 2205 ON THIRD READING
(Geren - House Sponsor)**

SB 2205, A bill to be entitled An Act relating to automated motor vehicles.

SB 2205 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PHILLIPS: Mr. Geren, we talked about this for legislative intent. In your bill, lines 16 through 18, page 3, Section (2), it deals with "equipped with recording device."

REPRESENTATIVE GEREN: Yes, sir.

PHILLIPS: It's clear that the legislative intent in the way this was drafted is that it needed to be equipped with a recording device that could be installed by the manufacturer or the manufacturer of the automotive vehicle automated driving—let me back up. It could be installed by the manufacturer of the automated motor vehicle or automated driving system. Is that correct?

GEREN: That's correct, Mr. Phillips.

REMARKS ORDERED PRINTED

Representative Phillips moved to print remarks between Representative Geren and Representative Phillips.

The motion prevailed.

SB 2205 was passed by (Record 1466): 137 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; Collier; Cook; Cortez; Coper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison;

Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Murr.

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

Absent, Excused — Davis, Y.; Dutton; King, K.; Kuempel; Rodriguez, J.

Absent — Coleman; Dukes; Herrero; Tinderholt; Walle.

STATEMENT OF VOTE

When Record No. 1466 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 634 ON THIRD READING (Button - House Sponsor)

SB 634, A bill to be entitled An Act relating to reporting requirements for certain skills development fund workforce training program providers.

LEAVE OF ABSENCE GRANTED

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

Hernandez on motion of Walle.

SB 634 - (consideration continued)

Amendment No. 1

Representative Raney offered the following amendment to **SB 634**:

Amend **SB 634** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 303, Labor Code, is amended by adding Section 303.007 to read as follows:

Sec. 303.007. PILOT PROGRAM: PUBLIC JUNIOR COLLEGE DISTRICT REPORTING. (a) The commission, in consultation with public junior colleges, and the Legislative Budget Board, shall study best practices for the reporting of revenue and costs allocated across the districts and the practicability of disaggregating financial and instructional cost information by instructional site within a junior college district. The program shall consider the following data:

(1) expenses and student outcomes of public junior colleges participating in skills development fund programs under this chapter;

(2) the total amount of state appropriations, tax revenue, in-district and out-of-district tuition and fee revenue, and any other revenue received by the junior college district and the rates or methods by which those revenues are collected and allocated; and

(3) any other relevant data or reporting methodologies.

(b) Not later than June 1, 2018, the commission and the participating junior college districts shall report to the Legislative Budget Board the findings from the program, including best practices in reporting, methodologies in reporting, and a template for reporting.

(c) In the required report, the commission shall identify five junior college districts to report to the commission the district's financial and instructional costs using the reporting template developed under Subsection (b). The commission shall select participating junior college districts representative of:

(1) each of the public junior college district peer groups as identified by the Texas Higher Education Coordinating Board, with two selected from the peer groups of the largest junior college district; and

(2) the geographic diversity of this state

(d) Each participating junior college district shall report not later than:

(1) September 1, 2019, for the state fiscal year ending August 31, 2019;

and

(2) September 1, 2020, for the state fiscal year ending August 31, 2020.

(e) To the extent of any conflict, this section prevails over any rider regarding a reporting requirement following the appropriations to Public Community/Junior Colleges in **SB 1**, Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

(f) This section expires December 31, 2020.

Amendment No. 1 was adopted.

SB 634, as amended, was passed by (Record 1467): 140 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.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Rose; Sanford; 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 — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Laubenberg; Schaefer.

STATEMENT OF VOTE

When Record No. 1467 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 964 ON THIRD READING (Nevárez - House Sponsor)

SB 964, A bill to be entitled An Act relating to the Jeff Davis County Underground Water Conservation District; authorizing a fee.

SB 964 was passed by (Record 1468): 135 Yeas, 6 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; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddock; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Rinaldi; Schaefer; Shaheen; Stickland; Swanson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Raney.

STATEMENT OF VOTE

When Record No. 1468 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 613 ON THIRD READING (S. Davis - House Sponsor)

SB 613, A bill to be entitled An Act relating to services provided by the Health and Human Services Commission to sexually violent offenders who are incompetent to attend sex offender treatment.

SB 613 was passed by (Record 1469): 138 Yeas, 3 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; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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 — Biedermann; Cain; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Keough.

STATEMENTS OF VOTE

When Record No. 1469 was taken, I was shown voting no. I intended to vote yes.

Biedermann

When Record No. 1469 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 1469 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1469 was taken, I was in the house but away from my desk. I would have voted no.

Keough

When Record No. 1469 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

SB 1248 ON THIRD READING
(Lucio - House Sponsor)

SB 1248, A bill to be entitled An Act relating to municipal regulation of manufactured home communities.

SB 1248 was passed by (Record 1470): 138 Yeas, 2 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; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; Cosper.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Giddings; Hinojosa.

STATEMENT OF VOTE

When Record No. 1470 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

**SB 1021 ON THIRD READING
(Price - House Sponsor)**

SB 1021, A bill to be entitled An Act relating to reports on the consolidation and certain functions of the health and human services system, including advisory committees within the system, and the re-creation of the Texas system of care framework.

SB 1021 was passed by (Record 1471): 141 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.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; 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 — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Roberts.

STATEMENT OF VOTE

When Record No. 1471 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 1085 ON THIRD READING
(Roberts - House Sponsor)

SB 1085, A bill to be entitled An Act relating to the certification of unopposed candidates for the board of directors of the North Harris County Regional Water Authority.

SB 1085 was passed by (Record 1472): 140 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.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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 — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Gervin-Hawkins; Lambert.

STATEMENT OF VOTE

When Record No. 1472 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 1264 ON THIRD READING
(Alvarado - House Sponsor)

SB 1264, A bill to be entitled An Act relating to psychological counseling for certain grand jurors.

SB 1264 was passed by (Record 1473): 129 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Bell; Cain; Krause; Lang; Phillips; Rinaldi; Schaefer; Shaheen; Simmons; Stickland; Swanson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Romero.

STATEMENT OF VOTE

When Record No. 1473 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 1743 ON THIRD READING

(Hinojosa, Minjarez, White, and Howard - House Sponsors)

SB 1743, A bill to be entitled An Act relating to transferring the Office for the Prevention of Developmental Disabilities to The University of Texas at Austin and renaming the office the Office for Healthy Children.

SB 1743 was passed by (Record 1474): 85 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Ashby; Bailes; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Darby; Davis, S.; Deshotel; Farrar; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Herrero; Hinojosa; Howard; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, P.; King, T.; Klick; Lambert; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Minjarez; Moody; Morrison; Muñoz; Neave; Nevárez; Oliveira; Ortega; Paddie; Perez; Phelan; Pickett; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sheffield; Smithee; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bell; Biedermann; Bohac; Burns; Cain; Cook; Cospers; Craddick; Cyrier; Dale; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Goldman; Hefner; Holland; Isaac; Keough; Koop; Krause; Landgraf; Lang; Larson; Leach; Metcalf; Miller; Murr; Oliverson; Parker; Paul; Phillips; Price; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Springer; Stephenson; Stickland; Swanson; Thompson, E.; Tinderholt; Villalba; Workman; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Huberty; Murphy.

STATEMENTS OF VOTE

When Record No. 1474 was taken, I was shown voting yes. I intended to vote no.

Burrows

When Record No. 1474 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1474 was taken, I was shown voting yes. I intended to vote no.

Kacal

When Record No. 1474 was taken, I was shown voting yes. I intended to vote no.

Paddie

SB 2117 ON THIRD READING (Price - House Sponsor)

SB 2117, A bill to be entitled An Act relating to the creation and operations of a health care provider participation program by the City of Amarillo Hospital District.

SB 2117 was passed by (Record 1475): 137 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; Button; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez;

Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Rose; Sanford; 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; Schaefer.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Burrows; Dukes; Faircloth.

STATEMENT OF VOTE

When Record No. 1475 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 1291 ON THIRD READING (Faircloth - House Sponsor)

SB 1291, A bill to be entitled An Act relating to permits for oversize and overweight vehicles in a certain county.

SB 1291 was passed by (Record 1476): 140 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; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; White.

STATEMENT OF VOTE

When Record No. 1476 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 440 ON THIRD READING (Nevárez - House Sponsor)

SB 440, A bill to be entitled An Act relating to the use by certain municipalities of hotel occupancy tax revenue to improve or expand certain airports.

SB 440 was passed by (Record 1477): 107 Yeas, 32 Nays, 1 Present, not voting.

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

Nays — Anderson, R.; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Cain; Capriglione; Fallon; Geren; Goldman; Hefner; Holland; Keough; Klick; Krause; Landgraf; Lang; Leach; Miller; Oliverson; Rinaldi; Roberts; Sanford; Schaefer; Shaheen; Simmons; Stickland; Swanson; Tinderholt; White; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Cook; Dukes; Koop; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1477 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 1477 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1477 was taken, I was shown voting yes. I intended to vote no.

Springer

SB 920 ON THIRD READING
(Lucio - House Sponsor)

SB 920, A bill to be entitled An Act relating to access to a residence or former residence to retrieve personal property, including access based on danger of family violence.

SB 920 was passed by (Record 1478): 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; Capriiglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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 — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 1478 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 813 ON THIRD READING
(Meyer - House Sponsor)

SB 813, A bill to be entitled An Act relating to recovery of damages, attorney's fees, and costs related to frivolous regulatory actions by state agencies.

SB 813 was passed by (Record 1479): 131 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; Cain; Capriglione; Clardy; Coleman; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Holland; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Oliveira; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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 — Collier; González; Hinojosa; Howard; Nevárez; Ortega; Stickland.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Button; Dukes; King, T.; Klick.

STATEMENT OF VOTE

When Record No. 1479 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 1232 ON THIRD READING
(Alvarado - House Sponsor)

SB 1232, A bill to be entitled An Act relating to inappropriate conduct between a person and an animal; creating a criminal offense.

SB 1232 was passed by (Record 1480): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby;

Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddle; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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 — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; King, P.

STATEMENT OF VOTE

When Record No. 1480 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

REASON FOR VOTE

When **SB 1232** was considered on second reading, I misinterpreted an amendment by Representative Moody, which passed without objection. This caused me to vote nay. Had I understood the amendment, I would have voted aye. For these reasons, I decided to vote aye on third reading.

Ashby

SB 977 ON THIRD READING **(Ashby and Kacal - House Sponsors)**

SB 977, A bill to be entitled An Act relating to the use of state money for high-speed rail operated by a private entity.

SB 977 was passed by (Record 1481): 130 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Metcalf;

Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Alonzo; Anchia; Blanco; Geren; Howard; Israel; Martinez; Neave; Ortega; Turner; Uresti.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Rose.

STATEMENTS OF VOTE

When Record No. 1481 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1481 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1481 was taken, I was shown voting yes. I intended to vote no.

Giddings

When Record No. 1481 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

When Record No. 1481 was taken, I was shown voting yes. I intended to vote no.

Romero

SB 873 ON THIRD READING (Murphy - House Sponsor)

SB 873, A bill to be entitled An Act relating to the authority and liability of owners and managers of apartment houses, manufactured home rental communities, condominiums, and multiple use facilities in charging tenants for submetered and nonsubmetered master metered water and wastewater services.

Amendment No. 1

Representative Murphy offered the following amendment to **SB 873**:

Amend **SB 873** on third reading, in SECTION 4 of the bill, by striking added Section 13.505(c), Water Code, as amended by the Rodriguez amendment as amended, on second reading, and substituting the following:

(c) If ~~[In addition to the enforcement provisions contained in Subchapter K,~~ ~~if~~ an apartment house owner, condominium manager, manufactured home rental community owner, or other multiple use facility owner violates a rule of the utility commission regarding utility costs, the person claiming the violation may file a complaint with the utility commission. The utility commission and State Office of Administrative Hearings shall establish an online and telephone formal complaint and hearing system through which a person may file a complaint under this subchapter and may appear remotely for a hearing before the utility commission or the State Office of Administrative Hearings. If the utility commission determines that the owner or condominium manager overcharged a complaining tenant for water or wastewater service from the retail public utility, the utility commission shall require the owner or condominium manager, as applicable, to repay the complaining tenant the amount overcharged.

Amendment No. 1 was adopted.

SB 873, as amended, was passed by (Record 1482): 107 Yeas, 30 Nays, 3 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Fairecloth; Fallon; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; Holland; Huberty; Hunter; Isaac; Johnson, J.; Kacal; Keough; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Minjarez; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; Uresti; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Bernal; Blanco; Coleman; Collier; Farrar; González; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Longoria; Lucio; Martinez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Rose; Thierry; Turner; Vo; Walle; Wu.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Gervin-Hawkins; King, T.; Rodriguez, E.

STATEMENTS OF VOTE

When Record No. 1482 was taken, I was shown voting yes. I intended to vote no.

Arévalo

When Record No. 1482 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1482 was taken, I was in the house but away from my desk. I would have voted no.

E. Rodriguez

SB 547 ON THIRD READING**(Lambert, Raymond, Stephenson, Stucky, and Minjarez - House Sponsors)**

SB 547, A bill to be entitled An Act relating to the provision of services and resources to certain individuals by a state supported living center and to the creation of a schedule of support services a state supported living center may provide and procedures for establishing applicable fees for those services.

SB 547 was passed by (Record 1483): 128 Yeas, 14 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; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Koop; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Capriglione; Frank; Isaac; Klick; Krause; Rinaldi; Schaefer; Simmons; Springer; Stickland; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 1483 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1483 was taken, I was shown voting yes. I intended to vote no.

Keough

**SB 1076 ON THIRD READING
(G. Bonnen, et al. - House Sponsors)**

SB 1076, A bill to be entitled An Act relating to amounts charged to an enrollee in a health benefit plan for prescription drugs covered by the plan.

Amendment No. 1

Representative Gooden offered the following amendment to **SB 1076**:

Amend **SB 1076** on third reading as follows:

(1) In SECTION 2 of the bill, in added Section 1369.0041, Insurance Code, strike "LIMIT ON PAYMENT REQUIRED UNDER PLAN." and substitute "CERTAIN PAYMENTS AND REFILLS. (a)".

(2) In SECTION 2 of the bill, following added Section 1369.0041(a), Insurance Code, insert the following:

(b) A health benefit plan that covers prescription eye drops to treat a chronic eye disease or condition must allow the refill of prescription eye drops if the enrollee timely pays at the point of sale the maximum amount allowed by Subsection (a) and:

(1) the original prescription states that additional quantities of the eye drops are needed;

(2) the refill does not exceed the total quantity of dosage units authorized by the prescribing provider on the original prescription, including refills; and

(3) the refill is dispensed on or before the last day of the prescribed dosage period and:

(A) not earlier than the 21st day after the date a prescription for a 30-day supply of eye drops is dispensed;

(B) not earlier than the 42nd day after the date a prescription for a 60-day supply of eye drops is dispensed; or

(C) not earlier than the 63rd day after the date a prescription for a 90-day supply of eye drops is dispensed.

Amendment No. 1 was adopted by (Record 1484): 123 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Faircloth;

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

Nays — Bell; Biedermann; Cain; Fallon; Keough; Krause; Lang; Leach; Rinaldi; Schaefer; Schofield; Shaheen; Springer; Stickland; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Burkett; Dukes; Elkins.

STATEMENT OF VOTE

When Record No. 1484 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 1076, as amended, was passed by (Record 1485): 131 Yeas, 10 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.; Dean; Deshotel; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Reynolds; Roberts; Rodriguez, E.; 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 — Biedermann; Cain; Fallon; Keough; Lang; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Raymond.

STATEMENT OF VOTE

When Record No. 1485 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 669 ON THIRD READING (Zerwas, Wray, et al. - House Sponsors)

SB 669, A bill to be entitled An Act relating to the system for protesting or appealing certain ad valorem tax determinations; authorizing a fee.

SB 669 was passed by (Record 1486): 137 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; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Laubenberg; Leach; Longoria; Lozano; Lucio; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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 — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Darby; Dukes; Geren; Holland; Larson; Martinez.

STATEMENTS OF VOTE

When Record No. 1486 was taken, I was in the house but away from my desk. I would have voted yes.

Darby

When Record No. 1486 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1486 was taken, I was in the house but away from my desk. I would have voted yes.

Holland

SB 80 ON THIRD READING
(Price - House Sponsor)

SB 80, A bill to be entitled An Act relating to certain required reports prepared by state agencies and other governmental entities.

SB 80 was passed by (Record 1487): 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.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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 — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 1487 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 1831 ON THIRD READING
(Capriglione - House Sponsor)

SB 1831, A bill to be entitled An Act relating to an annual report on state programs not funded by appropriations.

Representative Capriglione moved to postpone consideration of **SB 1831** until 3:22 p.m. today.

The motion prevailed.

SB 894 ON THIRD READING

(Muñoz, Raymond, Guerra, and Guillen - House Sponsors)

SB 894, A bill to be entitled An Act relating to the Health and Human Services Commission's auditing of Medicaid managed care organizations and auditing and collection of Medicaid payments, including the commission's management of audit resources.

Amendment No. 1

Representative S. Thompson offered the following amendment to **SB 894**:

Amend **SB 894** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 531.02414(c), Government Code, is amended to read as follows:

(c) Except as provided by Section 531.024142 and notwithstanding ~~[Notwithstanding]~~ any other law, the commission may not delegate the commission's duty to supervise the medical transportation program to any other person, including through a contract with the Texas Department of Transportation for the department to assume any of the commission's responsibilities relating to the provision of services through that program.

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.024142 to read as follows:

Sec. 531.024142. OVERSIGHT OF MEDICAID MEDICAL TRANSPORTATION PROGRAM SERVICES. (a) In this section, "medical transportation program" has the meaning assigned by Section 531.02414.

(b) Regardless of the delivery model selected by the commission for the delivery of medical transportation program services, the commission shall:

(1) contract with a person to oversee the delivery of those services through the selected delivery model; and

(2) pay for the contract from the anticipated cost savings realized under the contract.

(c) In contracting for the oversight of medical transportation program services, the commission shall provide contracting opportunities to persons who employ veterans or other persons with disabilities whose services are available under Chapter 122, Human Resources Code.

(d) The person contracted under Subsection (b) shall maintain a record of each service provided under the medical transportation program, including the cost of mileage for the service, the cost of the service, and the cost of any software licensing support used to meet the requirements of this section. A managed transportation organization or vendor through which medical

transportation program services are provided shall provide to the person contracted under Subsection (b) the information necessary for that person to comply with this subsection.

(e) Not later than December 1, 2018, the commission shall evaluate the oversight of medical transportation program services under this section for not more than a 90-day period to determine:

(1) the viability of continuing to contract with a person to oversee the services;

(2) the economic return on investment from contracting with a person to oversee the services; and

(3) route efficiency and reasonableness in the provision of the services.

(f) Subsection (e) and this subsection expire September 1, 2019.

Amendment No. 1 was adopted by (Record 1488): 126 Yeas, 13 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; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Cain; Fallon; Krause; Lang; Rinaldi; Sanford; Schaefer; Shaheen; Stephenson; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Canales; Dukes; Johnson, E.; Phillips.

STATEMENTS OF VOTE

When Record No. 1488 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 1488 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

Amendment No. 2

Representative Capriglione offered the following amendment to **SB 894**:

Amend **SB 894** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 321.013, Government Code, is amended by adding Subsection (m) to read as follows:

(m) In devising the audit plan under Subsection (c), the State Auditor shall consider the performance of audits of programs operated by health and human services agencies that:

(1) have not recently received audit coverage; and

(2) have expenditures of less than \$100 million per year.

Amendment No. 2 was adopted.

SB 894, as amended, was passed by (Record 1489): 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; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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 — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 1489 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 1124 ON THIRD READING
(Geren - House Sponsor)

SB 1124, A bill to be entitled An Act relating to the administrative attachment of the Texas Forensic Science Commission to the Office of Court Administration of the Texas Judicial System.

SB 1124 was passed by (Record 1490): 141 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; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Schofield.

STATEMENT OF VOTE

When Record No. 1490 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 1330 ON THIRD READING
(Landgraf - House Sponsor)

SB 1330, A bill to be entitled An Act relating to funding for the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

SB 1330 was passed by (Record 1491): 139 Yeas, 2 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; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis,

S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Flynn.

STATEMENTS OF VOTE

When Record No. 1491 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1491 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

SB 879 ON THIRD READING (Rose - House Sponsor)

SB 879, A bill to be entitled An Act relating to a review of a person's disqualification to serve as a relative or other designated caregiver for a child.

SB 879 was passed by (Record 1492): 75 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Ashby; Bernal; Blanco; Bonnen, D.; Burkett; Burns; Canales; Clardy; Coleman; Collier; Cortez; Cospere; Davis, S.; Deshotel; Farrar; Flynn; Frank; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Herrero; Hinojosa; Howard; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, T.; Lambert; Larson; Laubenberg; Longoria; Lucio; Martinez; Meyer; Minjarez; Moody; Muñoz; Murr; Neave; Oliveira; Oliverson; Ortega; Paddie; Perez; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Sheffield; Thierry; Thompson, S.; Turner; Uresti; Villalba; Vo; Walle; White; Wilson; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bailes; Bell; Biedermann; Bohac; Bonnen, G.; Burrows; Button; Cain; Capriglione; Cook; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Frullo; Goldman; Gooden; Hefner; Holland; Huberty; Isaac; Keough; King, P.; Klick; Koop; Krause; Landgraf; Lang; Leach; Lozano; Metcalf; Miller; Morrison; Murphy; Parker; Paul; Phelan; Phillips; Price; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Nevárez.

STATEMENTS OF VOTE

When Record No. 1492 was taken, I was shown voting no. I intended to vote yes.

Bailes

When Record No. 1492 was taken, I was shown voting yes. I intended to vote no.

D. Bonnen

When Record No. 1492 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1492 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 1492 was taken, I was shown voting yes. I intended to vote no.

Laubenberg

When Record No. 1492 was taken, I was shown voting yes. I intended to vote no.

Meyer

When Record No. 1492 was taken, I was shown voting yes. I intended to vote no.

Murr

When Record No. 1492 was taken, I was in the house but away from my desk. I would have voted yes.

Nevárez

When Record No. 1492 was taken, I was shown voting no. I intended to vote yes.

Phelan

When Record No. 1492 was taken, I was shown voting yes. I intended to vote no.

Zerwas

SB 2150 ON THIRD READING
(Farrar - House Sponsor)

SB 2150, A bill to be entitled An Act relating to a revocable deed that transfers real property at the transferor's death.

SB 2150 was passed by (Record 1493): 141 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.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Zerwas.

STATEMENT OF VOTE

When Record No. 1493 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 528 ON THIRD READING
(Meyer - House Sponsor)

SB 528, A bill to be entitled An Act relating to the term of a chief administrative law judge.

SB 528 was passed by (Record 1494): 140 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.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Dukes; Stucky; Zerwas.

STATEMENT OF VOTE

When Record No. 1494 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

SB 975 ON THIRD READING

(Schubert, Workman, Ashby, Cook, et al. - House Sponsors)

SB 975, A bill to be entitled An Act relating to the security of high-speed rail operated by a private entity.

(Goldman in the chair)

SB 975 was passed by (Record 1495): 98 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Bohac; Bonnen, G.; Burkett; Burrows; Capriglione; Clardy; Coleman; Collier; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Deshotel; Elkins; Farrar; Flynn; Frank; Frullo; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guillen; Gutierrez; Hefner; Herrero; Huberty; Hunter; Johnson, E.; Johnson, J.; Kacal; King, P.; King, T.; Klick; Lambert; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson;

Ortega; Paddie; Parker; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Roberts; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Simmons; Stephenson; Stucky; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anchia; Biedermann; Blanco; Button; Cain; Canales; Faircloth; Fallon; Geren; Holland; Howard; Isaac; Israel; Keough; Krause; Lang; Leach; Minjarez; Phillips; Rinaldi; Rodriguez, E.; Sanford; Schaefer; Shaheen; Springer; Stickland; Tinderholt; Wilson; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.

Absent — Anderson, C.; Bonnen, D.; Burns; Cook; Dean; Dukes; Guerra; Hinojosa; Koop; Laubenberg; Pickett; Smithee; Swanson; Thompson, S.; White.

STATEMENTS OF VOTE

When Record No. 1495 was taken, I was shown voting yes. I intended to vote no.

R. Anderson

When Record No. 1495 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1495 was taken, I was shown voting no. I intended to vote yes.

Biedermann

When Record No. 1495 was taken, I was in the house but away from my desk. I would have voted no.

D. Bonnen

When Record No. 1495 was taken, I was in the house but away from my desk. I would have voted no.

Burns

When Record No. 1495 was taken, I was in the house but away from my desk. I would have voted yes.

Cook

When Record No. 1495 was taken, I was temporarily out of the house chamber. I would have voted yes.

Dean

When Record No. 1495 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1495 was taken, I was shown voting yes. I intended to vote no.

Giddings

When Record No. 1495 was taken, I was in the house but away from my desk. I would have voted no.

Koop

When Record No. 1495 was taken, I was shown voting yes. I intended to vote no.

Neave

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

SB 1893 ON SECOND READING (Smithee - House Sponsor)

SB 1893, A bill to be entitled An Act relating to the administrative judicial regions in this state.

SB 1893 was read second time on May 20 and was postponed until 12:15 p.m. today.

SB 1893 was passed to third reading.

MAJOR STATE CALENDAR SENATE BILLS SECOND READING

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

SB 317 ON SECOND READING (Burrkett, Flynn, and S. Thompson - House Sponsors)

SB 317, A bill to be entitled An Act relating to the continuation and functions of the Executive Council of Physical Therapy and Occupational Therapy Examiners, the Texas Board of Physical Therapy Examiners, and the Texas Board of Occupational Therapy Examiners; authorizing a fee.

Amendment No. 1

Representative Cain offered the following amendment to **SB 317**:

Amend **SB 317** (house committee report) by inserting the following appropriately numbered SECTION and renumbering the subsequent sections and cross-references to those sections appropriately:

SECTION _____. Section 453.251(a), Occupations Code, is amended to read as follows:

(a) A physical therapist or physical therapist assistant license expires on the third [~~second~~] anniversary of the date the license is issued.

LEAVE OF ABSENCE GRANTED

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

Vo on motion of Bernal.

SB 317 - (consideration continued)**Amendment No. 2**

Representative Cain offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Cain to **SB 317** by striking lines 8-9 of the amendment and substituting the following:

license expires on the later of:

- (1) the second anniversary of the date the license is issued; or
- (2) another date determined by the board.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

SB 317, as amended, was passed to third reading.

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 1196 ON SECOND READING
(Smithee - House Sponsor)**

SB 1196, A bill to be entitled An Act relating to the declaration of a common nuisance involving a computer network or web address.

SB 1196 was passed to third reading.

**SB 654 ON SECOND READING
(Smithee and Howard - House Sponsors)**

SB 654, A bill to be entitled An Act relating to the participation of an advanced practice registered nurse as a primary care or network provider for certain governmental and other health benefit plans.

SB 654 was passed to third reading by (Record 1496): 132 Yeas, 0 Nays, 4 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; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; 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.; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.; Vo.

Absent — Dukes; Fallon; Gervin-Hawkins; Giddings; Herrero; Minjarez; Schofield.

STATEMENTS OF VOTE

When Record No. 1496 was taken, I was shown voting present, not voting. I intended to vote yes.

Collier

When Record No. 1496 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1496 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

SB 654 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Price, Representatives Howard, Darby, and Price were authorized as house sponsors to **SB 654**.

CSSB 715 ON SECOND READING (Huberty - House Sponsor)

CSSB 715, A bill to be entitled An Act relating to municipal annexation.

Amendment No. 1

Representative E. Thompson offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) as follows:

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

SECTION _____. Subchapter A, Chapter 43, Local Government Code, is amended by adding Section 43.004 to read as follows:

Sec. 43.004. EXEMPTIONS TO GENERAL APPLICABILITY OF CHAPTER. Notwithstanding any other law, the annexation provisions of this chapter applicable to a municipality wholly located in a county with a population

of less than 500,000 annexing an area wholly located in that county apply to a municipality wholly or partly located in a county with a population of less than four million.

(2) Renumber sections added to Subchapter A, Chapter 43, Local Government Code, by amendment to this bill as appropriate.

Representative Huberty moved to table Amendment No. 1.

The motion to table prevailed by (Record 1497): 87 Yeas, 46 Nays, 3 Present, not voting.

Yeas — Anderson, C.; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Cook; Cortez; Cyrier; Dale; Darby; Deshotel; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gonzales; Gooden; Guillen; Hefner; Howard; Huberty; Hunter; Isaac; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Lang; Larson; Laubenberg; Leach; Metcalf; Meyer; Muñoz; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Smithee; Springer; Stickland; Swanson; Thompson, S.; Tinderholt; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bernal; Blanco; Canales; Collier; Cosper; Craddick; Davis, S.; Dean; Farrar; González; Guerra; Gutierrez; Herrero; Hinojosa; Holland; Johnson, E.; Lambert; Landgraf; Longoria; Lozano; Lucio; Martinez; Miller; Minjarez; Moody; Morrison; Neave; Nevárez; Ortega; Romero; Sheffield; Shine; Simmons; Stephenson; Stucky; Thierry; Thompson, E.; Turner; Uresti; Wu.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; King, K.; Kuempel; Rodriguez, J.; Vo.

