

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-THIRD DAY — SATURDAY, MAY 27, 2017

The house met at 9:36 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1936).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; 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; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent — Bell; Bonnen, G.; Dukes; Elkins; Fallon; Hefner; Leach; Swanson.

The speaker recognized Trevor Rice, Texas House of Representatives Office of the Parliamentarian, Austin, who offered the invocation.

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

(Swanson now present)

(Roberts in the chair)

HOUSE AT EASE

At 9:42 a.m., the chair announced that the house would stand at ease pending the arrival of guests.

(Bell, G. Bonnen, Elkins, Fallon, and Hefner now present)

FALLEN HEROES MEMORIAL SERVICE
(The House of Representatives and Senate in Joint Session)

In accordance with the provisions of **HCR 136**, convening a joint memorial session to honor Texans killed while serving in the United States military, Governor Greg Abbott, Lieutenant Governor Dan Patrick, and the honorable senators were announced at the door of the house and were admitted.

The Honorable Dan Patrick, president of the senate, called the senate to order at 10:02 a.m. and stated that a quorum of the senate was present.

The Honorable Joe Straus, speaker of the house, called the house to order at 10:02 a.m. and stated that a quorum of the house of representatives was present.

Speaker Straus stated that the two houses were in joint session pursuant to **HCR 136** in honor of Texans killed while serving in the United States military and welcomed Governor Abbott, Lieutenant Governor Patrick, members of the senate, and other state officials, and addressed the assemblage, speaking as follows:

On behalf of the members of the Texas Legislature, I would like to welcome you to your state Capitol for this very important, very meaningful ceremony. We are reminded this Memorial Day weekend of something that nobody should ever forget: that those who serve in uniform put themselves in great danger in order to defend our country and to protect our freedoms. Everything that happens in this Capitol, the free exchange of ideas, the engagement of concerned citizens, the opportunity to work on our neighbor's behalf, all of it is made possible by the brave men and women who serve in the armed forces. Our very system of government, the one we practice with sometimes great imperfection on this floor every day, is a testament to their valor. As then General James A. Garfield said at Arlington National Cemetery on the very first Memorial Day, "We do not know one promise these men made, one pledge they gave, one word they spoke, but we do know they summed up and perfected, by one supreme act, the highest virtues of men and citizens. For love of country they accepted death, and thus resolved any doubts and made immortal their patriotism and their virtue."

Here in the legislature, we often say that families serve together, but nobody serves together like our military families for whom the stakes are so high and the sacrifice so great. That's why we are here today, to honor not only our departed heroes but also their families and all families who have lost a loved one in the service to his country. We cannot fill the void that has been left in their lives, but we honor our departed heroes in how we treat their survivors, by the way we comfort them, care for them, and serve them. Today and this weekend, our gratitude is on full display, and as we go about our work as public servants and our lives as American citizens, no matter what day it is, may our commitment to the families of the fallen never diminish. Thank you all for being here today.

Speaker Straus recognized Senator Campbell who addressed the joint session.

Representative Gutierrez addressed the families of the honored fallen soldiers.

Sergeant Bonnie Rosensteel sang the national anthem as the assemblage rose for the presentation of the colors by Texas Army National Guard soldiers.

Representative Blanco led the assemblage in the pledges of allegiance to the United States and Texas flags.

Speaker Straus recognized Captain Frank Baik, 549th Military Intelligence Battalion, who offered the invocation.

Speaker Straus laid out and had read **HCR 136**, convening a joint memorial session to honor Texans killed while serving in the United States military.

The service medley was played and members rose as their respective branch's song was played.

Lieutenant Governor Patrick introduced Governor Abbott, who addressed the joint session and assemblage, speaking as follows:

It is so impressive on a day like this, when we remember those who paid the ultimate price for our country, to get to see so many members of the house and senate stand up and show that they themselves served in our United States military. We thank you for the leadership that you have brought to this country and the leadership that you continue to display. You know, when you think about it, it is so fitting that we gather in this Capitol on this day to remember and honor those who gave the ultimate sacrifice for our country. It is not lost on anybody that during the past few months, this Capitol has been a battleground of democracy. The people who made that democratic process even possible, the people who ensure that we would have the freedom to come in here and fight for our ideas, are the men and women who have worn the uniform of the greatest military in the history of the entire world. We are all so grateful for all who have served.

As we commemorate this day all the way through Memorial Day on Monday, we particularly remember those who made the ultimate sacrifice for our country. Today, we recognize especially, Texas military members killed while serving since the last legislative session. We honor their dedication. We remember their sacrifice. And we celebrate their lives. A moving event every year is an event called Wreaths Across America, when wreaths are placed upon tombstones of fallen soldiers buried at burial grounds across the entire United States. There is one primary goal to be achieved during that ceremony: the goal of remembering the names of those who have served. The ceremony includes a process where people will go up to a gravesite, lay down a wreath, and recite the name on that tombstone. It's symbolic of what we must achieve as Americans and that is to not let those who have served for us and who have passed away to be forgotten. They will forever be alive, and we must muster their lives in recognition of who they are by reciting their names.

Today, I want to do that but also add a little bit of background about the names of the men and women we want to recognize today. It includes U.S. Army Counterintelligence Warrant Officer Travis Tamayo of Brownsville, Texas. He

knew he wanted to join the military from the moment he graduated from high school. Travis joined as soon as he turned 18 years old. In the words of his father, he was determined to be the best soldier he could be. U.S. Army Specialist Isiah Booker of Cibolo—he loved God; he loved his family; he loved his friends; he loved cooking and dancing. And Isiah genuinely cared for everybody around him. Isiah's message to the entire world was this: Know Christ. Love your family and friends. Serve your country. Honor them all. Anyone who met Staff Sergeant James Moriarty of Kerrville would agree that he was one of the most kind, warm, and brilliant people you would have ever met. His father takes comfort knowing that his son loved serving in the United States Army. It's where he wanted to be, doing what he wanted to do. A high school friend remembers Jimmy as the most selfless person and a hero in their heart. Captain Jordan Pierson of Abilene was devoted to his family and devoted to his country. He was kind and shy, but Jordan was always quick with a joke. His coach remembers him as quiet and determined but tough. A family marveled, he had every reason to brag being a United States Air Force fighter pilot, but despite that, he forever remained so very modest. Chief Warrant Officer Lucas Lowe from Hardin served in the Texas Army National Guard. Being a warrior was not something that he did. It was something he was from the inside out. He loved our country. He believed in our values. His pastor adds, Luke was born to lead. Chief Warrant Officer Dustin Mortenson's quick wit, his sharp intelligence, and his piloting skill made a lasting impression for those he served with in the Texas Army National Guard. One person remembers Dustin as a devoted family man who would tell stories about his son that would have all of them rolling around the flight line. Everyone liked him. They say he was just a guy who never had a bad day. Private First Class Juan Castro of San Antonio served in the Texas Army National Guard. He is remembered by one of his teachers as more than just a great student. He was a young man who made everybody feel happy. He had a grin that was irresistible, and his quiet sense of humor was absolutely wonderful. The teacher said, I know he is making heaven a better place for all of us. For United States Marine Captain Jake Frederick of Corpus Christi, God, family, and country were of the utmost importance. Flying was his dream, and he lived that dream. His preflight checklist included a remembrance of the Holy Spirit. A devoted husband, a loving father, an incredible brother and son, his life continues to shine as a beacon to all.

The legacy of these extraordinary men lives on because they fought and died for a cause greater than themselves. It was the greatest cause our country stands for, and that is the cause of liberty. The heroes we honor gave their all to fight for that liberty. Those who went into harm's way to protect the American way, they stood in the face of dangers both known and unknown and protected the rest of us from all that threatens. For the families of the fallen, those with us here today and those who could not be here with us today, we recognize that our words are small solace for the loss that you have suffered. We hope, we hope that we have earned what these sons, husbands, fathers, and heroes have sacrificed for us. Speaking on behalf of all who work in this Capitol, speaking on behalf of all of the people who call themselves Texans, I want to assure you we will continue to work to

earn what your family has done for us. We will continue on the homeland to fight for the freedom they died for in lands across the entire globe. On this day and every day we say thank you, and we remember those who served this country and who died for liberty. May God bless these families, and may God forever bless the United States of America.

Governor Abbott presented flags flown over the Capitol to family members as Senator Campbell and Representative Gutierrez read the names of the following fallen soldiers:

Specialist Isiah L. Booker, Army (Cibolo); Private First Class Juan L. Castro, Texas Army National Guard (San Antonio); Captain Jake Frederick, Marines (Corpus Christi); Chief Warrant Officer II Lucas Maurice Lowe, Texas Army National Guard (Hardin); Staff Sergeant James F. Moriarty, Army (Kerrville); Chief Warrant Officer III Dustin Lee Mortenson, Texas Army National Guard (League City); Captain Jordan B. Pierson, Air Force (Abilene); Warrant Officer Travis R. Tamayo, Army (Brownsville).

The joint session and assemblage observed a moment of silence broken by "Amazing Grace" sung by Sergeant Bonnie Rosensteel, followed by a 21-gun salute fired by the DPS Honor Guard. "Taps" was played in the gallery by Jacqueline Gibson and Tyler Morton played "Amazing Grace" on the floor of the house chamber.

Captain Frank Baik offered the benediction.

Lieutenant Governor Patrick and Speaker Straus thanked the attendees of today's service.

SENATE RECESS

At 10:50 a.m., Lieutenant Governor Patrick stated that the purpose for which the joint session was called had been completed and that the senate would, in accordance with a previous motion, stand recessed until 1:30 p.m. today.

HOUSE AT EASE

At 10:50 a.m., the speaker announced that the house would stand at ease pending the departure of guests.

(Geren in the chair)

Representative Geren called the house to order at 11:04 a.m.

PROVIDING FOR RECESS

At 11:05 a.m., Representative Stephenson moved that, at the conclusion of the receipt of messages from the senate and administrative duties, the house recess until 2 p.m. today.

The motion prevailed.

(Goldman in the chair)

HR 2552 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2552**, suspending the limitations on the conferees for **SB 1289**.

AFTERNOON SESSION

The house met at 2:06 p.m. and was called to order by the speaker.

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. 34).

(Leach now present)

(Cyrier in the chair)

**HR 2598 - ADOPTED
(by Nevárez)**

Representative Nevárez moved to suspend all necessary rules to take up and consider at this time **HR 2598**.

The motion prevailed.

The following resolution was laid before the house:

HR 2598, In memory of Noe Tinajero of Eagle Pass.

HR 2598 was read and was unanimously adopted by a rising vote.

On motion of Representatives Geren and Canales, the names of all the members of the house were added to **HR 2598** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Nevárez who introduced family members of Noe Tinajero.

SB 1172 - RECOMMITTED

Representative Geren moved to recommit **SB 1172** to the Conference Committee on **SB 1172**.

The motion prevailed.

HR 2573 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2573**, suspending the limitations on the conferees for **SB 533**.

**HB 322 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

On motion of Representative Parker and by unanimous consent, Representative Canales called up with senate amendments for consideration at this time,

HB 322, A bill to be entitled An Act relating to the expunction of arrest records and files for certain veterans and the waiver of fees and costs charged for the expunction.

Representative Canales moved to concur in the senate amendments to **HB 322**.

The motion to concur in the senate amendments to **HB 322** prevailed by (Record 1937): 145 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; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, 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; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Dutton.

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

Absent — Burrows; Dukes.

STATEMENT OF VOTE

When Record No. 1937 was taken, I was in the house but away from my desk. I would have voted yes.

Burrows

Senate Committee Substitute

CSHB 322, A bill to be entitled An Act relating to the expunction of arrest records and files for certain veterans and the waiver of fees and costs charged for the expunction.

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

SECTION 1. Article 55.01, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (a-3) to read as follows:

(a) A person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor is entitled to have all records and files relating to the arrest expunged if:

(1) the person is tried for the offense for which the person was arrested and is:

(A) acquitted by the trial court, except as provided by Subsection (c); or

(B) convicted and subsequently:

(i) pardoned for a reason other than that described by Subparagraph (ii); or

(ii) pardoned or otherwise granted relief on the basis of actual innocence with respect to that offense, if the applicable pardon or court order clearly indicates on its face that the pardon or order was granted or rendered on the basis of the person's actual innocence; or

(2) the person has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was no court-ordered community supervision under Chapter 42A for the offense, unless the offense is a Class C misdemeanor, provided that:

(A) regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired, an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested:

(i) has not been presented against the person at any time following the arrest, and:

(a) at least 180 days have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class C misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(b) at least one year has elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class B or A misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(c) at least three years have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a felony or if there was a felony charge arising out of the same transaction for which the person was arrested; or

(d) the attorney representing the state certifies that the applicable arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person; or

(ii) if presented at any time following the arrest, was dismissed or quashed, and the court finds that the indictment or information was dismissed or quashed because:

(a) the person completed a veterans treatment court program created under Chapter 124, Government Code, or former law, subject to Subsection (a-3);

(b) the person completed a pretrial intervention program authorized under Section 76.011, Government Code, other than a veterans treatment court program created under Chapter 124, Government Code, or former law;

(c) ~~because~~ the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense; or

(d) ~~, or because~~ the indictment or information was void;
or

(B) prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired.

(a-3) A person is eligible under Subsection (a)(2)(A)(ii)(a) for an expunction of arrest records and files only if:

(1) the person has not previously received an expunction of arrest records and files under that sub-subparagraph; and

(2) the person submits to the court an affidavit attesting to that fact.

SECTION 2. Section 1a, Article 55.02, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) A trial court dismissing a case following a person's successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law, if the trial court is a district court, or a district court in the county in which the trial court is located may, with the consent of the attorney representing the state, enter an order of expunction for a person entitled to expunction under Article 55.01(a)(2)(A)(ii)(a) not later than the 30th day after the date the court dismisses the case or receives the information regarding that dismissal, as applicable. Notwithstanding any other law, a court that enters an order for expunction under this subsection may not charge any fee or assess any cost for the expunction.

SECTION 3. Article 102.006(b), Code of Criminal Procedure, is amended to read as follows:

(b) The fees under Subsection (a) shall be waived if~~;~~

~~(1)~~ (1) the petitioner:

(1) seeks expunction of a criminal record that relates to an arrest for an offense of which the person was acquitted, other than an acquittal for an offense described by Article 55.01(c), ~~;~~ and

~~(2)~~ (2) the petition for expunction is filed not later than the 30th day after the date of the acquittal; or

(2) is entitled to expunction under Article 55.01(a)(2)(A)(ii)(a) after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law.

SECTION 4. Section 124.001(b), Government Code, is amended to read as follows:

(b) If a defendant successfully completes a veterans treatment court program, after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, the veterans treatment court shall provide to the court in

which the criminal case is pending information about the dismissal and shall include all of the information required about the defendant for a petition for expunction under Section 2(b), Article 55.02, Code of Criminal Procedure. The court in which the criminal case is pending shall dismiss the case against the defendant and:

(1) if that trial court is a district court, the court may, with the consent of the attorney representing the state, enter an order of expunction on behalf of the defendant under Section 1a(a-1), Article 55.02, Code of Criminal Procedure;
or

(2) if that trial court is not a district court, the court may, with the consent of the attorney representing the state, forward the appropriate dismissal and expunction information to enable a district court with jurisdiction to enter an order of expunction on behalf of the defendant under Section 1a(a-1), Article 55.02, Code of Criminal Procedure.

SECTION 5. (a) Except as provided by Subsection (b) of this section, this Act applies to the expunction of arrest records and files for a person who successfully completes a veterans treatment court program under Chapter 124, Government Code, or former law before, on, or after the effective date of this Act, regardless of when the underlying arrest occurred.

(b) The change in law made by this Act to Article 102.006, Code of Criminal Procedure, applies to the fees charged or costs assessed for an expunction order entered on or after the effective date of this Act, regardless of whether the underlying arrest occurred before, on, or after the effective date of this Act.