Absent — Alonzo; Dukes; Giddings; Israel; Oliveira; Reynolds; Rodriguez, E.

STATEMENTS OF VOTE

When Record No. 1497 was taken, I was shown voting yes. I intended to vote no.

Clardy

When Record No. 1497 was taken, I was shown voting yes. I intended to vote no.

Howard

When Record No. 1497 was taken, I was shown voting no. I intended to vote yes.

Lambert

When Record No. 1497 was taken, I was shown voting no. I intended to vote yes.

Stucky

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

Representative S. Thompson moved to set a local, consent, and resolutions calendar for 9 a.m. Wednesday, May 24.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 4:35 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 4:35 p.m. today, 3W.9, for a formal meeting, to set a calendar.

CSSB 715 - (consideration continued)

CSSB 715 - POINT OF ORDER

Representative Martinez raised a point of order against further consideration of **CSSB 715** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

(K. King now present)

The chair overruled the point of order and submitted the following statement:

Representative Martinez raises a point of order against further consideration of **CSSB 715** under Rule 4, Section 32(c) of the House Rules asserting that the bill analysis omits a section of the bill. The point of order is respectfully overruled.

The bill analysis omits two provisions of the bill, according to Representative Martinez. First, Representative Martinez claims that the bill analysis omits § 43.014, which limits a municipality's authority to annex to extraterritorial jurisdiction. The bill analysis does not expressly discuss § 43.014 because the only change to § 43.014 was a nonsubstantive renumbering change. Therefore, the omission is not materially misleading.

Second, Representative Martinez argues that the bill analysis omits the notice provisions found in § 43.0673 of the bill. The bill analysis discusses the relevant section. Page 3 of the bill analysis states that the "bill establishes procedures for such an annexation and provides for the adoption of a resolution by the municipality's governing body, notice of a proposed annexation, a public

hear, petition requirements and results, and voter approval by municipal residents on petition." Additionally, the § 43.0673 is covered in the side-by-side section. Between the bill analysis and the side-by-side, **CSSB 715** complies with Rule 4, Section 32(c). The point of order is respectfully overruled.

Amendment No. 2

Representatives Krause and Geren offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) on page 2, between lines 5 and 6, by inserting the following:

Sec. 43.0115. AUTHORITY OF MUNICIPALITY TO ANNEX ENCLAVES. (a) This section applies only to an area that:

(1) is wholly surrounded by a municipality and within the municipality's extraterritorial jurisdiction; and

(2) has fewer than 100 dwelling units.

(b) Notwithstanding any other law, the governing body of a municipality by ordinance may annex an area without the consent of any of the residents of, voters of, or owners of land in the area under the procedures prescribed by Subchapter C-1.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Workman offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) as follows:

(1) On page 21, between lines 15 and 16, insert the following appropriately numbered section:

Sec. 43. . RETALIATION FOR ANNEXATION DISAPPROVAL PROHIBITED. (a) The disapproval of the proposed annexation of an area under this subchapter does not affect any existing legal obligation of the municipality proposing the annexation to continue to provide governmental services in the area, including water or wastewater services.

(b) The municipality may not initiate a rate proceeding solely because of the disapproval of a proposed annexation of an area under this subchapter.

(2) On page 26, between lines 4 and 5, insert the following appropriately numbered section:

Sec. 43. . RETALIATION FOR ANNEXATION DISAPPROVAL PROHIBITED. (a) The disapproval of the proposed annexation of an area under this subchapter does not affect any existing legal obligation of the municipality proposing the annexation to continue to provide governmental services in the area, including water or wastewater services.

(b) The municipality may not initiate a rate proceeding solely because of the disapproval of a proposed annexation of an area under this subchapter.

(3) On page 28, line 20, strike "Subsection (s)" and substitute "Subsections (s) and (t)".

(4) On page 29, line 12, between "other law" and the underlined comma, insert "and except as provided by Subsection (t)".

(5) On page 29, between lines 14 and 15, insert the following:

(t) This subsection applies only to a municipality with a population of less than 850,000 that is served by a municipally owned electric utility with 400,000 or more customers and that is wholly or partly located in a county with a population of 500,000 or more. Notwithstanding the provisions of this section, a municipality that annexes an area under a strategic partnership agreement executed on or after September 1, 2017, must annex the area in compliance with Subchapter C-3, C-4, or C-5.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Springer offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) as follows:

(1) On page 7, lines 19-20, strike "Section 43.054(a), Local Government Code, is amended" and substitute the following:

Section 43.054, Local Government Code, is amended by amending Subsection (a) and adding Subsections (d) and (e)

(2) On page 7, between lines 25 and 26, insert the following:

(d) A municipality may not annex an area if the width of the area at the widest point exceeds the length of the area at the longest point.

(e) The prohibition established by Subsection (d) does not apply if:

(1) the boundaries of the municipality are contiguous to the area on at least two sides; or

(2) the area abuts or is contiguous to another jurisdictional boundary.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Martinez offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) as follows:

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

SECTION _____. Subchapter A, Chapter 43, Local Government Code, is amended by adding Section 43.004 to read as follows:

Sec. 43.004. EXEMPTIONS TO GENERAL APPLICABILITY OF CHAPTER. Notwithstanding any other law, the annexation provisions of this chapter applicable to a municipality wholly located in a county with a population of less than 500,000 apply to a municipality wholly or partly located in a county with a population of more than 665,000 and less than 780,000.

(2) Renumber sections added to Subchapter A, Chapter 43, Local Government Code, by amendment to this bill as appropriate.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Schofield offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (engrossed printing) as follows:

(1) On page 22, between lines 4 and 5, insert the following:

(b) Notwithstanding any other provision of this section, for an area within the extraterritorial jurisdiction of a municipality with a population of 1.8 million or more to be eligible for annexation, in addition to the requirements in Subsection (a), the area to be annexed must receive full municipal police and fire services at the time of proposed annexation.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Isaac offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 43.002, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding Subsection (c) and until the 20th anniversary of the date of the annexation of an area that includes a permanent retail structure, a municipality may not prohibit a person from continuing to use the structure for the indoor seasonal sale of retail goods if the structure:

(1) is more than 5,000 square feet; and

(2) was authorized under the laws of this state to be used for the indoor seasonal sale of retail goods on the effective date of the annexation.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Workman offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 8395.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8395.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

(1) Travis County Municipal Utility District No. 4;

(2) Travis County Municipal Utility District No. 5;

(3) Travis County Municipal Utility District No. 6;

(4) Travis County Municipal Utility District No. 7;

(5) Travis County Municipal Utility District No. 8;

(6) Travis County Municipal Utility District No. 9; and

(7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described by the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section ~~on the earlier of:~~

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created;~~
and

~~[(C) exercise the powers provided by general law and this chapter;~~
or

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8396.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8396.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

(1) Travis County Municipal Utility District No. 3;

(2) Travis County Municipal Utility District No. 5;

(3) Travis County Municipal Utility District No. 6;

(4) Travis County Municipal Utility District No. 7;

(5) Travis County Municipal Utility District No. 8;

(6) Travis County Municipal Utility District No. 9; and

(7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section ~~on the earlier of:~~

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created;~~
and

~~[(C) exercise the powers provided by general law and this chapter;~~

~~or~~

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8397.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8397.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 6;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8;
- (6) Travis County Municipal Utility District No. 9; and
- (7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

~~(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created; and~~

~~[(C) exercise the powers provided by general law and this chapter; or~~

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8398.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8398.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 5;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8;
- (6) Travis County Municipal Utility District No. 9; and

(7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section ~~[on the earlier of:~~

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created;~~
and

~~[(C) exercise the powers provided by general law and this chapter;~~
or

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8399.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8399.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a ~~[A]~~ municipality that plans to ~~[may]~~ annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

(1) Travis County Municipal Utility District No. 3;

(2) Travis County Municipal Utility District No. 4;

(3) Travis County Municipal Utility District No. 5;

(4) Travis County Municipal Utility District No. 6;

(5) Travis County Municipal Utility District No. 8;

(6) Travis County Municipal Utility District No. 9; and

(7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section ~~[on the earlier of:~~

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~and~~ ~~[(B) accomplish the purposes for which the district was created;~~
~~or~~ ~~[(C) exercise the powers provided by general law and this chapter;~~
~~or~~ ~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8400.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8400.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 5;
- (4) Travis County Municipal Utility District No. 6;
- (5) Travis County Municipal Utility District No. 7;
- (6) Travis County Municipal Utility District No. 9; and
- (7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

~~(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~
~~and~~ ~~[(B) accomplish the purposes for which the district was created;~~
~~or~~ ~~[(C) exercise the powers provided by general law and this chapter;~~
~~or~~ ~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Section 8401.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8401.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 5;
- (4) Travis County Municipal Utility District No. 6;

(5) Travis County Municipal Utility District No. 7;

(6) Travis County Municipal Utility District No. 8; and

(7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section ~~on the earlier of:~~

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created;~~

~~[(C) exercise the powers provided by general law and this chapter;~~

~~or~~

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION _____. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9073 to read as follows:

CHAPTER 9073. TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 19; ANNEXATION

Sec. 9073.001. DEFINITION. In this chapter, "district" means the Travis County Water Control and Improvement District No. 19.

Sec. 9073.002. ANNEXATION BY MUNICIPALITY. (a) The governing body of a municipality that plans to annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

(1) Travis County Municipal Utility District No. 3;

(2) Travis County Municipal Utility District No. 4;

(3) Travis County Municipal Utility District No. 5;

(4) Travis County Municipal Utility District No. 6;

(5) Travis County Municipal Utility District No. 7;

(6) Travis County Municipal Utility District No. 8; and

(7) Travis County Municipal Utility District No. 9.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Gervin-Hawkins offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The changes in law made by this Act do not apply to an area that is the subject of an agreement between a municipality with a population between 1.3 million and 1.5 million and a municipality with a population between 18,050 and 18,200 that contains a plan that is approved by the municipalities before the effective date of this Act for phased boundary adjustments between the municipalities, releases of extraterritorial jurisdiction by the more populous municipality, and annexations by the less populous municipality. A municipal boundary adjustment, release of extraterritorial jurisdiction, or annexation contained in a plan under an agreement described by this section is governed by the law in effect at the time the agreement was approved by the municipalities, and the former law is continued in effect for that purpose.

AMENDMENT NO. 9 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GERVIN-HAWKINS: Representative Larson, for the purpose of the folks in Bexar County, could you help walk us through the impact on what this bill has on deals, particularly those agreements that have already been signed off on? Would you agree that those which have already been signed off on, this bill has no effect?

REPRESENTATIVE LARSON: I won't agree to that because the deal that Converse has with the City of San Antonio, they're just swapping ETJ and areas that will be annexed by Converse instead of the City of San Antonio. So the impact's going to be the same. Those people want the right to vote just like the people that I represent in northern Bexar County. As far as Converse or other communities, I've got four other communities in Bexar County that are asking for the same provision. I don't know where you would stop. I think that ultimately we need to say all people in all jurisdictions in Bexar County should have the option to vote.

GERVIN-HAWKINS: Representative, I agree with you, so we're on that same page. What I'm trying to determine is, would you say that the existing agreement between the City of San Antonio and Converse then becomes null and void? And what we're talking about as phase one, two, and three, is a portion of that agreement phased out after this comes into effect?

LARSON: It's not going to change the status of the agreement that the city has with Converse. It will change the status for the people that live in that area. They'll have an opportunity to vote. And right now, either one of those communities has unfettered access to going in and annexing and then collecting the tax bases for their areas that have been developed. So I think it doesn't change. This in no way will impact that agreement unless they've conditionally set this as one of the caveats in that contract. I didn't read their contract.

GERVIN-HAWKINS: So I want to be perfectly clear, Representative Larson, that the deal that the City of San Antonio has with the City of Converse right now to annex the ETJ will not be impacted by this law at all because it has already been done.

LARSON: Right. This simply allows people to vote in the jurisdictions, whether it be Converse or the City of San Antonio. People in Bexar County will have the opportunity to vote on annexation by any of the communities that choose to expand their incorporated area.

GERVIN-HAWKINS: I hear that, Representative. I want the very same thing. But I want to be clear that the language in the bill strictly says that those deals that have already been inked are not impacted. There's no retroactive activity. Is that correct, Representative Larson?

LARSON: So the agreement that I believe you are alluding to is the focus on the agreement between the City of San Antonio and Converse. And they've cut a deal to allow Converse to annex an area, and the City of San Antonio has withdrawn from that area. So saying that, this has nothing to do with that. This simply says that when whatever jurisdiction makes a decision to annex that area, the people have an opportunity to vote on whether they agree to be annexed or not.

GERVIN-HAWKINS: So Representative Larson, would you agree that when we look at various parts of Bexar County, there's income differences and there's other differences? Are you familiar with the area called the Glen and the Camelot?

LARSON: I'm familiar with the Glen. I rode out there with the police in 1993 and 1994 when there was a lot of juvenile violence.

GERVIN-HAWKINS: So are you in agreement with me, Representative Larson, that there is a problem out there, and that area may be a little different than other areas of Bexar County that may be subject to annexation?

LARSON: And that is a perfect example of people that will support annexation. When they see the benefits the City of San Antonio is going to bring forward, the police and fire protection, potentially more infrastructure, I think that's an example where there's going to be more services provided. In my area of town, they've already got fire service. They already have sheriff's deputies patrolling that area with substations. There's no benefit financially, and the city's not offering anything to enhance the service delivery. In the Glen, that would be an area where those folks can look at what the community's willing to provide if they're subject to annexation, and most likely they'll make the decision to support

it. It's not that way in my district and, I believe, in Representative Cortez's district. People live in gated communities. They are not going to get their streets fixed. Also, dealing with police and fire protection, they've already got those issues resolved. They made a decision, a conscious decision, to move outside the City of San Antonio. There is not anything the city is going to do to enhance their service delivery.

The big issue we have is the cities have not evolved over the last couple of decades. Twenty years, 25 years ago, their voluntary fire departments didn't have resources to provide adequate coverage. They didn't have trained personnel. The sheriff's offices had skeleton crews that covered these areas. Now, if you look at how we've urbanized mainly the large urban areas, how it's been urbanized is you've got those services being delivered by other components, other than the cities. I think the cities are still locked into the 1970s. Well, maybe they can just listen to the Bee Gees and figure out that's the only music that's available. Because in today's time, there are people that provide services, and they meet or exceed the service deliveries that the city would give these folks if they are annexed. It's simply unfettered access to the revenue that these people provide, and I think the legislature needs to intervene on their behalf and allow people to vote.

GERVIN-HAWKINS: Representative Larson, I'm with you 100 percent with you. I'm with you that people should have an opportunity to vote, but I also believe people have to be clear on what the impact of various legislation has on them. And in this specific situation, I need two pieces of clarity, and I'm hoping you can help us with that. Number one is if an agreement is already in place, and you may, Representative, not have the answer or you may, how is that existing agreement impacted? That's one of my questions. The other question that I have is the military. You feel that with the current amendment the military is protected. That's a yes or no.

LARSON: Well, the amendment that you have—and I think we need to speak just on this amendment. The military is a second issue.

GERVIN-HAWKINS: All right.

LARSON: The amendment that you have deals with, I believe, looking at the population brackets, the City of Converse and the City of San Antonio, on a deal that they've swapped some ETJ, and it allows Converse to go in sometime in the future to annex an area. And this bill, my understanding of this bill, does not have an impact on that. It basically allows people to vote in those given areas.

GERVIN-HAWKINS: So that we're clear for the record, Representative, the city—

LARSON: I do not know the full content of the agreement. I've read about it in the paper. I have not read the agreement between the City of Converse and San Antonio. There might be a contingency clause in it that indicates that in the event that the legislature passes a bill, then something happens. I don't know whether that's the case or not. So I really can't tell you with clarity whether this has an

impact or not. I'm just telling you what the bill does. It basically allows people in Bexar County to vote regardless of whichever jurisdiction goes in and pursues annexation.

GERVIN-HAWKINS: And Representative, I want to be perfectly clear, I'm for allowing people to vote, I just want to make sure that we have clarity on the issue. Thank you for your time.

REMARKS ORDERED PRINTED

Representative Gervin-Hawkins moved to print remarks between Representative Larson and Representative Gervin-Hawkins.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Metcalf on motion of Phelan.

CSSB 715 - (consideration continued)

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Uresti offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 43, Local Government Code, is amended by adding Section 43.908 to read as follows:

Sec. 43.908. ANNEXATION OF AREA NEAR MILITARY BASE. (a) This section applies only to a municipality to which Subchapter C-2 applies.

(b) Notwithstanding Subchapter C-3, C-4, or C-5, a municipality that proposes to annex area located within one mile of an active military base must use the procedures applicable to a municipality wholly located in a county with a population of less than 500,000 annexing an area wholly located within that county.

Amendment No. 10 was withdrawn.

Amendment No. 11

Representative Frullo offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. The changes in law made by this Act apply only to the annexation of an area subject to a development agreement entered into by a municipality with a population of more than 227,000 and less than 236,000 under Section 212.172, Local Government Code, before the effective date of this Act

that is initiated on or after the expiration date provided for in the agreement. The annexation of an area subject to the agreement that is initiated before the expiration date of the agreement as the result of a termination of the agreement is governed by the law in effect on January 1, 2017, and the former law is continued in effect for that purpose.

Amendment No. 11 was adopted.

Amendment No. 12

Representative Shine offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) as follows:

(1) On page 21, line 25, between "annexed" and "at", insert "and the municipality".

(2) On page 21, line 25, between "area" and "may", insert "and the municipality".

(3) On page 23, between lines 24 and 25, insert the following:

(c) The municipality must post notice of the hearings on the municipality's Internet website if the municipality has an Internet website and publish notice of the hearings in a newspaper of general circulation in the municipality and in the area proposed for annexation. The notice for each hearing must be published at least once on or after the 20th day but before the 10th day before the date of the hearing. The notice for each hearing must be posted on the municipality's Internet website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing.

(4) On page 24, line 27, between "annexed" and "of", insert "and the municipality".

(5) Strike page 25, line 22, through page 26, line 4.

Representative Huberty moved to table Amendment No. 12.

The motion to table prevailed by (Record 1498): 77 Yeas, 54 Nays, 3 Present, not voting.

Yeas — Anderson, C.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, G.; Burkett; Burrows; Button; Cain; Capriglione; Clardy; Cortez; Craddock; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Gervin-Hawkins; Guillen; Hefner; Herrero; Huberty; Isaac; Israel; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Meyer; Morrison; Murphy; Oliverson; Paddie; Parker; Phelan; Pickett; Price; Raymond; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Smithee; Springer; Stickland; Swanson; Thompson, S.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Blanco; Burns; Canales; Collier; Cospere; Davis, S.; Deshotel; Farrar; Geren; Giddings; Gonzales; González; Gooden; Guerra; Gutierrez; Hinojosa; Holland; Howard; Johnson, E.; Johnson, J.; Lambert; Landgraf; Lucio; Martinez; Miller; Minjarez;

Moody; Muñoz; Murr; Neave; Nevárez; Oliveira; Ortega; Paul; Perez; Raney; Reynolds; Romero; Sheffield; Shine; Simmons; Stephenson; Stucky; Thierry; Thompson, E.; Turner; Uresti; Walle.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Bernal; Bonnen, D.; Coleman; Cook; Dukes; Keough; Phillips; Rodriguez, E.; Rose.

STATEMENT OF VOTE

When Record No. 1498 was taken, I was shown voting no. I intended to vote yes.

Simmons

Amendment No. 13

Representative Martinez offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) as follows:

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

SECTION _____. Subchapter A, Chapter 43, Local Government Code, is amended by adding Section 43.004 to read as follows:

Sec. 43.004. EXEMPTIONS TO GENERAL APPLICABILITY OF CHAPTER. Notwithstanding any other law, the annexation provisions of this chapter applicable to a municipality wholly located in a county with a population of less than 500,000 apply to a municipality wholly or partly located in a county with a population of more than 665,000 and less than 780,000.

(2) Renumber sections added to Subchapter A, Chapter 43, Local Government Code, by amendment to this bill as appropriate.

Representative Huberty moved to table Amendment No. 13.

The motion to table prevailed.

Amendment No. 14

Representative Canales offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 43, Local Government Code, is amended by adding Section 43.909 to read as follows:

Sec. 43.909. FINANCIAL ASSISTANCE TO MULTIFAMILY HOUSING PROJECT DEVELOPER. Notwithstanding any other law, a municipality that is annexing an area or that retains control over an area in which a multifamily

housing development project is located may authorize the municipality's economic development corporation to provide financial assistance to the developer of the project, and the corporation may provide that assistance.

Amendment No. 14 was adopted.

Amendment No. 15

Representative E. Rodriguez offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 775.022(e), Health and Safety Code, is amended to read as follows:

(e) The amount of compensation under Subsection (c) shall be determined by multiplying the district's total indebtedness at the time of the annexation by a fraction:

(1) the numerator of which is the assessed value of the property to be annexed based on the most recent certified county property tax rolls at the time of annexation plus the total amount of the district's sales and use tax revenue collected by businesses located in the property to be annexed in the 12 months preceding the date of annexation, as reported by the comptroller; and

(2) the denominator of which is the total assessed value of the property of the district based on the most recent certified county property tax rolls at the time of annexation plus the total amount of the district's sales and use tax revenue collected by businesses located in the district in the 12 months preceding the date of annexation, as reported by the comptroller.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Gutierrez offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 43, Local Government Code, is amended by adding Section 43.908 to read as follows:

Sec. 43.908. ANNEXATION OF AREA NEAR MILITARY BASE. (a) This section applies only to a municipality to which Subchapter C-2 applies.

(b) Notwithstanding Subchapter C-3, C-4, or C-5, a municipality that proposes to annex area located within five miles of an active military base must use the procedures applicable to a municipality wholly located in a county with a population of less than 500,000 annexing an area wholly located within that county.

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Kacal offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee report) as follows:

(1) On page 7, line 26, strike "Section 43.056(l), Local Government Code, is" and substitute "Sections 43.056(l) and (n), Local Government Code, are".

(2) On page 9, between lines 10 and 11, insert the following:

(n) Before the second anniversary of the date an area is included within the corporate boundaries of a municipality by annexation, the municipality may not:

(1) prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or

(2) offer [impose a fee for] solid waste management services in the area unless a privately owned solid waste management service provider is unavailable [on a person who continues to use the services of a privately owned solid waste management service provider].

(3) Strike page 13, lines 3-5, and substitute the following:

(2) offer solid waste management services in the area unless a privately owned solid waste management service provider is unavailable.

Amendment No. 17 was adopted.

Amendment No. 18

Representative Romero offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee printing) as follows:

(1) Strike page 1, line 21, through page 2, line 5, and substitute the following:

Sec. 43.011. EFFECT OF OTHER LAW. Subchapters C-4 and C-5 do not affect the applicability of this subchapter to a municipality to which those subchapters apply.

(2) On page 5, lines 14-15, page 6, lines 1-2, and page 10, lines 14-15, strike "MUNICIPALITIES WHOLLY LOCATED IN COUNTIES WITH POPULATION OF LESS THAN 500,000" and substitute "CERTAIN MUNICIPALITIES".

(3) On page 5, strike lines 18-24, and substitute the following:

Sec. 43.0205. APPLICABILITY. This subchapter applies only to a municipality other than a municipality to which Subchapters C-2 through C-5 apply.

(4) On page 6, strike lines 5-15, and substitute the following:

Sec. 43.0505. APPLICABILITY. Unless otherwise specifically provided by this chapter, this subchapter applies only to a municipality other than a municipality to which Subchapters C-2 through C-5 apply.

(5) Strike page 10, line 18, through page 11, line 4, and substitute the following:

Sec. 43.061. APPLICABILITY. (a) Except as provided by Subsection (b), this ~~[This]~~ subchapter applies only to an area that is proposed for annexation by a municipality, other than a municipality to which Subchapters C-2 through C-5 apply, that is not required to be included in a municipal annexation plan under Section 43.052(h) ~~[43.052]~~.

(b) Unless otherwise specifically provided by this chapter, this subchapter does not apply to an area that is proposed for annexation by a municipality to which Subchapters C-2 through C-5 apply.

(6) On page 12, lines 2-3, page 16, lines 16-17, page 18, lines 3-4, and page 21, lines 17-18, strike "MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN COUNTY WITH POPULATION OF 500,000 OR MORE" and substitute "CERTAIN POPULOUS MUNICIPALITIES".

(7) On page 12, strike lines 4-10, and substitute the following:

Sec. 43.066. APPLICABILITY. This subchapter applies only to:

(1) a municipality located in a county with a population of four million or more; and

(2) a municipality located in a county with population of 1.7 million or more in which more than 75 percent of the population resides in a single municipality.

(8) On page 26, strike lines 7-18, and substitute the following:

Sec. 43.0711. AUTHORITY OF MUNICIPALITIES TO ANNEX IN INDUSTRIAL DISTRICTS. (a) This section applies to a municipality to which Subchapters C-2 through C-5 apply.

(b) With respect to an industrial district designated by the governing body of a municipality under Section 42.044, the municipality may annex all or part of the district under the requirements applicable to a municipality other than a municipality to which Subchapters C-2 through C-5 apply.

(9) On page 29, lines 8-9, strike "wholly located in one or more counties each with a population of less than 500,000" and substitute "other than a municipality to which Subchapters C-2 through C-5 apply".

(10) Strike page 29, line 24, through page 30, line 5, and page 30, lines 11-19, and substitute the following:

(1) a municipality other than a municipality to which Subchapters C-2 through C-5 apply; and

(2) if there are no owners other than the municipality or residents of the area, a municipality to which Subchapters C-2 through C-5 apply.

(11) On page 30, lines 23-24, strike "wholly or partly located in a county with a population of 500,000 or more" and substitute "to which Subchapters C-2 through C-5 apply".

(12) On page 31, lines 11-12, strike "wholly located in one or more counties each with a population of less than 500,000" and substitute ",other than a municipality to which Subchapters C-2 through C-5 apply,".

(13) On page 31, line 21, between "municipality" and "that", insert ",other than a municipality to which Subchapters C-2 through C-5 apply,".

(14) On page 31, line 24, strike "and less than 500,000".

(15) Strike page 31, line 27, through page 32, line 3, and substitute the following:

(2) a general-law municipality that has a population of 6,000-6,025, other than a municipality to which Subchapters C-2 through C-5 apply.

(16) On page 32, strike lines 10-21, and substitute the following:

Sec. 43.1055. ANNEXATION OF ROADS AND RIGHTS-OF-WAY IN CERTAIN POPULOUS MUNICIPALITIES. A municipality to which Subchapters C-2 through C-5 apply may by ordinance annex a road or the right-of-way of a road on request of the owner of the road or right-of-way or the governing body of the political subdivision that maintains the road or right-of-way under the procedures applicable to the municipality under Subchapter C-3, C-4, or C-5, as applicable.

(17) On page 33, strike lines 8-18, and substitute the following:

Sec. 43.1211. AUTHORITY OF CERTAIN POPULOUS MUNICIPALITIES TO ANNEX FOR LIMITED PURPOSES. Except as provided by Section 43.0751, beginning September 1, 2017, a municipality to which Subchapters C-2 through C-5 apply may not annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area.

(18) On page 33, lines 25-26, strike "wholly located in one or more counties each with a population of less than 500,000" and substitute "a municipality other than a municipality to which Subchapters C-2 through C-5 apply".

(19) On page 34, strike lines 2-7 and substitute the following:

(2) if the municipality is a municipality to which Subchapters C-2 through C-5 apply, within the period specified by the written agreement under Section 43.0672 or the resolution under Section 43.0682 or 43.0692, as applicable.

(20) Renumber SECTIONS of the bill accordingly.

Representative Huberty moved to table Amendment No. 18.

The motion to table prevailed.

Amendment No. 19

Representative Workman offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 43, Local Government Code, is amended by adding Section 43.9051 to read as follows:

Sec. 43.9051. EFFECT OF ANNEXATION ON PUBLIC ENTITIES. (a) In this section, "public entity" includes a county, fire protection service provider, including a volunteer fire department, emergency medical services provider, including a volunteer emergency medical services provider, or special district, as that term is defined by Section 43.052.

(b) A municipality that proposes to annex an area shall provide written notice of the proposed annexation within the period prescribed for providing the notice of the first hearing under Section 43.0561, 43.063, 43.0673, 43.0683, or 43.0693, as applicable, to each public entity that is located in or provides services to the area proposed for annexation.

(c) A municipality that proposes to enter into a strategic partnership agreement under Section 43.0751 shall provide written notice of the proposed agreement within the period prescribed for providing the notice of the first hearing under Section 43.0751 to each public entity that is located in or provides services to the area subject to the proposed agreement.

(d) A notice to a public entity shall contain a description of:

(1) the area proposed for annexation;

(2) any financial impact on the entity resulting from the annexation, including any changes in the entity's revenues or maintenance and operation costs; and

(3) any proposal the municipality has to abate, reduce, or limit any financial impact on the entity.

(e) The municipality may not proceed with the annexation unless the municipality provides the required notice under this section.