(c) For a person who is entitled to expunction under Article 55.01(a)(2)(A)(ii)(a), Code of Criminal Procedure, as amended by this Act, based on a successful completion of a veterans treatment court program under Chapter 124, Government Code, or former law before the effective date of this Act, notwithstanding the 30-day time limit provided for the court to enter an automatic order of expunction under Section 1a(a-1), Article 55.02, Code of Criminal Procedure, as added by this Act, the court may, with the consent of the attorney representing the state, enter an order of expunction for the person as soon as practicable after the court receives written notice from any party to the case about the person's entitlement to the expunction.

SECTION 6. This Act takes effect September 1, 2017.

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

Amend **CSHB 322** (senate committee report) by adding the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 411.0728, Government Code, is amended by amending Subsections (a), (c), and (d), and adding Subsection (b-1) to read as follows:

(a) This section applies only to a person:

(1) who [on conviction for an offense under Section 43.02, Penal Code,] is placed on community supervision under Chapter 42A [Article 42.12], Code of Criminal Procedure, after conviction for an offense under:

(A) Section 481.120, Health and Safety Code, if the offense is punishable under Subsection (b)(1);

(B) Section 481.121, Health and Safety Code, if the offense is punishable under Subsection (b)(1);

(C) Section 31.03, Penal Code, if the offense is punishable under Subsection (e)(1) or (2);

(D) Section 43.02, Penal Code; or

(E) Section 43.03(a)(2), Penal Code, if the offense is punishable as a Class A misdemeanor; [,] and

(2) with respect to whom the conviction is subsequently set aside by the court under Article 42A.701, Code of Criminal Procedure [Section 20(a) of that article].

(b-1) A petition under Subsection (b) must assert that the person seeking an order of nondisclosure under this section has not previously received an order of nondisclosure under this section.

(c) After notice to the state, an opportunity for a hearing, a determination by the court that the person has not previously received an order of nondisclosure under this section, and a determination by the court that the person committed the offense solely as a victim of trafficking of persons and that issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the defendant was placed on community supervision as described by Subsection (a) [under Section 43.02, Penal Code, giving rise to the community supervision].

(d) A person may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section only after the person's conviction [under Section 43.02, Penal Code,] is set aside as described by Subsection (a).

SECTION _____. The change in law made by this Act applies to a person whose conviction for an offense is set aside under Article 42A.701, Code of Criminal Procedure, on or after the effective date of this Act, regardless of when the person committed the offense for which the person was convicted.

SB 1450 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative G. Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1450**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1450**: G. Bonnen, chair; Muñoz, Phillips, Paul, and Frullo.

SB 463 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Huberty, the house granted the request of the senate for the appointment of a Conference Committee on **SB 463**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 463**: Huberty, chair; Guillen, Workman, K. King, and Gooden.

**SB 1784 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Huberty, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1784**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1784**: Huberty, chair; Bernal, Meyer, Koop, and Bohac.

**SB 1001 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Paul, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1001**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1001**: Paul, chair; E. Thompson, Workman, C. Anderson, and Perez.

SB 179 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Minjarez submitted the conference committee report on **SB 179**.

Representative Minjarez moved to adopt the conference committee report on **SB 179**.

The motion to adopt the conference committee report on **SB 179** prevailed by (Record 1938): 136 Yeas, 11 Nays, 2 Present, not voting.

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

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

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 1938 was taken, I was shown voting yes. I intended to vote no.

Laubenberg

When Record No. 1938 was taken, I was shown voting no. I intended to vote yes.

Leach

When Record No. 1938 was taken, I was shown voting yes. I intended to vote no.

Phillips

HR 2552 - ADOPTED (by Paddie)

The following privileged resolution was laid before the house:

HR 2552

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1289** (the purchase of iron and steel products made in the United States for certain governmental entity projects) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding, in SECTION 1 of the bill, the following:

Sec. 2252.2025. REPORT. (a) Not later than December 1, 2018, the Texas Water Development Board shall electronically submit to the state auditor a report on all contracts for construction of a project that received financial assistance under Chapter 15, 16, or 17, Water Code, during the state fiscal year ending August 31, 2017. The report must include:

(1) the impacts on a political subdivision that has obtained or applied for financial assistance from the board under Chapter 15, 16, or 17, Water Code; and

(2) for each project that has obtained financial assistance as described by this subsection:

(A) the country of origin of the iron and steel products used in the project, in accordance with 19 U.S.C. Section 1304;

(B) the cost and quantity of all iron and steel products received from each country of origin for the project; and

(C) any related bond information, including the credit rating of general obligation bonds or revenue bonds issued by the board to finance or refinance projects included in the state water plan and the potential impact to that credit rating as a result of the bond issuance by the board.

(b) The state auditor shall prepare a summary on the report submitted under Subsection (a) and electronically submit the summary to the legislature not later than January 1, 2019.

(c) This section expires September 1, 2019.

Explanation: The change is necessary to require the Texas Water Development Board to electronically submit to the state auditor a report on all contracts for construction of projects that received financial assistance from the board under Chapter 15, 16, or 17, Water Code, during the state fiscal year ending August 31, 2017, and to require the state auditor to submit to the legislature a summary of that report.

(2) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 6(b) of the bill, in the transition provisions of the bill, to read as follows:

(b) Subchapter F, Chapter 2252, Government Code, as added by this Act, does not apply to a project as described by Section 15.432 or 15.472, Water Code, that the Texas Water Development Board has formally approved for financial assistance. In this subsection, the term "formally approved" means any project that is the subject of a resolution approving an application for financial assistance adopted by the Texas Water Development Board before May 1, 2019, for any portion of the financing of the project.

Explanation: The change is necessary to extend the time before certain contracts are subject to Subchapter F, Chapter 2252, Government Code, as added by the Act, to allow the Texas Water Development Board to submit the report and the state auditor to submit the summary required by Section 2252.2025, Government Code, as added by the Act.

HR 2552 was adopted by (Record 1939): 114 Yeas, 32 Nays, 2 Present, not voting.

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

Nays — Anchia; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burrows; Cain; Capriglione; Elkins; Faircloth; Fallon; Goldman; Hefner; Keough; King, P.; Krause; Lang; Larson; Laubenberg; Leach; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simmons; Springer; Stickland; Swanson; Tinderholt; Wilson; Zedler.

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

Absent — Dukes; Pickett.

STATEMENTS OF VOTE

When Record No. 1939 was taken, I was shown voting yes. I intended to vote no.

Murr

When Record No. 1939 was taken, I was shown voting yes. I intended to vote no.

Parker

SB 1289 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie submitted the conference committee report on **SB 1289**.

Representative Paddie moved to adopt the conference committee report on **SB 1289**.

The motion to adopt the conference committee report on **SB 1289** prevailed by (Record 1940): 102 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bonnen, D.; Burns; Button; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Farrar; Flynn; Frank; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Kacal; King, K.; King, T.; Koop; Kuempel; Lambert; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Minjarez; Moody; Muñoz; Murphy; Murr; Neave; Oliveira; Oliverson; Ortega; Paddie; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Bell; Biedermann; Bonnen, G.; Burrows; Cain; Canales; Craddick; Elkins; Faircloth; Fallon; Goldman; Hefner; Keough; King, P.; Krause; Landgraf; Lang; Larson; Leach; Miller; Nevárez; Rinaldi; Sanford; Schofield; Shaheen; Simmons; Springer; Stickland; Swanson; Tinderholt; Wilson; Zedler.

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

Absent — Bohac; Burkett; Dukes; Dutton; Frullo; Geren; Johnson, J.; Klick; Laubenberg; Morrison; Parker; Raney; Schaefer.

STATEMENTS OF VOTE

When Record No. 1940 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 1940 was taken, I was in the house but away from my desk. I would have voted yes.

Burkett

When Record No. 1940 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 1940 was taken, I was shown voting no. I intended to vote yes.

Faircloth

When Record No. 1940 was taken, I was in the house but away from my desk. I would have voted yes.

J. Johnson

When Record No. 1940 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

When Record No. 1940 was taken, I was shown voting yes. I intended to vote no.

Murr

When Record No. 1940 was taken, my vote failed to register. I would have voted no.

Parker

When Record No. 1940 was taken, I was in the house but away from my desk. I would have voted no.

Schaefer

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).

SB 813 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Meyer submitted the conference committee report on **SB 813**.

(Speaker in the chair)

Representative Meyer moved to adopt the conference committee report on **SB 813**.

The motion to adopt the conference committee report on **SB 813** prevailed by (Record 1941): 144 Yeas, 0 Nays, 1 Present, not voting.

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

STATEMENTS OF VOTE

When Record No. 1941 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 1941 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

SCR 33 - ADOPTED (Raymond - House Sponsor)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **SCR 33**.

The motion prevailed.

The following resolution was laid before the house:

SCR 33, Approving the amended 2009 settlement agreement between the State of Texas and the U.S. Department of Justice.

SCR 33 was adopted by (Record 1942): 129 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez;

Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Bonnen, G.; Burrows; Cain; Goldman; Hefner; Krause; Lang; Paul; Rinaldi; Schofield; Shaheen; Stickland; Swanson; Tinderholt; Zedler.

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

Absent — Deshotel; Dukes; Uresti.

STATEMENT OF VOTE

When Record No. 1942 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

SCR 33 - VOTE RECONSIDERED

Representative Raymond moved to reconsider the vote by which **SCR 33** was adopted by Record No. 1942 earlier today.

The motion to reconsider prevailed.

SCR 33 - ADOPTED (Raymond - House Sponsor)

The following resolution was laid before the house:

SCR 33, Approving the amended 2009 settlement agreement between the State of Texas and the U.S. Department of Justice.

SCR 33 was laid before the house earlier today and was adopted by Record No. 1942.

SCR 33 was adopted by (Record 1943): 148 Yeas, 0 Nays, 1 Present, not voting.

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

González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; 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; 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 — Dukes.

**SB 762 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Moody, the house granted the request of the senate for the appointment of a Conference Committee on **SB 762**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 762**: Moody, chair; Laubenberg, Phelan, Alvarado, and Stucky.

**SB 1731 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Meyer, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1731**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1731**: Meyer, chair; Landgraf, Kuempel, Darby, and E. Rodriguez.

**SB 2014 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Schubert, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2014**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2014**: Schubert, chair; Murphy, Bell, Bernal, and Cosper.

**HR 2583 - ADOPTED
(by E. Thompson)**

Representative E. Thompson moved to suspend all necessary rules to take up and consider at this time **HR 2583**.

The motion prevailed.

The following resolution was laid before the house:

HR 2583, In memory of David C. Bonnen of Angleton.

HR 2583 was read and was unanimously adopted by a rising vote.

On motion of Representative Geren, the names of all the members of the house were added to **HR 2583** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative E. Thompson who introduced family members of David C. Bonnen, speaking as follows:

Members, I want to share with you a few little things about Mr. Bonnen. He brought a tremendous amount of honesty and dignity to his profession. His character was beyond reproach, and he was well-respected both in his community and in Brazoria County. He passed on his incredible work ethic to his children. He did his own yard work and maintenance at his home and his office and had his children working along beside him, even if it meant painting the law office on New Year's Day. I can just see Dennis and Greg with paintbrushes in their hands. He had a phenomenal memory. Whether it was an old football game score or unusual real estate law, he knew them well and amazed people with his skill at remembering and reciting them. To listen to him would remind many of us in this chamber of his youngest son, our speaker pro tempore.

A high school teacher tells a story of when Mark Bonnen, one of his sons, was in a conversation with another student, and they were talking about money and wealth. He overheard Mark and the other student talking. The other student said, "Well, your dad is rich. You don't have money problems." And Mark retorted, "We're not rich. My dad is an honest lawyer." He had a distinguished legal career. He had a private practice there in Angleton, and he was an Angleton city attorney for nine years and a municipal court judge in Angleton for 15 years. Angleton's municipal court is named in his honor.

As many of you heard earlier, he was very active in his community with the chamber of commerce and the Angleton Emergency Medical Corps. President of the Angleton Texas A&M Club, he loved the Aggies very much. He was part of the Angleton Lions Club, the Brazoria County Bar Association, and was an active member at St. Basil's Catholic Church. And a sidenote, as it was mentioned in the resolution, he was a connoisseur of sweets.

Without a doubt, his proudest accomplishment was his family. He and his wife, Tina, had four children: Greg, Mark, Penelope, and Dennis. Joining us today on the dais, it is an honor to have his wife, Tina, the matriarch of the Bonnen family; his son Greg Bonnen; daughter-in-law Kim with daughters Lindsay and Janae; his daughter Dr. Penelope Bonnen; grandchildren Sebastien, Luca, and Pax; his speaker pro tem son, Dennis Bonnen, and his wife, Kim; and grandsons Jackson and Gregory. Mr. Bonnen endured a long struggle with Parkinson's disease, and he passed on March 30 of this year. He was a pillar in his community and will be sorely missed. I ask that when the house adjourns today, we do so in the memory of David C. Bonnen.

Representative G. Bonnen addressed the house, speaking as follows:

Thank you, Ed. I appreciate that. That was very well done. As you can imagine, it's a very emotional, hard time for us. It's not been that long. But I want to just share a couple of brief things with you because Ed did an awesome job.

Our dad was a really quiet man, and it was easy to maybe not fully appreciate or understand the complexity of this guy unless you kind of got to know him. He had a wisdom about him that went way beyond intelligence or intellect, and it was an ability to know right from wrong even when those of us who are very close to him and around him might easily become clouded in our judgment or when circumstances might lead you to see things maybe in a not so clear way. He had this clarity about him about what was true, and I know that served him incredibly well not only in life in general but as an attorney and as a judge but especially as a dad. I mean, what a wonderful father who can see right from wrong and can instill that into his children. He had a real sense of humor, and because he was quiet, it was very dry. You might not appreciate that, but some of the witness to that was at family get-togethers on holidays, the children and the grandchildren would kind of jockey to position themselves close to him so we could hear whatever came out of his mouth, because it was usually something that was very much worth hearing.

Our brother Mark shares this story that one time he was visiting with his good friend Chris, and Chris wanted to be part of the American diplomatic corps. They're having this conversation in the family room, and our dad was just silently sitting there behind his newspaper. And when he heard Chris's aspirations, he quipped, "I'm going to buy stock in bomb shelters." And to be fair, Chris has actually gone on to do just that and has done well, and none of us have needed to use our bomb shelters as a result of that. He was very determined, and again, because he was kind of quiet and soft-spoken you might not appreciate that, but when he got his mind set on doing something, he was persistent and he was relentless. You heard Ed talk about painting the office on New Year's Eve. That was sanding and scraping and painting, and it wasn't like his personal office, it was like the whole building of the office, because then that way after the holidays work was not interrupted. And that was just a common example of what life was like around the Bonnen household growing up.

We were all blessed to have had a really close relationship with him, and I'm very thankful for that. I think that any of the good things that you see around here coming out of me or Dennis, you can know that that originates in him and in our mom, who is here with us today. In those moments when we're maybe not quite at our very best, well, we own that. That is not our dad, because that's not who he was at all. We loved him very dearly. I loved him very much. He's greatly missed, but I want to thank each and every one of you guys for the support that you've shown our family during this time and during what was a challenging session, in particular Larry Phillips and Tom Oliverson. Those were guys who really, for me personally, stepped into the void around the time of our dad's death.