Amendment No. 19 was adopted.

Amendment No. 20

Representative Uresti offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 43, Local Government Code, is amended by adding Section 43.908 to read as follows:

Sec. 43.908. ANNEXATION OF AREA NEAR MILITARY BASE. (a) This section applies only to a municipality to which Subchapter C-2 applies.

(b) Notwithstanding Subchapter C-3, C-4, or C-5, a municipality that proposes to annex area located within one mile of an active military base must use the procedures applicable to a municipality wholly located in a county with a population of less than 500,000 annexing an area wholly located within that county.

Amendment No. 20 was withdrawn.

Amendment No. 21

Representative Gutierrez offered the following amendment to **CSSB 715**:

Amend **CSSB 715** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 43, Local Government Code, is amended by adding Section 43.908 to read as follows:

Sec. 43.908. REGULATION IN EXTRATERRITORIAL JURISDICTION NEAR MILITARY BASE. Notwithstanding Section 212.003 or another provision of law, the governing body of a municipality by ordinance may extend the application of the municipality's ordinances regulating land use to an area within the extraterritorial jurisdiction of the municipality and located within five miles of an active military base.

Amendment No. 22

Representative Shine offered the following amendment to Amendment No. 21:

Amend Amendment No. 21 by Gutierrez to **CSSB 715** as follows:

(1) On page 1, line 6, between "BASE" and the underlined period, insert "; MUNICIPAL REGULATORY AUTHORITY".

(2) On page 1, immediately after line 14, insert the following:

(c) Notwithstanding any other law, if the most recent Joint Land Use Study recommends municipal regulation of land use in an area surrounding a military base, the municipality may adopt an ordinance regulating land use in the area in the manner recommended by the study.

Amendment No. 22 was adopted.

Amendment No. 21, as amended, was adopted.

CSSB 715, as amended, was passed to third reading by (Record 1499): 104 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson, C.; Anderson, R.; Arévalo; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Collier; Cook; Cortez; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Guillen; Gutierrez; Hefner; Herrero; Huberty; Hunter; Isaac; Israel; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Meyer; Minjarez; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Reynolds; Rinaldi; Roberts; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; Uresti; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Ashby; Bernal; Blanco; Canales; Clardy; Coleman; Cospere; Dukes; Farrar; Gooden; Guerra; Hinojosa; Holland; Howard; Johnson, E.; Johnson, J.; Martinez; Miller; Moody; Morrison; Muñoz; Ortega; Perez; Raney; Raymond; Rodriguez, E.; Rose; Thierry; Turner; Walle; Wu.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Deshotel; Longoria; Lucio.

STATEMENTS OF VOTE

When Record No. 1499 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 1499 was taken, I was excused because of illness. I would have voted yes.

Metcalf

When Record No. 1499 was taken, I was shown voting no. I intended to vote yes.

Perez

When Record No. 1499 was taken, I was shown voting yes. I intended to vote no.

Stephenson

(Speaker in the chair)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

**SB 1831 ON THIRD READING
(Capriglione - House Sponsor)**

SB 1831, A bill to be entitled An Act relating to an annual report on state programs not funded by appropriations.

SB 1831 was read third time earlier today and was postponed until this time.

Representative Capriglione moved to postpone consideration of **SB 1831** until 7:01 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR
(consideration continued)****SB 2078 ON SECOND READING
(D. Bonnen - House Sponsor)**

SB 2078, A bill to be entitled An Act relating to the duties of school districts, open-enrollment charter schools, the Texas Education Agency, and the Texas School Safety Center regarding multihazard emergency operations plans and other school safety measures.

SB 2078 - POINTS OF ORDER

Representative E. Rodriguez raised a point of order against further consideration of **SB 2078** under Rule 8, Section 1 of the House Rules on the grounds that the bill caption is inaccurate and does not give reasonable notice of the subject of the bill.

The speaker overruled the point of order and submitted the following statement:

Rule 8, Section 1(a)(1) of the House Rules requires that the bill contain a caption "that gives the legislature and the public reasonable notice of the subject of the proposed measure." A caption "need not detail every element of a bill." 78 H.J. Reg. 1676 (Burnam point of order on **CSHB 1567**); 74 H.J. Reg. 2186 (Moreno point of order on **HB 2646**). **SB 2078**'s caption reads "relating to the duties of school districts, open-enrollment charter schools, the Texas Education Agency, and the Texas School Safety Center regarding multihazard emergency operations plans and other school safety measures." Representative E. Rodriguez argues that while a bill caption does not have to detail every element of a bill, this bill's caption lists some entities to which the bill applies, but fails to mention public junior college districts. A review of the bill reveals that the phrase "public junior college district" appears twice in the bill. In both instances, it is printed as part of the background language of sections of the bill being amended. Nothing in the bill actually amends or affects a public junior college district. It was therefore correct for the caption to omit this language.

Representative E. Rodriguez raised a point of order against further consideration of **SB 2078** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order and submitted the following statement:

Rule 4, Section 32(c)(3) of the House Rules requires every bill analysis to contain "a statement indicating whether or not any rulemaking authority is expressly delegated to a state officer, department, agency, or institution, and, if so, identifying the sections of the measure in which that rulemaking authority is delegated." Representative E. Rodriguez argues that the bill grants rulemaking authority to the education commission in Section 6 of the bill. The language to which he refers in Section 6 requires that a school district report results of audits to "the agency, in accordance with commissioner rule." This reference to existing rules created by the commissioner does not constitute an express, independent grant of new rulemaking authority.

Amendment No. 1

Representative S. Thompson offered the following amendment to **SB 2078**:

Amend **SB 2078** (house committee printing) by striking page 1, line 6 of the bill.

AMENDMENT NO. 1 - REMARKS

REPRESENTATIVE S. THOMPSON: Mr. Speaker and members, I would like to strike page 1, line 6 of this bill. It strikes the enacting clause.

You know, during this session of the legislature, when each of us was sworn in on January 10, one of the things that I had been sent down from my district—and I also represent a part of the Houston Independent School District, which is the largest independent school district within the State of Texas—and no

one in my district and no one in my school district asked me to do anything about toilets. And this bill is amenable to the amendment on the speaker's dais about restrooms.

I want to talk to you a little bit about history, because I've lived through the separate but equal period during my lifetime. I happened to be a member of this society during a period of time in the history of this state and in this country when we had separate but equal, and I remember those days. You remember bathrooms: white, colored? I was living during that era not only of American history but Texas history as well. Bathrooms divided us then, and it divides us now. America has long recognized that separate but equal is not equal at all. I can tell you as an African American how deeply I felt discriminated against because of the fact of the color of my skin and my ethnicity. Those of you probably don't have that feeling because you have not had the privilege of walking in my shoes, but I can tell you, ladies and gentlemen, I hope you never have to walk in those shoes—never, never.

I can also tell you that separate restrooms for transgender kids, which is what we will be discussing in this bill, are also based on fear and not fact. There's a case right now before the United States Supreme Court and the history of how discrimination has been used to divide us. And I would like to read to you, if you'd be so kind, just a little bit about that: "Not so long ago, bathrooms nationwide were designated 'Colored Only' and 'Whites Only.' A key lesson of that painful and ignoble era is that while private-space barriers like racially segregated bathrooms may have seemed to some like minor inconveniences or insignificant sources of embarrassment, they were in fact a source of profound indignity that inflicted deep and indelible harms on individuals of both races and society at large. This disreputable tradition of state and local governments enshrining fear or hostility toward a disfavored group of people into laws requiring their physical separation from others should encourage this Court to view with skepticism the rationales proffered by local officials here." Members, I think the Supreme Court should be skeptical of the rationales officials offered in this case, and I think every person on this floor should be skeptical of rationales and the reasons we are being told to support this discriminatory amendment today.

Bathrooms have always been used to divide us. It happened before, and it's happening today and right now unless we choose to do something about it. No one in my district, as I mentioned, asked me about bathrooms. And I can tell you, when I go to pee, do you think I'm going to be looking over the next stall to see if somebody's transgender? No, I'm not. I'm not in the restroom to do that. I would be concerned about it if there were sexual predators in the bathroom with me. That would really concern me. And members, while we are bending the arc of equality back into the dark history of our lives and giving certain members of our society an opportunity to turn back that arc of equality for all members of our society, I think it's wrong.

You know, when I first got here in 1973, people were revering Barbara Jordan. They talked about her tenure in the Texas Legislature, and you know when she got to Congress they talked about her and revered her work on the

impeachment committee. But do you know she had a separate bathroom because she was African American? She could not use the toilet in the Texas Senate right across that hall from us in that next chamber. She could not use it. I don't know if they gave her a cup to use or not, but I know that she couldn't use the restroom over there. I can tell you that today they call it the cloak room. Both men and women senators use that same bathroom, but we want to divide the children in our state. And the number one reason is this, that separate but equal provisions should be reinstalled in our society because of the fact that we want to treat children differently.

The other day we took time on this floor and we argued and we discussed and we reasoned **SB 8**. We talked about life. We talked about fetal remains. We talked about burials and all those things. And we talked about how God had created life. And let me just tell you this, God created transgenders, too. And are you going to discriminate on his creation? Is that what you're asking this body to do? My school board member, one of them, a member of the largest school district in this state, sent me a letter. She said, "We have not received a single complaint from a student or parent regarding arrangements for bathrooms according to Title IX. We have not received one." And just like you were up here talking about God's business, transgender students are God's business. And you know what? He loves them, too.

REPRESENTATIVE D. BONNEN: I appreciate Representative Thompson's comments. I would never be a part of something that is intended to create the issues of our past that she's describing. One, this bill—and I'm not going to play cute with this body. There is an amendment coming. That's something we all know. But her amendment at the time is striking what is in the bill today. Obviously, there is an amendment that I don't know if it's next but will be coming. But I believe that we need to take consideration of that amendment. So for those reasons I oppose her amendment and ask you to vote against her amendment.

S. THOMPSON: Mr. Speaker, members, this issue is so important, and it divides us as a people. And it points fingers on us because we are bending the arc of history backward instead of bending it forward. We talk about equality in so many capacities. And what's wrong with treating kids with equality and not making them feel like they are second class citizens? I don't have a transgender child in my family, but I would love it just the same. I would fight for the rights of that child not to be discriminated against. And I'm afraid that some of these amendments might give some individuals in our society, some school districts in our society, an opportunity to turn back that arc of equality that we have fought so hard for, that we treasure so much. I think that it would be in our best interest to stand for the rights of all our citizens and not bend that arc backward but bend the arc of equality forward. I ask you to vote for this amendment. I ask you to vote aye.

Amendment No. 1 failed of adoption by (Record 1500): 51 Yeas, 91 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, S.; Deshotel; Dukes; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martínez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Walle; Wu.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Amendment No. 2

Representative Paddie offered the following amendment to **SB 2078**:

Amend **SB 2078** (house committee report) as follows:

(1) On page 7, line 21, strike "Section 37.112" and substitute "Sections 37.112 and 37.113".

(2) On page 8, between lines 2 and 3, insert the following:

Sec. 37.113. RESTROOM, LOCKER ROOM, AND CHANGING FACILITY PRIVACY AND SAFETY. (a) The board of trustees of a school district or the governing body of an open-enrollment charter school shall ensure that each school or school facility accommodates the right of each student to access restrooms, locker rooms, and changing facilities with privacy, dignity, and safety by requiring the provision of single-occupancy facilities for use by a student who does not wish to use the facilities designated for use or commonly used by persons of the student's biological sex. In this subsection, "single-occupancy facility" includes a multi-occupancy facility only if the use occurs when no other persons are present.

(b) This section may be enforced only through an action instituted by the attorney general for mandamus or injunctive relief. At the request of a school district or open-enrollment charter school, the attorney general shall defend the district or school in an action challenging this section under the constitution or laws of the United States or under the constitution of this state.

(c) This section may not be construed as requiring or authorizing a school district or an open-enrollment charter school to disclose intimate details about a student.

AMENDMENT NO. 2 - REMARKS

REPRESENTATIVE PADDIE: This amendment that should be on your screen now is an effort to provide definitive guidance to our school districts as it relates to restrooms, locker rooms, and changing facility privacy and safety for all kids. I believe if you read that amendment—and I am going to run through a few of the points, and then certainly there are questions—there is absolutely no intent and I would argue nothing in this language discriminates against anyone. In fact, it makes sure that there are reasonable accommodations for all children.

Just to hit a few high points, if I could, before the questions, this only applies to schools and school facilities under the control of school districts and open-enrollment charter schools. This does not provide an accommodation for a protected class of students. This provides an accommodation for all students. To be clear, this says if you are biologically a boy and you wish not to use the boys' multiple-occupancy restroom for whatever reason—and members, that could be because you're transgender; that could be because you're shy. It could also mean—and this is something that we've taken very seriously, and I'm proud of this—as it relates to bullying. Maybe that child, boy or girl, is a victim of bullying, and they are fearful. They don't want to go into that particular facility. This says that they will accommodate that child. And so this is not strictly about, and I'm speaking for myself here, this is not about a particular class of children and certainly not just about transgender children. This amendment includes language to prevent a school from disclosing intimate information about a student. We wanted to include that in there just to be clear, although we think probably FERPA would take care of that, but just to reassure families and those that may be concerned.

Also, importantly, for those who care about unfunded mandates and cost and things of that nature as it relates to our school districts, this law may be enforced only by the attorney general, and if a school district or open-enrollment charter school is sued, they may request legal representation from the attorney general. So we don't have to be concerned when we do this that our school districts are going to be sued and are going to have to spend taxpayer dollars to defend those lawsuits whether they be, in many cases, frivolous. And so I think that's a very important distinction here as well. Many might say, "You know what, I haven't received any complaints about this in my school districts." And that's probably because they've been doing a lot of what we want to clarify here. They've been accommodating children for all sorts of reasons for decades and decades going back to our time in school and well before that. So we want to make sure that we provide definitive guidance to our school districts, and I'd be happy to yield for questions.

REPRESENTATIVE MOODY: I want to be very clear about what this does, because I think there is some legitimate disagreement. This amendment requires schools to provide single-occupancy facilities for students who do not wish to use multi-occupancy facilities that match their so-called biological sex. Is that correct?

PADDIE: Correct.

MOODY: That's spelled out in the amendment.

PADDIE: It says, and I would add for those that are reading, single-occupancy facilities for this particular section as it relates to this amendment would also include "a multi-occupancy facility only if the use occurs when no other person" is there. And let me give you an example of that, Mr. Moody. I represent a lot of small districts, and certainly, we don't want to put our school districts in the situation where they can't accommodate. If we got much more descriptive than this, I think we would begin to put further burdens on our school districts, frankly. You could very well have, and I would have examples in my district, small schools where you may have a changing facility that in first period that's the boys' changing facility, and in third period, that's the girls' changing facility. We want to make sure that we empower them to be as flexible as possible.

MOODY: So and this is what I really want to pin down because I think the language is unclear. Does the language mean that those students who do not wish to use those facilities that match their so-called biological sex, does that mean they have to use it? Is it a requirement that they have to use those facilities?

PADDIE: I'm sorry, could you repeat that one more time?

MOODY: Does that mean that those students have to use it?

PADDIE: Describe to me again the kid, specifically the type of kid you're—

MOODY: Well, we are talking about a child—here's an example. You have a transgender student born female transitioning to male. Under this amendment, can that student use the boys' room, the girls' room, or a single-occupancy restroom as the student feels is appropriate in his situation?

PADDIE: No, if they are biologically considered to be a female, they must use that. Otherwise, there will be accommodations made for them to use a single-occupancy facility or a multi-occupancy facility.

MOODY: Now, Mr. Paddie, we heard earlier in questions that I directed to Chairman Bonnen, that this bill as filed and as brought to the floor was about disasters and terror attacks and emergencies. How does your amendment fit into this bill?

PADDIE: I think it's absolutely about child safety.

MOODY: And you think that—you know, I think you've seen the news, and it was laid out by Senator Taylor when he presented this bill in the senate committee about some boys that were about to commit Columbine-like shootings. So school shootings are things that are common in the news. In fact,

just this week, one of my schools back home was on lockdown over a gun situation, and that's what these plans are supposed to encompass. How many transgender students have attacked anyone in a bathroom at a Texas school?

PADDIE: Mr. Moody, I'm not advised.

MOODY: So, you cannot cite to me one example?

PADDIE: Not off the top of my head. No, sir.

MOODY: Okay. In fact, are you aware that the only data we have about transgender students involved in harassment, violence, bullying, and sex crimes in bathrooms are them as victims?

PADDIE: I'm not advised. I'd have to take your word on that. But Mr. Moody, again, I would—

MOODY: So I ask you this based on that and not being able to cite one example, where is the emergency?

PADDIE: Where's the emergency?

MOODY: Where's the emergency for the amendment?

PADDIE: I'm not saying there's an emergency. I'm saying this is about child safety. It is, in fact, Mr. Moody, about the safety of that same child that you just referenced that is a transgender child that is assaulted. It's about that student as well. This amendment treats all the students the same.

MOODY: Well, no. No it doesn't. That is not an accurate description of this amendment. Where is the disaster that we are trying to avoid in this amendment? Because that's what the bill is about. It's about emergencies and disasters. Where is the disaster that this amendment addresses?

PADDIE: Mr. Moody, when we are trying to address particular issues, we look—this is an education bill. I'm seeking to address child safety within the education realm, and so just like we all have done on many occasions, this is the vehicle for this effort. I'm not telling you there is some great emergency as would be a part of the original intent of this bill. This is an amendment specific to child safety as it relates to these facilities.

MOODY: And these types of plans—we are trying to lay out a command and control element so that we know what to do in emergencies, disasters, in threats of terrorism. I mean, would you disagree that that's what this bill is doing?

PADDIE: I'm not arguing at all the original intent of the bill, Mr. Moody. This is specific to child safety as it relates to these facilities, and I would argue also that those issues—if a child is assaulted, that's pretty serious as well. I think you would agree.

MOODY: Yes, and there are criminal sanctions available under current law if there is an assault. This amendment as you laid out, it does provide for an accommodation. Is that correct?

PADDIE: Absolutely, for all children.

MOODY: And it would give transgender students the option of a separate single-occupancy bathroom. Is that correct?

PADDIE: Absolutely, they would need to make whatever accommodations are necessary.

MOODY: And would that bathroom have to be equal to the bathroom of other students?

PADDIE: Equal in what way?

MOODY: Well, you say all students are going to be treated fairly. If a student wants to use a single-occupancy bathroom and asks for that accommodation, which I believe the amendment does envision, must that bathroom be equal to the bathrooms that are available to everyone else?

PADDIE: I'm not sure specifically what you're trying to get at, Mr. Moody.

MOODY: Equality—equality is what I'm trying to get at.

PADDIE: Whether or not it has the same type of toilets or sinks, obviously, that is not going to be universal across all school districts. So I would certainly assume that they would take as good a care of that single-occupancy as they would a multi-occupancy.

Amendment No. 2 - Point of Order

Representative Moody raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker overruled the point of order and submitted the following statement:

Representative Moody raised a point of order against further consideration of Amendment No. 2 to **SB 2078** on the grounds that the offered amendment relating to "Restroom, Locker Room, and Changing Facility Privacy and Safety" was not germane to **SB 2078** which dealt with duties of school districts, open-enrollment charter schools, the Texas Education Agency, and the Texas School Safety Center regarding multihazard emergency operations plans, and other school safety measures. The point of order is respectfully overruled.

SB 2078 allowed school districts and the governing body of open-enrollment charter schools to adopt a number of safety measures. Among those measures was a broad safety review contained in Section 37.108, Education Code, which covered a wide range of safety measures from multihazard emergency operations, medical events, train derailments, and additionally required each affected institution to carry out "a safety and security audit of the district's facilities." Responsibility for these audits, including the required reporting requirements and the composition and oversight an guidance by other state agencies, including the Texas School Safety Commission and the TEA, was also addressed in the bill. Amendment No. 2 asked the entities covered by **SB 2078** (independent school districts and open-enrollment charter schools) to accommodate the safety (as well privacy and dignity) of students in certain

changing facilities. **SB 2078** also called out specific safety measures for other areas of a school. For instance, in **SB 2078**, school safety plans had to take into account the safety of children in portable classrooms.

Because the subject of both the amendment and the bill are the same—duties of certain school entities to provide safety planning for students—the point of order is respectfully overruled.

REMARKS ORDERED PRINTED

Representative Rose moved to print remarks by Representative S. Thompson on Amendment No. 1.

The motion prevailed.

Amendment No. 3

Representative E. Rodriguez offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Paddie to **SB 2078** by adding the following appropriately numbered item to the amendment:

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

SECTION _____. Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.114 to read as follows:

Sec. 37.114. STATE INDEMNIFICATION. (a) The state shall indemnify a school district or open-enrollment charter school or an employee of a district or charter school for damages, attorney's fees, and other costs paid as required by a judgment on or settlement of a claim arising out of a policy on the use of a multiple-occupancy bathroom or changing facility by a person's sex.

(b) This section prevails over any other law, including Chapter 104, Civil Practice and Remedies Code, to the extent of any conflict.

AMENDMENT NO. 3 - REMARKS

REPRESENTATIVE E. RODRIGUEZ: So the amendment that Representative Paddie has doesn't offer to pay for any construction of additional facilities that this amendment may very well require of our school districts, but the least we can do is try to indemnify our school districts or open-enrollment charter schools if they get sued. I know the amendment allows for the attorney general to represent the district, but this attorney general doesn't have necessarily the best record of winning cases. So in the event that this attorney general cannot successfully represent a school district if they were going to get sued by this separate but equal or unequal amendment, then we need to indemnify them. We need to be able to pay for attorney's fees, damages, those kinds of things. The state owes that to our school districts in the event that there is a lawsuit and that the school district loses. That's simply what this amendment does. We're asking a lot of our school districts already. I believe in essence that this amendment not only is, in my view, discriminatory, but it's also an unfunded mandate to our school districts. So my attempt with this amendment is to try to indemnify our school districts.

REPRESENTATIVE RINALDI: Mr. Rodriguez, so in the attorney's fees section, you're requiring indemnification for attorney's fees. The current amendment as it stands now allows the attorney general to step in or actually requires the attorney general to defend the school district. Correct?

E. RODRIGUEZ: I believe that's true. Now, I'm not sure that that says that a school district couldn't have another attorney also representing them to work hand in hand with the attorney general. I don't know.

RINALDI: But what kind of lawsuit in particular are you envisioning that this would apply to?

E. RODRIGUEZ: Probably based on discrimination.

RINALDI: Discrimination.

E. RODRIGUEZ: Yes.

RINALDI: Okay. Is there any provision of state law—what type of discrimination are you talking about?

E. RODRIGUEZ: Well, I think we're, in my view, clearly establishing a separate but equal type of situation. And whether or not this amendment is geared toward—stated in words—transgender students, that's who is going to be impacted by this predominantly.

RINALDI: So your protected class is based on gender identity that you envision the discrimination lawsuits?

E. RODRIGUEZ: Well, sex.

RINALDI: Sex discrimination. Can you name one court decision on a federal or state level that's held that sex discrimination under the Civil Rights Act is found by separate facilities?

E. RODRIGUEZ: Well, respectfully, I think that's beside the point. That fact of the matter is that we're requiring the schools to do something now. If the school district sues or the attorney general representing the school district loses, then we need to indemnify. Whether it's attorney's fees, whether it's other damages, or anything else, we need to have that in the books if we're helping our school districts.

RINALDI: I'm trying to figure out on what law they would lose under, because you're talking about sex, but there have never been any cases that have held that separate facilities for men and women are discriminatory. So what you must be talking about is gender identity as a protected class. And there's no state law holding that gender identity is a separate protected class, correct? That they would be able to sue under, correct?

E. RODRIGUEZ: I'm not sure that's true or not.

RINALDI: It's certainly true because there have been bills proposed in this legislature that would have changed that law. And also, on a federal level, gender identity is not under federal law a protected class, correct?

E. RODRIGUEZ: I think we need to indemnify our school districts. We're asking them to do something here that's brand new. Hopefully, you would agree with me that we're not offering to pay for these additional facilities that might be required. We're not writing a check to our school districts to help pay for this. The least we can do in the event they do get sued, it doesn't matter whether or not—we can have a discussion on the constitutionality of it or whatever—but if there's a chance that they're sued, if they lose, then we should indemnify them. That's what this amendment simply does.

RINALDI: But you're talking about indemnifying them under a hypothetical law that doesn't exist on a state level or federal level, and I don't think you can point to a single decision where there's been an award of damages in the State of Texas.

E. RODRIGUEZ: I believe on sanctuary cities, **SB 4**, I believe we had in the provision that we indemnified the cities there. Was there a protected class in that one?

RINALDI: Yes, protected class is race, specifically.

E. RODRIGUEZ: It wasn't based on national origin—

RINALDI: Race is a protected class under state and federal law. However, gender identity is not.

E. RODRIGUEZ: Sex is a protected class.

RINALDI: Sex is—man or woman—but not gender identity, which is what you're contemplating.

E. RODRIGUEZ: Well, now we are going to get into the semantics of what it means to be transgender. That's not what this is about. This is just about indemnifying school districts in the event that they lose a lawsuit. That's what this is all about.

RINALDI: Right, under a law that doesn't exist?

E. RODRIGUEZ: Well, statutes can change over time. We don't know. I don't know.

RINALDI: Okay, so under a hypothetical future lawsuit is what you're trying to defend against?

E. RODRIGUEZ: Fine. Sure.

REMARKS ORDERED PRINTED

Representative Canales moved to print all remarks on Amendment No. 2.

The motion prevailed.

E. RODRIGUEZ: Members, I think this is a very simple, good public policy to try to indemnify our school districts. All session long we've been passing bills that make our school districts do things, and we're not helping to pay for it. This is simply indemnifying them in the case of a lawsuit. I think this is good public policy. Not even getting into the debate about transgender students in school and

bathroom facilities, this is about good public policy helping our school districts in the event of a lawsuit in which the attorney general, whether they represent them or not, they may lose. So let's just indemnify them. It's that simple.

I urge you just for good public policy to help our school districts. Show in good faith that we as a legislature don't want to just mandate to our school districts and to our schools, but we're going to stand by them in the event of a lawsuit. In the event that they lose a lawsuit, that we're going to indemnify them. It's that simple.

REPRESENTATIVE FARRAR: Mr. Rodriguez, we have voted, I don't even know how many times this session, about unfunded mandates and about making sure that we don't pass on unfunded mandates, correct?

E. RODRIGUEZ: Correct. At least we talk about it a lot anyway.

FARRAR: Right, and so a vote for your amendment to the amendment would be consistent with all the other legislation, all the other speeches, everything else, press conferences that we've been involved in, all of that. It would be consistent with all of that language.

E. RODRIGUEZ: Absolutely consistent. I mean, frankly, I think this amendment is potentially an unfunded mandate requiring school districts to potentially provide separate facilities. In fact, I think that's exactly what it's doing, but we're not putting a single dime into it. We're not helping the school districts do this, so at the minimum, we should try to indemnify in the case of a lawsuit which may come sooner than later, who knows.

REPRESENTATIVE ROMERO: Can you tell me specifically what section of the law or what part of the law would cause you to believe that school districts are going to be sued or could be sued?

E. RODRIGUEZ: You're talking about looking at the amendment itself?

ROMERO: Yes. I mean, I understand you want to protect our school districts in the case or the event that they are sued, and I believe it's under Section 1983 for violation of the equal protection clause. So the reason for your amendment is because you believe that if someone sues our schools and they win, our actions here at the legislature should not cause our independent school districts to pay the price?

E. RODRIGUEZ: That's correct. I think what the amendment tries to do or does do is it has the attorney general represent our school districts, but in the event that the AG loses in that representation, there still could be, if not attorney's fees, maybe attorney's fees, damages, other things under an equal protection lawsuit.

ROMERO: So the question specifically then is that the potential liability should fall on the shoulders of us that are creating this law that potentially allows that school district to lose if they were to lose.

E. RODRIGUEZ: Correct. It should not fall on our school districts at all.

ROMERO: So you're protecting the body and the taxpayers of each and every independent school district in the case that we're wrong here.

E. RODRIGUEZ: If the school district is simply following state law, the law that we may be creating today, and it causes them a lawsuit, it causes them to lose a lawsuit—even if the attorney general is representing them, we need to be responsible for paying any kind of damages they might accrue because of the lawsuit, simply put.

Amendment No. 3 failed of adoption by (Record 1501): 50 Yeas, 91 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, S.; Deshotel; Dukes; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Walle; Wu.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Lucio.

AMENDMENT NO. 2 - REMARKS

REPRESENTATIVE MOODY: Let's be very honest and clear here. This amendment is the bathroom bill, and the bathroom bill is an attack on transgender people. Some people don't want to admit that. Maybe that's because they're ashamed. And make no mistake about it, this is shameful. We all know what we're doing, and everyone watching knows, too, no matter what code words are being used.