And I'm just going to leave you with a couple of things. One I shared at the funeral service and that is that the human pupil in darkness will dilate. It gets really as wide as it can because it's trying to bring in any available light that it might find. And similarly, the human soul when we're suffering and grieving and experiencing loss will dilate. We're looking for hope and meaning and understanding and in doing that what we find is God. His faith, which was very deeply held and quiet and sincere, was something that he was very diligent and disciplined in instilling in each of us. I remember at his graveside service, this is kind of interesting. His grandsons, particularly the youngest, had decided that they really wanted to help. They were really happy to learn that papou, which is Greek for grandfather, hadn't been buried yet, because they were really good at digging, and so that was going to be their contribution. And so when we were

there, they didn't get to do that, but they did get to help to put some dirt into the grave after we had lowered the casket in there. But I had a true peace, because I could stand there and look at that and say, you know, there's this wooden casket, but what's in there is just organic material. It's a worn out, old body that he left, and he is not in there. And until you are in that moment, I don't know if you can really know how you're going to feel or how you're going to respond, but there was tremendous peace in being able to stand there and have that assurance.

His legacy is his family. He took great pride in us, and in a very literal sense but then in a practical sense, the whole reason that Dennis and I are here today is because of his integrity and his reputation in our community, and that's really a part of Dennis' story. But I thank each and every one of you for the kindness and the compassion and the support that you have given us.

Representative D. Bonnen addressed the house, speaking as follows:

Oddly enough, I'll be briefer than Greg. It usually goes the other way. I just want to tell two quick stories. So Greg talked about my father's determination, and I get a kick out of this. You know, he was wheelchair-bound for the last several years of his life before he was bedridden. We were at my parents' house in Angleton. Kim and I still live there. We gather for holidays and birthdays there, and he was in the wheelchair in the backyard, and Gregory, my youngest, saw him. They were playing, the grandkids were, and my father wanted to get over to where they were, but the wheelchair couldn't get through the grass. So my father got up out of the chair and took a few steps. To which Gregory proclaims, "He can walk!" And so that was my father's determination. One of the biggest challenges we had was literally having him not get up and be so determined to go and walk.

I'm always very proud of what Greg has accomplished politically, because Greg got elected in a community that he and his wife moved into after medical school. No one knew him before they got there, and he went and won a campaign on his name and his reputation. The whole reason I'm here today is because of my parents' reputation. I did not campaign one minute of one day in the city of Angleton and got around 75 percent of the vote. That was solely because of my mother and father. Eight years after I was elected, I had a Democrat opponent, and a gentleman in Angleton called and asked for a yard sign. So I said, well, I'll deliver it over there myself. And as I'm putting this sign in this gentleman's yard, he says, "Well, does your dad enjoy being in the legislature?" I'm embarrassed to tell you I said, "Well, it's okay."

But the reality of it is I'm here because a small town attorney and his wife created a sterling reputation. It allowed me to campaign in Ed's hometown—one of my first supporters—of Pearland day and night, Lake Jackson, Alvin, and I never spent a second in Angleton. I'm here because of them. I remind myself, and many of you might want to start reminding me of this on occasion, too: When you become elected, you can ruin that reputation that they built over 40 years in one moment. And so I try to rein myself in with that peaceful thought. Don't destroy what your parents created.

But with that, Vice-Chair Davis, I thank you. She ran our committee at least once, maybe twice, in my absence, but I thank each and every one of you. We are at the end of this session, and everyone's frustrated. Some have had success on certain things, failures on others, but what's amazing about this body is that we create a family and a brotherhood and a sisterhood amongst each other. And it's

in times of loss like we've experienced that it means the world. I thank each and every one of you for that. Let's not ever lose sight of how important we are to each other and getting each other through these losses.

REMARKS ORDERED PRINTED

Representative Moody moved to print all remarks on **HR 2583**.

The motion prevailed.

MESSAGE FROM THE SENATE

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

HR 2544 - ADOPTED (by Zerwas)

The following privileged resolution was laid before the house:

HR 2544, Suspending limitations on conference committee jurisdiction, **SB 1**.

HR 2544 was adopted by (Record 1944): 145 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; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Muñoz; Pickett.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Wilson.

SB 1 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Zerwas submitted the conference committee report on **SB 1**.

SB 1 - REMARKS

REPRESENTATIVE ZERWAS: I appreciate the opportunity to lay out a significant amount of work that has been done over the past several months, and I trust all of y'all have had an opportunity to review the conference report for **SB 1**. The budget today is a product of what is a true compromise. It will satisfy the needs of our state for the next two years at a time when our resources are dramatically limited compared to the previous biennium. Before I begin laying out a summary of the conference committee report, I want to first thank my vice-chair, Representative Oscar Longoria. I cannot say enough of how helpful he has been in this process, and I appreciate his work very, very much. Likewise, the subcommittee chairs carried their pieces of this bill from start to finish, and their incredible work ethic put the house at a place to strongly negotiate the budget. And as I shared with you when I left here, I believe this budget put us in a very, very strong position to negotiate with the senate, and I hope that you'll agree with me at the conclusion of this debate that in fact, that the bill that you have before you reflects that. Representative Ashby, Representative Capriglione, Representative Davis, and Representative Gonzales, I thank you for your leadership also in leading this, and certainly again, Representative Longoria for carrying the weight on one of the other subcommittee article considerations.

Additionally, the membership of this house has been instrumental in communicating their concerns on the budget, and I, along with the committee members, worked to address those considerations as much as possible. I thank you for your participation and involvement, because this budget, at the end of the day, is owned by all of us. Finally, as you all know, none of this gets done without a very capable staff. The budget would not be possible without the Appropriations staff. Kyler Arnold, Cameron Cocke, Emily Howell, Malika Te, Sam Johnson, and my Chief of Staff and Director, Nelda Hunter worked incredibly hard, and I appreciate each and every one of those people. The speaker's staff, Andrew Blifford and Jennifer Deegan in particular, and the Legislative Budget Board with Ursula Parks and Sarah Keyton are also invaluable resources that literally, I mean literally, worked nonstop to ensure that this bill makes it through each step of the process.

Now to get down to the business of laying out **SB 1**. As I previously stated, **SB 1** is a result of a true compromise, and I am proud to say that this bill uses \$1 billion of rainy day funds. This bill also utilizes an accounting maneuver preferred by the senate, which is to delay transfer of general revenue into the state highway fund. I'm proud of the fact that we agreed to not use the full amount, which is \$2.5 billion, but instead we'll only transfer \$1.8 billion. We also insisted that this bill clearly show that the money is not available in both general revenue and in the state fund. I know all of y'all will have questions, and so I will lay out several of the highlights and then open it up for you to ask questions as you wish.

So some of the major funding issues in **SB 1** are as follows. In public education, we maintained full funding for enrollment growth and provided for an increase in the golden penny yield. There's an additional \$75 million for districts experiencing rapid property value decreases. Members, this overlaps significantly with those of you who have what we call ASATR districts. At this moment in

time, there is not another way to get some relief to those ASATR districts other than the depressed property value, and there is a significant overlap in that circumstance. It maintains \$47.5 million for the new instructional facilities allotment. It provides \$25 million for E-rate, which will bring high speed broadband to public schools, and an additional \$1 million is provided to public libraries for the same purpose. There's \$1.6 billion in pre-kindergarten funding, with \$236 million going to implementing high quality pre-K. And a very important thing that you want to take home, members, is TRS-Care. There's a two-year solvency fix paid for with changes in **HB 3976** by Representative Ashby that provides for a \$350 million payment.

In higher education, financial aid increases—increases at a time where we have a more limited revenue over this current biennium—in TEXAS Grants and TEOGs in the junior colleges. It increases the number of graduate medical education slots over the 2016-2017 level. With regard to institutional support, we maintained rate and level funding for institutions of higher education. There were funding reductions in some special items. We accepted the four percent cuts that were offered by the institutions at the get-go from when we started this. There's an additional 10 percent cut for formula-funded special items or an additional five percent cut for any other special items, and you will notice in this budget we get away from calling these "special items," which is a little bit of a misnomer, and simply refer to them as non-formula items. And every one of those has a community college that's incredibly important to our districts. The total formula funding is up nearly \$23 million over the current 2016-2017 levels.

In Medicaid, we maintained rates to support community attendant wages, and we maintained the add-on hospital payments. \$24.5 million is used to restore approximately 25 percent of the Medicaid therapy rate reductions, and \$14.1 million for the phased-in implementation of the therapy assistance policy change rate reduction. These, members, were a big, big win for the house. As you know, we came in a little higher than that, but we were starting at zero with the senate—and that was a very, very dug-in hard zero, I will tell you. There's \$350 million in Medicaid cost-containment initiatives. The \$1 billion federal flexibility rider that we heard a great deal of concern about has been removed. There's an exemption of consumer-directed services from assumed rate reductions in HCS and the Texas Home Living waivers. **SB 1** directs an evaluation of the managed care system in Medicaid. As many of you know, this has been quite a run that we've had with this. It's time to step back, and let's do an evaluation of just how it's working.

In women's health there's an increase of \$30.4 million in GR. There's also an assumption of federal funding match assumed for Healthy Texas Women in 2019. As you may be aware, that was federal funding that we opted out of quite a number of years ago, and with the new administration in Washington, we believe that this is a very good chance we can return these federal funds to Texas. There's no changes in eligibility for early childhood intervention. There is a major investment in behavioral health. I think we have heard many, many bills, most of which have passed, related to improvements in the behavioral health challenge that this state has. Funding is included for inpatient client services at state and

community hospitals. Funding is there for the local mental health authorities, substance abuse prevention for adults and children, and veterans' care. And I will point out that we eliminate, in this budget of limited revenue, the waitlist for adult and pediatric mental health care.

In the Department of Family and Protective Services, which was certainly the headline issue for this legislative session, there is \$41 million increased rates to foster families and providers. There's \$80 million in GR for 598 new caseworkers by 2019, which includes decreasing caseloads for conservatorship caseworkers to a 17 to one ratio which fits very well within the court's range of their expectations. It supports foster care redesign in the current area that we have as well as an expansion into three areas. We came in recommending two; they came in recommending four—it was just an even split. And despite the challenge with revenue, we have nearly \$9 million for expansion of prevention and early intervention.

In regard to border security, the bottom line is we cannot count on federal assistance at this time except for some very limited areas. The funding is at \$800 million and includes 250 new troopers to expand operations, a 50-hour workweek for all DPS troopers statewide, and \$30 million of those already-appropriated funds are reclassified as border security. The LBB and DPS will study available federal resources over the interim, but unfortunately, members, despite some of our excitement and ambition that something would happen in this area—we just don't have enough concrete evidence that the federal government's going to start stepping up and providing the security along the border that we would expect.

There's quite a few things for health and safety and deferred maintenance needs at all state agencies. There's \$87 million for Alamo preservation. There's \$28.5 million for parts deferred maintenance and about \$50 million for parts weather-related construction. There's \$160 million for deferred maintenance at state hospitals and the SSLCs, approximately \$20 million for the courthouse preservation program, and \$300 million to replace or significantly repair state hospitals and other inpatient mental health facilities. Members, this is something that I think, again, reflects the great stride that this legislature has taken and has taken over the past several biennia to address our issue with mental health. Many of us know in what state of disrepair our state hospitals are in. This is a giant step toward actually achieving some significant improvement in those facilities.

In reference to IT and cybersecurity, the funding of IT items identified by DIR as tier one and tier two cybersecurity risks were funded. For contract cost containment, there's a house rider that remains. Article II was removed from the rider and placed in cost containment overall. There were some things that we needed to do with the Employment Retirement System with reference to cost containment. These are things that do disincentivize out-of-network freestanding emergency rooms, and we are working with our state's health-related institutions on securing an improved rate structure and encouraging value-based plans to help rein in some of those costs. In the governor's office there is a new item that's called Create Jobs and Promote Texas. This is a new goal that actually includes

tourism, films, spaceport, the Governor's University Research Initiative, DEAAG, and the Texas enterprise fund. It includes \$100 million in new money to be used across all items.

There's a new funding formula for correctional managed health care. As you know, this is an area in which we frequently come in with a shortfall. We have worked with UTMB and those institutions that are involved in providing this care and came up with a new way to provide that funding, but a way that still retains their ability to cover the cost of GME. A priority for the house was safe and clean drinking water, funding items at TCEQ and the Water Development Board, and those things are included. At TxDOT, it funds critical agency needs that include 313 FTEs and the deferred maintenance. For high speed rail we have a rider that ensures that any proposed HSR line is built with private funds while protecting the agency's ability to perform its state and federal duties. Regarding ports, there's \$40 million to help do things that are critically important to enhancing our Texas ports. And then we spoke of the border intelligent transportation system that I spoke to with reference to Chairman Pickett and Chairman Moody from the back mic. Constitutional spending limits in **SB 1** is under Article III pay-as-you-go. Under Article VIII, limitation on growth of appropriations, it is within the Article III debt limit and Article III welfare spending limit.

REPRESENTATIVE RINALDI: Chairman Zerwas, thank you very much for all the work that you've put in the budget. I appreciate it. It wasn't too long ago that we were here on the previous house version of the budget. It was a budget that I did cast a vote against, and I appreciate you coming up with a conference committee report that many of us who voted against can now support. I wanted to go over some of the specific items in the budget that we had talked about last time that were of concern that have changed. First of all, we had talked about the Medicaid federal flexibility rider in the previous budget, and that doesn't appear in this conference committee report, correct?

ZERWAS: That's not in this report, yes.

RINALDI: Right, and the education deferral also doesn't appear in this conference committee report, correct?

ZERWAS: That's correct. That was connected to **HB 21** and in light of where **HB 21** was going. And again, something may change over this period of time, but it is not in this conference committee report.

RINALDI: And there is \$1.8 billion in deferred transportation funding which I believe you had spoken about. I just wanted to confirm that this is transportation funding that's coming in 15 payments, so it's shifting over a finite number of payments one payment ahead essentially. Correct?

ZERWAS: Correct. We adopted the \$1.8 billion. It was the only way that we could get comfortable with showing the money in the BRE as well as it not being in the state highway fund. There really are only three options, Representative Rinaldi, on this. You either don't use it at all, you use \$1.8 billion, or you use \$2.5 billion. When you use \$2.5 billion, then you start monkeying with the dates in the next biennium that would have to appear in this report. That's a significant

problem when that happens. And so through a variety of conversations with my fellow conferees, we settled in on \$1 billion of rainy day fund and \$1.8 billion of state highway. As you may recall, the attorney general basically said that this could be constitutional, at least if you were going to use the full \$2.5 billion. Our big issue on this issue was, you know, you can't show the money twice. You can't show the money both in state highway fund as well as being used in the BRE. We have remedied that problem with this particular approach, and it only appears in one place at a time.

RINALDI: And there's no intent to pay the \$1.8 billion in a supplemental during this budget period, correct?

ZERWAS: No, sir.

RINALDI: Great, and you talked about the ESF as well. There's a 64 percent, if my math is correct, decrease in ESF usage from the house budget. It's about \$900 million instead of \$2.5 billion, correct?

ZERWAS: Correct. \$993 million, I think, is what it adds up to.

RINALDI: And also you had spoken about the pro-life priorities that were funded in the rider in the budget, the \$800 million in border security—just the actual amount of the budget. I have \$216.8 billion in All Funds and GR, GRD, and other of \$143.9 billion. Does that sound right?

ZERWAS: Yes, sir.

RINALDI: And I know we had talked about population plus inflation, which some of us use as measuring the real size of government, and that comes in under population growth plus inflation. So this is actually a minor cut in the real size of government, I think. What is the amount of the supplemental that you anticipate currently?

ZERWAS: To finish this biennium?

RINALDI: For the finish when we come back.

ZERWAS: Oh, the anticipated shortfall like in Medicaid and that?

RINALDI: Correct.

ZERWAS: We anticipate that is—again, just sort of figuring where we are—at \$1.1 billion to \$1.2 billion. You know, the comfort zone in talking to LBB, who live and breathe these things and obviously have helped guide us as to where the appropriate place is, says that anything under \$2 billion is actually a comfort zone for us. This is actually the same amount of money that we were looking at coming into finishing up this biennium, and so it's a place that we're pretty comfortable with. I will tell you, this is my fifth term to serve on the Appropriations Committee, and short of 2011 and then going into 2013, I would say that most of the time we end up at a place like this. Although I have seen the Medicaid shortfall as little as a couple hundred million, but again, I've seen it as a high as over a couple billion when we came back from the 2011 session.