Earlier when this amendment was being passed off as something else, I asked for numbers on the supposed threat we're addressing—which students are using which bathrooms and what problems that is creating. Those pushing this discrimination were not advised. So let me advise them that the answer is zero. This has never been a problem until some people pretended that it was. But let's talk numbers, because I do have some. Seventy-seven percent of K-12 students who are transgender report being mistreated because of who they are; 54 percent

report being harassed; 24 percent physically attacked; 13 percent sexually assaulted. Yes, 13 percent of kids who are transgender are sexually assaulted during their school years because of that identity. With that, I'm sure you'll hardly be surprised to hear that 40 percent attempt suicide in their lifetimes—two out of every five, members. There is an emergency, but it's found in what is happening to our children who are transgender.

This amendment will only amplify it. I had a flock of members from both parties standing behind me when we talked about youth suicides and passed the cyberbullying bill last week. Now we have a bill that came to the floor because of a sentiment that's divisive, discriminatory, and indifferent to the struggles of some of our most vulnerable young people. When I think about my own kids, I don't know what the future holds for them. William and Preston, whom most of you have met, could grow up to identify in many different ways, and that doesn't matter to me, because I love them. I'll always love them, and I deeply want a better, kinder world for them. We all have questions and even apprehensions about people who are different than us, but that's our challenge, and it doesn't make them less worthy of respect and safety and dignity. No one deserves less than that.

We have a responsibility, members. We're part of a representative government. And why? Because our role is to distill down and stand up for what's best in and for our people. They look to us to be the better angels and make morally right decisions no matter how hard. So I challenge you as a member, as a father. I challenge you to make the right choice. Stand on the right side of history as many of you have stood before. We shouldn't be up here making policies of any kind from a place of fear or misunderstanding or distrust. That's what discrimination is. Not just an action but an animus. We are better than that.

I'm speaking for those this amendment would vilify. I'm speaking for the children we all claim to love and support. I'm speaking for the people on this floor and up in the gallery and across this state who believe in liberty and dignity. Please speak with me today by voting no on this amendment.

REPRESENTATIVE VILLALBA: It's remarkable how when I come to the mic, everyone leaves the podium. I've spoken vocally on this issue of the bathroom bill on many times publicly and privately. As recently as this evening I issued a tweet saying that I would not vote in favor of discrimination. I've heard the titan of the house, Ms. T, talk in eloquent terms like she always does about her own experiences, what she has faced, and what it feels like to be discriminated against. Chairman Moody, one of my better friends in this chamber, has delicately described what his feelings are like when he feels impacted by what we understood to be the bathroom bill. And I have great empathy for him and everyone in this house who has children who are growing up in the world we are growing up in today.

I am no fan of any kind of legislation that would discriminate, dehumanize, belittle, or treat anyone differently merely because of the way they live their lives. I've taken votes on this floor against orthodoxy of this party, of my own party. I've said things that have got me into a significant amount of trouble with those

that have historically supported me. I've done so because I believed it was right. This amendment that Representative Paddie showed to me before we began this process tonight, I believe, is fair and is not related to the issues that some have suggested it is. It is not the bathroom bill. What it is, is an attempt to protect those who are different. Not just those who might identify as the opposite sex but those that might have surgical scars that make them uncomfortable. Those that might have physical defects that make them uncomfortable to use the same facility. Kids who might be different undergoing medical treatments or medical conditions where they might need a little privacy of their own. This amendment does not apply to any singular entity or group. It applies to all those young children of Texas who are different, and who feel different, and who need to be treated differently by having access to a reasonable accommodation.

This is not discrimination because we're not forcing them into one particular pigeonhole. Unlike Ms. T's example, there is not only one place that these children can go. They go can to the restroom of their biological sex, or they can choose a restroom of reasonable accommodation that's likely the teacher's lounge, the coaches' lounge, more privacy in a better facility. I believe, because of these reasons, that this is not a discriminatory amendment. I will be voting in favor of it, and I'm hopeful that you'll join me in recognizing that this is an attempt to find a middle ground in this body. This is not the time to politicize this issue of discrimination. This is the time to come together.

REPRESENTATIVE GONZALES: Mr. Villalba, on line 10, this discusses each student, correct?

VILLALBA: It does.

GONZALES: So to your point, while transgender is a part of that, the "each student" extends to all students, correct?

VILLALBA: Every student—every little boy and girl in Texas.

GONZALES: And this is saying that the access to their restrooms, locker rooms, and changing facilities with privacy, dignity, and safety, is that correct?

VILLALBA: That is exactly what this is intended to do.

GONZALES: So this amendment that Mr. Paddie has drafted will apply to a child with a colostomy bag, wouldn't it, Mr. Villalba?

VILLALBA: It would.

GONZALES: This amendment would also apply to a child with a physical deformity. Isn't that correct?

VILLALBA: It would.

GONZALES: It would also apply to a child who maybe has some scars or some burns that they're embarrassed of. Isn't that correct?

VILLALBA: From my own experience knowing some of my children's friends, yes, it would.

GONZALES: This amendment extends to each child, and for whatever reason, they feel, to use your words so eloquently, different. This is about kids who feel different, and different can be defined in a lot of different ways. This body helped me pass a bill last year that allowed for adaptive P.E. for kids with special needs, and I want this body to know why we voted for that. Because a mom came to me and said that her child who has the body of a 16-year-old male had the intellectual capacity of a five-year-old child, and she did not feel that her child, at a five-year-old capacity, should be in the locker room with 16-year-old boys and 17-year-old boys who relentlessly made fun of him. And he was not old enough capacity-wise to deal with that situation. Would your amendment help that kid?

VILLALBA: Unquestionably, it would.

GONZALES: Absolutely, it does. Now, I was able to address it in the realm of adaptive physical education. Mine was very narrow in scope. This helps that child and every other child in a much broader scope. Isn't that correct?

VILLALBA: Unquestionably, yes.

GONZALES: And for my child—and everybody knows about my child now who struggles greatly and all kinds of reasons—for my child to be able to seek some kind of comfort with his autism and his stimming and the things that make him know that he's different, to have a little bit of refuge for that would help my child, too. Correct?

VILLALBA: Your child and every child who feels different or who's bullied.

GONZALES: I thank Mr. Paddie for his very thoughtful amendment to address the concerns of each child in this state who feels different.

REPRESENTATIVE CANALES: Mr. Villalba, this is the second time this session that you've taken the podium in support of some of the most offensive legislation that's ever even been presented to this body. And today, you stood right now and said that this is a middle ground. What's the middle ground on discrimination, Representative? Tell the body how we reach a middle ground on discrimination? I submit to you, there's not.

REPRESENTATIVE ISRAEL: We have had some great examples in this state, without this legislation passing, of good school districts like Fort Worth and Dripping Springs who have done exactly what Representative Gonzales and Representative Villalba have said. They have taken care of that child who felt they needed special accommodations and special attention, and the parents and the kids and the administration worked together to do the right thing for those children. This amendment has turned a fine bill about school emergency procedures into a harmful one about where children use the bathroom. This is just more red meat for the base, more red meat for the March voter, at the expense of kids.

Trans children, and I know some of you are in the gallery today with your parents, are not causing problems in restrooms. But we do have plenty of evidence to know that transgender kids are the ones that are being targeted. While in grades K-12, 78 percent of trans students reported high rates of harassment;

35 percent have reported physical assault. Already we know that 44 percent of trans students felt unsafe at school as a result of their gender expression as identity. Due to this fear, 30 percent skipped at least one day of school. This bill doesn't make anyone feel safer or ensure privacy. Instead, it makes sure we have separate facilities for trans children. We're painting a target on the back of kids who already are far more likely than you or me to face violence.

Yesterday, we heard that there was white smoke at the conference committee surrounding the negotiations around our budget and that we had found agreement on the two-year budget. I'm not a political genius, but it seems to me that the budget agreement was done with this amendment in mind. And to speak frankly, we are getting rolled by the senate, and trans children are a part of that bargain. Texas has important priorities to deal with, and we have done good things across party lines. Representative Price has shown that to be true with his critical work in his interim committee as well on mental health care. Representative Coleman led us on the Sandra Bland Act. We made a small dent in how we are solidifying our retired teachers thanks to Representative Ashby. But we have so much more work to do that has nothing whatsoever to do with bathrooms. Our foster care system is still unconstitutional. Our public school finance system still has the label of Byzantine. We lose 30 people a day due to the opioid abuse problem, and this shows no signs of letting up.

I don't mean to minimize any of the good things we have accomplished this session. However, we are allowing a small portion of the electorate to waste the house's time simply to ensure that the base has plenty of red meat. When we are compelled to say, "Hey, we want our red meat about bathrooms or our red meat showing restricted abortion access or our red meat demonizing immigrants," we don't serve Texas well. These days are not good days for the state that we love and the institution that we serve. These are not good days for Texans. So we have a lot to do. This topic that we're dealing with right now is not one of those items. I hope that Texas is watching tonight.

REPRESENTATIVE HOWARD: I'm looking at Representative Paddie's amendment, and we heard the comments of some of our colleagues, our neighbor Representative Gonzales as well as Representative Villalba, talking about all the other students that might be able to benefit from this kind of an amendment. And certainly, you and I would agree that if students have a reason to not want to use the bathroom, that they should have some accommodation. If they have a colostomy bag or if they have any kind of a reason, we're going to try to accommodate our children, are we not?

ISRAEL: We are, and I think we do that.

HOWARD: Already?

ISRAEL: Already. Our engaged parents with children who have needs and attention and their teachers who care for them so much and the administration that understands that each school is its own community and we need to take care of those children are doing that job without this bill. And my concern is that this bill is sending a message to those who might have division in their hearts that it's okay to single out those kids to say, "I don't want my kid going to the bathroom

with that kid. We don't need any of that." I'm very proud, if anyone is watching from the Fort Worth or Dripping Springs school districts, I'm very proud that they have come together and shown us that they have done a very able job of looking after our children regardless of status.

HOWARD: So your concern about this is that despite what we just heard from those colleagues of ours, that this is still discriminatory? Is that correct?

ISRAEL: That is my concern, Representative Howard.

HOWARD: Would you have remembered that in the particular language here it says, it talks about schools ensuring—let me get to the point. It says, "by requiring the provision of single-occupancy facilities for use by a student who does not wish to use the facilities designated for use or commonly used by persons of the student's biological sex." Why is it referring to biological sex if it has to do with something such as colostomy bags?

ISRAEL: I will point us back to the larger political issues that we've been dealing with and our struggle with the house and the senate and the unfortunate history of politics right now.

HOWARD: So indeed this is actually singling out a particular student, and in this case we're talking about transgender students. And so in that sense we are looking at this as being discriminatory.

ISRAEL: I see it as discriminatory, harmful, singling out children, and singling them out for the sake of politics. There is also the possibility, as Ms. T was mentioning, that not all of our schools have the same facilities. And some of these kids, believe it or not, will simply not use the restroom and wait, and that's not helpful to their bodies.

REPRESENTATIVE TURNER: Let's be real clear about why we're here having this debate on this non-issue tonight. It's because the lieutenant governor said we needed to have it. I know a lot of you have seen this information. You've seen it all session long and even before session because this issue has consumed, it seems like, our political discourse in this state. In spite of all the other challenges, all the other problems that we have to address in our brief 140-day session where we meet once every two years, we've been talking about bathrooms all session long.

A lot of you have seen this but it bears repeating. It's from a recent letter from May 17 from the Metro 8 Chambers, the largest chambers in the state. This is signed by the President and CEOs of Greater Houston Partnership, the Austin Chamber of Commerce, the Arlington Chamber of Commerce, the United Corpus Christi Chamber of Commerce, the Dallas Regional Chamber, the El Paso Chamber of Commerce, the Fort Worth Chamber of Commerce, and the San Antonio Chamber of Commerce. They wrote in part—I won't read the whole thing—"Texas is best served by policies that portray our state as a welcoming, open place to live and do business. The Metro 8 Chambers of Commerce are dedicated to promoting Texas, and we have heard firsthand from our potential investors that any attempt to regulate bathroom usage will have a negative impact on the state's reputation. Studies have shown the passage of bathroom legislation

could cost Texas almost \$3.3 billion per year with the high probability of the cost increasing even further in future years. Workforce talent will also be limited by any bathroom restrictions. Texas cannot afford such legislation."

You've heard a lot of reasons from my colleagues already this evening—Representative Moody, Representative Israel—about why we should oppose this bill on moral grounds, on why it's right to oppose this amendment for the harm it would do to young people in our state. Perhaps those economic reasons might persuade some of you who aren't persuaded by those arguments. But the real reason, the most important reason to oppose this amendment, is the fact that it singles out a group of young Texans in a way they don't deserve to be, the way no one deserves to be singled out. You've heard some of these numbers tonight, but they are significant, and they bear repeating. There's over 150,000 transgender youth in the United States. We're a big state, so a lot of those young people are Texans. Seventy-five percent of transgender students felt unsafe at school because of their gender expression. Think about that—kids feeling unsafe at school because of who they are. Seventy percent of transgender students said they avoided bathrooms because they felt unsafe or uncomfortable. Sixty percent have been required to use a bathroom or locker room that did not match the gender they live every day.

There was a study done last year by the Cincinnati Children's Hospital Medical Center, and they said in their study that 30 percent of transgender youth report a history of at least one suicide attempt. Think about that, members. One third of these kids have attempted to kill themselves. And nearly 42 percent report a history of self-injury such as cutting themselves; nearly half have hurt themselves. "Our study," it says, "provides further evidence for the at-risk nature of transgender youth and emphasizes that mental health providers and physicians working with this population need to be aware of these challenges. Dissatisfaction with one's appearance and the drive to look different from one's sex assigned at birth is central to gender dysphoria, the feeling that your gender identity is different from that at birth." Members, these kids, they need our love. They need our support. They need us to be leaders who care about protecting them. They don't need us to pass laws aimed at singling them out and further stigmatizing them.

REPRESENTATIVE ANCHIA: I was trying to figure out why we were here today. I was trying to think through the history of this issue. And not long ago during a discussion on this issue, I was reminded that the only reason we were going to be dealing with transgender kids during the legislative legislation was, it was Obama's fault. If only President Obama had not issued regulations related to transgender youth in federal overreach, we wouldn't have had to act in the Texas Legislature. Well, lo and behold, President Trump wipes out those federal regulations, takes them all the way off the books, and yet we're still here. You wonder why? Because that was the pretext, right? It was federal overreach against the state. Yet now, we stand here as the state seeking to do the same thing to the school districts that, as even the amendment author said, are soldiering on just fine. Because school districts are supposed to protect their students, and in fact, they do a really good job throughout the state. Because these transgender students

and the accommodations they need don't need an amendment on a bill to be enacted. They're happening each and every day in the State of Texas with or without our action.

And we were told how important this amendment was, members. This amendment had to pass. If this amendment was so important, why wasn't it a standalone bill to protect the kid with the colostomy bag or to protect all students? We know this is not what it's about, members. We wouldn't be here on a Sunday trying to contort an amendment to fit on this bill and move the rules so that we get a vote. That's what's happening today. And when you talk about bringing the full weight of the state government down upon trans kids, that is a hurricane. That is an earthquake. That is a disaster for these kids. And the people who have spoken before me have spoken about why—the high incidents of suicide among trans youth. In fact, before this session, I sat with the parent of a trans child—in fact, a child who, when she was younger, used to babysit my kids. And she told me, "You better fight for my child. I need you to fight for my child, because if the full weight of the state government comes down on my child, I am scared. And I would much rather have a live son than a dead daughter." And that's what's at stake here today, members.

When the Human Rights Campaign did a study in 2016 on trans Americans, they called it a matter of life and death. And they chronicled at least the 21 transgender people that have been murdered across the United States. In fact, as we've been debating this issue in 2017, members, there have already been 10 transgender people fatally shot or killed by other violent means in the United States: Mesha Caldwell, a black transgender woman from Canton, Mississippi; Jamie Lee Wounded Arrow, a Native American woman who identified as transgender and who was found dead in her apartment in Sioux Falls; JoJo Striker, a transgender woman, was found killed in Toledo, Ohio; Tiara Richmond was fatally shot in Chicago on the morning of February 21; Chyna Dupree, a black transgender woman, was shot and killed in New Orleans on February 25; Ciara McElveen, a transgender woman of color, was stabbed to death in New Orleans on February 27; Jaquarius Holland, 18, was shot to death in Monroe, Louisiana on February 19; Alphonza Watson, 38, was shot and killed in Baltimore, Maryland; Chay Reed, a transgender woman of color, was shot and killed on April 21 in Miami; Kenneth Bostick, 59, was found with severe injuries on a Manhattan sidewalk and later died of his injuries. So it is a hurricane. It is an earthquake. It is a natural disaster. But the perpetrators aren't transgender people. The victims are transgender people.

And instead of sitting here and pretending this is about something else, I owe it to the parents of transgender children in the district I represent, and I owe it to my transgender constituents to call it what it is. And I owe it to all of those transgender people who are murdered, who are bullied, who are marginalized, who are discriminated against at work, who have to hide. I owe it to them. I want to affirm them. I want to affirm them on this house floor in the people's house. I want to look up at the gallery at all the transgender Texans, be they kids or not, and tell them, you are affirmed. You should not live in fear, and there are people here in this house who will defend you. You are affirmed. It is beneath this house

to have to contort itself in this way for, I think, nothing more than politics. I'm sure that when any of you ran for office, I can only ascribe to you completely honest and pure motivations about making this state better, about protecting people, about helping people, about identifying need in your communities that you wanted to ask your friends and neighbors to send you down here to solve. I just ask that you think about whether or not you're doing that today. And think about the people who need you today.

REPRESENTATIVE FARRAR: Mr. Speaker, members, my problem with this amendment, well, to begin with, is that it's not so harmless. In order for a school to be able to make that accommodation that's talked about in the amendment, the child has to out themselves. So it's not harmless. They don't get to go around in the privacy of their own lives. They have to share something very intimate, something that makes them very vulnerable in some places, with school authorities. So I don't think that it will be useful or helpful to these children.

I was asked earlier why I couldn't support this. This is a compromise. Well, and while this is better, perhaps, it still fails to recognize the safety of that child and their well-being. It is better in the sense that it's limited to schools. We didn't get a bathroom bill that covers all bathrooms. It is limited to schools, I suppose, and the language doesn't specifically target GLBT kids. But its impact still has that a child must out themselves. This legislature has occupied already too much time and energy on this issue of the bathroom bill. Why are we not focusing this kind of intensity on actually solving school finance? This legislature's never done anything about the funding unless it was in response to a lawsuit. Why can't we be using our energy for that?

Well, I won't be a part of this. Maybe it could be worse as I was told earlier, but it's not my fault that this crazy situation has been created. It's not my fault that people have won elections by targeting the GLBT community, and I won't be a part of it. I just won't. Creating a separate but equal status for trans kids in Texas—it wasn't constitutional before, and it's not constitutional now. We need to be worrying about these children. That's who we were sent here to protect. We're sent here to protect the vulnerable, and these children don't need to be worrying about anything except doing well in school and getting along and getting out of school and moving to higher education and becoming productive members of society. So for those reasons, I won't be supporting this amendment. I appreciate the efforts of people in this body to try to make things better, but it still fails. And I give this amendment an F.

REPRESENTATIVE PADDIE: First of all, let me say that I agree that the statistics that were cited as it relates to transgender students are alarming, and I believe as you do that it's deplorable that that's happening. I do care about the safety and privacy and dignity of those students just as much as I do my own two children who attend public schools. This is about accommodating all kids. No kid should live in fear. Members, school districts are doing a great job today of serving their unique student populations. With this amendment, we are saying to those school districts that we trust them to effectively and thoughtfully do that

job. I will tell you that TASB and TASA were at the table when we were crafting this and agreed that this was a thoughtful and reasonable way to provide definitive guidance to school districts.

Amendment No. 2 was adopted by (Record 1502): 91 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, S.; Deshotel; Dukes; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Gutierrez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Guillen.

STATEMENT OF VOTE

When Record No. 1502 was taken, I was excused because of illness. I would have voted yes.

Metcalf

SB 2078, as amended, was passed to third reading by (Record 1503): 92 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Meyer; Miller; Morrison; Murphy; Murr; Oliveira; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer;

Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, S.; Deshotel; Dukes; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Gutierrez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Guillen.

STATEMENT OF VOTE

When Record No. 1503 was taken, I was excused because of illness. I would have voted yes.

Metcalf

COMMITTEE GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

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

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

SB 1831 ON THIRD READING **(Capriglione - House Sponsor)**

SB 1831, A bill to be entitled An Act relating to an annual report on state programs not funded by appropriations.

SB 1831 was read third time earlier today, postponed until 3:22 p.m. today, and was again postponed until this time.

Amendment No. 1

Representative Larson offered the following amendment to **SB 1831**:

Amend **SB 1831** on third reading as follows:

(1) Strike the heading to added Section 403.0147, Government Code, and substitute the following:

Sec. 403.0147. REPORTS ON CERTAIN ENTITIES NOT FUNDED BY APPROPRIATIONS.

(2) Add the following subsections to Section 403.0147, Government Code, as added by the bill:

(d) Not later than December 31, 2017, the comptroller shall prepare and submit to the legislature a report that identifies each entity to be reviewed under Chapter 325 (Texas Sunset Act) that:

(1) is not a state agency;

(2) does not receive a direct appropriation in the General Appropriations Act; and

(3) is required to pay for the cost of the review.

(e) The Sunset Advisory Commission shall assist the comptroller in identifying the entities described by Subsection (d).

(f) Not later than December 31, 2018, the comptroller and the Legislative Budget Board shall make recommendations to the legislature on alternate methods of reviewing the performance of entities identified in the report under Subsection (d).

(g) Notwithstanding any other law, an entity identified in the report under Subsection (d) is not subject to review by the Sunset Advisory Commission under Chapter 325 (Texas Sunset Act) during the period in which state agencies scheduled to be abolished in 2019 are reviewed.

(h) This subsection and Subsections (d), (e), (f), and (g) expire August 31, 2019.

(3) In SECTION 2 of the bill, strike "Section 403.0147" and substitute "Section 403.0147(b)".

Amendment No. 1 was adopted.

SB 1831, as amended, was passed by (Record 1504): 135 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.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Dukes; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; 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.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; Villalba; Walle; White; Wilson; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Johnson, J.; Leach; Minjarez; Schaefer; VanDeaver; Wray.

GENERAL STATE CALENDAR
(consideration continued)

SB 1873 ON SECOND READING

(Wilson, VanDeaver, Oliverson, Lucio, Meyer, et al. - House Sponsors)

SB 1873, A bill to be entitled An Act relating to a report regarding certain health and safety information prepared by the Texas Education Agency.

SB 1873 was passed to third reading. (Lang and Rinaldi recorded voting no.)

CSSB 73 ON SECOND READING
(Geren - House Sponsor)

CSSB 73, A bill to be entitled An Act relating to leave policy and procedures for state employees.

Amendment No. 1

Representative Turner offered the following amendment to **CSSB 73**:

Amend **CSSB 73** (house committee report) as follows:

(1) On page 1, line 24, between "subsection" and the underlined comma, insert "and except as provided by Subsection (c)".

(2) On page 2, line 1, strike "who" and substitute "if the employee requests the leave and [who]".

(3) On page 2, line 2, between "determines" and "has", insert "that the employee".

(4) On page 2, between lines 7 and 8, insert the following:

(c) An employee is not required to request an emergency leave if the administrative head of the employing agency grants the emergency leave under Subsection (b) because the agency is closed due to weather conditions or in observance of a holiday.

(5) On page 2, line 8, strike "(c)" and substitute "(d)".

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

SECTION _____. Subchapter Z, Chapter 661, Government Code, is amended by adding Section 661.923 to read as follows:

Sec. 661.923. LEAVE DURING AGENCY INVESTIGATION. (a) The administrative head of an agency may grant leave without a deduction in salary to a state employee who is:

(1) the subject of an investigation being conducted by the agency; or

(2) a victim of, or witness to, an act or event that is the subject of an investigation being conducted by the agency.

(b) A state employee who is the subject of an investigation being conducted by the employing agency is ineligible to receive leave for that reason under any other provision of this subchapter.

(c) Not later than the last day of each quarter of a state fiscal year, an agency shall submit a report to the state auditor's office and the Legislative Budget Board that includes the name of each agency employee described by Subsection (a)(1) who has been granted 168 hours or more of leave under this section during that fiscal quarter. The report must include, for each employee, a brief statement as to the reason the employee remains on leave.

(7) On page 3, line 3, strike "applies" and substitute "and Section 661.923, Government Code, as added by this Act, apply".

(8) On page 3, lines 3, 4, and 6, strike "emergency" each time it appears.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Howard offered the following amendment to **CSSB 73**:

Amend **CSSB 73** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 661, Government Code, is amended by adding Section 661.923 to read as follows:

Sec. 661.923. MEDICAL AND MENTAL HEALTH CARE LEAVE FOR CERTAIN VETERANS. (a) This section applies to a state employee who is:

(1) a veteran, as defined by Section 434.023(a); and

(2) eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs.

(b) A state employee described by Subsection (a) may be granted leave without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time to obtain medical or mental health care administered by the Veterans Health Administration of the United States Department of Veterans Affairs, including physical rehabilitation.

(c) Except as provided by Subsection (d), leave granted under Subsection (b) may not exceed 15 days each fiscal year.

(d) The administrative head of a state agency may annually grant additional days of leave described by Subsection (b) as the administrative head determines appropriate for the employee.

Amendment No. 2 was adopted.

CSSB 73, as amended, was passed to third reading.

SB 1910 ON SECOND READING (Capriglione - House Sponsor)

SB 1910, A bill to be entitled An Act relating to state agency information security plans, information technology employees, and online and mobile applications.

Amendment No. 1

Representative Capriglione offered the following amendment to **SB 1910**:

Amend **SB 1910** (house committee report) as follows:

- (1) On page 1, line 10, strike "shall" and substitute "may".
- (2) On page 1, line 11, strike "audited" and substitute "assessed".
- (3) On page 1, strike lines 15-20, and substitute the following:

Sec. 2054.136. DESIGNATED INFORMATION SECURITY OFFICER.

Each state agency shall designate an information security officer who:

- (1) reports to the agency's executive level management;
- (2) has authority over information security for the entire agency;
- (3) possesses the training and experience required to perform the duties required by department rules; and
- (4) to the extent feasible, has information security duties as the officer's primary duties.

(4) On page 1, line 22, strike "Section 2054.516" and substitute "Sections 2054.516 and 2054.517".

(5) On page 1, line 24, between "agency" and "implementing", insert " , other than an institution of higher education subject to Section 2054.517,".

(6) On page 2, strike lines 1-22, and substitute the following:
website or mobile application that processes any sensitive personally identifiable or confidential information must:

(1) submit a biennial data security plan to the department not later than October 15 of each even-numbered year, to establish planned beta testing for websites or applications; and

(2) subject the website or application to a vulnerability and penetration test and address any vulnerability identified in the test.

(7) On page 2, line 23, strike "(c)" and substitute "(b)".

(8) On page 2, between lines 26 and 27, insert the following:

Sec. 2054.517. DATA SECURITY PROCEDURES FOR ONLINE AND MOBILE APPLICATIONS OF INSTITUTIONS OF HIGHER EDUCATION.

(a) Each institution of higher education, as defined by Section 61.003, Education Code, shall adopt and implement a policy for Internet website and mobile application security procedures that complies with this section.

(b) Before deploying an Internet website or mobile application that processes confidential information for an institution of higher education, the developer of the website or application for the institution must submit to the institution's information security officer the information required under policies adopted by the institution to protect the privacy of individuals by preserving the confidentiality of information processed by the website or application. At a minimum, the institution's policies must require the developer to submit information describing:

- (1) the architecture of the website or application;
- (2) the authentication mechanism for the website or application; and
- (3) the administrator level access to data included in the website or application.

(c) Before deploying an Internet website or mobile application described by Subsection (b), an institution of higher education must subject the website or application to a vulnerability and penetration test conducted internally or by an independent third party.

(d) Each institution of higher education shall submit to the department the policies adopted as required by Subsection (b). The department shall review the policies and make recommendations for appropriate changes.

(Goldman in the chair)

Amendment No. 1 was adopted.

Amendment No. 2

Representative Blanco offered the following amendment to **SB 1910**:

Amend **SB 1910** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 2054, Government Code, is amended by adding Sections 2054.0591 and 2054.0592 to read as follows:

Sec. 2054.0591. CYBERSECURITY REPORT. (a) Not later than November 15 of each even-numbered year, the departments shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over state government operations a report identifying preventive and recovery efforts the state can undertake to improve cybersecurity in this state. The report must include:

(1) an assessment of the resources available to address the operational and financial impacts of a cybersecurity event;

(2) a review of existing statutes regarding cybersecurity and information resources technologies;

(3) recommendations for legislative action to increase the state's cybersecurity and protect against adverse impacts from a cybersecurity event;

(4) an evaluation of the costs and benefits of cybersecurity insurance;
and

(5) an evaluation of tertiary disaster recovery options.

(b) The department or a recipient of a report under this section may redact or withhold information confidential under Chapter 552, including Section 552.139, or other state or federal law that is contained in the report in response to a request under Chapter 552 without the necessity of requesting a decision from the attorney general under Subchapter G, Chapter 552.