RINALDI: And you don't intend, I guess, at this point in time you do not intend that any other money will be added to this budget except for a contemplated supplemental when we come back. Is that correct?

ZERWAS: That's correct. Now, you know, we have baked into this contingency things that would—bills as they're continuing to go along, we keep track of that. That's actually accounted for in this budget, so we're good on that.

REPRESENTATIVE DUTTON: Let me ask you about public education. Do we spend less in GR in public education than when the bill left this house?

ZERWAS: I'm going to defer to Chairman Ashby on that. He's the one who led very ably on this, Chairman Dutton. I think that would be appropriate to kind of dig deep into some of these numbers with you.

REPRESENTATIVE ASHBY: Representative Dutton, thank you for your question regarding public education spending. As you recall, we had a very healthy discussion that evening when the house passed the budget about the level of spending for public education. \$1.9 billion of that was, of course, contingent on passage of **HB 21**. What we have done in the conference report before us is we have kept the basic allotment. Last session, we increased the basic allotment of \$5,140. We've kept that the same, and we've added the additional golden penny money as well as the \$75 million for the property value decline.

DUTTON: Does the total amount of GR that's going into public ed—is it reduced or is it the same or is it more?

ASHBY: Let me verify that. My inclination is to say that if anything there is a slight increase, but I don't want to mislead you.

DUTTON: Because what I keep hearing is that it's actually reduced.

ASHBY: Well, let me verify that, but I would say this. I mean, I know this for a fact. We have fully funded the enrollment growth for the State of Texas for the next two years.

DUTTON: Right, about 80,000 kids.

ASHBY: A year, so 160,000. And again, I can't imagine, to answer your question directly, that there is not going to be an increase in GR in public education.

DUTTON: So you don't know whether the budget anticipates local taxpayers having to put more in, in terms of public education dollars, than what they currently do.

ASHBY: I would like to verify that with the staff that's to the side. I don't want to mislead anybody with that question.

DUTTON: Because the information I have gotten back from my school district is that we actually spend now—I think the budget anticipates some \$200 less per student spending in public education in this budget.

ASHBY: That does not sound accurate to me, but I will find out.

DUTTON: Well, let me ask it this way. Does the budget contemplate an increase in the recapture monies going from the districts?

ASHBY: There is a slight increase in the recapture dollars anticipated in this conference report, yes.

DUTTON: So even though we raise the basic allotment, you still anticipate that there are going to be a number of districts, or is the increase because of the districts that are going to be—

ASHBY: Brought into recapture?

DUTTON: Yes. Is that what the budget anticipates?

ASHBY: So to the extent that there's an increase in recapture payments, that would be the reason why, because additional districts could fall into the recapture method of payment, which of course is something that we were trying to address with **HB 21**.

DUTTON: And because we don't have **HB 21** though, which would have taken a number of districts—well, had the payments lowered for recapture. And you certainly wouldn't have had the increase in number of districts now going into that status.

ASHBY: That is correct.

DUTTON: I'd appreciate if you could just confirm for me at some point what those numbers are. Again, my school district keeps saying one thing, and I keep hearing on the other side somebody saying, no, that's not the case. I couldn't figure it out myself looking at it, but I tried.

ASHBY: I'll try with you. Bear with me.

REPRESENTATIVE E. JOHNSON: My questions really have to do with one area in particular that's of importance to me and my constituents and that's the pre-K funding. I have heard a lot of things that I wanted to clarify with you and so that the body can understand what we've actually done.

ASHBY: Sure.

E. JOHNSON: Correct me if I'm wrong. Last session, the governor made pre-K an emergency item. We passed **HB 4**. It created a grant program for high quality pre-K outside of the formula. I actually was the only democrat, I believe, who voted against that, because I didn't think it went far enough. I thought we should spend more, and I thought it should be done through the formula. What have we done in this budget to **HB 4**, the pre-K grant program created by the governor?

ASHBY: So there is \$236 million in the conference report for the high quality pre-K program.

E. JOHNSON: What does that mean exactly? There's \$236 million in the conference report. How is it—

ASHBY: For the school districts that qualify for the high quality pre-K program, **HB 4**, there's \$236 million earmarked in this budget for that program.

E. JOHNSON: So I'm wrong then, I guess, if it's my understanding that this money is not part of the Foundation School Program funds through the formula as opposed to the grant program? Because it's my understanding that the grant

program is gone in this new budget, and we are asking them to now run pre-K programs with their existing half-day funding that they've been receiving up to now. That's how they're supposed to meet this newer high quality standards, with existing funds as opposed to having access to a new pool of money. Is that correct?

ASHBY: So the \$236 million for the high quality pre-K—I think the chairman mentioned it in his layout—is part of the overall funding for pre-K in the budget which is \$1.6 billion through the Foundation School Program. So that \$236 million is encompassed or included in the \$1.6 billion.

E. JOHNSON: I've also been told—and I want to understand what this rider is, though, that's included in the conference report. It says—the one I have says 15 percent of their money has to be spent on these high quality programs. What is this rider telling our school districts they have to do that operate a pre-K program?

ASHBY: Representative Johnson, if you don't mind, I think I'm being handed a note here in regard to Representative Dutton's question. Let me check with the staff on the exact intent of that rider and get back to you.

E. JOHNSON: Okay, because I'll tell you what my concern is and what I really am worried about. I'm worried about the fact that we've asked our school districts—who were actually pretty excited about this grant program last session that I didn't even get excited about because I didn't think it was enough—I feel like we are asking them to do the same things that we were asking them to do last session that the governor wanted them to do, but now we aren't giving them the resources to do it with. We're asking them to do it with existing resources and to take money—that would otherwise be there to use how they want—to meet these higher standards, but we haven't given them any access to any additional funds to do it. So I would appreciate the clarity if you wouldn't mind.

REPRESENTATIVE GONZÁLEZ: Chairman Zerwas, you or Chairwoman Davis could answer these questions. I want you to know first off, thank you to you and the conference committee. I know you worked really hard, and I plan to vote for **SB 1**. I just have some questions for legislative intent if you don't mind.

ZERWAS: Absolutely, and thank you for the all the contributions you made, especially on Article III.

GONZÁLEZ: I appreciate that. Thank you. So as part of the bill pattern for Article II, there are performance measured targets, correct?

ZERWAS: There are.

GONZÁLEZ: And as part of this, in each goal in Article II there's corresponding target performance levels, so to each appropriation there are target performance levels, correct?

ZERWAS: That's correct.

GONZÁLEZ: And so can you explain or maybe the agency can explain a little bit how target performance measures work?

ZERWAS: Well, I think they're going to be dependent, obviously, and unique to each one that is out there. Sometimes it's the number of clients that are served out there and things of that nature. But there's an intent that based on the amount of appropriation, that they will hit certain targets and again, defined by each of them. I would not say that there's any one sort of performance target that applies across all the different strategies.

GONZÁLEZ: Exactly, so for each one there's a certain goal. So acknowledging that the targets are simply measurements of performance and they may not be exact, is it safe to say that if there are target measurements listed, that there is some level of expectation that the agency, in this case HHSC, will try to meet those goals?

ZERWAS: That's correct.

GONZÁLEZ: And I see in the conference committee report that a target output performance measure—sorry, I'm going to go back. On page 245, under Goal F—specifically Goal F.1.2 Strategy: Non-Medicaid Services, a target output performance measure of 5,482 individuals per month in 2018 and 2019 at a cost of \$67.85 per individual for the in-home and family support program category—is it safe to say, because that's the performance measurement, is it safe to assume that the expectation exists for the agency and the funds that will be used from the corresponding appropriated item on the budget under Goal F.1.2 to strive to meet the performance measure?

ZERWAS: I think that would be the expectation—very well said. I must say I don't have it right here in front of me, and certainly I would defer to Chair Davis if she would like to speak to that.

GONZÁLEZ: I mean, in layman's terms—I gave the details—but in layman's terms, what we're saying is that if there's a performance measurement attached to a specific area in the appropriations, we expect for HHSC to try to meet that performance measure.

ZERWAS: Absolutely. I think that's true throughout the whole bill.

GONZÁLEZ: Exactly, and I gave a detailed example because that's the one I'm specifically concerned about, and so I want to highlight that just as making sure the agency knows that that would be an expectation, at least for me, that we work on that specific area to meet those target measurement performances. And then the last question, since that holds true and there is not a separate line item—because previously there was for this specific area in the appropriation of Goal F—so because there's not a specific line item like previously, there's still the same level of expectation for performance, yes?

ZERWAS: Correct.

REPRESENTATIVE FAIRCLOTH: I just want to say it's a herculean effort that you have taken on and, I think, balanced and done an incredible job with, and I sincerely mean that. You're someone that listens and someone who takes the role

of head of Appropriations—you've taken that seriously. And having to balance all the different aspects of this, it's overwhelming. It's challenging for me just to try and read through it, let alone help craft it, so I want to thank you for that.

ZERWAS: And I would say thank you on behalf of the whole committee. It's been absolutely a team effort, and I owe any success that we've had to all the very hardworking and talented individuals that the speaker allowed to serve on the committee as well as the many, many staff members. But thank you, I appreciate that.

FAIRCLOTH: Well, you're exactly right. You've got some very talented people around you, and they do a very, very good job. That hard work, I think, has paid off, because this is a very challenging session. And so I just wanted to visit with you just a little bit, because I looked at some of the challenging of the funding, and as you know, I happen to have, I guess, a unique position in representing one of the oldest, maybe the oldest, medical school.

ZERWAS: UTMB?

FAIRCLOTH: University of Texas Medical Branch at Galveston, 1891.

ZERWAS: It's a great institution.

FAIRCLOTH: Thank you, and I appreciate that. We had some challenges with that. I came to you, and you were able to find a creative way to help offset some of the losses that were occurring there. I just want to thank you and the speaker and the leadership for doing that. I do notice that there's some things there going forward that are going to be challenging, and one of those is going to be formula funding. Because with the hold harmless that came through this time, the formula funding is going to play in next time, so we're going to start at a lower level. Would that be accurate to say that?

ZERWAS: That would be, but that's how we do it every biennium. That does move around a little bit. I will say, there is in this budget a rider—it's a fairly detailed rider, about a page and a half, in fact—that speaks to how we fund all of our higher academic institutions. Chairman Ashby worked diligently on that in coming up with a charge for this committee to, in fact, look at how we could be more equitable in terms of providing funding to our higher institutions as well as our HRIs within that. And I think there are going to be some good things that come out of that committee that are going to look at that. It's going to specifically look at formula funding. It's going to specifically look at these things that we have up to this point called special items. It connotes the wrong thing, whereas those special items actually are critically important to the everyday functions of certain universities and HRIs. So we're going to have some expectations to come out of that joint committee that will work to really kind of come up with some methodology to achieve that.

The senate worked on this to some extent in something of isolation. They took an approach to actually try to do that. It was great work led by Senator Seliger, and I appreciate his work as do all of us on this committee, but we did not work the bill that way. And so one of the greatest challenges that Chairman Ashby had coming together with his counterpart is how do we make these two

bills work and come together. I think I can speak for him that that was a herculean task, and I'm glad it was in his book of work and not mine, per se. But he did a tremendous job of ultimately bringing a budget pattern to you today that looks much, much more like the house than the senate. Yes, there were some things we had to cut. Anytime we start doing this and look at the product, sometimes we have to come back and rebalance some of the numbers, add some money in certain places, and things like that.

UTMB was one of those institutions that kind of fell victim to all of that. We were able to make some sort of last minute efforts to bring that into a more equitable place. I appreciate exactly what you're saying. I will tell you, Article III, the education article, and specifically the higher education institutions are always going to be an incredibly important part for each of us, because that's a big part of what we do representing the interests of those particular institutions out there. I'm pleased that we were able to help UTMB out, Representative Faircloth. You were instrumental in bringing that to our attention and helping us understand the importance that was needed to have in terms of bringing a better approach to them. And I know that they are incredibly grateful for the efforts that you made.

FAIRCLOTH: Well, they are. As you know well, too, they are a level one trauma unit, and their work in infectious disease is second to none. We're excited about the potential going forward, and so I appreciate your hard work. Thank you very much for what you've done.

REPRESENTATIVE GIDDINGS: To begin with, Representative Zerwas, like everyone else up here, I just want to thank you for the way you have led this committee. I absolutely have no complaints about that, and I understand the parameters in which you had to work. And with that understanding, I give you very high marks for what you were able to do.

ZERWAS: Does that mean a green light on the board?

GIDDINGS: I do want to ask a couple of questions or highlight a couple of things. Representative Zerwas, you know, in 2013, I passed some legislation that I thought would allow universities to keep those B-On-Time funds that were collected in their universities in those same universities to develop financial aid programs for those students in the universities from which they were collected. You may recall that.

ZERWAS: I do. In fact, I was very much involved in some of those conversations that you brought to the committee.

GIDDINGS: And when I came back in 2015, I found that nothing had changed. And so at that point, you may recall, I filed legislation to repeal B-On-Time, and that legislation was signed by the governor.

ZERWAS: I recall it very well.

GIDDINGS: And you may recall that on several occasions during this last session while we worked on appropriations, I continued to ask the question: Will these B-On-Time funds that we have in the neighborhood, I think, of \$91 million

be distributed to those schools from which they were collected so that those schools can then create those financial aid programs that we told them they would be able to do to help the students in those universities?

ZERWAS: I do recall that.

GIDDINGS: And you are familiar, of course, with the fact that when the house bill left us, in fact, it did do just that.

ZERWAS: It did.

GIDDINGS: And it came back to us differently in that we are not distributing these funds. I know they're not going anyplace else, but we are holding them to "certify" the budget. And I just want to point out to you, Mr. Chairman, as well as to the members of this house, that this is critically important, because in our state we have students who are graduating from college with debt north of \$40,000. And if these schools could have access to these funds, it might help those students to lower their average debt load. And I just want to point out just a few of those to you in terms of funds that are due and have not been distributed: Angelo State, \$1.6 million; Texas Tech, \$14 million; University of Houston, \$16 million; University of Texas at Arlington, \$19 million; The University of Texas at Austin, \$16 million; University of Texas at Dallas, \$10 million. That's a lot of money that could be used to help these schools with financial aid. So I know we are where we are, but I certainly hope for those people who are going to be on the Appropriations Committee next year, that we continue to look at this and insist that this issue be addressed.

ZERWAS: I would tell them, and as you know, I share your passion for accessible, affordable higher education, and part of that is through various grant programs that we have. We certainly, as you have noted, do include in the budget the renewals, so nobody who's currently on the B-On-Time program will be denied any of the funding that they are expected to have. And you're right, when we looked at the budget, in understanding the incredible lift that Chairman Ashby had in terms of getting the senate up and getting the house down to a place that was at least reasonable for higher education. You know, that came into play, and I was told that I was going to have to answer this before you, and here's that day. I appreciate you being so kind and gentle about it. I share with you the intent that we should give that money back to the universities.

What I will say, which I think is a reflection of the desire that you and I have to be sure that individuals have affordable access to higher education, is that we did push more money into TEXAS Grants. And though it's not as high as it left the house, it's still above the current biennium that we're in, as well as TEOGs. I think that's a statement to this house that we really wanted to keep that above what we had. That was a significant success for Chairman Ashby to have us end up in that place. And I think it's a huge testament that even in the hardest of times—which this financial cycle I would rate among those—we continue to put education, both foundation and higher education, at the center of what we do. And all these things put together are examples of that. I would say the B-On-Time money not going back to the universities and being maintained where

it is in the Higher Education Coordinating Board is one of those things that we need to do in the coming biennium or whenever that is. But I can assure you that at least I—as a chairman this time and any impact that I might have in the future—I would share your intent that we get that money back to the universities so it can be used just exactly as you've articulated.