Sec. 2054.0592. CYBERSECURITY EMERGENCY FUNDING. If a cybersecurity event creates a need for emergency funding, the department may request that the governor or Legislative Budget Board make a proposal under Chapter 317 to provide funding to manage the operational and financial impacts from the cybersecurity event.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Shaheen offered the following amendment to **SB 1910**:

Amend **SB 1910** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.1184 to read as follows:

Sec. 2054.1184. ASSESSMENT OF MAJOR INFORMATION RESOURCES PROJECT. (a) A state agency proposing to spend appropriated funds for a major information resources project must first conduct an execution capability assessment to:

- (1) determine the agency's capability for implementing the project;
- (2) reduce the agency's financial risk in implementing the project; and
- (3) increase the probability of the agency's successful implementation

of the project.

(b) A state agency shall submit to the department, the quality assurance team established under Section 2054.158, and the Legislative Budget Board a detailed report that identifies the agency's organizational strengths and any weaknesses that will be addressed before the agency initially spends appropriated funds for a major information resources project.

(c) A state agency may contract with an independent third party to conduct the assessment under Subsection (a) and prepare the report described by Subsection (b).

Amendment No. 3 was adopted.

SB 1910, as amended, was passed to third reading.

CSSB 1842 ON SECOND READING
(Phelan - House Sponsor)

CSSB 1842, A bill to be entitled An Act relating to an application for the amendment of a certificate of public convenience and necessity in an area within the boundaries of a political subdivision.

Amendment No. 1

Representative Wilson offered the following amendment to **CSSB 1842**:

Amend **CSSB 1842** (house committee printing) by adding the following appropriately numbered SECTIONS and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 65, Water Code, is amended by adding Section 65.7271 to read as follows:

Sec. 65.7271. DISSOLUTION OF DISTRICT FOLLOWING TRANSFER OF ALL OBLIGATIONS AND SERVICES. (a) The section only applies to a district that has transferred the district's certificate of convenience and necessity to a municipality that is the county seat of a county with a population of 400,000 or more that is adjacent to the county that contains the capital of this state.

(b) The board may propose to dissolve the district and issue notice of a hearing on the proposed dissolution if the district's:

(1) certificate of convenience and necessity has been transferred to another political subdivision; and

(2) assets and liabilities have been transferred to or assumed by another political subdivision.

SECTION _____. Section 65.730, Water Code, is amended to read as follows:

Sec. 65.730. BOARD'S ORDER TO DISSOLVE DISTRICT. (a) For a dissolution hearing ordered under Section 65.727, if [H] the board unanimously determines from the evidence that the best interests of the persons and property in the district will be served by dissolving the district, the board shall enter the appropriate findings and order in its records dissolving the district. Otherwise the board shall enter its order providing that the district has not been dissolved.

(b) For a dissolution hearing ordered under Section 65.7271, if two-thirds or more of the members of the board vote to dissolve the district, the board shall enter the appropriate findings and order in its records dissolving the district. Otherwise the board shall enter its order providing that the district has not been dissolved.

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 failed of adoption by Record No. 1531.)

CSSB 1842, as amended, was passed to third reading. (The vote was reconsidered later today and **CSSB 1842** was passed to third reading.)

SB 1784 ON SECOND READING

(Huberty - House Sponsor)

SB 1784, A bill to be entitled An Act relating to state-developed open-source instructional material for public schools.

Representative Huberty moved to postpone consideration of **SB 1784** until 8:50 p.m. today.

The motion prevailed.

CSSB 1383 ON SECOND READING

(K. King - House Sponsor)

CSSB 1383, A bill to be entitled An Act relating to the operation of vehicles transporting fluid milk; authorizing a fee.

CSSB 1383 was passed to third reading.

SB 2080 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Huberty, Representatives Giddings and Allen were authorized as house sponsors to **SB 2080**.

SB 2080 ON SECOND READING
(Guillen - House Sponsor)

SB 2080, A bill to be entitled An Act relating to a requirement that school districts and open-enrollment charter schools report certain information regarding children with disabilities who reside in residential facilities.

SB 2080 was passed to third reading.

SB 1748 ON SECOND READING
(Canales - House Sponsor)

SB 1748, A bill to be entitled An Act relating to use of tax revenue by certain development corporations for job-related skills training.

SB 1748 was passed to third reading. (Rinaldi recorded voting no.)

SB 1462 ON SECOND READING
(Lucio - House Sponsor)

SB 1462, A bill to be entitled An Act relating to local health care provider participation programs in certain counties and municipalities.

Amendment No. 1

Representative Lucio offered the following amendment to **SB 1462**:

Amend **SB 1462** (house committee report) as follows:

(1) Add as SECTION 1 of the bill:

"Section 288.151(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~fourth~~] day before the date of the hearing, the commission shall publish at least once notice of the hearing in a newspaper of general circulation in the county in which the district is located."

(2) Add as SECTION 4 of the bill:

"Section 291.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~fourth~~] day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county."

(3) Add as SECTION 7 of the bill:

"Section 292.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~fourth~~] day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county."

(4) Add as SECTION 11 of the bill:

"Section 293.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~fourth~~] day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county."

(5) Add as SECTION 15 of the bill:

"Section 294.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~fourth~~] day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county."

(6) Add as SECTION 18 of the bill:

"Section 295.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~10th~~] day before the date of the hearing required under Subsection (a), the governing body of the municipality shall publish notice of the hearing in a newspaper of general circulation in the municipality."

(7) Add as SECTION 21 of the bill:

"Section 296.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~10th~~] day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county."

(8) Add as SECTION 25 of the bill:

"Section 297.101(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~10th~~] day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county."

(9) Renumber SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Capriglione offered the following amendment to **SB 1462**:

Amend **SB 1462** (house committee report) as follows:

(1) In SECTION 2 of the bill, in amended Section 288.202, Health and Safety Code (page 2, line 11), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(2) In SECTION 4 of the bill, in amended Section 291.152, Health and Safety Code (page 4, line 5), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(3) In SECTION 6 of the bill, in amended Section 292.152, Health and Safety Code (page 5, line 27), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(4) In SECTION 9 of the bill, in amended Section 293.152, Health and Safety Code (page 7, line 27), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(5) In SECTION 12 of the bill, in amended Section 294.152, Health and Safety Code (page 9, line 27), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(6) In SECTION 14 of the bill, in amended Section 295.152, Health and Safety Code (page 11, line 22), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(7) In SECTION 16 of the bill, in amended Section 296.152, Health and Safety Code (page 13, line 17), strike "or contract" and substitute "or, using a competitive bidding process, contract".

(8) In SECTION 19 of the bill, in amended Section 297.152, Health and Safety Code (page 15, line 17), strike "or contract" and substitute "or, using a competitive bidding process, contract".

Amendment No. 2 was adopted.

LEAVE OF ABSENCE GRANTED

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

Koop on motion of Burns.

SB 1462 - (consideration continued)

SB 1462, as amended, was passed to third reading. (Rinaldi recorded voting no.)

**SB 331 ON SECOND READING
(Rose and Alonzo - House Sponsors)**

SB 331, A bill to be entitled An Act relating to the temporary approval of a private or independent college or university to continue to participate in the tuition equalization grant program.

Representative Bailes moved to postpone consideration of **SB 331** until 9:05 p.m. today.

The motion prevailed.

**SB 1221 ON SECOND READING
(Hinojosa - House Sponsor)**

SB 1221, A bill to be entitled An Act relating to an annual report submitted to the comptroller by a municipality that imposes certain hotel occupancy taxes.

SB 1221 was passed to third reading.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

**SB 1784 ON SECOND READING
(Huberty - House Sponsor)**

SB 1784, A bill to be entitled An Act relating to state-developed open-source instructional material for public schools.

SB 1784 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Huberty offered the following amendment to **SB 1784**:

Amend **SB 1784** (house committee report) as follows:

- (1) On page 1, line 10, strike "permits the" and substitute "allows for".
- (2) On page 1, line 11, strike "of the resource".
- (3) Strike page 1, line 21, through page 2, line 18.
- (4) On page 3, lines 2-3, strike "(a) A state-developed open-source instructional material" and substitute "Instructional material purchased under this subchapter".
- (5) Strike page 3, lines 10-16, and substitute the following:

(3) is licensed to the state under a license that:

(A) grants the state unlimited authority to modify, delete, combine, or add content;

(B) permits the free use and repurposing of the material by any person or entity; and

(C) is for a term of use acceptable to the commissioner to ensure a useful life of the material.

(6) On page 3, lines 18-19, strike "(d), (e), and (f)" and substitute "(d), (e), (f), (g), (h), and (i)".

(7) On page 3, lines 20-21, strike "state-developed open-source instructional materials" and substitute "instructional material purchased by the state under this subchapter".

(8) On page 3, line 23, strike "a state-developed open-source" and substitute "the".

(9) On page 3, line 25, between "person" and "~~to~~", insert "or entity".

(10) On page 4, line 3, strike "A" and substitute "The terms of a".

(11) On page 4, line 5, strike "unless exempted by the commissioner,".

(12) On page 4, line 6, strike "a state-developed open-source" and substitute "the".

(13) Strike page 4, lines 18-19, and substitute the following:

(E) to the extent reasonably practicable, must provide in any product or derivative material a uniform resource identifier or hyperlink through which a person may obtain the material free of charge;

(14) On page 4, line 27, between "license" and "~~The~~", insert the following:
; and

(3) may include any additional terms determined by the commissioner

(15) On page 5, between lines 6 and 7, insert the following:

(d) The commissioner may exempt a license under this section from including one or more of the requirements under Subsection (c)(1).

(16) On page 5, line 7, strike "(d)" and substitute "(e)".

(17) On page 5, line 8, strike "Subsection" and substitute "Subsections (c)(1)(E) and".

(18) On page 5, line 9, strike "(e)" and substitute "(f)".

(19) On page 5, line 14, strike "(f)" and substitute "(g)".

(20) On page 5, between lines 15 and 16, insert the following:

(h) The agency may recover costs of development and any other damages from a person or entity that uses instructional material purchased by the state under this subchapter for commercial purposes in a manner that violates a requirement of a license under this section.

(i) The attorney general shall represent the agency in an action brought under Subsection (h) and may recover reasonable expenses incurred in obtaining relief, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(21) On page 5, between lines 22 and 23, add the following appropriately numbered SECTION to the bill:

SECTION _____. The commissioner of education may apply the changes in law made by this Act to instructional material purchased by the state under Subchapter B-1, Chapter 31, Education Code, regardless of whether the instructional material was purchased before, on, or after the effective date of this Act.

(22) Renumber SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Blanco offered the following amendment to **SB 1784**:

Amend **SB 1784** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 26.006, Education Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) A student's parent is entitled to request that the school district or open-enrollment charter school the student attends allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, the district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher. A school district or open-enrollment charter school must provide the instructional materials to the student in printed book format if the student does not have reliable access to technology at the student's home. In this subsection, "instructional material" has the meaning assigned by Section 31.002.

(d) A school district or open-enrollment charter school must document each parental request made under Subsection (c) to allow a student to take home instructional material used by the student that the district or school denies. The documentation must include the reasons for denying the request. Not later than the 30th day after the date the district or school receives the request, the district or school must report to the agency that the request has been denied.

(e) Not later than September 1 of each year, the agency shall submit an annual report to the legislature that includes the number of parental requests made under Subsection (c) to allow a student to take home instructional material used by the student that each school district and open-enrollment charter school denied and the reasons for the denial.

SECTION _____. Section 26.006, Education Code, as amended by this Act, applies beginning with the 2017-2018 school year.

Amendment No. 2 was adopted.

SB 1784, as amended, was passed to third reading.

GENERAL STATE CALENDAR
(consideration continued)
CSSB 1172 ON SECOND READING
(Geren, et al. - House Sponsors)

CSSB 1172, A bill to be entitled An Act relating to the regulation of seed by a political subdivision.

Amendment No. 1

Representative Geren offered the following amendment to **CSSB 1172**:

Amend **CSSB 1172** (house committee report) on page 2, between lines 4 and 5, by inserting the following:

Sec. 61.020. JUDICIAL RELIEF. (a) A person may bring a suit to enjoin the enforcement of an order, ordinance, or other measure adopted by a political subdivision if:

(1) the person is required to obtain a license, permit, or registration issued by the state to conduct the person's business; and

(2) the order, ordinance, or other regulation establishes requirements for, imposes restrictions on, or otherwise regulates the business activity of the person in a manner that is more stringent than the state law that governs the person's business.

(b) A suit brought under this section must be brought in a district court:

(1) for a judicial district in which any portion of the territory of the political subdivision that adopted the local regulation is located; or

(2) in Travis County.

(c) In a suit brought under this section, the political subdivision has the burden of establishing by clear and convincing evidence that the order, ordinance, or other measure the political subdivision seeks to enforce does not conflict with state law.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Geren offered the following amendment to **CSSB 1172**:

Amend **CSSB 1172** (house committee report) on page 1, line 21, between "implement a" and "voluntary", by inserting the following:

⋮

(A) water conservation plan;

(B) drought contingency plan; or

(C)

Amendment No. 2 was adopted.

Amendment No. 3

Representative E. Rodriguez offered the following amendment to **CSSB 1172**:

Amend **CSSB 1172** (house committee report) on page 1, line 11, by striking "or cultivating plants grown from seed".

Amendment No. 3 was adopted.

CSSB 1172, as amended, was passed to third reading.

SB 524 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Moody, Representative Collier was authorized as a house sponsor to **SB 524**.

**SB 1131 ON SECOND READING
(Herrero - House Sponsor)**

SB 1131, A bill to be entitled An Act relating to the powers and duties of a designated officer of a navigation district.

SB 1131 was passed to third reading.

**SB 1105 ON SECOND READING
(Phelan - House Sponsor)**

SB 1105, A bill to be entitled An Act relating to the abolishment of the used oil recycling account, deposits of used oil recycling fees, and use of the water resource management account.

Representative Roberts moved to postpone consideration of **SB 1105** until 9:09 p.m. today.

The motion prevailed.

**SB 705 ON SECOND READING
(Price - House Sponsor)**

SB 705, A bill to be entitled An Act relating to an exception from disclosure under the public information law for certain personal information of an applicant for an appointment by the governor.

SB 705 was passed to third reading.

**SB 524 ON SECOND READING
(Geren - House Sponsor)**

SB 524, A bill to be entitled An Act relating to increasing the punishment for the offense of abuse of a corpse.

SB 524 was passed to third reading.

SB 715 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Herrero, Representatives Cortez, Fallon, Hefner, Springer, and Swanson were authorized as house sponsors to **SB 715**.

**SB 295 ON SECOND READING
(Flynn - House Sponsor)**

SB 295, A bill to be entitled An Act relating to the issuance of certain capital appreciation bonds by political subdivisions.

SB 295 was passed to third reading.

SB 36 ON SECOND READING
(S. Thompson - House Sponsor)

SB 36, A bill to be entitled An Act relating to the regulation of certain guardianship programs.

Amendment No. 1

Representative S. Thompson offered the following amendment to **SB 36**:

Amend **SB 36** (house committee report) as follows:

(1) On page 1, line 12, between "or" and "has", insert "refused renewal, or".

(2) On page 2, line 6, between "Services" and the period, insert "or its successor agency".

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 155.102, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) An individual who directly supervises an individual who will provide guardianship services in this state to a ward of a guardianship program must hold a certificate issued under this section.

(4) On page 2, line 10, between "provide" and "guardianship", insert ", or directly supervise the provision of,".

(5) On page 2, line 13, between "expired" and "or", insert "or refused renewal,".

(6) On page 3, line 27, strike "and".

(7) On page 4, line 5, strike the underlined period and substitute "; and".

(8) On page 4, between lines 5 and 6, insert the following:

(6) prescribe procedures for addressing a guardianship for which a guardianship program is the appointed guardian if the guardianship program's registration certificate is expired or refused renewal, or has been revoked and not been reissued.

(9) On page 4, between lines 23 and 24, insert the following:

(c) An individual described by Section 155.102(a-1), Government Code, as added by this Act, is not required to hold a certificate issued under that section until September 1, 2018.

Amendment No. 1 was adopted.

SB 36, as amended, was passed to third reading by (Record 1505): 118 Yeas, 13 Nays, 2 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; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Dukes; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, T.; Klick; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller;

Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Workman; Wray.

Nays — Cain; Fallon; Krause; Lang; Leach; Rinaldi; Schaefer; Shaheen; Simmons; Stickland; Swanson; Tinderholt; Wilson.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Bernal; Giddings; Hunter; King, P.; Neave; Romero; Wu; Zedler; Zerwas.

STATEMENTS OF VOTE

When Record No. 1505 was taken, I was in the house but away from my desk. I would have voted yes.

Neave

When Record No. 1505 was taken, I was in the house but away from my desk. I would have voted yes.

Romero

When Record No. 1505 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

CSSB 1656 ON SECOND READING

(E. Rodriguez and Bernal - House Sponsors)

CSSB 1656, 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 postpone consideration of **CSSB 1656** until 10 a.m. tomorrow.

The motion prevailed.

CSSB 1444 ON SECOND READING

(S. Davis - House Sponsor)

CSSB 1444, A bill to be entitled An Act relating to de novo hearings in child protection cases.

CSSB 1444 was passed to third reading.

SB 37 ON SECOND READING
(Gutierrez - House Sponsor)

SB 37, A bill to be entitled An Act relating to the requirement to obtain certification for attorneys representing persons in guardianship proceedings.

Representative Gutierrez moved to postpone consideration of **SB 37** until 9:30 p.m. today.

The motion prevailed.

SB 298 ON SECOND READING
(Geren - House Sponsor)

SB 298, A bill to be entitled An Act relating to the creation and funding of the Texas Forensic Science Commission operating account.

SB 298 was passed to third reading by (Record 1506): 118 Yeas, 15 Nays, 3 Present, not voting.

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

Nays — Biedermann; Cain; Capriglione; Fallon; Krause; Lang; Leach; Phillips; Rinaldi; Schaefer; Shaheen; Simmons; Swanson; Tinderholt; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Bell; Gervin-Hawkins; Hunter; Paddie; Rose; Wilson.

STATEMENTS OF VOTE

When Record No. 1506 was taken, I was in the house but away from my desk. I would have voted no.

Bell

When Record No. 1506 was taken, I was in the house but away from my desk. I would have voted yes.

Gervin-Hawkins

When Record No. 1506 was taken, I was in the house but away from my desk. I would have voted yes.

Wilson

SB 78 ON SECOND READING
(Price - House Sponsor)

SB 78, A bill to be entitled An Act relating to the disposition of state surplus or salvage data processing equipment by the Texas Department of Criminal Justice.

SB 78 was passed to third reading.

SB 39 ON SECOND READING
(Farrar - House Sponsor)

SB 39, A bill to be entitled An Act relating to guardianships, substitutes for guardianships, and durable powers of attorney for persons with disabilities or who are incapacitated.

Amendment No. 1

Representative Moody offered the following amendment to **SB 39**:

Amend **SB 39** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. (a) Section 1051.103, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) A citation served as provided by Subsection (a) to a relative of the proposed ward described by Subsection (a)(2) or (4) must contain a statement notifying the relative that, if a guardianship is created for the proposed ward, the relative must elect in writing in order to receive notice about the ward under Section 1151.056.

(b) Section 1051.104, Estates Code, is amended by adding Subsection (d) to read as follows:

(d) Notice required by Subsection (a) to a relative of the proposed ward described by Subsection (a)(1) or (2) must contain a statement notifying the relative that, if a guardianship is created for the proposed ward, the relative must elect in writing in order to receive notice about the ward under Section 1151.056.

(c) Section 1151.056, Estates Code, is amended by amending Subsections (a) and (g) and adding Subsections (h) and (i) to read as follows:

(a) This section applies only with respect to a relative [~~relatives~~] described under Sections 1101.001(b)(13)(A)-(D):

(1) against whom a protective order has not been issued to protect the ward;

(2) who has not been found by a court or other state agency to have abused, neglected, or exploited the ward; and

(3) who has elected in writing to receive the notice about a ward under this section.

(g) In considering a motion under Subsection (e), the court shall relieve the guardian of the duty to provide notice about a ward to a relative under this section if the court finds that:

(1) the motion includes a written request from a relative electing to not receive the notice;

(2) the guardian was unable to locate the relative after making reasonable efforts to discover and locate the relative;

(3) the guardian was able to locate the relative, but was unable to establish communication with the relative after making reasonable efforts to establish communication; or

(4) ~~a protective order was issued against the relative to protect the ward;~~

~~[(5) a court or other state agency has found that the relative abused, neglected, or exploited the ward; or~~

~~[(6)] notice is not in the best interest of the ward.~~

(h) A guardian, as soon as possible but not later than September 1, 2019, shall provide notice to a relative of the ward described under Sections 1101.001(b)(13)(A)-(D) whose whereabouts are known or can reasonably be ascertained that the relative must elect in writing in order to receive notice about the ward under this section. This subsection applies only to a guardianship:

(1) created on or before the effective date of this subsection; or

(2) created after the effective date of this subsection if the application for the guardianship was pending on the effective date of this subsection.

(i) This subsection and Subsection (h) expire January 1, 2020.

(d) The changes in law made by this SECTION apply to a guardianship created before, on, or after the effective date of this SECTION.

(e) This SECTION 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. If this Act does not receive the vote necessary for this SECTION to have immediate effect, this SECTION takes effect September 1, 2017.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Farrar offered the following amendment to **SB 39**:

Amend **SB 39** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. (a) Section 361.052, Estates Code, is amended to read as follows:

Sec. 361.052. REMOVAL WITH NOTICE. (a) The court may remove a personal representative on the court's own motion, or on the complaint of any interested person, after the representative has been cited by personal service to answer at a time and place set ~~fixed~~ in the notice, if:

(1) sufficient grounds appear to support a belief that the representative has misapplied, embezzled, or removed from the state, or is about to misapply, embezzle, or remove from the state, all or part of the property entrusted to the representative's care;

(2) the representative fails to return any account required by law to be made;

(3) the representative fails to obey a proper order of the court that has jurisdiction with respect to the performance of the representative's duties;

(4) the representative is proved to have been guilty of gross misconduct, or mismanagement in the performance of the representative's duties;

(5) the representative:

(A) becomes incapacitated;

(B) is sentenced to the penitentiary; or

(C) from any other cause, becomes incapable of properly performing the duties of the representative's trust; or

(6) the representative, as executor or administrator, fails to[-

~~(A)]~~ make a final settlement by the third anniversary of the date letters testamentary or of administration are granted, unless that period is extended by the court on a showing of sufficient cause supported by oath[-~~or~~

~~(B) timely file the affidavit or certificate required by Section 308.004].~~

(b) If a personal representative, as executor or administrator, fails to timely file the affidavit or certificate required by Section 308.004, the court, on the court's own motion, may remove the personal representative after providing 30 days' written notice to the personal representative to answer at a time and place set in the notice, by certified mail, return receipt requested, to:

(1) the representative's last known address; and

(2) the last known address of the representative's attorney of record.

(b) Section 404.0035, Estates Code, is amended to read as follows:

Sec. 404.0035. REMOVAL OF INDEPENDENT EXECUTOR WITH NOTICE. (a) The probate court, on the court's own motion, may remove an independent executor appointed under this subtitle after providing 30 days' written notice of the court's intention to the independent executor, requiring answering at a time and place set in the notice ~~[of the court's intent to remove the independent executor]~~, by certified mail, return receipt requested, to the independent executor's last known address and to the last known address of the independent executor's attorney of record, if the independent executor:

(1) neglects to qualify in the manner and time required by law; ~~[or]~~

(2) fails to return, before the 91st day after the date the independent executor qualifies, either an inventory of the estate property and a list of claims that have come to the independent executor's knowledge or an affidavit in lieu of the inventory, appraisal, and list of claims, unless that deadline is extended by court order; or

(3) ~~fails to timely file the affidavit or certificate required by Section 308.004.~~

(b) The probate court, on its own motion or on motion of any interested person, after the independent executor has been cited by personal service to answer at a time and place set ~~fixed~~ in the notice, may remove an independent executor when:

(1) the independent executor fails to make an accounting which is required by law to be made;

(2) ~~the independent executor fails to timely file the affidavit or certificate required by Section 308.004;~~

~~(3)~~ the independent executor is proved to have been guilty of gross misconduct or gross mismanagement in the performance of the independent executor's duties;

(3) ~~(4)~~ the independent executor becomes an incapacitated person, or is sentenced to the penitentiary, or from any other cause becomes legally incapacitated from properly performing the independent executor's fiduciary duties; or

(4) ~~(5)~~ the independent executor becomes incapable of properly performing the independent executor's fiduciary duties due to a material conflict of interest.

(c) Section 1023.003, Estates Code, is amended to read as follows:

Sec. 1023.003. ~~[APPLICATION FOR]~~ TRANSFER OF GUARDIANSHIP TO ANOTHER COUNTY. (a) When a guardian or any other person desires to transfer the transaction of the business of the guardianship from one county to another, the person shall file a written application in the court in which the guardianship is pending stating the reason for the transfer.

(b) With notice as provided by Section 1023.004, the court in which a guardianship is pending, on the court's own motion, may transfer the transaction of the business of the guardianship to another county if the ward resides in the county to which the guardianship is to be transferred.

(d) Section 1023.004, Estates Code, is amended to read as follows:

Sec. 1023.004. NOTICE. (a) On filing an application or on motion of a court to transfer a guardianship to another county under Section 1023.003, the sureties on the bond of the guardian shall be cited by personal service to appear and show cause why the guardianship ~~application~~ should not be transferred ~~granted~~.

(b) If an application is filed by a person other than the guardian or if a court made a motion to transfer a guardianship, the guardian shall be cited by personal service to appear and show cause why the guardianship ~~application~~ should not be transferred ~~granted~~.

(e) Section 1023.005, Estates Code, is amended to read as follows:

Sec. 1023.005. COURT ACTION. On hearing an application or motion under Section 1023.003, if good cause is not shown to deny the transfer ~~[application]~~ and it appears that transfer of the guardianship is in the best interests of the ward, the court shall enter an order:

(1) authorizing the transfer on payment on behalf of the estate of all accrued costs; and

(2) requiring that any existing bond of the guardian must remain in effect until a new bond has been given or a rider has been filed in accordance with Section 1023.010.

(f) Section 1203.052, Estates Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The court may remove a guardian as provided by Subsection (a-1) ~~on the court's own motion, or on the complaint of an interested person, after the guardian has been cited by personal service to answer at a time and place set in the notice,~~ if:

(1) sufficient grounds appear to support a belief that the guardian has misapplied, embezzled, or removed from the state, or is about to misapply, embezzle, or remove from the state, any of the property entrusted to the guardian's care;

(2) the guardian fails to return any account or report that is required by law to be made;

(3) the guardian fails to obey a proper order of the court that has jurisdiction with respect to the performance of the guardian's duties;

(4) the guardian is proved to have been guilty of gross misconduct or mismanagement in the performance of the guardian's duties;

(5) the guardian:

(A) becomes incapacitated;

(B) is sentenced to the penitentiary; or

(C) from any other cause, becomes incapable of properly performing the duties of the guardian's trust;

(6) the guardian has engaged in conduct with respect to the ward that would be considered to be abuse, neglect, or exploitation, as those terms are defined by Section 48.002, Human Resources Code, if engaged in with respect to an elderly or disabled person, as defined by that section;

(7) the guardian neglects to educate or maintain the ward as liberally as the means of the ward's estate and the ward's ability or condition permit;

(8) the guardian interferes with the ward's progress or participation in programs in the community;

(9) the guardian fails to comply with the requirements of Subchapter G, Chapter 1104;

(10) the court determines that, because of the dissolution of the joint guardians' marriage, the termination of the guardians' joint appointment and the continuation of only one of the joint guardians as the sole guardian is in the best interest of the ward; or

(11) the guardian would be ineligible for appointment as a guardian under Subchapter H, Chapter 1104.

(a-1) The court may remove a guardian for a reason listed in Subsection (a) on the:

(1) court's own motion, after the guardian has been notified, by certified mail, return receipt requested, to answer at a time and place set in the notice; or

(2) complaint of an interested person, after the guardian has been cited by personal service to answer at a time and place set in the notice.

(g) Sections 361.052 and 404.0035, Estates Code, as amended by this SECTION, apply to the estate of a decedent who dies before, on, or after the effective date of this Act.

(h) Sections 1023.003, 1023.004, 1023.005, and 1203.052, Estates Code, as amended by this SECTION, apply to a guardianship created before, on, or after the effective date of this Act.

Amendment No. 2 was adopted.

SB 39, as amended, was passed to third reading.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

SB 331 ON SECOND READING (Rose and Alonzo - House Sponsors)

SB 331, A bill to be entitled An Act relating to the temporary approval of a private or independent college or university to continue to participate in the tuition equalization grant program.

SB 331 was read second time earlier today and was postponed until this time.

SB 331 was passed to third reading by (Record 1507): 88 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Burns; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Davis, S.; Deshotel; Dukes; Farrar; Flynn; Frank; Geren; Gervin-Hawkins; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Krause; Lambert; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Roberts; Rodriguez, E.; Romero; Rose; Schofield; Sheffield; Shine; Simmons; Springer; Stephenson; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wray; Wu.