GIDDINGS: Thank you very much, Mr. Chairman. I certainly appreciate your support and Chairman Ashby's support as we work to get TEXAS Grants up higher and the TEOG. And before the speaker cuts me off, I am so sorry that we cut the Academic Bridge Program at the University of Texas at Dallas, not in my district but certainly one of the bright spots of something that we've really done that's really working. And I just hope in the future we have programs like this where the graduation rate is higher than our state universities, higher than the national average, and where these kids are going into STEM and where out of a class of 23 at Southwestern Medical School last year, four of them came out of that program.

REPRESENTATIVE SMITHEE: Dr. Zerwas, I just want to amplify what the other previous members have said to say thank you. Thank you very much to you and the other conference committee members for what you did here. There's two factors that I think we need to point out. One is this was a very tight budget year. We didn't have a lot of extra money. And two, the budget that came out of the house was materially different from what had come out of the senate both in philosophy and numbers. I just want to thank you and the leadership in the house and your committee for staying faithful to the house and making the budget work and most importantly, getting the most important bill of the session out of here on time. So thank you very much.

ZERWAS: Thank you, Mr. Chairman. I appreciate that, and I share with you the perspective that I think the fingerprints of the house are all over this budget. You know, it is a consensus document, and therefore, it's not the same as it left. But if we look at the work of all the conferees, the committee, and all of you who have given us a tremendous amount of feedback of the things that are important, I think you see the fingerprints of the house all over this budget. And that was one of the initial charges that the speaker gave me when he asked me about participating as the chair of this program. Let's be sure that when people look at this budget, they see clearly the face of the house, and I'm proud of that. It's never as good as you would like for it to have been, because you do have to ultimately conference it, but it's a good product. It does meet the needs of Texas. And I think it will get us through these two years in a fiscally responsible way and will set us up well for the coming biennium regardless of how our economy goes.

REPRESENTATIVE MORRISON: Chairman Zerwas, I, too, want to echo all of the help and how easily you've been working with each and every member, and I know I've had the discussion with you about my concern about the Proposition 7 monies that were used in this budget. So I just want to get a little

bit of legislative intent on this. Mr. Chairman, for clarification, when **CSSB 1** left the house, there was funding for TxDOT under Proposition 7 of \$2.2 billion dollars in FY 2018 and \$2.5 billion in FY 2019. Is that correct?

ZERWAS: That's correct. That is our first manifestation of that overwhelmingly approved proposition.

MORRISON: Correct, and in the conference committee report of **SB 1**, there is zero in FY 2018 and \$2.9 billion in 2019, a biennial difference of about \$1.8 billion. Is that correct?

ZERWAS: Yes, ma'am.

MORRISON: The senate had the attorney general review the mechanism and found that it would be constitutional, correct?

ZERWAS: That's correct. I think specifically they were looking at the \$2.5 billion amount that they wanted to take, but yes, you're correct in terms of the attorney general's opinion.

MORRISON: And these funds are intended to be fully replaced, when they were merely delayed into the next biennium, correct?

ZERWAS: That's correct.

MORRISON: The general public, stakeholders, and financial observers might not understand when they look at this, **CSSB 1**, that this is an accounting mechanism only, and by moving the date of payments, there is no intent to change the actual funding amount or to stop the funding of any TxDOT project, correct?

ZERWAS: That's correct.

MORRISON: And TxDOT has indicated that the delay in appropriating these funds will not impact their ability to enter into contracts or move forward with their planned construction, correct?

ZERWAS: That's my understanding.

REPRESENTATIVE RANEY: Dr. Zerwas, I'd like to ask a question to you about the Texas Armed Services Scholarship Program to establish legislative intent. Is it not the intent of this budget of \$2.67 million allocated for the Texas Armed Services Scholarship Program to provide funds for not only funding renewal of all current recipients of these scholarships but to also provide funds for funding all new recipients of these scholarships?

ZERWAS: Yes, that's my understanding.

E. JOHNSON: My question before was, and I think I can sum it up even better now, how is what we're doing in Article III with respect to pre-K not an unfunded mandate to do something without providing any money to do it with?

ASHBY: I just was handed the rider before I walked up here to help with Representative Raney's colloquy with the chairman. It is not an unfunded mandate in the sense that we already have the \$1.6 billion appropriated for pre-K out of the FSP in the budget. An so I think, as you pointed out earlier, the

\$236 million that's part of that for the high quality pre-K is paid for out of that \$1.6 billion. As a former school board member, I know a lot about unfunded mandates, and I wouldn't quite characterize this as that.

E. JOHNSON: What I mean by that is this: We created a program last time that had standards, and we gave them money to achieve those standards. The standards are still there, but the money isn't there anymore. We're asking them to achieve the standards out of money they've always received. This is the same amount of money they've traditionally received. So how is this new rider not only not an unfunded mandate but essentially creating general law in the Appropriations Act?

ASHBY: In reading the rider here, it just says out of the funds appropriated for pre-K, \$1.6 billion, that the \$236 million for this high quality pre-K will be spent from those funds appropriated above the \$1.6 billion. Again, I'm not trying to be argumentative, but I do think it is paid for. I think your point is last session it was a standalone item outside of the FSP.

E. JOHNSON: In addition to—that's the thing. There was new money before. Now we're saying out of the existing funds please do what we passed a bill to tell you to do last session but with no additional money to do it with. Do it out of what you use to get, out of your existing funds. They're supposed to now do things that are actually expensive and require some effort and resources to do but without the resources. That's the concern.

ASHBY: I understand that, because you're right. Last session it was a standalone; it was \$118 million. We funded one year out of the biennium for the new high quality pre-K program, and that was a separate item.

E. JOHNSON: In addition to, though. That's the point.

ASHBY: You're right. In this conference report, the \$236 million is out of the \$1.6 billion for pre-K and the FSP.

E. JOHNSON: Okay, I just wanted to make sure.

REPRESENTATIVE HOWARD: I just want to clarify about the women's health funding if I could, please. I know we've talked about this before, so I just want to clarify for legislative intent here. And I very much appreciate all that you've done to advocate for funding in this area. I see in Rider 161 that we're assuming that Texas will receive a federal 1115 family planning waiver for FY 2019, allowing us to draw down \$90 million in federal matching funds. That's the assumption at this point. Is that not correct?

REPRESENTATIVE S. DAVIS: That's correct.

HOWARD: So we clearly know that there are times that the federal application takes time to be approved. We don't yet know what things are going to look like. So if the federal government does not award Texas matching funding for our Healthy Texas Women program or if it's less than requested or if there's a delay in receipt of those federal funds, is it the intention of the legislature to fund the Healthy Texas Women program at at least the same level as today, even if this requires state funding that's not assumed in this document?

S. DAVIS: That is 100 percent the intent. When **SB 1** came over into conference, they had \$180 million for women's health, but it was 100 percent of federal drawdown dollars. And so working through conference and working with the agency, it became obvious that it is unrealistic to assume that any federal dollars would be available in fiscal year 2018. But the agency was certain that they would receive it in fiscal year 2019. So we changed the rider and the conference had to come up with \$90 million in GR to replace these assumed federal dollars that I didn't have confidence were going to exist. And then in the end of the rider, it is absolutely the intent that they will find that GR if we do not get those federal dollars. That's absolutely the intent.

HOWARD: So we're assuming that we'll get it by FY 2019, but if we do not, then we still intend to find state dollars to fully fund at the current levels.

S. DAVIS: Yes, that is absolutely the intent.

HOWARD: Okay, I appreciate that. And the family planning program will not be part of the 1115 waiver application, but this of course is a very important safety net aspect for women's health. So is it the intention of the legislature to maintain current funding eligibility and benefits for the family planning program regardless of the receipt of the federal 1115 waiver?

S. DAVIS: Yes, absolutely. It is 100 percent the intent to maintain levels for family planning regardless of the waiver.

DUTTON: I just want to confirm the conversation I had. Now, we can understand that in public ed, in terms of GR spending over the next biennium in this budget, the state will spend \$1.1 billion less.

ASHBY: That is correct, and I want to clarify for the members, because that question did come up earlier, and I have the information in front of me. There is a \$1.1 billion decrease in GR for FSP, Foundation School Program, public ed spending, largely because of the \$1.4 billion increase in other funds.

DUTTON: And that's what I was going to ask as my next question. The \$1.4 billion, that is all federal funds?

ASHBY: It's not all federal funds. My understanding, Representative Dutton, in looking at a description here—which is one sentence so I don't have a lot—it's partly federal funds and partly part of the property tax relief fund.

DUTTON: And as I have calculated, I think the reduction amounts to about a \$200-something decrease per student in GR spending.

ASHBY: I don't have the per person, what that \$1.1 billion decrease would be equivalent to per student.

DUTTON: Yes, but there's about 5.3 million students in Texas, and so I was just doing the math in my head.

ASHBY: I was an ag major, so I'll—I'll have to do some math on it. But what I would point out also is that the state funding in this represents a net increase of \$273.6 million in program funding for the FSP even considering the decrease.

DUTTON: And that decrease, does that contemplate an increase in the amount that local taxpayers would end up putting into public ed?

ASHBY: My assumption would be yes.

DUTTON: And would that also result in more, and I may have asked this, more districts being placed into Chapter 41 status?

ASHBY: Right, as we talked about last time we were here, yes, there are additional school districts that will be rolling into the recapture program. I don't know how many standing here. You as a member of the Public Education Committee might actually know that number, but I know there's a few.

REPRESENTATIVE STICKLAND: How much are we putting into the feral hog abatement program, Mr. Chairman?

ZERWAS: Who had feral hogs up here?

STICKLAND: Ashby.

ASHBY: Representative Stickland, I want this body to know that in this conference report, that we have appropriated \$900,000 to eradicate these feral hogs.

STICKLAND: \$900,000 per year or for the biennium?

ASHBY: No, \$900,000 for the biennium. But I do want to point out, since you asked the question, we have shifted the program in this budget from the Texas Department of Agriculture to the Texas AgriLife Extension Service.

STICKLAND: All right, thank you. I just want to confirm that Bedford's transportation dollars are specifically intact as well.

ZERWAS: I can confirm that, Mr. Stickland.

REPRESENTATIVE TURNER: Members, the budget, as we all know, is a reflection of our values, our goals for our state, and the future we want to have for future Texans, future generations. Today, we consider this two-year state budget for the last time. When we cast our votes, we have to consider what this vote will mean to the communities we represent, our kids, and the families we serve, and we also have to consider how our votes will impact the future. So my approach in looking at the budget is fairly simple. I try to look at what is good in the budget, what's not so good, and what we could have done differently. And I want to just talk on a few key issues that I think are important to all of us.

First off, I'll start with the good. In Child Protective Services, we all know our CPS system has been terribly broken over these last several years. Too many children have fallen through the cracks, and too many kids have died as a result. Any child dying because of abuse and neglect is one too many. Led by this house of representatives, we have passed meaningful legislation this session, including the provisions that we'll vote on shortly in this budget, to take major steps to fixing CPS and protecting Texas children. This budget is a critical part of that, adding more than \$500 million to hire an additional 600 full-time employees in order to reduce caseloads and serve more children. And I wanted to genuinely thank Dr. Zerwas and the appropriators for doing that.

With higher education, when we saw what came out of the senate a few months ago, I think all of us were alarmed at the risk and the peril our colleges and universities were facing with what the senate proposed. But I'm very grateful that the house appropriators, led by Chairman Ashby, have seen that the house prevailed on higher education. And while we don't see an overall funding increase, we do see the formulas preserved, and we also do see new funding for TEXAS Grants, a very important component that many of us fought for in the house-passed bill. And so I'm very, very grateful for that.

On mental health, I think this chamber has made tremendous strides this session. I had the privilege of serving on the interim Committee on Mental Health under Chairman Four Price. I think he, Chairman Coleman, and Chair Davis have all worked very, very hard to see that we're filling the holes in our mental health care system. This budget includes \$160 million to help community partners in all of our districts through grants created by **HB 13**, and money has been set aside for state hospitals, which is long, long overdue. I think that is something we should all be proud of, because that money will make a big difference.

Let me talk about a couple of things that aren't so good. We've talked a lot about border security in this chamber these last few years, and I want to commend the House Appropriations Committee for the approach it took in the house bill we passed back in late March. We lowered the amount of money being spent on border security by about \$160 million, and we said that would be an expenditure from the economic stabilization fund on the premise that this should be a one-time and last-time expenditure given the increases in federal spending in this area. Unfortunately, in this conference committee report, the senate appears to have gotten its way, and the funding remains at \$800 million, which a lot of us think is simply too high and not necessary when illegal border crossings are at their lowest level in a generation. And we still don't have concrete answers on where these funds are going and what they're getting.

With public education, Chairman Dutton talked a lot about this from the back mic a minute ago. And 132 of us voted for **HB 21**, the school finance reform bill that was passed on a bipartisan basis in this house. And we knew it wasn't a complete fix to our school finance system, but it put us on the right path, and it would have provided an additional \$1.6 billion for our public schools. Unfortunately, the senate turned it into a voucher bill and said no. And so with our state share of public education funding remaining essentially static, what's going to happen is that local property taxpayers are going to continue to bear the burden of increasingly funding our schools. Local taxpayers are paying 54 percent of public education right now, and the state share is down to 38 percent. This budget doesn't change that. We talked a lot yesterday about acute therapy. I won't rehash all of that, but I think people in this chamber agree it is horrendous that children who can't walk, can't talk, can't swallow are being denied services because of the therapy cuts that were instituted by the senate two years ago and will to a large extent continue in this budget.

So overall, I think that this budget is a mixed bag, and I want to speak to something very specific to my district and my region. On higher education in North Texas, our universities—University of North Texas, University of Texas at

Arlington, University of Texas at Dallas—are doing amazing work in helping the state meet its higher education goals in the 60x30TX program. We need to graduate more students; we need to graduate them faster; and we need to help people be able to get the jobs that they're going to need to be able to have in the years ahead so we can compete in a global economy. But in this budget, UTA will have to do with \$5.4 million less, UT Dallas \$2.4 million less, and UNT loses \$13.8 million. And I don't understand why these universities that are doing such good work and important work are seeing their budgets cut. I hope in the next session we will come back and address that, and we will address our public school finance system. Perhaps the senate will be willing to work with us at that point, and perhaps finally we can begin to make a real drawdown of the state's economic stabilization fund. It's inexplicable to me that we will have still \$11 billion at the end of this next biennium in the ESF with so many unmet needs and unmet priorities in our state.

REPRESENTATIVE FALLON: This process in the budget began about two years ago, and obviously a tremendous amount of work has been done by a host of dedicated professionals to craft a budget that will be north of \$216 billion. And I want to talk to the folks, not only the members here in this body but the folks up in the gallery, and not the ones that are paid to be there, but the ones that are the taxpayers. The ones that are here to see how this house works, because it's their house. Now, crafting a budget is a vital effort. On April 6, we looked at the first draft, and we thanked a lot of people. We thanked Chairman Zerwas, and there was a lot of long hours and days and weeks and months, and we should've thanked him, and it was right to do so. Then I remember we thanked the Appropriations vice-chair, Representative Longoria, and again, we should've done that. And we thanked the subcommittee chairs, Representative Ashby, Representative Davis, Representative Gonzales, and Representative Capriglione, and we should've done that as well. And we thanked the 27 members of the Appropriations Committee, we thanked the speaker's appropriations staff, and we thanked the entire Legislative Budget Board—and remember, we marched them out here on the north rail and thanked them with a standing ovation. And rightfully so, we should've done that.

But there's one person that night and today that we failed to recognize, and for that we should make amends, and we have to do it right now. The government doesn't make any money, and we don't produce anything. The private sector does that, and the one person we should, must, and will thank today is the Texas taxpayer—the one person who's paid for every budget in the past and will pay for every one moving forward in the future. So to the welder in Wichita Falls and the computer programmer here in Austin, the pharmacist in the Panhandle, the investment banker in Dallas, the physician in the Valley, the entrepreneur in Weatherford, the commercial fisherman in Corpus, the wildcatter in West Texas, the schoolteacher in Sherman, the small business owner in Houston, the nurse in Longview, the car dealer in Denton, and the web developer in Wylie—Texas taxpayers all—thank you for making Texas the greatest state in the greatest nation history has ever known. God bless you.

Representative Zerwas moved to adopt the conference committee report on **SB 1**.

The motion to adopt the conference committee report on **SB 1** prevailed by (Record 1945): 135 Yeas, 14 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Alonzo; Alvarado; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Anchia; Davis, Y.; Dutton; Guillen; Gutierrez; Johnson, E.; Minjarez; Muñoz; Reynolds; Rodriguez, E.; Thierry; Turner; Walle.

Absent — Dukes.

The speaker stated that **SB 1** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

STATEMENT OF VOTE

When Record No. 1945 was taken, I was shown voting yes. I intended to vote no.

White

REASONS FOR VOTE

First and foremost, I believe we could have done more in the Appropriations Act by tapping the rainy day fund to increase investments in public education and Medicaid. Our initial house version prioritized these items, but were unfortunately scaled back by the senate in conference committee negotiations while maintaining hefty border security spending.

I voted in favor of adopting this budget because my constituents didn't send me to the Texas House to grandstand. They sent me to fight for their needs and bring results home. While I have concerns where our budget falls short, there are critical investments in higher education, health care, trade, jobs, and economic development in the budget for El Paso and my district.

Notably, the budget provides \$142 million over the biennium for the Texas Tech Health Science Center–El Paso in my district. Included in this funding is \$50 million for the Paul L. Foster School of Medicine, of which \$8 million will

be set aside for the new Woody L. Hunt School of Dental Medicine. This funding is critical in educating the health care providers of tomorrow and increasing access to quality care in the region.

Moreover, the budget provides \$32 million in financing for intelligent transportation systems (ITS) for El Paso's ports of entry, namely the Bridge of the Americas and the Zaragoza Bridge. The Bridge of the Americas is in my district, so I am very pleased we were able to secure that funding. ITS will make Zaragoza and the Bridge of the Americas ports of entry both safer and more efficient through enhanced management, control, and trafficking of goods and people. This investment will enhance trade and spur economic development, which ultimately means more better-paying jobs in El Paso.

Other notable highlights include an additional \$508 million for CPS, including \$88 million in new funding for almost 600 CPS caseworkers. In the area of mental health, **SB 1** includes an additional \$300 million for new construction and repairs at state mental health hospitals, \$62.7 million to eliminate waiting lists for community mental health services, and \$37.5 million for a new mental health jail diversion program. **SB 1** also increases funding for higher education tuition assistance by providing \$71.5 million for TEXAS Grants, allowing the program to reach 93 percent of eligible students.

The budget also appropriates \$350 million to increase the contribution rate and address a projected shortfall in TRS-Care, the health care program for retired teachers. Without that funding, retired educators would have faced significant increases in their health care premiums and deductibles. While I would have liked to see the Medicaid therapy rate cuts fully restored, this budget makes a small but important step by restoring 25 percent of those cuts in the next biennium.

Blanco

I didn't support this budget because it cut funding to The University of Texas Rio Grande Valley but increased funding for other universities; it cut public education funding to some small, struggling public schools but boosted funding for others; it shortchanged retired teacher health care and strapped retirees with higher premiums and higher deductibles; it underfunded vital health and human services programs and included another "cost containment" rider which is code for cuts to services for our young, old, disabled, and most needy; and it cut funding for pre-K, housing, parks, arts, and cultural programs while doubling-down on the ongoing, half-baked border security splurge and wild-goose chase. But although I am shown voting against this bill, I do support the progress this budget makes with child protective services, behavioral health, substance abuse programs, crime victim services, workforce development, transportation, economic development and tourism, water development and conservation, animal health, historic preservation, and veterans programs.

Guillen

While I would have preferred a bigger investment for children in pre-K and more funding for our institutions of higher education, I voted for the budget because, among other things, it increased funding to help children in the foster care and CPS system and appropriated \$4.2 million to help address the backlog of untested rape kits.

Neave

It is with concern and frustration that we vote against the conference committee report to **SB 1**. Chairman Zerwas and the house members of the conference committee to **SB 1** had the unenviable task of negotiating with a senate reluctant to make responsible choices instead of scoring political points and unwilling to understand the purpose of the economic stabilization fund (ESF). For that, we thank you for your hard work and perseverance.

But once again, the senate's reckless actions on basic functions the state is expected to carry out, like funding our kids' public education or preserving our public health safety net, leave us in a position to oppose the conference committee report on **SB 1**. One year after the Texas public school finance system received the equivalent of a D- from the Texas Supreme Court, the conference committee report on **SB 1** effectively cuts per pupil funding by not putting in a single dime to adjust for inflation and keeping the basic allotment at \$5,140. One of the main reasons to support **SB 1** as it passed the house was the reform and additional funding contemplated by the passage of Chairman Huberty's **HB 21**, but the senate played around with **HB 21**, adding controversial school voucher language to kill a modest fix to our current school finance system.

Though not underfunded as in 2011, Medicaid is underfunded again when we could address this on the front end. Instead, we will start next biennium in a projected \$1 billion hole in general revenue, which could balloon by some estimates up to \$2 billion if cost containment initiatives are not successful. With the dearth of evidence to support the cuts in acute therapy rates, refusing to make up those cuts and bring providers back is unforgivable. The \$150 million more in border security money in the conference committee report on **SB 1** over the house bill alone would almost completely make up the acute therapy rate cuts.

Some suggest that we are in a tight budget cycle. This is more due to recent choices like franchise tax cuts for large businesses and sales tax diversions passed last session that have left us in this "tight" spot. But it was not so "tight" that the conference committee report on **SB 1** could not spend \$800 million on border security again, with a president expected to substantially replace those efforts at the federal level. Nevertheless, these eras of lesser available revenue were what the economic stabilization fund were intended to smooth out so our essential services would not be reduced. Chairman Huberty's school finance bill, the Medicaid shortfall, and restoration of acute therapy rate cuts could easily be covered while leaving a healthy cushion in the ESF above the balance sufficient for the state highway fund transfer.

So instead of improving our barely constitutional school finance system and budgeting for Medicaid, we will go into the next biennium leaving an estimated \$11 billion in the economic stabilization fund, by far the largest balance of its kind in the country. We leave this money in our state emergency account while

unnecessarily building up a nearly \$3 billion hole to make up in our supplemental budget next session, between the \$1.8 billion transportation deferral and the \$1 billion in Medicaid cost growth. These "kick the can down the road" budgetary decisions are made nearly entirely on the backs of those served by these underfunded programs: children and medically vulnerable populations. We cannot sanction these choices.

This budget document has some positives, namely increased mental health funding, greatly improved funding for more CPS worker slots, and increased funding for state financial aid programs like TEXAS Grants, all of which we can be proud of the house for prioritizing. Whether the senate's widespread misunderstanding or willful ignorance of what the economic stabilization fund is intended to be used for, most of the under \$1 billion is spent on what is characterized as "one-time" expenses. This draw from the economic stabilization fund is underwhelming and could have been properly utilized to rectify the senate's games on school finance and pay for Medicaid up front.

This has been a session dominated by those who only want to rile up their primary base for election years, especially in the senate. With that consideration, we recognize the house was negotiating with the equivalent of toddlers throwing tantrums. The final result is a budget document that cuts corners on schoolchildren and vulnerable populations—a poor reflection of Texas' values.

SB 1 reduces general revenue spending for public education by \$1.1 billion. Further, **SB 1** assumes that local taxpayers will have to fill the void by raising school taxes. Roughly, **SB 1** reduces student spending by \$200 per student.

Walle, Gutierrez, E. Johnson, Reynolds,
Allen, Dutton, and Minjarez

I am thankful for the work of Chairman Zerwas, the committee members, and committee staff to get us a budget that is fiscally responsible and that has taken many of our priorities into consideration. There were many moving parts shaping the budget, and I acknowledge that many negotiations were made to ensure the budget we voted on today. I voted for said budget conditionally.

After further review, I would like the record to show that I am a nay vote on the budget because it does not satisfy the constitutional provisions set out in Article 7, Section 1 of the Texas Constitution. The budget leaves too much uncertainty only because the political will to compromise did not exist.

We have failed to address matters as they pertain to school finance and hope that Governor Abbott will look into a special session regarding this matter. We must provide adequate aid to our school districts that are currently hurting, in particular those in our rural communities.

White

(Paddie in the chair)

REMARKS ORDERED PRINTED

Representative Herrero moved to print all remarks on **SB 1**.

The motion prevailed.

**SB 1553 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Bernal, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1553**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1553**: Bernal, chair; Minjarez, Dutton, Gooden, and Meyer.

**SB 1929 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Burkett, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1929**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1929**: Burkett, chair; Thierry, Gonzales, Flynn, and S. Thompson.

**HB 1424 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Murphy and by unanimous consent, **HB 1424** was called up with senate amendments for consideration at this time,

HB 1424, A bill to be entitled An Act relating to the operation of an unmanned aircraft over certain facilities or sports venues; creating a criminal offense.

Representative Murphy 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 1424**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1424**: Murphy, chair; Workman, Springer, Perez, and Parker.

**HB 2552 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 2552, A bill to be entitled An Act relating to measures to address and deter certain criminal or other unlawful activity, including trafficking of persons, sexual offenses, prostitution, and activity that may constitute a public nuisance; increasing criminal penalties; creating a criminal offense.

Representative S. Thompson moved to discharge the conferees and concur in the senate amendments to **HB 2552**.

The motion to discharge the conferees and concur in the senate amendments to **HB 2552** prevailed by (Record 1946): 136 Yeas, 8 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; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; 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; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Lang; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt.

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

Absent — Bohac; Deshotel; Dukes; Giddings.

STATEMENT OF VOTE

When Record No. 1946 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

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

Amend **HB 2552** (senate committee report) by striking SECTION 18 of the bill (page 10, lines 15 through 39) and SECTION 25 of the bill (page 11, lines 47 through 54) and renumbering the SECTIONS of the bill accordingly.

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

Amend **HB 2552** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Subchapter A, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.0017 to read as follows:

Sec. 125.0017. NOTICE OF ARREST FOR CERTAIN ACTIVITIES. If a law enforcement agency makes an arrest related to an activity described by Section 125.0015(a)(6), (7), or (18) that occurs at property leased to a person operating a massage establishment as defined by Section 455.001, Occupations

Code, not later than the seventh day after the date of the arrest, the law enforcement agency shall provide written notice by certified mail to each person maintaining the property of the arrest.

SECTION _____. Section 125.004, Civil Practice and Remedies Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(2) In the recital to SECTION 7 of the bill amending Section 125.004, Civil Practice and Remedies Code (page 5, line 30), between the comma and "and", insert "(a-3),".

(3) In the recital to SECTION 7 of the bill amending Section 125.004, Civil Practice and Remedies Code (page 5, line 30), between "(e)" and "to", insert "and amending Subsection (d)".

(4) In SECTION 7 of the bill, in added Section 125.004(a-1), Civil Practice and Remedies Code (page 5, line 36), between "services" and "is", insert "after notice of an arrest was provided to the defendant in accordance with Section 125.0017".

(5) In SECTION 7 of the bill, in added Section 125.004(a-2), Civil Practice and Remedies Code (page 5, lines 39-40), between "defendant" and "is", insert "after notice of an arrest was provided to the defendant in accordance with Section 125.0017".

(6) In SECTION 7 of the bill, between added Sections 125.004(a-2) and (e), Civil Practice and Remedies Code (page 5, between lines 43 and 44), insert the following:

(a-3) For purposes of Subsections (a-1) and (a-2), notice is considered to be provided to the defendant seven days after the postmark date of the notice provided under Section 125.0017.

(d) Notwithstanding ~~Subsections~~ [Subsection] (a), (a-1), or (a-2), evidence that the defendant, the defendant's authorized representative, or another person acting at the direction of the defendant or the defendant's authorized representative requested law enforcement or emergency assistance with respect to an activity at the place where the common nuisance is allegedly maintained is not admissible for the purpose of showing the defendant tolerated the activity or failed to make reasonable attempts to abate the activity alleged to constitute the nuisance but may be admitted for other purposes, such as showing that a crime listed in Section 125.0015 occurred. Evidence that the defendant refused to cooperate with law enforcement or emergency services with respect to the activity is admissible. The posting of a sign prohibiting the activity alleged is not conclusive evidence that the owner did not tolerate the activity.

(7) Renumber SECTIONS of the bill appropriately.

**HB 929 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 929, A bill to be entitled An Act relating to certain early voting procedures.

Representative Miller moved to discharge the conferees and concur in the senate amendments to **HB 929**.

The motion to discharge the conferees and concur in the senate amendments to **HB 929** prevailed by (Record 1947): 133 Yeas, 6 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; Collier; Cook; Cortez; Cospér; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Bonnen, D.; Cain; Rinaldi; Stickland; Tinderholt.

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

Absent — Coleman; Deshotel; Dukes; Giddings; Herrero; King, P.; Morrison; Springer; Walle.

STATEMENTS OF VOTE

When Record No. 1947 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

When Record No. 1947 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

When Record No. 1947 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

When Record No. 1947 was taken, I was in the house but away from my desk. I would have voted yes.

Springer

Senate Committee Substitute

CSHB 929, A bill to be entitled An Act relating to the time for returning ballots mailed by certain federal postcard applicants.

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

SECTION 1. Section 67.003(b), Election Code, is amended to read as follows:

(b) Except as provided by Subsection (c), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer [~~For an election held on the uniform election date in May, the local canvass must occur~~] not later than the 11th day after election day and not earlier than the later of:

- (1) the third day after election day;
- (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
- (3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

SECTION 2. Section 101.057, Election Code, is amended to read as follows:

Sec. 101.057. RETURN OF VOTED BALLOT. (a) A ballot voted under this subchapter may be returned to the early voting clerk by mail, common or contract carrier, or courier.

(b) A ballot voted by a voter described by Section 101.001(2)(A) or (B) shall be counted if the ballot arrives at the address on the carrier envelope not later than the sixth day after the date of the election, except that if that date falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day.

SECTION 3. Section 67.003(a), Election Code, is repealed.

SECTION 4. This Act takes effect September 1, 2017.

HB 8 - HOUSE DISCHARGES CONFEREES HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 8, A bill to be entitled An Act relating to cybersecurity for state agency information resources.

Representative Capriglione moved to discharge the conferees and concur in the senate amendments to **HB 8**.

The motion to discharge the conferees and concur in the senate amendments to **HB 8** prevailed by (Record 1948): 139 Yeas, 7 Nays, 2 Present, not voting.

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

Nays — Biedermann; Bonnen, D.; Cain; Rinaldi; Stickland; Tinderholt; Wilson.

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

Absent — Deshotel; Dukes.

Senate Committee Substitute

CSHB 8, A bill to be entitled An Act relating to cybersecurity for state agency information resources.

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

SECTION 1. This Act may be cited as the Texas Cybersecurity Act.

SECTION 2. Section 551.089, Government Code, is amended to read as follows:

Sec. 551.089. DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING [~~DEPARTMENT OF INFORMATION RESOURCES~~]. This chapter does not require a governmental body [~~the governing board of the Department of Information Resources~~] to conduct an open meeting to deliberate:

(1) security assessments or deployments relating to information resources technology;

(2) network security information as described by Section 2059.055(b);
or

(3) the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

SECTION 3. Section 552.139, Government Code, is amended by adding Subsection (d) to read as follows:

(d) When posting a contract on an Internet website as required by Section 2261.253, a state agency shall redact information made confidential by this section or excepted from public disclosure by this section. Redaction under this subsection does not except information from the requirements of Section 552.021.