Nays — Anderson, C.; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burrows; Button; Cain; Cospers; Craddick; Cyrier; Dale; Darby; Elkins; Faircloth; Fallon; Frullo; Hefner; Holland; Huberty; Hunter; Isaac; Keough; King, P.; Klick; Landgraf; Lang; Miller; Morrison; Murphy; Murr; Paul; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Smithee; Stickland; Swanson; Thompson, E.; Tinderholt; Workman; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Burkett; Dean; Giddings; Herrero; Reynolds; Wilson; Zerwas.

STATEMENTS OF VOTE

When Record No. 1507 was taken, I was in the house but away from my desk. I would have voted yes.

Dean

When Record No. 1507 was taken, I was shown voting no. I intended to vote yes.

Frullo

When Record No. 1507 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1507 was taken, I was in the house but away from my desk. I would have voted no.

Wilson

SB 1105 ON SECOND READING (Phelan - House Sponsor)

SB 1105, A bill to be entitled An Act relating to the abolishment of the used oil recycling account, deposits of used oil recycling fees, and use of the water resource management account.

SB 1105 was read second time earlier today and was postponed until this time.

SB 1105 was passed to third reading.

GENERAL STATE CALENDAR (consideration continued)

SB 1253 ON SECOND READING (Smithee - House Sponsor)

SB 1253, A bill to be entitled An Act relating to the electronic recording and admissibility of certain custodial interrogations.

SB 1253 was passed to third reading by (Record 1508): 108 Yeas, 25 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Dale; Darby; Davis, S.; Dean; Deshotel; Dukes; Elkins; Faircloth; 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; Lambert; Larson; Laubenberg; Longoria; Lozano; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sheffield; Shine; Smithee; Stephenson; Stickland; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu.

Nays — Anderson, R.; Bell; Biedermann; Cain; Capriglione; Craddick; Cyrier; Fallon; Krause; Landgraf; Lang; Leach; Murr; Parker; Paul; Rinaldi; Sanford; Schofield; Shaheen; Simmons; Springer; Swanson; Thompson, E.; Tinderholt; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Ashby; Lucio; Schaefer; Schubert; Stucky; Zerwas.

STATEMENTS OF VOTE

When Record No. 1508 was taken, I was shown voting present, not voting. I intended to vote no.

Burns

When Record No. 1508 was taken, I was shown voting yes. I intended to vote no.

Phillips

When Record No. 1508 was taken, I was in the house but away from my desk. I would have voted yes.

Schubert

CSSB 570 ON SECOND READING (Walle - House Sponsor)

CSSB 570, A bill to be entitled An Act relating to the regulation of the retention, storage, transportation, disposal, processing, and reuse of used or scrap tires; providing a civil penalty; creating a criminal offense.

CSSB 570 failed to pass to third reading by (Record 1509): 67 Yeas, 71 Nays, 2 Present, not voting. (The vote was reconsidered on May 22, and **CSSB 570** was amended and was passed to third reading by Record No. 1534.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Bernal; Blanco; Bonnen, D.; Canales; Capriglione; Coleman; Collier; Cook; Cortez; Dale; Davis, S.; Deshotel; Dukes; Elkins; Farrar; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; King, P.; King,

T.; Longoria; Lucio; Martinez; Minjarez; Moody; Morrison; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Sheffield; Shine; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; Walle; Wu.

Nays — Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Clardy; Cosper; Craddick; Cyrier; Darby; Dean; Faircloth; Fallon; Flynn; Frank; Frullo; Gonzales; Hefner; Holland; Kacal; Keough; Klick; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Meyer; Miller; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — King, K.; Zerwas.

STATEMENTS OF VOTE

When Record No. 1509 was taken, I was shown voting yes. I intended to vote no.

D. Bonnen

When Record No. 1509 was taken, I was shown voting no. I intended to vote yes.

Darby

When Record No. 1509 was taken, I was shown voting no. I intended to vote yes.

Flynn

CSSB 1326 ON SECOND READING (Price - House Sponsor)

CSSB 1326, A bill to be entitled An Act relating to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability and to certain duties of the Office of Court Administration of the Texas Judicial System related to persons with mental illness.

Amendment No. 1

Representative Price offered the following amendment to **CSSB 1326**:

Amend **CSSB 1326** (house committee report) on page 28, line 3, by striking "468.084" and substituting "46B.084".

Amendment No. 1 was adopted.

CSSB 1326, as amended, was passed to third reading.

SB 1062 ON SECOND READING
(Dean - House Sponsor)

SB 1062, A bill to be entitled An Act relating to documentation for the transfer of a motor vehicle title.

SB 1062 was passed to third reading.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

SB 37 ON SECOND READING
(Gutierrez - House Sponsor)

SB 37, A bill to be entitled An Act relating to the requirement to obtain certification for attorneys representing persons in guardianship proceedings.

SB 37 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Gutierrez offered the following amendment to **SB 37**:

Amend **SB 37** (house committee printing) on page 2, line 2, following the period by inserting "An attorney may commence representation and file an appearance before completing the course, but must complete the course not later than the 14th day after the date of filing an appearance and before filing any substantive motion. The provider of a course required under this section may not charge more than \$150.".

Amendment No. 1 was adopted by (Record 1510): 79 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Bailes; Bernal; Blanco; Burkett; Canales; Clardy; Coleman; Collier; Cortez; Davis, S.; Deshotel; Farrar; Flynn; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, P.; King, T.; Lambert; Laubenberg; Longoria; Lozano; Lucio; Martinez; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Perez; Phelan; Pickett; Price; Raney; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Schofield; Sheffield; Shine; Stephenson; Thierry; Thompson, S.; Turner; Uresti; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Ashby; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Capriglione; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Frank; Frullo; Gonzales; Hefner; Isaac; Keough; King, K.; Klick; Krause; Landgraf; Lang; Larson; Leach; Meyer; Miller; Murr; Paddie; Parker; Paul; Phillips; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Simmons; Smithee; Springer; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Wilson; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Dukes; Raymond; Villalba.

SB 37, as amended, failed to pass to third reading by (Record 1511): 62 Yeas, 76 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, S.; Deshotel; Dukes; Farrar; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; King, T.; Lambert; Laubenberg; Longoria; Lozano; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Sheffield; Shine; Smithee; Thierry; Thompson, S.; Turner; Uresti; Walle; Workman; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Dean; Faircloth; Fallon; Flynn; Frank; Frullo; Gonzales; Hefner; Holland; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Krause; Landgraf; Lang; Larson; Leach; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wray; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Elkins; Wilson.

STATEMENTS OF VOTE

When Record No. 1511 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1511 was taken, I was shown voting no. I intended to vote yes.

Schofield

HB 1512 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1512, A bill to be entitled An Act relating to the maximum loan amount made to persons under the owner-builder loan program.

Representative Isaac moved to concur in the senate amendments to **HB 1512**.

The motion to concur in the senate amendments to **HB 1512** prevailed by (Record 1512): 132 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Dukes; 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; King, K.; King, P.; King, T.; Klick; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Capriglione; Keough; Stickland; Tinderholt.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Bohac; Walle.

Senate Committee Substitute

CSHB 1512, A bill to be entitled An Act relating to the administration of the owner-builder loan program.

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

SECTION 1. Section 2306.754(b), Government Code, is amended to read as follows:

(b) If it is not possible for an owner-builder to purchase necessary real property and build or rehabilitate adequate housing for \$45,000, the owner-builder must obtain the amount necessary that exceeds \$45,000 from other sources of funds. ~~[The total amount of amortized, repayable loans made by the department and other entities to an owner-builder under this subchapter may not exceed \$90,000.]~~

SECTION 2. Section 2306.7581(b), Government Code, is amended to read as follows:

(b) Notwithstanding any other law, all money received by the department in accordance with this subchapter, including any amount received by the department for payment of the principal of or interest on a loan made under this subchapter, is part of the owner-builder revolving loan fund. All money constituting part of the owner-builder revolving loan fund shall be deposited in the housing trust fund established under Section 2306.201 ~~[The department shall deposit money received in repayment of a loan under this subchapter to the owner-builder revolving loan fund].~~

SECTION 3. As soon as practicable after the effective date of this Act, the Texas Department of Housing and Community Affairs shall adopt rules necessary to implement Section 2306.754(b), Government Code, as amended by this Act.

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

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

Amend **CSHB 1512** (senate committee printing) as follows:

(1) Strike SECTION 2 of the bill, amending Section 2306.7581(b), Government Code (page 1, lines 30-40).

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

SECTION _____. Section 2306.758, Government Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The department may also make loans under this subchapter from:

(1) available funds in the housing trust fund established under Section 2306.201; and

(2) federal block grants that may be used for the purposes of this subchapter ~~[- and~~

~~[(3) the owner-builder revolving loan fund established under Section 2306.7581].~~

(d) All money received by the department as part of the owner-builder loan program under this subchapter, including any amount received by the department for payment of the principal of or interest on a loan made under this subchapter, shall be deposited in the housing trust fund established under Section 2306.201 to be used to carry out the purposes of this subchapter. If the money to be received by the department for a state fiscal year for payment of the principal of or interest on a loan made under this subchapter is less than \$3 million for a state fiscal year, the department shall use any available source of money in the housing trust fund to ensure that not less than \$3 million is used for the owner-builder loan program each state fiscal year.

SECTION _____. Section 2306.7581, Government Code, is repealed.

HB 2115 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2115, A bill to be entitled An Act relating to the issuance of specialty license plates for persons who serve or have served in the Third United States Infantry Regiment as a guard for the Tomb of the Unknown Soldier.

Representative Klick moved to concur in the senate amendments to **HB 2115**.

The motion to concur in the senate amendments to **HB 2115** prevailed by (Record 1513): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dukes; 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; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Deshotel; Pickett.

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

Amend **HB 2115** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 504.320, Transportation Code, as added by Chapter 708 (**HB 1128**), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 504.320. RECIPIENTS OF CERTAIN COMBAT BADGES, MEDALS, OR RIBBONS [~~ACTION BADGE, MEDAL, OR RIBBON RECIPIENTS~~].

SECTION _____. Section 504.320, Transportation Code, as added by Chapter 708 (**HB 1128**), Acts of the 84th Legislature, Regular Session, 2015, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) The department shall issue specialty license plates for recipients of the Combat Medical Badge. License plates issued under this subsection must include the Combat Medical Badge emblem and must include the words "Combat Medical Badge" at the bottom of each plate.

(d) A specialty license plate issued under this section for a badge or ribbon that may be awarded more than once shall [For purposes of Subsections (a) and (c), if a branch of the United States armed forces awards a Combat Action Badge or Ribbon with a unique emblem for each award of the Combat Action Badge or Ribbon to a recipient, the department shall only issue specialty license plates that] include only the [unique] emblem of the first award badge or ribbon.

HB 2999 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative D. Bonnen called up with senate amendments for consideration at this time,

HB 2999, A bill to be entitled An Act relating to the exemption from ad valorem taxation of property owned by certain medical centers in certain counties.

Representative D. Bonnen moved to concur in the senate amendments to **HB 2999**.

The motion to concur in the senate amendments to **HB 2999** prevailed by (Record 1514): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospier; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; 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; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Deshotel; Dukes.

Senate Committee Substitute

CSHB 2999, A bill to be entitled An Act relating to the exemption from ad valorem taxation of property owned by certain medical centers in certain counties.

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

SECTION 1. Section 11.23(j-1), Tax Code, is amended to read as follows:

(j-1) Medical Center Development in Populous Counties. In a county with a population of 3.3 million or more [~~described by Section 201.1055(1), Transportation Code~~], all real and personal property owned by a nonprofit corporation, as that term is defined by Section 22.001, Business Organizations Code, organized exclusively for benevolent, charitable, and educational purposes [~~in the Texas Non Profit Corporation Act (Article 1396 1.01 et seq., Vernon's Texas Civil Statutes)~~], and held for use in the development or operation of a medical center area or areas in which the nonprofit corporation has donated land for a state medical, dental, or nursing school, [~~and~~] for other hospital, medical, educational, research, or nonprofit uses and uses reasonably related to those uses [~~thereto~~], for auxiliary uses to support those benevolent, charitable, and educational functions, including the invention, development, and dissemination of materials, tools, technologies, processes, and similar means for translating and applying medical and scientific research for practical applications to advance public health, or for governmental or public purposes, including the relief of traffic congestion, [~~and not leased or otherwise used with a view to profit,~~] is exempt from all ad valorem taxation [~~as though the property were, during that time, owned and held by the state for health and educational purposes~~]. In connection with the application or enforcement of a deed restriction or a covenant related to the property, a use or purpose described in this subsection shall also be considered to be a hospital, medical, or educational use, or a use that is reasonably related to a hospital, medical, or educational use.

SECTION 2. Section 11.23(j-1), Tax Code, as amended by this Act, does not exempt from ad valorem taxation any interest in real or personal property, including a leasehold or other possessory interest, of a for-profit lessee of property for which a nonprofit corporation is entitled to an exemption from ad valorem taxation under that subsection.

SECTION 3. This Act applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

SECTION 4. This Act takes effect January 1, 2018.

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

Amend **CSHB 2999** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 11.23(j-1), Tax Code (page 1, line 58), immediately following the period, add the following:

This subsection may not be construed to exempt from taxation any interest in real or personal property, including a leasehold or other possessory interest, of a for-profit lessee of property for which a nonprofit corporation is entitled to an exemption from taxation under this subsection.

(2) Strike SECTION 2 of the bill (page 1, line 59, through page 2, line 4) and renumber SECTIONS of the bill accordingly.

CSSB 570 - NOTICE GIVEN

At 9:39 p.m., pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, Representative Phelan gave notice that he would, in one hour, move to reconsider the vote by which **CSSB 570** failed to pass to third reading by Record No. 1509.

HB 804 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 804, A bill to be entitled An Act relating to the entitlement of a lessee of property who is required to pay the ad valorem taxes on the property to receive notice of the appraised value of the property.

Representative Dale moved to concur in the senate amendments to **HB 804**.

The motion to concur in the senate amendments to **HB 804** prevailed by (Record 1515): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dukes; 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; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Deshotel; Nevárez.

Senate Committee Substitute

CSHB 804, A bill to be entitled An Act relating to the entitlement of a lessee of property who is required to pay the ad valorem taxes on the property to receive notice of the appraised value of the property.

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

SECTION 1. Section 41.413, Tax Code, is amended by amending Subsection (d) and adding Subsections (e) and (f) to read as follows:

(d) A [The] property owner shall [timely] send to a [the] person leasing [the] property under a contract described by this section a copy of any notice of appraised value of the property [the property's reappraisal] received by the property owner. The property owner must send the notice not later than the 10th day after the date the property owner receives the notice. Failure of the property owner to send a copy of the notice to the person leasing the property does not affect the time within which the person leasing the property may protest the appraised value. This subsection does not apply if the property owner and the person leasing the property have agreed in the contract to waive the requirements of this subsection or that the person leasing the property will not protest the appraised value of the property.

(e) A person leasing property under a contract described by this section may request that the chief appraiser of the appraisal district in which the property is located send the notice described by Subsection (d) to the person. Except as provided by Subsection (f), the chief appraiser shall send the notice to the person leasing the property not later than the fifth day after the date the notice is sent to the property owner if the person demonstrates that the person is contractually obligated to reimburse the property owner for the taxes imposed on the property.

(f) A chief appraiser who receives a request under Subsection (e) is not required to send the notice requested under that subsection if the appraisal district in which the property that is the subject of the notice is located posts the appraised value of the property on the district's Internet website not later than the fifth day after the date the notice is sent to the property owner.

SECTION 2. The changes in law made by this Act apply only to a notice of appraised value sent to a property owner on or after the effective date of this Act.

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

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

Amend **CSHB 804** (senate committee report) in SECTION 1 of the bill as follows:

(1) In the recital to the SECTION (page 1, line 32), strike "(e) and (f)" and substitute "(e), (f), and (g)".

(2) Following added Section 41.413(f), Tax Code (page 2, between lines 2 and 3), insert the following:

(g) A person leasing property under a contract described by this section may designate another person to act as the agent of the lessee for any purpose under this title. The lessee must make the designation in the manner provided by

Section 1.111. An agent designated under this subsection has the same authority and is subject to the same limitations as an agent designated by a property owner under Section 1.111.

**HB 1891 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1891, A bill to be entitled An Act relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

Representative Collier moved to concur in the senate amendments to **HB 1891**.

The motion to concur in the senate amendments to **HB 1891** prevailed by (Record 1516): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dukes; 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; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; White; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Deshotel; Wilson.

Senate Committee Substitute

CSHB 1891, A bill to be entitled An Act relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

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

SECTION 1. Section 42.001(1), Parks and Wildlife Code, is amended to read as follows:

(1) "Resident" means:

(A) an individual who has resided continuously in this state for more than six months immediately before applying for a hunting license;

(B) a member of the United States armed forces on active duty;

(C) a dependent of a member of the United States armed forces on active duty;

(D) if approved by the director, a terminally ill individual who is participating in an event sponsored by a charitable nonprofit organization; ~~[or]~~

(E) a member of the Kickapoo Traditional Tribe of Texas who possesses documentation of membership sanctioned by the Bureau of Indian Affairs; or

(F) a member of any other category of individuals that the commission by regulation designates as residents.

SECTION 2. Section 61.021, Parks and Wildlife Code, is amended to read as follows:

Sec. 61.021. TAKING WILDLIFE RESOURCES PROHIBITED. (a) Except as provided by Subsection (b) or permitted under a proclamation issued by the commission under this chapter, no person may hunt, catch, or possess a game bird or game animal, fish, marine animal, or other aquatic life at any time or in any place covered by this chapter.

(b) A documented member of the Kickapoo Traditional Tribe of Texas who holds a license under Section 42.002 may hunt antlerless white-tailed deer for religious ceremonial purposes on any day of the year between one-half hour before sunrise and one-half hour after sunset. A documented member of the Kickapoo Traditional Tribe of Texas hunting antlerless white-tailed deer under this subsection:

(1) shall comply with all other provisions of this code and proclamations adopted under this code;

(2) shall notify:

(A) a local game warden at least 24 hours before hunting antlerless white-tailed deer at a time of the year when a person who holds a license under Section 42.002 but who is not a documented member of the Kickapoo Traditional Tribe of Texas may not hunt antlerless white-tailed deer; and

(B) the department not later than September 1 of each year of the member's intent to hunt antlerless white-tailed deer for the following calendar year;

(3) may not hunt antlerless white-tailed deer outside an open hunting season in a chronic wasting disease containment or surveillance zone, as determined by the department; and

(4) may not receive a pecuniary gain from an action taken under this subsection.

(c) Subsection (b) applies only to hunting on land that is:

(1) owned or leased by the Kickapoo Traditional Tribe of Texas; and

(2) located in a county that:

(A) borders the United Mexican States and has a population of more than 50,000 but less than 70,000; or

(B) is adjacent to a county described by Paragraph (A) and has a population of less than 9,000.

SECTION 3. Section 61.057(a), Parks and Wildlife Code, is amended to read as follows:

(a) Except as provided by Section 61.021 and ~~the~~ Subsection (c) ~~[of this section]~~, no person may hunt an antlerless deer or antelope in this state without first having acquired an antlerless deer or antelope permit issued by the department on a form provided by the department.

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 3177 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3177, A bill to be entitled An Act relating to the delegation of matters to the executive director of the Texas Commission on Environmental Quality.

Representative Wilson moved to concur in the senate amendments to **HB 3177**.

The motion to concur in the senate amendments to **HB 3177** prevailed by (Record 1517): 136 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; Dukes; 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; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent, Excused, Committee Meeting — Koop.

Absent — Deshotel; Paddie; Pickett; Stephenson.

Senate Committee Substitute

CSHB 3177, A bill to be entitled An Act relating to the delegation of matters to the executive director of the Texas Commission on Environmental Quality.

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

SECTION 1. Section 5.122(a), Water Code, is amended to read as follows:

(a) The commission by rule or order may delegate to the executive director the commission's authority to act on an application or other request to issue, renew, reopen, transfer, amend, extend, withdraw, revoke, terminate, or modify a permit, license, certificate, registration, or other authorization or approval if:

(1) required notice of the application or request for the authorization or approval has been given;

(2) the holder of or applicant for the authorization or approval agrees in writing to the action to be taken by the executive director; and

(3) the application or request:

(A) is uncontested and does not require an evidentiary hearing; ~~or~~

(B) has become uncontested before parties are named because each person who requested a contested case hearing within the time allowed by law has:

(i) withdrawn the request for a contested case hearing without condition;

(ii) withdrawn the request for a contested case hearing conditioned only on the withdrawal of all other hearing requests; or

(iii) agreed in writing to allow the executive director to make a final decision on the matter; or

(C) has become uncontested because all parties have agreed in writing to the action to be taken by the executive director.

SECTION 2. Section 5.351, Water Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), a person affected by a ruling, order, or decision on a matter delegated to the executive director under Section 5.122 or other law may, after exhausting any administrative remedies, file a petition to review, set aside, modify, or suspend the ruling, order, or decision not later than the 30th day after:

(1) the effective date of the ruling, order, or decision; or

(2) if the executive director's ruling, order, or decision is appealed to the commission as authorized by Section 5.122(b) or other law, the earlier of:

(A) the date the commission denies the appeal; or

(B) the date the appeal is overruled by operation of law in accordance with commission rules.

SECTION 3. The changes in law made by this Act apply only to a final decision made by the executive director of the Texas Commission on Environmental Quality under Section 5.122, Water Code, as amended by this Act, on or after the effective date of this Act. A final decision made by the

executive director before the effective date of this Act is governed by the law in effect at the time the final decision was made, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

HB 62 - WITH SENATE AMENDMENTS

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

HB 62, A bill to be entitled An Act relating to the use of a wireless communication device while operating a motor vehicle; creating a criminal offense; modifying existing criminal penalties.

(Koop now present)

HB 62 - POINT OF ORDER

Representative Cain raised a point of order against further consideration of **HB 62** under Article III, Section 30 of the Texas Constitution on the grounds that the senate amendments are not germane to the bill.

The point of order was withdrawn.

HB 62 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Craddick moved to concur in the senate amendments to **HB 62**.

The motion to concur in the senate amendments to **HB 62** prevailed by (Record 1518): 123 Yeas, 17 Nays, 2 Present, not voting.

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

Nays — Bell; Cain; Dean; Hefner; Holland; Keough; Klick; Krause; Lang; Murphy; Rinaldi; Schaefer; Schofield; Shaheen; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Wilson.

STATEMENT OF VOTE

When Record No. 1518 was taken, I was shown voting no. I intended to vote yes.

Dean

Senate Committee Substitute

CSHB 62, A bill to be entitled An Act relating to the use of a wireless communication device while operating a motor vehicle; creating a criminal offense; modifying existing criminal penalties.

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

SECTION 1. This Act may be cited as the Alex Brown Memorial Act.

SECTION 2. Sections 521.161(b) and (c), Transportation Code, are amended to read as follows:

(b) The examination must include:

(1) a test of the applicant's:

(A) vision;

(B) ability to identify and understand highway signs in English that regulate, warn, or direct traffic;

(C) knowledge of the traffic laws of this state; ~~and~~

(D) knowledge of motorists' rights and responsibilities in relation to bicyclists; and

(E) knowledge of the effect of using a wireless communication device, or engaging in other actions that may distract a driver, on the safe or effective operation of a motor vehicle;

(2) a demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type that the applicant will be licensed to operate; and

(3) any additional examination the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely.

(c) The department shall give each applicant the option of taking the parts of the examination under Subsections (b)(1)(B), (C), ~~and~~ (D), and (E) in writing in addition to or instead of through a mechanical, electronic, or other testing method. If the applicant takes that part of the examination in writing in addition to another testing method, the applicant is considered to have passed that part of the examination if the applicant passes either version of the examination. The department shall inform each person taking the examination of the person's rights under this subsection.

SECTION 3. Section 543.004(a), Transportation Code, is amended to read as follows:

(a) An officer shall issue a written notice to appear if:

(1) the offense charged is:

(A) speeding;

(B) the use of a wireless communication device under Section 545.4251; or

(C) a violation of the open container law, Section 49.031 [49.03], Penal Code; and

(2) the person makes a written promise to appear in court as provided by Section 543.005.

SECTION 4. Section 545.424, Transportation Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (g) to read as follows:

(a) A person under 18 years of age may not operate a motor vehicle while using a wireless communication [communications] device, except in case of emergency. This subsection does not apply to a person licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(b) A person under 17 years of age who holds a restricted motorcycle license or moped license may not operate a motorcycle or moped while using a wireless communication [communications] device, except in case of emergency. This subsection does not apply to a person licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(c) Subsection (a-1) [This section] does not apply to [
~~[(4)]~~ a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of an instruction permit]; or

~~[(2) a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device].~~

(g) An offense under Subsection (a) or (b) is a misdemeanor punishable by a fine of at least \$25 and not more than \$99 unless it is shown on the trial of the offense that the defendant has been previously convicted at least one time of an offense under either subsection, in which event the offense is punishable by a fine of at least \$100 and not more than \$200.

SECTION 5. The heading to Section 545.425, Transportation Code, is amended to read as follows:

Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE IN A SCHOOL CROSSING ZONE OR WHILE OPERATING A SCHOOL BUS WITH A MINOR PASSENGER; POLITICAL SUBDIVISION SIGN REQUIREMENTS; OFFENSE.

SECTION 6. Section 545.425(a)(1), Transportation Code, is amended to read as follows:

(1) "Hands-free device" means speakerphone capability, [or] a telephone attachment, or another function or other piece of equipment, regardless of whether permanently installed in or on a wireless communication device or in a [the] motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands, except to activate or deactivate a function of the wireless communication device or hands-free device. The term includes voice-operated technology and a push-to-talk function.

SECTION 7. Section 545.425(b-2), Transportation Code, is amended to read as follows:

(b-2) A municipality, county, or other political subdivision that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle, including a prohibition that contains an exception for the use of a wireless communication device with a hands-free device, throughout the jurisdiction of the political subdivision is not required to post a sign as required by Subsection (b-1) and shall ~~if the political subdivision~~:

(1) post [posts] signs that are located at each point at which a state highway, U.S. highway, or interstate highway enters the political subdivision and that state:

(A) that an operator is prohibited from using a wireless communication device while operating a motor vehicle in the political subdivision, and whether use of a wireless communication device with a hands-free device is allowed in the political subdivision; and

(B) that the operator is subject to a fine if the operator uses a wireless communication device while operating a motor vehicle in the political subdivision; and

(2) subject to all applicable United States Department of Transportation Federal Highway Administration rules, post [posts] a message that complies with Subdivision (1) on any dynamic message sign operated by the political subdivision located on a state highway, U.S. highway, or interstate highway in the political subdivision.

SECTION 8. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4251 to read as follows:

Sec. 545.4251. USE OF PORTABLE WIRELESS COMMUNICATION DEVICE FOR ELECTRONIC MESSAGING; OFFENSE. (a) In this section:

(1) "Electronic message" means data that is read from or entered into a wireless communication device for the purpose of communicating with another person.

(2) "Wireless communication device" has the meaning assigned by Section 545.425.

(b) An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. To be prosecuted, the behavior must be committed in the presence of or within the view of a peace officer or established by other evidence.

(c) It is an affirmative defense to prosecution of an offense under this section that the operator used a portable wireless communication device:

(1) in conjunction with a hands-free device, as defined by Section 545.425;

(2) to navigate using a global positioning system or navigation system;

(3) to report illegal activity, summon emergency help, or enter information into a software application that provides information relating to traffic and road conditions to users of the application;

(4) to read an electronic message that the person reasonably believed concerned an emergency;

(5) that was permanently or temporarily affixed to the vehicle to relay information in the course of the operator's occupational duties between the operator and:

(A) a dispatcher; or

(B) a digital network or software application service; or

(6) to activate a function that plays music.

(d) Subsection (b) does not apply to:

(1) an operator of an authorized emergency or law enforcement vehicle using a portable wireless communication device while acting in an official capacity; or

(2) an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a portable wireless communication device.

(e) An offense under this section is a misdemeanor punishable by a fine of at least \$25 and not more than \$99 unless it is shown on the trial of the offense that the defendant has been previously convicted at least one time of an offense under this section, in which event the offense is punishable by a fine of at least \$100 and not more than \$200.

(f) Notwithstanding Subsection (e), an offense under this section is a Class A misdemeanor punishable by a fine not to exceed \$4,000 and confinement in jail for a term not to exceed one year if it is shown on the trial of the offense that the defendant caused the death or serious bodily injury of another person.

(g) If conduct constituting an offense under this section also constitutes an offense under any other law, the person may be prosecuted under this section, the other law, or both.

(h) The Texas Department of Transportation shall post a sign at each point at which an interstate highway or United States highway enters this state that informs an operator that:

(1) the use of a portable wireless communication device for electronic messaging while operating a motor vehicle is prohibited in this state; and

(2) the operator is subject to a fine if the operator uses a portable wireless communication device for electronic messaging while operating a motor vehicle in this state.

(i) A peace officer who stops a motor vehicle for an alleged violation of this section may not take possession of or otherwise inspect a portable wireless communication device in the possession of the operator unless authorized by the Code of Criminal Procedure, the Penal Code, or other law.

(j) This section preempts all local ordinances, rules, or other regulations adopted by a political subdivision relating to the use of a portable wireless communication device by the operator of a motor vehicle to read, write, or send an electronic message.

SECTION 9. Section 708.052, Transportation Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) Notwithstanding Subsection (b), the department may not assign points to a person's license if the offense of which the person was convicted is the offense of using a portable wireless communication device for electronic messaging as described by Section 545.4251.

SECTION 10. The changes in law made by this Act to Section 543.004 and Chapter 545, 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 11. This Act takes effect September 1, 2017.

HB 3484 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3484, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue by certain municipalities.

Representative Paddie moved to concur in the senate amendments to **HB 3484**.

The motion to concur in the senate amendments to **HB 3484** prevailed by (Record 1519): 126 Yeas, 11 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; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dukes; 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; King, K.; King, P.; King, T.; Klick; Koop; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Krause; Lang; Rinaldi; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Capriglione; Deshotel; Keough; Wilson.

STATEMENT OF VOTE

When Record No. 1519 was taken, I was in the house but away from my desk. I would have voted yes.

Capriglione

Senate Committee Substitute

CSHB 3484, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue by certain municipalities.

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

SECTION 1. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.1079 to read as follows:

Sec. 351.1079. ALLOCATION OF REVENUE FOR SPORTS FACILITIES AND FIELDS BY CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that has a population of at least 6,000 and that is the county seat of a county that:

- (1) borders the State of Louisiana;
- (2) is bisected by a United States highway; and
- (3) has a population of 75,000 or less.

(b) Notwithstanding any other provision of this chapter and subject to Subsection (c), a municipality to which this section applies may use all or any portion of the revenue derived from the municipal hotel occupancy tax to construct, improve, maintain, and operate sports facilities and fields for the purpose of promoting tourism and the convention and hotel industry.

(c) A municipality to which this section applies may use revenue derived from the municipal hotel occupancy tax to:

- (1) maintain or operate sports facilities and fields only if the conditions specified by Sections 351.101(a)(7)(A) and (C) are met; and
- (2) improve a sports facility or field only if the requirements of Sections 351.101(a)(7)(A) and (C) are met and the municipality complies with Section 351.1076.

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 4054 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4054, A bill to be entitled An Act relating to the application of sales and use taxes to certain food items.

Representative Murphy moved to concur in the senate amendments to **HB 4054**.

The motion to concur in the senate amendments to **HB 4054** prevailed by (Record 1520): 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; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dukes; 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; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Deshotel.

Senate Committee Substitute

CSHB 4054, A bill to be entitled An Act relating to the application of sales and use taxes to certain food items.

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

SECTION 1. Section 151.314, Tax Code, is amended by adding Subsection (b-2) and amending Subsections (c-2) and (c-3) to read as follows:

(b-2) For purposes of this section:

(1) "Bakery" means a retail location that primarily sells bakery items from a display case or counter, predominantly for consumption off the premises.

(2) "Bakery items" means bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas, and similar items.

(c-2) The exemption provided by Subsection (a) does not include the following prepared food:

(1) except as provided by Subsection (c-3)(1), food, food products, and drinks, including meals, milk and milk products, fruit and fruit products, sandwiches, salads, processed meats and seafoods, vegetable juice, and ice cream in cones or small cups, served, prepared, or sold ready for immediate consumption by restaurants, lunch counters, cafeterias, delis, vending machines, hotels, or like places of business or sold ready for immediate consumption from pushcarts, motor vehicles, or any other form of vehicle;

(2) except as provided by Subsection (c-3)(1), food sold in a heated state or heated by the seller; or

(3) two or more food ingredients mixed or combined by the seller for sale as a single item, including items that are sold in an unheated state by weight or volume as a single item, but not including food that is only cut, repackaged, or pasteurized by the seller.

(c-3) The exemption provided by Subsection (a) includes:

(1) bakery items sold by a bakery, regardless of whether the items are:

(A) heated by the consumer or seller; or

(B) served with plates or other eating utensils;

(2) bakery items sold at a retail location other than a bakery without plates or other eating utensils, ~~including bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas~~; and

(3) ~~(2)~~ eggs, fish, meat, and poultry, and foods containing these raw animal foods, that require cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Section 401.11 of its Food Code to prevent food-borne illness and any other food that requires cooking by the consumer before the food is edible.

SECTION 2. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

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

HB 2700 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2700, A bill to be entitled An Act relating to the issuance of childhood cancer awareness license plates.

Representative Lozano moved to concur in the senate amendments to **HB 2700**.

The motion to concur in the senate amendments to **HB 2700** prevailed by (Record 1521): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dukes; 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; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega;

Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; White; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Deshotel; Wilson; Wu.

Senate Committee Substitute

CSHB 2700, A bill to be entitled An Act relating to the issuance of childhood cancer awareness license plates.

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

SECTION 1. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.655 to read as follows:

Sec. 504.655. CHILDHOOD CANCER AWARENESS PLATES. (a) The department shall issue specialty license plates to raise awareness of childhood cancer. The department shall design the license plates in consultation with an organization that seeks to raise awareness of childhood cancer in this state.

(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of an account created by the comptroller in the manner provided by Section 504.6012(b). Money deposited to that account may be used by the General Land Office only to provide grants to benefit organizations operating in this state that raise awareness of, conduct research on, or provide services for persons diagnosed with childhood cancer.

(c) The General Land Office and an organization that receives a grant under Subsection (b) may enter into a memorandum of understanding establishing the respective duties of the General Land Office and the organization in relation to carrying out the purposes of that subsection.

(d) Section 504.702 does not apply to a specialty license plate issued under this section.

SECTION 2. The General Land Office and an organization that receives a grant under Section 504.655, Transportation Code, as added by this Act, are not required to adopt a new memorandum of understanding under that section if a previous memorandum of understanding adopted by the General Land Office and the organization accomplishes the purposes of that section.

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

HB 1468 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 1468, A bill to be entitled An Act relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.

Representative S. Thompson moved to concur in the senate amendments to **HB 1468**.

The motion to concur in the senate amendments to **HB 1468** prevailed by (Record 1522): 133 Yeas, 7 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.; Dean; Dukes; 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; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Lang; Rinaldi; Stickland; Tinderholt; Workman.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Deshotel.

STATEMENT OF VOTE

When Record No. 1522 was taken, I was shown voting no. I intended to vote yes.

Workman

Senate Committee Substitute

CSHB 1468, A bill to be entitled An Act relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.

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

SECTION 1. Section 1.005, Health and Safety Code, is amended to read as follows:

Sec. 1.005. DEFINITIONS [~~DEFINITION~~]. In this code:

(1) "Artificial swimming lagoon" means an artificial body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant. The term does not include a body of water open to the public that continuously recirculates water from a spring or a pool.

(2) "Licensed practitioner" [~~,"licensed practitioner"~~] includes a sex offender treatment provider who is licensed under Chapter 110, Occupations Code.

(3) "Public swimming pool" means an artificial body of water, including a spa, maintained expressly for public recreational purposes, swimming and similar aquatic sports, or therapeutics purposes. The term does not include an artificial swimming lagoon or a body of water open to the public that continuously recirculates water from a spring.

SECTION 2. The heading to Section 341.064, Health and Safety Code, is amended to read as follows:

Sec. 341.064. SWIMMING POOLS, ARTIFICIAL SWIMMING LAGOONS, AND BATHHOUSES.

SECTION 3. Section 341.064, Health and Safety Code, is amended by amending Subsections (a), (b), (c), (e), (f), (g), (i), (j), (k), (l-1), (n), and (o) and adding Subsection (b-1) to read as follows:

(a) An owner, manager, operator, or other attendant in charge of a public swimming pool or an artificial swimming lagoon shall maintain the public swimming pool or artificial swimming lagoon in a sanitary condition.

(b) The bacterial content of the water in a public swimming pool or in an artificial swimming lagoon may not exceed the safe limits prescribed by department standards. A minimum free residual chlorine of 2.0 parts for each one million units of water in a public spa and a minimum free residual chlorine of 1.0 part for each one million units of water in other public swimming pools or in artificial swimming lagoons, or any other method of disinfectant approved by the department, must be maintained in a public swimming pool in use or in an artificial swimming lagoon in use.

(b-1) The department shall approve or reject a request to use another method of disinfectant under Subsection (b) not later than the 90th day after the date the request was made. If the department does not approve or reject the method in accordance with this subsection, the person who made the request may file an action to compel the department to approve or reject the method or to show good cause for an extension of time to make a determination. Venue for an action brought under this subsection is Travis County.

(c) Water in a public swimming pool or in an artificial swimming lagoon [~~open to the public~~] may not show an acid reaction to a standard pH test.

(e) Facilities shall be provided in a public swimming pool or in an artificial swimming lagoon for adequate protection of bathers against sputum contamination.

(f) A person known to be or suspected of being infected with a transmissible condition of a communicable disease shall be excluded from a public swimming pool and from an artificial swimming lagoon.

(g) The construction and appliances of a public swimming pool and of an artificial swimming lagoon must be such as to reduce to a practical minimum the possibility of drowning or of injury to bathers. The construction after September 4, 1945, of a public swimming pool or the construction after September 1, 2017, of an artificial swimming lagoon must conform to good public health engineering practices.

(i) Dressing rooms of a public swimming pool or of an artificial swimming lagoon shall contain shower facilities.

(j) A comb or hairbrush used by two or more persons may not be permitted or distributed in a bathhouse of a public swimming pool or of an artificial swimming lagoon.

(k) The operator or manager of a public swimming pool or of an artificial swimming lagoon shall provide adequate and proper approved facilities for the disposal of human excreta by the bathers.

(l-1) Rules adopted under this chapter may not prohibit the consumption of food or beverages in a public swimming pool or artificial swimming lagoon that is privately owned and operated.

(n) A county or municipality may:

(1) require that the owner or operator of a public swimming pool or of an artificial swimming lagoon within the jurisdiction of the county or municipality obtain a permit for operation of the public swimming pool or artificial swimming lagoon;

(2) inspect a public swimming pool or an artificial swimming lagoon within the jurisdiction of the county or municipality for compliance with this section; and

(3) impose and collect a reasonable fee in connection with a permit or inspection required under this subsection provided the following are met:

(A) the auditor for the county shall review the program every two years to ensure that the fees imposed do not exceed the cost of the program; and

(B) the county refunds the permit holders any revenue determined by the auditor to exceed the cost of the program.

(o) A county or municipality may by order close, for the period specified in the order, a public swimming pool or an artificial swimming lagoon within the jurisdiction of the county or municipality if the operation of the public swimming pool or artificial swimming lagoon violates this section or a permitting or inspection requirement imposed by the county or municipality under Subsection (n).

SECTION 4. Section 341.0645(a), Health and Safety Code, is amended to read as follows:

(a) An owner, manager, operator, or other attendant in charge of a public swimming pool, wading pool, baby pool, hot tub, in-ground spa, water park, spray fountain, or other artificial body of water typically used for recreational swimming, bathing, or play shall comply with relevant pool safety standards adopted under this section.

SECTION 5. Section 341.064(m), Health and Safety Code, is repealed.

SECTION 6. 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 7. 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 1178 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1178, A bill to be entitled An Act relating to the punishment for burglary and theft of controlled substances.

Representative Phillips moved to concur in the senate amendments to **HB 1178**.

The motion to concur in the senate amendments to **HB 1178** prevailed by (Record 1523): 133 Yeas, 7 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.; Dean; Dukes; 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; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Rinaldi; Schaefer; Stickland; Tinderholt; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Deshotel.

Senate Committee Substitute

CSHB 1178, A bill to be entitled An Act relating to the punishment for burglary and theft involving controlled substances.

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

SECTION 1. Section 30.01, Penal Code, is amended by adding Subdivisions (4) and (5) to read as follows:

(4) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.

(5) "Wholesale distributor of prescription drugs" means a wholesale distributor, as defined by Section 431.401, Health and Safety Code.

SECTION 2. Section 30.02, Penal Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Except as provided in Subsection (c-1) or (d), an offense under this section is a:

(1) state jail felony if committed in a building other than a habitation;
or

(2) felony of the second degree if committed in a habitation.

(c-1) An offense under this section is a felony of the third degree if:

(1) the premises are a commercial building in which a controlled substance is generally stored, including a pharmacy, clinic, hospital, nursing facility, or warehouse; and

(2) the person entered or remained concealed in that building with intent to commit a theft of a controlled substance.

SECTION 3. Section 30.04(d), Penal Code, is amended to read as follows:

(d) An offense under this section is a Class A misdemeanor, except that:

(1) the offense is a Class A misdemeanor with a minimum term of confinement of six months if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section; ~~and~~

(2) the offense is a state jail felony if:

(A) it is shown on the trial of the offense that the defendant has been previously convicted two or more times of an offense under this section; or

(B) the vehicle or part of the vehicle broken into or entered is a rail car; and

(3) the offense is a felony of the third degree if:

(A) the vehicle broken into or entered is owned or operated by a wholesale distributor of prescription drugs; and

(B) the actor breaks into or enters that vehicle with the intent to commit theft of a controlled substance.

SECTION 4. Section 31.03(e), Penal Code, is amended to read as follows:

(e) Except as provided by Subsection (f), an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than \$100;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is \$100 or more but less than \$750;

(B) the value of the property stolen is less than \$100 and the defendant has previously been convicted of any grade of theft; or

(C) the property stolen is a driver's license, commercial driver's license, or personal identification certificate issued by this state or another state;

(3) a Class A misdemeanor if the value of the property stolen is \$750 or more but less than \$2,500;

(4) a state jail felony if:

(A) the value of the property stolen is \$2,500 or more but less than \$30,000, or the property is less than 10 head of sheep, swine, or goats or any part thereof under the value of \$30,000;

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave, including property that is a military grave marker;

(C) the property stolen is a firearm, as defined by Section 46.01;

(D) the value of the property stolen is less than \$2,500 and the defendant has been previously convicted two or more times of any grade of theft;

(E) the property stolen is an official ballot or official carrier envelope for an election; or

(F) the value of the property stolen is less than \$20,000 and the property stolen is:

(i) aluminum;

(ii) bronze;

(iii) copper; or

(iv) brass;

(5) a felony of the third degree if the value of the property stolen is \$30,000 or more but less than \$150,000, or the property is:

(A) cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, stolen during a single transaction and having an aggregate value of less than \$150,000; ~~[or]~~

(B) 10 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than \$150,000; or

(C) a controlled substance, having a value of less than \$150,000, if stolen from:

(i) a commercial building in which a controlled substance is generally stored, including a pharmacy, clinic, hospital, nursing facility, or warehouse; or

(ii) a vehicle owned or operated by a wholesale distributor of prescription drugs;

(6) a felony of the second degree if:

(A) the value of the property stolen is \$150,000 or more but less than \$300,000; or

(B) the value of the property stolen is less than \$300,000 and the property stolen is an automated teller machine or the contents or components of an automated teller machine; or

(7) a felony of the first degree if the value of the property stolen is \$300,000 or more.

SECTION 5. Section 31.03(h), Penal Code, is amended by adding Subdivisions (5) and (6) to read as follows:

(5) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.

(6) "Wholesale distributor of prescription drugs" means a wholesale distributor, as defined by Section 431.401, Health and Safety Code.

SECTION 6. The change in law made 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 7. This Act takes effect September 1, 2017.

HB 2413 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2413, A bill to be entitled An Act relating to certain identifying information regarding career school or college students.

Representative Burkett moved to concur in the senate amendments to **HB 2413**.

The motion to concur in the senate amendments to **HB 2413** prevailed by (Record 1524): 131 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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.; Dean; Dukes; 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; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thiery; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Lang; Phillips; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Bell; Deshotel.

STATEMENT OF VOTE

When Record No. 1524 was taken, I was in the house but away from my desk. I would have voted yes.

Bell

Senate Committee Substitute

CSHB 2413, A bill to be entitled An Act relating to certain identifying information regarding career school or college students.

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

SECTION 1. Section 132.024(a)(2), Education Code, is amended to read as follows:

(2) "Student information" means identifying information [~~in the commission's possession~~] regarding a student that is in the possession of the commission, a career school or college, or any other school, educational institution, or business entity from which the commission receives, or regarding which the commission reviews, information through its administration or enforcement of this chapter. The term includes:

(A) a student's name, address, telephone number, social security number, e-mail address, or date of birth;

(B) any other identifying number or other information that foreseeably could be combined with other publicly available information to reveal identifying information regarding the student; and

(C) a student's education records, as defined by 34 C.F.R. Section 99.3.

SECTION 2. Section 132.024(c), Education Code, is amended to read as follows:

(c) Unless permitted by Subchapter F, Chapter 301, Labor Code, 34 C.F.R. Part 99, Subpart D, or commission rule, a person commits an offense if the person solicits, discloses, receives, or uses, or authorizes, permits, participates in, or acquiesces in another person's use of, student information.

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

HB 2432 - RETURNED TO SENATE BY THE SPEAKER

Pursuant to Rule 13, Section 5A of the House Rules, the speaker returned **HB 2432** 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, with permission of the author, to the Texas Senate for further action for the following reason:

HB 2432 left the house with the sole purpose of allowing the Texas A&M University System to establish and operate a university system center in Brazos County. The bill was 21 lines and dealt with one subject (the establishment and operation of a Texas A&M University System) in one physical location (Brazos County). The senate's amendment added an additional five pages, which allowed higher education coordinating boards to review and approve or disapprove an action taken by the governing board of the 105 Texas public institutions of higher education and introduced an impermissible second subject. The concept is completely alien and not germane to the bill as it left the house.

**HB 2761 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2761, A bill to be entitled An Act relating to the powers and duties of a defense based development authority.

Representative Cortez moved to concur in the senate amendments to **HB 2761**.

The motion to concur in the senate amendments to **HB 2761** prevailed by (Record 1525): 128 Yeas, 9 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; 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; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bonnen, D.; Burrows; Capriglione; Lang; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Cain; Deshotel; Dukes.

STATEMENT OF VOTE

When Record No. 1525 was taken, I was in the house but away from my desk. I would have voted no.

Cain

Senate Committee Substitute

CSHB 2761, A bill to be entitled An Act relating to the authority of a defense base development authority to participate in a company or partnership organized to finance redevelopment projects.

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

SECTION 1. Section 379B.004(a), Local Government Code, is amended to read as follows:

(a) An authority may exercise power necessary or convenient to carry out a purpose of this chapter, including the power to:

- (1) adopt an official seal, or alter it;
- (2) adopt rules;
- (3) enter into a contract or incur a liability;
- (4) acquire and dispose of money;
- (5) select a depository;
- (6) establish a system of accounts for the authority;
- (7) invest funds in accordance with Chapter 2256, Government Code;
- (8) set the fiscal year for the authority;
- (9) adopt an annual operating budget for major expenditures before the beginning of the fiscal year;
- (10) borrow money or issue a bond in an amount that does not exceed the maximum amount set by the board;
- (11) loan money;
- (12) acquire, lease, lease-purchase, convey, grant a mortgage on, or otherwise dispose of a property right, including a right regarding base property;
- (13) lease property located on the base property to a person to effect the purposes of this chapter;
- (14) request and accept a donation, grant, guaranty, or loan from any source permitted by law;
- (15) operate and maintain an office;
- (16) charge for the use, lease, or sale of an open space or a facility;
- (17) exercise a power granted to a municipality by Chapter 380;
- (18) authorize by resolution the incorporation of a nonprofit airport facility financing corporation as provided and authorized by Subchapter E, Chapter 22, Transportation Code, to provide financing to pay the costs, including interest, and reserves for the costs of an airport facility authorized by that chapter and for other purposes set forth in the articles of incorporation;
- (19) exercise the powers granted to a local government for the financing of facilities to be located on airport property, including those set out in Chapter 22, Transportation Code, consistent with the requirements and the purposes of Section 52-a, Article III, Texas Constitution;

(20) lease, own, and operate an airport and exercise the powers granted to municipalities and counties by Chapter 22, Transportation Code;

(21) lease, own, and operate port facilities for air, trucking, and rail transportation;

(22) provide security for port functions, facilities, and operations; ~~and~~

(23) cooperate with and participate in programs and security efforts of this state and the federal Department of Homeland Security; and

(24) participate as a member or partner of a limited liability company, a limited liability partnership, or other entity organized to finance a project designated as a redevelopment project under Section 379B.009.

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 1859 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1859, A bill to be entitled An Act relating to certain rental-purchase agreements.

Representative Simmons moved to concur in the senate amendments to **HB 1859**.

The motion to concur in the senate amendments to **HB 1859** prevailed by (Record 1526): 120 Yeas, 11 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; Cook; Cortez; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Farrar; Flynn; 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; Keough; King, K.; King, P.; King, T.; Klick; Koop; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Workman; Wray; Zerwas.

Nays — Biedermann; Hefner; Krause; Lang; Murr; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Bonnen, D.; Cain; Collier; Cospser; Davis, S.; Deshotel; Dukes; Oliverson; Wilson; Wu.

STATEMENTS OF VOTE

When Record No. 1526 was taken, I was in the house but away from my desk. I would have voted no.

D. Bonnen

When Record No. 1526 was taken, I was in the house but away from my desk. I would have voted no.

Cain

When Record No. 1526 was taken, my vote failed to register. I would have voted yes.

Collier

Senate Committee Substitute

CSHB 1859, A bill to be entitled An Act relating to certain rental-purchase agreements.

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

SECTION 1. Section 92.001, Business & Commerce Code, is amended to read as follows:

Sec. 92.001. DEFINITIONS. (a) In this chapter:

(1) "Advertisement" means a commercial message in any medium that directly or indirectly promotes or assists a rental-purchase agreement.

(3) "Consumer" means an individual who leases personal property under a rental-purchase agreement.

(5) "Loss damage waiver" means a merchant's agreement to not hold a consumer liable for loss from all or part of any damage to merchandise.

(6) "Merchandise" means the personal property that is the subject of a rental-purchase agreement.

(7) "Merchant" means a person who, in the ordinary course of business, regularly leases, offers to lease, or arranges for the leasing of merchandise under a rental-purchase agreement. The term includes a person who is assigned an interest in a rental-purchase agreement.

(8) "Rental-purchase agreement" means an agreement under which a consumer may use merchandise for personal, family, or household purposes for an initial period of four months or less, and that:

(A) is automatically renewable with each payment after the initial period; and

(B) permits the consumer to become the owner of the merchandise.

(b) For purposes of this chapter, merchandise is displayed or offered to consumers primarily for lease under a rental-purchase agreement if the merchandise is displayed or offered at a place of business that derives at least 50 percent of its revenue from rental-purchase agreements.

SECTION 2. Subchapter A, Chapter 92, Business & Commerce Code, is amended by adding Section 92.003 to read as follows:

Sec. 92.003. POINT-OF-RENTAL DISCLOSURES. (a) If merchandise is not displayed or offered to consumers primarily for lease under a rental-purchase agreement, the merchant shall make the following disclosures to a consumer before presenting a rental-purchase agreement for specific merchandise to the consumer for execution:

(1) the price for which the merchant would sell the merchandise to the consumer for cash on the date of the disclosure;

(2) the amount of the periodic payments that would be provided for in the agreement if it is executed on the date of the disclosure; and

(3) the total number and amount of periodic payments necessary to acquire ownership of the merchandise under the agreement if it is executed on the date of the disclosure.

(b) The disclosures required by Subsection (a) must be made separately from the rental-purchase agreement.

SECTION 3. Subchapter B, Chapter 92, Business & Commerce Code, is amended by adding Section 92.0535 to read as follows:

Sec. 92.0535. ACKNOWLEDGMENT REQUIRED FOR CERTAIN AGREEMENTS. If merchandise is not displayed or offered to consumers primarily for lease under a rental-purchase agreement, the merchant shall provide to the consumer at the time the agreement is presented to the consumer the additional disclosures prescribed by this section. The disclosures must:

(1) be entitled "Acknowledgment of Rental-Purchase Transaction";

(2) be on a separate page;

(3) be signed by the consumer; and

(4) include an acknowledgment that the consumer understands the consumer is entering into a rental-purchase agreement and that:

(A) under the agreement, the consumer does not own the merchandise but may acquire ownership rights by complying with the ownership option terms specified in the agreement;

(B) the agreement is not a credit transaction;

(C) if provided by the agreement, the consumer has the right to return the merchandise at any time without additional charge or penalty, and, on the merchandise's return, the consumer will owe only unpaid rental charges and fees;

(D) if the consumer fails to make a timely payment, the consumer has a right to reinstate the agreement as provided by the agreement and, if the merchandise is returned, the consumer is entitled to rent the same merchandise or substitute merchandise of comparable quality and condition if the consumer complies with the agreement and any applicable law; and

(E) the consumer has reviewed and understands the agreement, including the consumer's right and options to acquire ownership of the merchandise and the total cost of the merchandise if all scheduled payments are made.

SECTION 4. Section 92.0535, Business & Commerce Code, as added by this Act, applies only to a rental-purchase agreement entered into on or after the effective date of this Act. A rental-purchase agreement entered into before the effective date of this Act is governed by the law in effect on the date the rental-purchase agreement was entered into, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

HB 4056 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4056, A bill to be entitled An Act relating to certain research-based practices for use by public school personnel.

Representative Rose moved to concur in the senate amendments to **HB 4056**.

The motion to concur in the senate amendments to **HB 4056** prevailed by (Record 1527): 134 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, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; 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; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Schaefer; Swanson; Tinderholt.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Deshotel; Dukes; Wilson.

Senate Committee Substitute

CSHB 4056, A bill to be entitled An Act relating to a list of best practice-based programs and research-based practices in certain areas for implementation in public schools.

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

SECTION 1. Section 161.325, Health and Safety Code, is amended by amending Subsections (a), (a-1), (b), and (c) and adding Subsection (a-3) to read as follows:

(a) The department, in coordination with the Texas Education Agency and regional education service centers, shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified under Subsection (a-1) for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each school district may select from the list a program or programs appropriate for implementation in the district.

(a-1) The list must include programs and practices in the following areas:

- (1) early mental health intervention;
- (2) building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making [~~mental health promotion and positive youth development~~];
- (3) substance abuse prevention;
- (4) substance abuse intervention; [~~and~~]
- (5) suicide prevention;
- (6) trauma-informed practices;
- (7) positive school climates; and
- (8) positive behavior supports.

(a-3) For purposes of Subsection (a-1), "school climate" means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students enrolled in the school district, parents of those students, and personnel employed by the district.

(b) The suicide prevention programs on the list must include components that provide for training counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

- (1) recognize students at risk of committing suicide, including students who are or may be the victims of or who engage in bullying;
- (2) recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others; and
- (3) intervene effectively with students described by Subdivision (1) or (2) by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian.

(c) In developing the list of best practice-based programs and research-based practices, the department and the Texas Education Agency shall consider:

(1) any existing suicide prevention method developed by a school district; and

(2) any Internet or online course or program developed in this state or another state that is based on best practices recognized by the Substance Abuse and Mental Health Services Administration or the Suicide Prevention Resource Center.

SECTION 2. Section 21.044(c-1), Education Code, is amended to read as follows:

(c-1) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:

(1) be provided through a program selected from the list of recommended best practice-based programs and research-based practices established under Section 161.325, Health and Safety Code; and

(2) include effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HB 2207 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2207, A bill to be entitled An Act relating to procedures and fees for the deposit and safekeeping of wills and other fees collected by court clerks in probate matters; authorizing and increasing fees.

Representative Bailes moved to concur in the senate amendments to **HB 2207**.

The motion to concur in the senate amendments to **HB 2207** prevailed by (Record 1528): 131 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; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; 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; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy;

Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Cain; Krause; Lang; Murr; Phillips; Swanson; Tinderholt; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Deshotel; Dukes.

Senate Committee Substitute

CSHB 2207, A bill to be entitled An Act relating to procedures and fees for the deposit and safekeeping of wills.

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

SECTION 1. Section 252.001, Estates Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) An attorney, business entity, or other person in possession of a testator's will may deposit the will with the county clerk of the county of the testator's last known residence if the attorney, business entity, or other person is unable to maintain custody of the will and, after a diligent search, the attorney, business entity, or other person is not able to contact or locate the testator. The attorney, business entity, or other person shall provide to the county clerk at the time the will is deposited:

(1) the name and last known address of the testator; and

(2) if the will names an executor, the name and last known address, if available, of each executor named in the will, including any alternate executors.

(b) The county clerk shall receive and keep a ~~the~~ will deposited under this section on the payment of a \$5 fee.

SECTION 2. Section 252.002, Estates Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The wrapper of a will deposited under Section 252.001(a) must be endorsed with:

(1) "Will of," followed by the name, address, and signature of the testator; and

(2) the name and current address of each person who is to be notified of the deposit of the will after the testator's death.

(c) The wrapper of a will deposited under Section 252.001(a-1) must be endorsed with:

(1) "Will of," followed by the name and last known address of the testator; and

(2) if the will names an executor, the name and last known address, if available, of each executor named in the will, including any alternate executors.

SECTION 3. Section 252.101, Estates Code, is amended to read as follows:

Sec. 252.101. NOTIFICATION BY COUNTY CLERK. A county clerk shall notify ~~[, by registered mail, return receipt requested,]~~ each person named on the endorsement of the will wrapper that the will is on deposit in the clerk's office if:

(1) an affidavit is submitted to the clerk stating that the testator has died; or

(2) the clerk receives other notice or proof of the testator's death sufficient to convince the clerk that the testator has died.