SECTION 4. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.0594 to read as follows:

Sec. 2054.0594. INFORMATION SHARING AND ANALYSIS CENTER.

(a) The department shall establish an information sharing and analysis center to provide a forum for state agencies to share information regarding cybersecurity threats, best practices, and remediation strategies.

(b) The department shall appoint persons from appropriate state agencies to serve as representatives to the information sharing and analysis center.

(c) The department, using funds other than funds appropriated to the department in a general appropriations act, shall provide administrative support to the information sharing and analysis center.

SECTION 5. Sections 2054.077(b) and (e), Government Code, are amended to read as follows:

(b) The information resources manager of a state agency may prepare or have prepared a report, including an executive summary of the findings of the report, assessing the extent to which a computer, a computer program, a computer network, a computer system, a printer, an interface to a computer system, including mobile and peripheral devices, computer software, or data processing of the agency or of a contractor of the agency is vulnerable to unauthorized access or harm, including the extent to which the agency's or contractor's electronically stored information is vulnerable to alteration, damage, erasure, or inappropriate use.

(e) Separate from the executive summary described by Subsection (b), a state agency [~~whose information resources manager has prepared or has had prepared a vulnerability report~~] shall prepare a summary of the agency's vulnerability report that does not contain any information the release of which might compromise the security of the state agency's or state agency contractor's computers, computer programs, computer networks, computer systems, printers, interfaces to computer systems, including mobile and peripheral devices, computer software, data processing, or electronically stored information. The summary is available to the public on request.

SECTION 6. Section 2054.1125(b), Government Code, is amended to read as follows:

(b) A state agency that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a breach or suspected breach of system security or an unauthorized exposure of that information:

(1) comply[~~, in the event of a breach of system security,~~] with the notification requirements of Section 521.053, Business & Commerce Code, to the same extent as a person who conducts business in this state; and

(2) not later than 48 hours after the discovery of the breach, suspected breach, or unauthorized exposure, notify:

(A) the department, including the chief information security officer and the state cybersecurity coordinator; or

(B) if the breach, suspected breach, or unauthorized exposure involves election data, the secretary of state.

SECTION 7. Section 2054.133, Government Code, is amended by adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b-1) The executive head and information security officer of each state agency shall annually review and approve in writing the agency's information security plan and strategies for addressing the agency's information resources systems that are at highest risk for security breaches. The plan at a minimum must include solutions that isolate and segment sensitive information and maintain architecturally sound and secured separation among networks. If a state agency does not have an information security officer, the highest ranking information security employee for the agency shall review and approve the plan and strategies. The executive head retains full responsibility for the agency's information security and any risks to that security.

(b-2) Each state agency shall include in the agency's information security plan the actions the agency is taking to incorporate into the plan the core functions of "identify, protect, detect, respond, and recover" as recommended in the "Framework for Improving Critical Infrastructure Cybersecurity" of the United States Department of Commerce National Institute of Standards and Technology. The agency shall, at a minimum, identify any information the agency requires individuals to provide to the agency or the agency retains that is not necessary for the agency's operations. The agency may incorporate the core functions over a period of years.

(b-3) A state agency's information security plan must include appropriate privacy and security standards that, at a minimum, require a vendor who offers cloud computing services or other software, applications, online services, or information technology solutions to any state agency to contractually warrant that data provided by the state to the vendor will be maintained in compliance with all applicable state and federal laws and rules as specified in the applicable scope of work, request for proposal, or other document requirements.

SECTION 8. Section 2054.512, Government Code, is amended to read as follows:

Sec. 2054.512. ~~CYBERSECURITY~~ [~~PRIVATE-INDUSTRY GOVERNMENT~~] COUNCIL. (a) The state cybersecurity coordinator shall ~~may~~ establish and lead a cybersecurity council that includes public and private sector leaders and cybersecurity practitioners to collaborate on matters of cybersecurity concerning this state.

(b) The cybersecurity council must include:

(1) one member who is an employee of the office of the governor;

(2) one member of the senate appointed by the lieutenant governor;

(3) one member of the house of representatives appointed by the speaker of the house of representatives; and

(4) additional members appointed by the state cybersecurity coordinator, including representatives of institutions of higher education and private sector leaders.

(c) In appointing representatives from institutions of higher education to the cybersecurity council, the state cybersecurity coordinator shall consider appointing members of the Information Technology Council for Higher Education.

(d) The cybersecurity council shall provide recommendations to the legislature on any legislation necessary to implement cybersecurity best practices and remediation strategies for this state.

SECTION 9. Subchapter N-1, Chapter 2054, Government Code, is amended by adding Section 2054.515 to read as follows:

Sec. 2054.515. AGENCY INFORMATION SECURITY ASSESSMENT AND REPORT. (a) At least once every two years, each state agency shall conduct an information security assessment of the agency's information resources systems, network systems, digital data storage systems, digital data security measures, and information resources vulnerabilities.

(b) Not later than December 1 of the year in which a state agency conducts the assessment under Subsection (a), the agency shall report the results of the assessment to the department, the governor, the lieutenant governor, and the speaker of the house of representatives.

(c) The department by rule may establish the requirements for the information security assessment and report required by this section.

SECTION 10. Section 2054.575(a), Government Code, is amended to read as follows:

(a) A state agency shall, with available funds, identify information security issues and develop a plan to prioritize the remediation and mitigation of those issues. The agency shall include in the plan:

(1) procedures for reducing the agency's level of exposure with regard to information that alone or in conjunction with other information identifies an individual maintained on a legacy system of the agency;

(2) the best value approach for modernizing, replacing, renewing, or disposing of a legacy system that maintains information critical to the agency's responsibilities;

(3) an analysis of the percentage of state agency personnel in information technology, cybersecurity, or other cyber-related positions who currently hold the appropriate industry-recognized certifications as identified by the National Initiative for Cybersecurity Education;

(4) the level of preparedness of state agency cyber personnel and potential personnel who do not hold the appropriate industry-recognized certifications to successfully complete the industry-recognized certification examinations; and

(5) a strategy for mitigating any workforce-related discrepancy in information technology, cybersecurity, or other cyber-related positions with the appropriate training and industry-recognized certifications.

SECTION 11. Section 2059.055(b), Government Code, is amended to read as follows:

(b) Network security information is confidential under this section if the information is:

(1) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity [state agency];

(2) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or

(3) related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity.

SECTION 12. Subtitle B, Title 10, Government Code, is amended by adding Chapter 2061 to read as follows:

CHAPTER 2061. INDIVIDUAL-IDENTIFYING INFORMATION

Sec. 2061.001. DEFINITIONS. In this chapter:

(1) "Cybersecurity risk" means a material threat of attack, damage, or unauthorized access to the networks, computers, software, or data storage of a state agency.

(2) "State agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government, including a university system or institution of higher education, as defined by Section 61.003, Education Code, that is created by the constitution or a statute of this state.

Sec. 2061.002. DESTRUCTION AUTHORIZED. (a) A state agency shall destroy or arrange for the destruction of information that presents a cybersecurity risk and alone or in conjunction with other information identifies an individual in connection with the agency's networks, computers, software, or data storage if the agency is otherwise prohibited by law from retaining the information for a period of years.

(b) This section does not apply to a record involving criminal activity or a criminal investigation retained for law enforcement purposes.

(c) A state agency may not destroy or arrange for the destruction of any election data before the third anniversary of the date the election to which the data pertains is held.

(d) A state agency may not under any circumstance sell:

(1) a person's Internet browsing history;

(2) a person's application usage history; or

(3) the functional equivalent of the information described in Subdivisions (1) and (2).

SECTION 13. Chapter 276, Election Code, is amended by adding Section 276.011 to read as follows:

Sec. 276.011. ELECTION CYBER ATTACK STUDY. (a) Not later than December 1, 2018, the secretary of state shall:

(1) conduct a study regarding cyber attacks on election infrastructure;

(2) prepare a public summary report on the study's findings that does not contain any information the release of which may compromise any election;

(3) prepare a confidential report on specific findings and vulnerabilities that is exempt from disclosure under Chapter 552, Government Code; and

(4) submit to the standing committees of the legislature with jurisdiction over election procedures a copy of the report required under Subdivision (2) and a general compilation of the report required under Subdivision (3) that does not contain any information the release of which may compromise any election.

(b) The study must include:

(1) an investigation of vulnerabilities and risks for a cyber attack against a county's voting system machines or the list of registered voters;

(2) information on any attempted cyber attack on a county's voting system machines or the list of registered voters; and

(3) recommendations for protecting a county's voting system machines and list of registered voters from a cyber attack.

(c) The secretary of state, using existing resources, may contract with a qualified vendor to conduct the study required by this section.

(d) This section expires January 1, 2019.

SECTION 14. (a) The lieutenant governor shall establish a Senate Select Committee on Cybersecurity and the speaker of the house of representatives shall establish a House Select Committee on Cybersecurity to, jointly or separately, study:

(1) cybersecurity in this state;

(2) the information security plans of each state agency; and

(3) the risks and vulnerabilities of state agency cybersecurity.

(b) Not later than November 30, 2017:

(1) the lieutenant governor shall appoint five senators to the Senate Select Committee on Cybersecurity, one of whom shall be designated as chair; and

(2) the speaker of the house of representatives shall appoint five state representatives to the House Select Committee on Cybersecurity, one of whom shall be designated as chair.

(c) The committees established under this section shall convene separately at the call of the chair of the respective committees, or jointly at the call of both chairs. In joint meetings, the chairs of each committee shall act as joint chairs.

(d) Following consideration of the issues listed in Subsection (a) of this section, the committees established under this section shall jointly adopt recommendations on state cybersecurity and report in writing to the legislature any findings and adopted recommendations not later than January 13, 2019.

(e) This section expires September 1, 2019.

SECTION 15. (a) In this section, "state agency" means a board, commission, office, department, council, authority, or other agency in the executive or judicial branch of state government that is created by the constitution

or a statute of this state. The term does not include a university system or institution of higher education as those terms are defined by Section 61.003, Education Code.

(b) The Department of Information Resources, in consultation with the Texas State Library and Archives Commission, shall conduct a study on state agency digital data storage and records management practices and the associated costs to this state.

(c) The study required under this section must examine:

(1) the current digital data storage practices of state agencies in this state;

(2) the costs associated with those digital data storage practices;

(3) the digital records management and data classification policies of state agencies and whether the state agencies are consistently complying with the established policies;

(4) whether the state agencies are storing digital data that exceeds established retention requirements and the cost of that unnecessary storage;

(5) the adequacy of storage systems used by state agencies to securely maintain confidential digital records;

(6) possible solutions and improvements recommended by the state agencies for reducing state costs and increasing security for digital data storage and records management; and

(7) the security level and possible benefits of and the cost savings from using cloud computing services for agency data storage, data classification, and records management.

(d) Each state agency shall participate in the study required by this section and provide appropriate assistance and information to the Department of Information Resources and the Texas State Library and Archives Commission.

(e) Not later than December 1, 2018, the Department of Information Resources shall issue a report on the study required under this section and recommendations for reducing state costs and for improving efficiency in digital data storage and records management to the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the house of representatives and the senate.

(f) This section expires September 1, 2019.

SECTION 16. The changes in law made by this Act do not apply to the Electric Reliability Council of Texas.

SECTION 17. This Act takes effect September 1, 2017.

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

Amend **CSHB 8** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. This Act may be cited as the Texas Cybersecurity Act.

SECTION 2. Section 325.011, Government Code, is amended to read as follows:

Sec. 325.011. CRITERIA FOR REVIEW. The commission and its staff shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committees:

(1) the efficiency and effectiveness with which the agency or the advisory committee operates;

(2)(A) an identification of the mission, goals, and objectives intended for the agency or advisory committee and of the problem or need that the agency or advisory committee was intended to address; and

(B) the extent to which the mission, goals, and objectives have been achieved and the problem or need has been addressed;

(3)(A) an identification of any activities of the agency in addition to those granted by statute and of the authority for those activities; and

(B) the extent to which those activities are needed;

(4) an assessment of authority of the agency relating to fees, inspections, enforcement, and penalties;

(5) whether less restrictive or alternative methods of performing any function that the agency performs could adequately protect or provide service to the public;

(6) the extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies, the extent to which the agency coordinates with those agencies, and the extent to which the programs administered by the agency can be consolidated with the programs of other state agencies;

(7) the promptness and effectiveness with which the agency addresses complaints concerning entities or other persons affected by the agency, including an assessment of the agency's administrative hearings process;

(8) an assessment of the agency's rulemaking process and the extent to which the agency has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules that benefit the public;

(9) the extent to which the agency has complied with:

(A) federal and state laws and applicable rules regarding equality of employment opportunity and the rights and privacy of individuals; and

(B) state law and applicable rules of any state agency regarding purchasing guidelines and programs for historically underutilized businesses;

(10) the extent to which the agency issues and enforces rules relating to potential conflicts of interest of its employees;

(11) the extent to which the agency complies with Chapters 551 and 552 and follows records management practices that enable the agency to respond efficiently to requests for public information;

(12) the effect of federal intervention or loss of federal funds if the agency is abolished; ~~and~~

(13) the extent to which the purpose and effectiveness of reporting requirements imposed on the agency justifies the continuation of the requirement; and

(14) an assessment of the agency's cybersecurity practices using confidential information available from the Department of Information Resources or any other appropriate state agency.

SECTION 3. Section 551.089, Government Code, is amended to read as follows:

Sec. 551.089. DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING ~~[DEPARTMENT OF INFORMATION RESOURCES]~~. This chapter does not require a governmental body ~~[the governing board of the Department of Information Resources]~~ to conduct an open meeting to deliberate:

(1) security assessments or deployments relating to information resources technology;

(2) network security information as described by Section 2059.055(b);
or

(3) the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

SECTION 4. Section 552.139, Government Code, is amended by adding Subsection (d) to read as follows:

(d) When posting a contract on an Internet website as required by Section 2261.253, a state agency shall redact information made confidential by this section or excepted from public disclosure by this section. Redaction under this subsection does not except information from the requirements of Section 552.021.

SECTION 5. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.0594 to read as follows:

Sec. 2054.0594. INFORMATION SHARING AND ANALYSIS CENTER.

(a) The department shall establish an information sharing and analysis center to provide a forum for state agencies to share information regarding cybersecurity threats, best practices, and remediation strategies.

(b) The department shall appoint persons from appropriate state agencies to serve as representatives to the information sharing and analysis center.

(c) The department, using funds other than funds appropriated to the department in a general appropriations act, shall provide administrative support to the information sharing and analysis center.

SECTION 6. Section 2054.076, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The department shall provide mandatory guidelines to state agencies regarding the continuing education requirements for cybersecurity training that must be completed by all information resources employees of the agencies. The department shall consult with the Information Technology Council for Higher Education on applying the guidelines to institutions of higher education.

SECTION 7. Sections 2054.077(b) and (e), Government Code, are amended to read as follows:

(b) The information resources manager of a state agency shall ~~[may]~~ prepare or have prepared a report, including an executive summary of the findings of the biennial report, not later than October 15 of each even-numbered

year, assessing the extent to which a computer, a computer program, a computer network, a computer system, a printer, an interface to a computer system, including mobile and peripheral devices, computer software, or data processing of the agency or of a contractor of the agency is vulnerable to unauthorized access or harm, including the extent to which the agency's or contractor's electronically stored information is vulnerable to alteration, damage, erasure, or inappropriate use.

(e) Separate from the executive summary described by Subsection (b), a state agency [~~whose information resources manager has prepared or has had prepared a vulnerability report~~] shall prepare a summary of the agency's vulnerability report that does not contain any information the release of which might compromise the security of the state agency's or state agency contractor's computers, computer programs, computer networks, computer systems, printers, interfaces to computer systems, including mobile and peripheral devices, computer software, data processing, or electronically stored information. The summary is available to the public on request.