SECTION 4. Section 252.104, Estates Code, is amended to read as follows:

Sec. 252.104. NOTICE AND DELIVERY OF WILL TO EXECUTOR. If a county clerk inspects a will under Section 252.103 and the will names an executor, the clerk shall:

(1) notify the person named as executor ~~[, by registered mail, return receipt requested,]~~ that the will is on deposit with the clerk; and

(2) deliver, on request, the will to the person named as executor.

SECTION 5. Section 252.105(a), Estates Code, is amended to read as follows:

(a) If a county clerk inspects a will under Section 252.103, the clerk shall notify ~~[by registered mail, return receipt requested,]~~ the devisees named in the will that the will is on deposit with the clerk if:

(1) the will does not name an executor;

(2) the person named as executor in the will:

(A) has died; or

(B) fails to take the will before the 31st day after the date the notice required by Section 252.104 is mailed to the person; or

(3) the notice mailed to the person named as executor is returned as undelivered.

SECTION 6. Section 252.151, Estates Code, is amended to read as follows:

Sec. 252.151. DEPOSIT HAS NO LEGAL SIGNIFICANCE. The provisions of Subchapter A providing for the deposit of a will with a county clerk ~~[during the lifetime of a testator]~~ are solely for the purpose of providing a safe and convenient repository for a will. For purposes of probate, a will deposited as provided by Subchapter A may not be treated differently than a will that has not been deposited.

SECTION 7. Section 252.201, Estates Code, is amended to read as follows:

Sec. 252.201. WILL DELIVERY. (a) On receiving notice of a testator's death, the person who has custody of the testator's will shall deliver the will to the clerk of the court that has jurisdiction of the testator's estate.

(b) The clerk of the court shall handle the will in the same manner prescribed by Subchapter A for a will deposited under Section 252.001 other than collection of a fee under Section 252.001(b).

SECTION 8. Subchapter E, Chapter 252, Estates Code, is amended by adding Section 252.2015 to read as follows:

Sec. 252.2015. NOTICE AND DELIVERY OF WILL TO EXECUTOR OR DEVISEES. (a) On the deposit of a will under Section 252.201 that names an executor, the clerk of the court shall:

(1) notify the person named as executor in the manner prescribed by Section 252.104; and

(2) deliver, on request, the will to the person named as executor.

(b) On the deposit of a will under Section 252.201, the clerk of the court shall notify the devisees named in the will in the manner prescribed by Section 252.105(a) if:

(1) the will does not name an executor;

(2) the person named as executor in the will:

(A) has died; or

(B) fails to take the will before the 31st day after the date the notice required by Subsection (a) is mailed to the person; or

(3) the notice mailed to the person named as executor is returned as undelivered.

(c) On request, the clerk of the court shall deliver the will to any or all of the devisees notified under Subsection (b).

SECTION 9. Section 101.0815, Government Code, is amended to read as follows:

Sec. 101.0815. STATUTORY COUNTY COURT FEES AND COSTS: ESTATES CODE. The clerk of a statutory county court shall collect fees and costs under the Estates Code as follows:

(1) fee for deposit of a will with the county clerk by a testator or another person for a testator during the testator's lifetime or by an attorney, business entity, or other person unable to maintain custody of a testator's will and unable to contact or locate the testator (Sec. 252.001, Estates Code) . . . \$5;

(2) security deposit on filing, by any person other than the personal representative of an estate, an application, complaint, or opposition in relation to the estate, if required by the clerk (Sec. 53.052, Estates Code) . . . probable cost of the proceeding;

(3) fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem (Sec. 1052.051, Estates Code) . . . cost of filing and payment of attorney ad litem;

(4) security deposit on filing, by any person other than the guardian, attorney ad litem, or guardian ad litem, an application, complaint, or opposition in relation to a guardianship matter, if required by the clerk (Sec. 1053.052, Estates Code) . . . probable cost of the guardianship proceeding;

(5) nonrefundable fee to cover the cost of administering Subchapter G, Chapter 1104, Estates Code (Sec. 1104.303, Estates Code) . . . \$40; and

(6) costs for attorney ad litem appointed to pursue the restoration of a ward's capacity or modification of the ward's guardianship (Sec. 1202.102, Estates Code) . . . reasonable compensation.

SECTION 10. Section 101.1014, Government Code, is amended to read as follows:

Sec. 101.1014. STATUTORY PROBATE COURT FEES AND COSTS: ESTATES CODE. The clerk of a statutory probate court shall collect fees and costs under the Estates Code as follows:

(1) fee for deposit of a will with the county clerk by a testator or another person for a testator during the testator's lifetime or by an attorney, business entity, or other person unable to maintain custody of a testator's will and unable to contact or locate the testator (Sec. 252.001, Estates Code) . . . \$5;

(2) security deposit on filing, by any person other than the personal representative of an estate, an application, complaint, or opposition in relation to the estate, if required by the clerk (Sec. 53.052, Estates Code) . . . probable cost of the proceeding;

(3) fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem (Sec. 1052.051, Estates Code) . . . cost of filing and payment of attorney ad litem;

(4) security deposit on filing, by any person other than the guardian, attorney ad litem, or guardian ad litem, an application, complaint, or opposition in relation to a guardianship matter, if required by the clerk (Sec. 1053.052, Estates Code) . . . probable cost of the guardianship proceeding;

(5) nonrefundable fee to cover the cost of administering Subchapter G, Chapter 1104, Estates Code (Sec. 1104.303, Estates Code) . . . \$40; and

(6) costs for attorney ad litem appointed to pursue the restoration of a ward's capacity or modification of the ward's guardianship (Sec. 1202.102, Estates Code) . . . reasonable compensation.

SECTION 11. Section 101.1215, Government Code, is amended to read as follows:

Sec. 101.1215. COUNTY COURT FEES AND COSTS: ESTATES CODE. The clerk of a county court shall collect the following fees and costs under the Estates Code:

(1) fee for deposit of a will with the county clerk by a testator or another person for a testator during the testator's lifetime or by an attorney, business entity, or other person unable to maintain custody of a testator's will and unable to contact or locate the testator (Sec. 252.001, Estates Code) . . . \$5;

(2) security deposit on filing, by any person other than the personal representative of an estate, an application, complaint, or opposition in relation to the estate, if required by the clerk (Sec. 53.052, Estates Code) . . . probable cost of the proceeding;

(3) fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem (Sec. 1052.051, Estates Code) . . . cost of filing and payment of attorney ad litem;

(4) security deposit on filing, by any person other than the guardian, attorney ad litem, or guardian ad litem, an application, complaint, or opposition in relation to a guardianship matter, if required by the clerk (Sec. 1053.052, Estates Code) . . . probable cost of the guardianship proceeding;

(5) nonrefundable fee to cover the cost of administering Subchapter G, Chapter 1104, Estates Code (Sec. 1104.303, Estates Code) . . . \$40; and

(6) costs for attorney ad litem appointed to pursue the restoration of a ward's capacity or modification of the ward's guardianship (Sec. 1202.102, Estates Code) . . . reasonable compensation.

SECTION 12. Section 118.052, Local Government Code, is amended to read as follows:

Sec. 118.052. FEE SCHEDULE. Each clerk of a county court shall collect the following fees for services rendered to any person:

(1) CIVIL COURT ACTIONS

(A) Filing of Original Action (Sec. 118.053):

(i) Garnishment after judgment . . . \$15.00

(ii) All others . . . \$40.00

(B) Filing of Action Other than Original (Sec. 118.054) . . . \$30.00

(C) Services Rendered After Judgment in Original Action (Sec. 118.0545):

(i) Abstract of judgment . . . \$ 5.00

(ii) Execution, order of sale, writ, or other process . . . \$ 5.00

(2) PROBATE COURT ACTIONS

(A) Probate Original Action (Sec. 118.055):

(i) Probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title . . . \$40.00

(ii) Community survivors . . . \$40.00

(iii) Small estates . . . \$40.00

(iv) Declarations of heirship . . . \$40.00

(v) Mental health or chemical dependency services . . . \$40.00

(vi) Additional, special fee (Sec. 118.064) . . . \$ 5.00

(B) Services in Pending Probate Action (Sec. 118.056):

(i) Filing an inventory and appraisal as provided by Section 118.056(d) . . . \$25.00

(ii) Approving and recording bond . . . \$ 3.00

(iii) Administering oath . . . \$ 2.00

(iv) Filing annual or final account of estate . . . \$25.00

(v) Filing application for sale of real or personal property . . . \$25.00

(vi) Filing annual or final report of guardian of a person . . . \$10.00

(vii) Filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first, if more than 25 pages . . . \$25.00

(C) Adverse Probate Action (Sec. 118.057) . . . \$40.00

(D) Claim Against Estate (Sec. 118.058) . . . \$10.00

(E) Supplemental Court-Initiated Guardianship Fee in Probate Original Actions and Adverse Probate Actions (Sec. 118.067) . . . \$20.00

(F) Supplemental Public Probate Administrator Fee For Counties That Have Appointed a Public Probate Administrator (Sec. 118.068) . . . \$10.00

(3) OTHER FEES

- (A) Issuing Document (Sec. 118.059):
original document and one copy . . . \$ 4.00
each additional set of an original and one copy . . . \$ 4.00
- (B) Certified Papers (Sec. 118.060):
for the clerk's certificate . . . \$ 5.00
plus a fee per page or part of a page of . . . \$ 1.00
- (C) Noncertified Papers (Sec. 118.0605):
for each page or part of a page . . . \$ 1.00
- (D) Letters Testamentary, Letter of Guardianship, Letter of Administration, or Abstract of Judgment (Sec. 118.061) . . . \$ 2.00
- (E) Deposit and Safekeeping of Wills (Sec. 118.062) . . . \$ 5.00
- (F) Mail Service of Process (Sec. 118.063) . . . same as sheriff
- (G) Records Management and Preservation Fee . . . \$ 5.00
- (H) Records Technology and Infrastructure Fee if authorized by the commissioners court of the county (Sec. 118.026) . . . \$ 2.00

SECTION 13. Section 118.062, Local Government Code, is amended to read as follows:

Sec. 118.062. DEPOSIT AND SAFEKEEPING OF WILLS. The fee for "Deposit and Safekeeping of Wills" under Section 118.052(3) is for receiving [~~file~~] and keeping wills deposited [~~held~~] for safekeeping. The fee must be paid at the time the will is deposited with the county clerk [~~filed~~].

SECTION 14. Sections 252.001 and 252.201, Estates Code, as amended by this Act, and Section 252.2015, Estates Code, as added by this Act, apply to a will deposited with or delivered to a clerk described by those sections on or after the effective date of this Act. A will deposited with or delivered to a clerk described by those sections before the effective date of this Act is governed by the law in effect on the date the will was deposited or delivered, and the former law is continued in effect for that purpose.

SECTION 15. This Act takes effect September 1, 2017.

**HB 2567 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2567, A bill to be entitled An Act relating to forest pest control.

Representative Bailes moved to concur in the senate amendments to **HB 2567**.

The motion to concur in the senate amendments to **HB 2567** prevailed by (Record 1529): 134 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.; Dean; 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; King, K.; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Stickland.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Deshotel; Dukes; Keough; Phillips; Rose.

Senate Committee Substitute

CSHB 2567, A bill to be entitled An Act relating to forest pest control.

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

SECTION 1. Section 152.001, Natural Resources Code, is amended to read as follows:

Sec. 152.001. POLICY. It is the public policy of the State of Texas to mitigate and control ~~[forest]~~ pests ~~[in or]~~ threatening forest land ~~[forests]~~ in this state in order to protect associated ecological ~~[forest]~~ resources, enhance the health ~~[growth]~~ and maintenance of forests, promote stability of forest-using industries, ensure public safety ~~[protect recreational wildlife uses]~~, and conserve the ecosystem ~~[other]~~ values of the forest.

SECTION 2. Sections 152.003(1), (2), (3), (6), and (7), Natural Resources Code, are amended to read as follows:

(1) "Service" means the Texas A&M Forest Service.

(2) "Forest pests" means native insects and diseases, nonnative invasive insects and diseases, and noxious and invasive plants included on a list under Section 71.151, Agriculture Code, that are harmful, injurious, or destructive to forests or trees and whose damage, if uncontrolled, is of considerable economic and environmental importance ~~[, and includes:~~

~~[(A) pine bark beetles of the genera Dendroctonus, Ips, Pissodes, and Hylebius;~~

~~[(B) sawflies of the genus Neodiprion;~~

~~[(C) defoliators in the genera Datana, Malacosoma, Hyphantria, Diapheromera, and Galerucella;~~

~~[(D) pine shoot moth of the genus Rhynacionia;~~

~~[(E) wilt of the genus Chalora; and~~

~~[(F) rots of the genera Fomes and Polyporus].~~

(3) "Forest land" means land with at least 10 percent cover by live trees of any size, including land that formerly had that amount of tree cover and will be naturally or artificially regenerated ~~[on which the trees are potentially valuable for timber products, protection of watersheds, wildlife habitat, recreational uses, or for other purposes]~~, but does not include land within the incorporated limits of a village, town, or city.

(6) "Infestation" means actual infestation or infection at conditions beyond normal proportion causing ~~[abnormal epidemic]~~ loss to forests ~~[present or future commercial timber supply or both]~~.

(7) "Landowner" and "owner" mean a person who owns forest land or has forest land under the person's ~~[his]~~ direction irrespective of ownership.

SECTION 3. The heading to Subchapter B, Chapter 152, Natural Resources Code, is amended to read as follows:

SUBCHAPTER B. POWERS AND DUTIES OF ~~[THE]~~ TEXAS A&M FOREST SERVICE

SECTION 4. Section 152.016, Natural Resources Code, is amended to read as follows:

Sec. 152.016. PROCEDURES FOR CONTROL. ~~[(a)]~~ As soon as practicable after the hearing, the service shall promulgate procedures to be followed for the control of the infestation and shall~~[-~~

~~[(1) mail a copy to all appearing at the hearing and to all to whom notices were originally sent; and~~

~~[(2)]~~ publish a copy in a newspaper circulated in the affected area in the same manner as publication of preliminary notice.

~~[(b) Publication as provided in Subsection (a) of this section is notice to each landowner and each tract of land in the affected area on the date of publication.]~~

SECTION 5. Sections 152.018(a), (b), and (c), Natural Resources Code, are amended to read as follows:

(a) The notice required by Section 152.017 ~~[of this code]~~ shall inform the landowner of:

- (1) the facts found to exist;
- (2) the landowner's ~~[his]~~ responsibilities for the control measures;
- (3) the control technique recommended;
- (4) the law under which control must be accomplished; and
- (5) the authority of the service in the event the landowner takes no action toward controlling the pest.

(b) The notice may be given by:

(1) personal delivery to ~~[service on]~~ the landowner or ~~[on]~~ the person having control of the forest land;

(2) registered or certified mail directed to the landowner or person having control of the forest land at that person's ~~[his]~~ last known address; or

(3) if the identity or ~~[person or his]~~ address of the landowner or person having control of the forest land is unknown:

(A) ~~[s]~~ publication in one issue of a newspaper of general circulation in the county in which the land is located; or

(B) posting notice on the county's Internet website or on a bulletin board at a place convenient to the public in the county courthouse for the county in which the land is located.

(c) A published or posted notice under Subsection (b) must ~~[of this section shall]~~ include the information specified in Subsection (a) ~~[of this section]~~, state the name of the owner, if known, and briefly describe the land to which the notice applies.

SECTION 6. Section 152.019, Natural Resources Code, is amended to read as follows:

Sec. 152.019. NOTICE TO FOREST OWNER. If the landowner has notified the service of a forest owner under ~~[given notice to the service of an interest in the forest on his land owned by another, as provided for in]~~ Section 152.064 ~~[of this code]~~, the service shall furnish the same information to the forest owner that it is required by ~~[the provisions of]~~ this chapter to give to the landowner.

SECTION 7. Section 152.020(a), Natural Resources Code, is amended to read as follows:

(a) A landowner shall inform the ~~[The]~~ service of measures taken ~~[shall keep informed of what is done]~~ by the landowner to ~~[take measures to]~~ control the infestation and the results of those measures ~~[result of it]~~.

SECTION 8. Section 152.021, Natural Resources Code, is amended to read as follows:

Sec. 152.021. CONTROL MEASURES APPLIED BY ~~[FOREST]~~ SERVICE. If the landowner or another person fails to apply the pest control measures prescribed by the service not later than the 10th day after the date ~~[are not applied by the landowner or any other person within 10 days from the time]~~ notice is given under Section 152.014 or 152.018, ~~[as provided in this chapter, exclusive of the date the notice is given, representatives of]~~ the service may contact the landowner to offer further assistance or may ~~[shall]~~ enter the land and have the forest pests controlled ~~[or destroyed]~~.

SECTION 9. Section 152.022, Natural Resources Code, is amended to read as follows:

Sec. 152.022. EXPENSE OF CONTROL MEASURES TAKEN BY SERVICE. (a) The landowner shall pay ~~[Except as provided in Subsection (b) of this section,]~~ all charges and expenses of ~~[destruction or]~~ control measures taken by the service ~~[shall be paid by the owner of the land on which the infestation occurred]~~.

(b) The service shall charge amounts consistent with current commercial rates for control measures taken ~~[If the tract with respect to which the service conducted control measures contains 50 acres of forest land or less and the landowner in whose name the record title to the land stands owns no more than 50 acres of forest land in the county in which the infestation occurred, the cost of control shall be borne]~~ by the service.

SECTION 10. Section 152.023, Natural Resources Code, is amended to read as follows:

Sec. 152.023. CLAIM AGAINST LANDOWNER. The amount charged for ~~[H]~~ control measures taken ~~[is undertaken]~~ by the service ~~[, the cost, not to exceed \$10 for each infested acre or part of an acre on which control measures have been employed,]~~ constitutes a legal claim against the landowner, but does not constitute a lien on any land owned by the landowner.

SECTION 11. Section 152.025, Natural Resources Code, is amended to read as follows:

Sec. 152.025. LANDOWNER REIMBURSEMENT. (a) If the landowner has notified the service of a forest owner under Section 152.064, the landowner is entitled to reasonable reimbursement from the forest owner ~~[given the service notice of an interest owned by another in the forest on his land and the landowner has made expenditures]~~ for amounts:

(1) spent by the landowner for pest control measures under [purposes as provided in] Section 152.062; or

(2) ~~[of this code, or has]~~ paid on a legal claim ~~[against him]~~ under ~~[the provisions of]~~ Sections 152.022 through 152.024 ~~[of this code, the landowner is entitled to a reasonable reimbursement for the expenses from the forest owner].~~

(b) The amount of reimbursement paid by a forest owner under Subsection (a) shall be proportional to the interest owned in the forest by the forest owner.

SECTION 12. Section 152.061, Natural Resources Code, is amended to read as follows:

Sec. 152.061. GENERAL DUTY OF LANDOWNER. Each owner of forest land shall control the forest pests on land owned by the person [him] or under the person's [his] direction as provided in this chapter.

SECTION 13. Section 152.062, Natural Resources Code, is amended to read as follows:

Sec. 152.062. DUTY TO APPLY CONTROL MEASURES. Not later than the 10th day after the date [Within 10 days after] notice is given under [as provided in] Section 152.014 or 152.018 [of this code, exclusive of the date the notice is given], each affected landowner shall commence diligently to take measures to control the infestation as prescribed and continue this activity with all practical expedition and efficiency under the direction of the service.

SECTION 14. Section 152.063(a), Natural Resources Code, is amended to read as follows:

(a) The landowner shall notify the service of the landowner's [his] actions and the result of those [his] actions.

SECTION 15. Section 152.064, Natural Resources Code, is amended to read as follows:

Sec. 152.064. NOTIFYING SERVICE OF FOREST OWNER. If all or part of the standing trees are owned by someone other than the landowner, either by a present right or by a future right under the terms of a valid existing contract, the landowner shall notify the service of that fact and furnish the name and address ~~[names and addresses]~~ of each ~~[the]~~ forest owner not later than the 10th day after the date the landowner receives [within 10 days after receiving the] notice from the service under [as provided for in] Section 152.014 or 152.018 [of this code].

SECTION 16. Section 152.105, Natural Resources Code, is amended to read as follows:

Sec. 152.105. INJUNCTIVE RELIEF FOR LANDOWNER. If the final judgment in an action seeking relief from a notice is in favor of the landowner, the landowner may be entitled to injunctive relief against the use of any control measures on the landowner's ~~[his]~~ forest land by the service until a ~~[such]~~ time determined by ~~[as]~~ the court ~~[may determine]~~.

SECTION 17. Section 152.003(9), Natural Resources Code, is repealed.

SECTION 18. This Act takes effect September 1, 2017.

HB 961 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 961, A bill to be entitled An Act relating to the election of junior college district trustees by plurality vote.

Representative Collier moved to concur in the senate amendments to **HB 961**.

The motion to concur in the senate amendments to **HB 961** prevailed by (Record 1530): 107 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Herrero; Hinojosa; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Stephenson; Stucky; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; Workman; Wray; Wu; Zerwas.

Nays — Bell; Bonnen, D.; Bonnen, G.; Burkett; Cain; Capriglione; Elkins; Hefner; Holland; Keough; Krause; Lang; Paul; Phillips; Rinaldi; Schaefer; Simmons; Smithee; Springer; Stickland; Swanson; Thompson, E.; Tinderholt; White; Wilson; Zedler.

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

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Alvarado; Deshotel; Dukes; Fallon; Howard; Leach; Perez; Thierry.

STATEMENTS OF VOTE

When Record No. 1530 was taken, I was in the house but away from my desk. I would have voted no.

Fallon

When Record No. 1530 was taken, I was shown voting yes. I intended to vote no.

Price

Senate Committee Substitute

CSHB 961, A bill to be entitled An Act relating to the election of junior college district trustees.

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

SECTION 1. Section 130.082, Education Code, is amended by adding Subsections (d-1) and (g-1) to read as follows:

(d-1) Except as provided by Subsection (d) or Section 130.0827, each position on the board of trustees shall be filled by election in accordance with this section.

(g-1) The board by resolution may provide, not later than the 180th day before the date of an election, that a candidate must receive a plurality of the votes cast for a position to be filled at the election under Subsection (g). A resolution adopted under this subsection is effective for subsequent elections until rescinded by a subsequent resolution adopted not later than the 180th day before the date of the first election to which the rescission applies.

SECTION 2. This Act takes effect September 1, 2017.

**HB 2995 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2995, A bill to be entitled An Act relating to the creation and operations of health care provider participation programs in certain counties.

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 2995**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2995**: Ashby, chair; Clardy, K. King, Kacal, and Nevárez.

CSSB 1842 - VOTE RECONSIDERED

Representative Phelan moved to reconsider the vote by which **CSSB 1842**, as amended, was passed to third reading earlier today.

The motion to reconsider prevailed.

CSSB 1842 ON SECOND READING
(Phelan - House Sponsor)

The chair laid before the house, on its second reading and passage to third reading,

CSSB 1842, A bill to be entitled An Act relating to an application for the amendment of a certificate of public convenience and necessity in an area inside the boundaries of a political subdivision.

CSSB 1842 was read second time earlier today and was passed to third reading, as amended.

Amendment No. 1 - Vote Reconsidered

Representative Phelan moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

(Speaker in the chair)

Amendment No. 1 failed of adoption by (Record 1531): 34 Yeas, 85 Nays, 15 Present, not voting.

Yeas — Allen; Alonzo; Arévalo; Bailes; Bernal; Blanco; Burrows; Dale; Deshotel; Dukes; Fallon; Farrar; Frank; Frullo; Gonzales; Hefner; Hinojosa; Isaac; Larson; Longoria; Miller; Minjarez; Moody; Neave; Reynolds; Romero; Rose; Sanford; Schaefer; Stephenson; White; Wilson; Workman; Zedler.

Nays — Alvarado; Anderson, R.; Ashby; Biedermann; Bonnen, D.; Burkett; Burns; Button; Cain; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospier; Craddick; Cyrier; Darby; Davis, S.; Dean; Faircloth; Flynn; Geren; Gervin-Hawkins; González; Gooden; Guerra; Guillen; Gutierrez; Herrero; Holland; Howard; Israel; Johnson, E.; Kacal; Keough; King, K.; King, P.; King, T.; Koop; Krause; Lambert; Landgraf; Lang; Martinez; Meyer; Muñoz; Murphy; Murr; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Rodriguez, E.; Schubert; Shaheen; Sheffield; Shine; Smithee; Stickland; Stucky; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Walle; Wray; Zerwas.

Present, not voting — Mr. Speaker(C); Bonnen, G.; Capriglione; Huberty; Hunter; Johnson, J.; Klick; Laubenberg; Leach; Lozano; Schofield; Simmons; Springer; Swanson; Wu.

Absent, Excused — Davis, Y.; Dutton; Hernandez; Kuempel; Metcalf; Rodriguez, J.; Vo.

Absent — Anchia; Anderson, C.; Bell; Bohac; Elkins; Giddings; Goldman; Lucio; Morrison.

STATEMENTS OF VOTE

When Record No. 1531 was taken, I was shown voting yes. I intended to vote no.

Longoria

When Record No. 1531 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

CSSB 1842 was passed to third reading.

**MESSAGE FROM THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following special message by the governor:

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION:

I, GREG ABBOTT, Governor of the State of Texas, pursuant to Article III, Section 5 of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 85th Legislature now convened:

SB 5 from the 85th Texas Legislature, Regular Session, by Huffman, relating to requiring a voter to present proof of identification; providing a criminal penalty.

Respectfully submitted,

Greg Abbott
Governor

Austin, Texas
May 21, 2017

PROVIDING FOR ADJOURNMENT

At 10:16 p.m., Representative Bailes moved that, at the conclusion of the receipt of messages from the senate, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

(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. 1).

ADJOURNMENT

In accordance with a previous motion, the house, at 9:07 a.m. Monday, May 22, adjourned until 10 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. 28

HB 471, HB 561, HB 572, HB 594, HB 639, HB 920, HB 970, HB 1083, HB 1128, HB 1355, HB 1442, HB 1570, HB 1697, HB 1761, HB 1780, HB 1819, HB 1860, HB 2437, HB 2504, HB 2964, HB 3051, HB 3227, HB 3237, HCR 42, HCR 133, HCR 134, HJR 37

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

Monday, May 22, 2017

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 21 Huberty SPONSOR: Taylor, Larry
Relating to the funding of primary and secondary education.
(Committee Substitute/Amended)

HB 51 Guillen SPONSOR: Hinojosa
Relating to regulation of the commercial oyster industry in this state; increasing criminal penalties; authorizing a fee.
(Amended)

HB 505 Geren SPONSOR: Taylor, Van
Relating to restrictions on lobbyist expenditures from certain political contributions.

HB 1492 Miller SPONSOR: Buckingham
Relating to the creation of the National Museum of the Pacific War museum fund.

HB 1494 Morrison, Geanie W. SPONSOR: Kolkhorst

Relating to the use of municipal hotel occupancy tax revenue by certain municipalities.

HB 1917 Raymond SPONSOR: Schwertner
Relating to contract requirements for prescription drug benefits provided by Medicaid managed care organizations.

HB 1934 Minjarez SPONSOR: Campbell
Relating to temporary certification of an educator from outside the state who is the spouse of an active duty military service member.
(Amended)

HB 2691 Bonnen, Greg SPONSOR: Huffman
Relating to certain election practices and procedures.
(Committee Substitute/Amended)

HB 3859 Frank SPONSOR: Perry
Relating to protection of the rights of conscience for child welfare services providers.

HB 3976 Ashby SPONSOR: Huffman
Relating to the administration of and benefits payable under the Texas Public School Retired Employees Group Benefits Act.
(Committee Substitute)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 20

Business and Industry - **SB 1609**

Corrections - **SB 677**

County Affairs - **SB 1673**

Culture, Recreation, and Tourism - **SB 965**

Elections - **SB 1109, SB 1666, SJR 54**

Government Transparency and Operation - **SB 526**

Higher Education - **SB 1799, SB 1845**

Judiciary and Civil Jurisprudence - **SB 239, SB 824**

Licensing and Administrative Procedures - **SB 666, SB 1760**

Public Health - **SB 292, SB 316, SB 344, SB 584, SB 1183, SB 1695**

Special Purpose Districts - **SB 2280, SB 2292, SB 2295, SB 2296, SB 2297, SB 2298, SB 2299**

State Affairs - **SB 23, SB 611**

Transportation - **SB 1939**

Urban Affairs - **SB 989, SB 990, SB 1620, SB 1670, SB 1991, SB 1992, SB 2283**

Ways and Means - **SB 2, SB 277, SB 521, SB 1047, SB 2204**

ENROLLED

May 20 - HB 471, HB 561, HB 572, HB 594, HB 639, HB 920, HB 970, HB 1083, HB 1128, HB 1355, HB 1442, HB 1570, HB 1697, HB 1761, HB 1780, HB 1819, HB 1860, HB 2437, HB 2504, HB 2964, HB 3051, HB 3227, HB 3237, HCR 42, HCR 133, HCR 134, HJR 37