SECTION 8. Section 2054.1125(b), Government Code, is amended to read as follows:

(b) A state agency that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a breach or suspected breach of system security or an unauthorized exposure of that information:

(1) comply[~~, in the event of a breach of system security,~~] with the notification requirements of Section 521.053, Business & Commerce Code, to the same extent as a person who conducts business in this state; and

(2) not later than 48 hours after the discovery of the breach, suspected breach, or unauthorized exposure, notify:

(A) the department, including the chief information security officer and the state cybersecurity coordinator; or

(B) if the breach, suspected breach, or unauthorized exposure involves election data, the secretary of state.

SECTION 9. Section 2054.512, Government Code, is amended to read as follows:

Sec. 2054.512. CYBERSECURITY [~~PRIVATE-INDUSTRY GOVERNMENT~~] COUNCIL. (a) The state cybersecurity coordinator shall ~~may~~ establish and lead a cybersecurity council that includes public and private sector leaders and cybersecurity practitioners to collaborate on matters of cybersecurity concerning this state.

(b) The cybersecurity council must include:

(1) one member who is an employee of the office of the governor;

(2) one member of the senate appointed by the lieutenant governor;

(3) one member of the house of representatives appointed by the speaker of the house of representatives; and

(4) additional members appointed by the state cybersecurity coordinator, including representatives of institutions of higher education and private sector leaders.

(c) In appointing representatives from institutions of higher education to the cybersecurity council, the state cybersecurity coordinator shall consider appointing members of the Information Technology Council for Higher Education.

(d) The cybersecurity council shall:

(1) consider the costs and benefits of establishing a computer emergency readiness team to address cyber attacks occurring in this state during routine and emergency situations;

(2) establish criteria and priorities for addressing cybersecurity threats to critical state installations;

(3) consolidate and synthesize best practices to assist state agencies in understanding and implementing cybersecurity measures that are most beneficial to this state; and

(4) assess the knowledge, skills, and capabilities of the existing information technology and cybersecurity workforce to mitigate and respond to cyber threats and develop recommendations for addressing immediate workforce deficiencies and ensuring a long-term pool of qualified applicants.

(e) The cybersecurity council shall provide recommendations to the legislature on any legislation necessary to implement cybersecurity best practices and remediation strategies for this state.

SECTION 10. Section 2054.133, Government Code, is amended by adding Subsection (e) to read as follows:

(e) Each state agency shall include in the agency's information security plan a written acknowledgment that the executive director or other head of the agency, the chief financial officer, and each executive manager as designated by the state agency have been made aware of the risks revealed during the preparation of the agency's information security plan.

SECTION 11. Subchapter N-1, Chapter 2054, Government Code, is amended by adding Sections 2054.515, 2054.516, 2054.517, and 2054.518 to read as follows:

Sec. 2054.515. AGENCY INFORMATION SECURITY ASSESSMENT AND REPORT. (a) At least once every two years, each state agency shall conduct an information security assessment of the agency's information resources systems, network systems, digital data storage systems, digital data security measures, and information resources vulnerabilities.

(b) Not later than December 1 of the year in which a state agency conducts the assessment under Subsection (a), the agency shall report the results of the assessment to the department, the governor, the lieutenant governor, and the speaker of the house of representatives.

(c) The department by rule may establish the requirements for the information security assessment and report required by this section.

Sec. 2054.516. DATA SECURITY PLAN FOR ONLINE AND MOBILE APPLICATIONS. Each state agency, other than an institution of higher education subject to Section 2054.517, implementing an Internet website or mobile application that processes any sensitive personal information 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 the website or application; and

(2) subject the website or application to a vulnerability and penetration test and address any vulnerability identified in the test.

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.

Sec. 2054.518. CYBERSECURITY RISKS AND INCIDENTS. (a) The department shall develop a plan to address cybersecurity risks and incidents in this state. The department may enter into an agreement with a national organization, including the National Cybersecurity Preparedness Consortium, to support the department's efforts in implementing the components of the plan for which the department lacks resources to address internally. The agreement may include provisions for:

(1) providing fee reimbursement for appropriate industry-recognized certification examinations for and training to state agencies preparing for and responding to cybersecurity risks and incidents;

(2) developing and maintaining a cybersecurity risks and incidents curriculum using existing programs and models for training state agencies;

(3) delivering to state agency personnel with access to state agency networks routine training related to appropriately protecting and maintaining information technology systems and devices, implementing cybersecurity best practices, and mitigating cybersecurity risks and vulnerabilities;

(4) providing technical assistance services to support preparedness for and response to cybersecurity risks and incidents;

(5) conducting cybersecurity training and simulation exercises for state agencies to encourage coordination in defending against and responding to cybersecurity risks and incidents;

(6) assisting state agencies in developing cybersecurity information-sharing programs to disseminate information related to cybersecurity risks and incidents; and

(7) incorporating cybersecurity risk and incident prevention and response methods into existing state emergency plans, including continuity of operation plans and incident response plans.

(b) In implementing the provisions of the agreement prescribed by Subsection (a), the department shall seek to prevent unnecessary duplication of existing programs or efforts of the department or another state agency.

(c) In selecting an organization under Subsection (a), the department shall consider the organization's previous experience in conducting cybersecurity training and exercises for state agencies and political subdivisions.

(d) The department shall consult with institutions of higher education in this state when appropriate based on an institution's expertise in addressing specific cybersecurity risks and incidents.

SECTION 12. Section 2054.575(a), Government Code, is amended to read as follows:

(a) A state agency shall, with available funds, identify information security issues and develop a plan to prioritize the remediation and mitigation of those issues. The agency shall include in the plan:

(1) procedures for reducing the agency's level of exposure with regard to information that alone or in conjunction with other information identifies an individual maintained on a legacy system of the agency;

(2) the best value approach for modernizing, replacing, renewing, or disposing of a legacy system that maintains information critical to the agency's responsibilities;

(3) analysis of the percentage of state agency personnel in information technology, cybersecurity, or other cyber-related positions who currently hold the appropriate industry-recognized certifications as identified by the National Initiative for Cybersecurity Education;

(4) the level of preparedness of state agency cyber personnel and potential personnel who do not hold the appropriate industry-recognized certifications to successfully complete the industry-recognized certification examinations; and

(5) a strategy for mitigating any workforce-related discrepancy in information technology, cybersecurity, or other cyber-related positions with the appropriate training and industry-recognized certifications.

SECTION 13. Section 2059.055(b), Government Code, is amended to read as follows:

(b) Network security information is confidential under this section if the information is:

(1) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity [state agency];

(2) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or

(3) related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity.

SECTION 14. Chapter 276, Election Code, is amended by adding Section 276.011 to read as follows:

Sec. 276.011. ELECTION CYBER ATTACK STUDY. (a) Not later than December 1, 2018, the secretary of state shall:

(1) conduct a study regarding cyber attacks on election infrastructure;

(2) prepare a public summary report on the study's findings that does not contain any information the release of which may compromise any election;

(3) prepare a confidential report on specific findings and vulnerabilities that is exempt from disclosure under Chapter 552, Government Code; and

(4) submit to the standing committees of the legislature with jurisdiction over election procedures a copy of the report required under Subdivision (2) and a general compilation of the report required under Subdivision (3) that does not contain any information the release of which may compromise any election.

(b) The study must include:

(1) an investigation of vulnerabilities and risks for a cyber attack against a county's voting system machines or the list of registered voters;

(2) information on any attempted cyber attack on a county's voting system machines or the list of registered voters; and

(3) recommendations for protecting a county's voting system machines and list of registered voters from a cyber attack.

(c) The secretary of state, using existing resources, may contract with a qualified vendor to conduct the study required by this section.

(d) This section expires January 1, 2019.

SECTION 15. (a) The lieutenant governor shall establish a Senate Select Committee on Cybersecurity and the speaker of the house of representatives shall establish a House Select Committee on Cybersecurity to, jointly or separately, study:

(1) cybersecurity in this state;

(2) the information security plans of each state agency; and

(3) the risks and vulnerabilities of state agency cybersecurity.

(b) Not later than November 30, 2017:

(1) the lieutenant governor shall appoint five senators to the Senate Select Committee on Cybersecurity, one of whom shall be designated as chair; and

(2) the speaker of the house of representatives shall appoint five state representatives to the House Select Committee on Cybersecurity, one of whom shall be designated as chair.

(c) The committees established under this section shall convene separately at the call of the chair of the respective committees, or jointly at the call of both chairs. In joint meetings, the chairs of each committee shall act as joint chairs.

(d) Following consideration of the issues listed in Subsection (a) of this section, the committees established under this section shall jointly adopt recommendations on state cybersecurity and report in writing to the legislature any findings and adopted recommendations not later than January 13, 2019.

(e) This section expires September 1, 2019.

SECTION 16. (a) In this section, "state agency" means a board, commission, office, department, council, authority, or other agency in the executive or judicial branch of state government that is created by the constitution or a statute of this state. The term does not include a university system or institution of higher education as those terms are defined by Section 61.003, Education Code.

(b) The Department of Information Resources, in consultation with the Texas State Library and Archives Commission, shall conduct a study on state agency digital data storage and records management practices and the associated costs to this state.

(c) The study required under this section must examine:

(1) the current digital data storage practices of state agencies in this state;

(2) the costs associated with those digital data storage practices;

(3) the digital records management and data classification policies of state agencies and whether the state agencies are consistently complying with the established policies;

(4) whether the state agencies are storing digital data that exceeds established retention requirements and the cost of that unnecessary storage;

(5) the adequacy of storage systems used by state agencies to securely maintain confidential digital records;

(6) possible solutions and improvements recommended by the state agencies for reducing state costs and increasing security for digital data storage and records management; and

(7) the security level and possible benefits of and the cost savings from using cloud computing services for agency data storage, data classification, and records management.

(d) Each state agency shall participate in the study required by this section and provide appropriate assistance and information to the Department of Information Resources and the Texas State Library and Archives Commission.

(e) Not later than December 1, 2018, the Department of Information Resources shall issue a report on the study required under this section and recommendations for reducing state costs and for improving efficiency in digital data storage and records management to the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the house of representatives and the senate.

(f) This section expires September 1, 2019.

SECTION 17. The changes in law made by this Act do not apply to the Electric Reliability Council of Texas.

SECTION 18. This Act takes effect September 1, 2017.

HB 2639 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Pickett submitted the following conference committee report on **HB 2639**:

Austin, Texas, May 26, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2639** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Buckingham
Creighton
Hughes
Burton

Pickett
P. King
Dale
Gutierrez
Wilson

On the part of the senate

On the part of the house

HB 2639, A bill to be entitled An Act relating to an alert for a missing senior citizen or person with Alzheimer's disease.

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

SECTION 1. The heading to Subchapter M, Chapter 411, Government Code, is amended to read as follows:

SUBCHAPTER M. SILVER ALERT FOR MISSING SENIOR CITIZENS AND PERSONS WITH ALZHEIMER'S DISEASE

SECTION 2. Sections 411.381(1) and (2), Government Code, are amended to read as follows:

(1) "Alert" means the statewide silver alert for missing senior citizens and persons with Alzheimer's disease, as developed and implemented under this subchapter.

(2) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of a missing senior citizen or person with Alzheimer's disease.

SECTION 3. Section 411.382, Government Code, is amended to read as follows:

Sec. 411.382. SILVER ALERT FOR MISSING SENIOR CITIZENS AND PERSONS WITH ALZHEIMER'S DISEASE. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a statewide silver alert to be activated on behalf of a missing senior citizen or person with Alzheimer's disease.

SECTION 4. Section 411.383(b), Government Code, is amended to read as follows:

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert. The rules and directives must include:

(1) the procedures to be used by a local law enforcement agency to verify whether a person reported missing is a senior citizen with [±

~~(A) is missing; and~~

~~(B) has]~~ an impaired mental condition or a person with Alzheimer's disease and whether the person's location is unknown;

(2) a description of the circumstances under which a local law enforcement agency is required to report a missing senior citizen or person with Alzheimer's disease to the department; and

(3) the procedures to be used by an individual or entity to report information about a missing senior citizen or person with Alzheimer's disease to designated media outlets in Texas.

SECTION 5. Section 411.386, Government Code, is amended to read as follows:

Sec. 411.386. NOTIFICATION TO DEPARTMENT OF MISSING SENIOR CITIZEN OR PERSON WITH ALZHEIMER'S DISEASE. (a) A local law enforcement agency may notify the department if the agency:

(1) receives notice of a missing senior citizen or person with Alzheimer's disease;

(2) verifies that at the time the senior citizen or person with Alzheimer's disease is reported missing:

(A) the person reported missing:

(i) is 65 years of age or older and has an impaired mental condition; or

(ii) is a person with Alzheimer's disease; and

(B) the person's ~~senior citizen's~~ location is unknown; and

~~(C) the senior citizen has an impaired mental condition; and]~~

(3) determines that the person's ~~senior citizen's~~ disappearance poses a credible threat to the person's ~~senior citizen's~~ health and safety.

(b) The local law enforcement agency shall:

(1) require the family or legal guardian of the missing senior citizen or person with Alzheimer's disease to provide documentation of the person's age and ~~senior citizen's impaired mental~~ condition to verify the person's status ~~condition~~ as described ~~required~~ by Subsection (a)(2)(A) ~~(a)(2)(C)~~; and

(2) as soon as practicable, determine whether the person's [~~senior citizen's~~] disappearance poses a credible threat to the person's [~~senior citizen's~~] health and safety for purposes of Subsection (a)(3).

SECTION 6. Section 411.387(b), Government Code, is amended to read as follows:

(b) In issuing the alert, the department shall send the alert to designated media outlets in Texas. Following receipt of the alert, participating radio stations and~~television stations~~ and other participating media outlets may issue the alert at designated intervals to assist in locating the missing senior citizen or person with Alzheimer's disease.

SECTION 7. Section 411.388, Government Code, is amended to read as follows:

Sec. 411.388. CONTENT OF SILVER ALERT. The alert must include:

(1) all appropriate information that is provided by the local law enforcement agency and that may lead to the safe recovery of the missing senior citizen or person with Alzheimer's disease; and

(2) a statement instructing any person with information related to the missing senior citizen or person with Alzheimer's disease to contact a local law enforcement agency.

SECTION 8. Section 411.389, Government Code, is amended to read as follows:

Sec. 411.389. TERMINATION OF SILVER ALERT. (a) The director shall terminate any activation of the alert with respect to a particular missing senior citizen or person with Alzheimer's disease not later than the earlier of the date on which:

(1) the missing person [~~senior citizen~~] is located or the situation is otherwise resolved; or

(2) the notification period ends, as determined by department rule.

(b) A local law enforcement agency that locates a missing senior citizen or person with Alzheimer's disease who is the subject of an alert under this subchapter shall notify the department as soon as possible that the missing person [~~senior citizen~~] has been located.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Representative Pickett moved to adopt the conference committee report on **HB 2639**.

The motion to adopt the conference committee report on **HB 2639** prevailed by (Record 1949): 137 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; 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; 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; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; 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 — Bonnen, D.; Burrows; Cain; Lang; Rinaldi; Stickland; Swanson; Tinderholt.

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

Absent — Deshotel; Dukes; Frank.

STATEMENT OF VOTE

When Record No. 1949 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

LEAVE OF ABSENCE GRANTED

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

Dukes on motion of Reynolds.

SB 302 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. Thompson submitted the conference committee report on **SB 302**.

Representative S. Thompson moved to adopt the conference committee report on **SB 302**.

The motion to adopt the conference committee report on **SB 302** prevailed by (Record 1950): 125 Yeas, 21 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave;

Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anchia; Anderson, R.; Biedermann; Bonnen, D.; Bonnen, G.; Cain; Elkins; Goldman; Hefner; Israel; Krause; Lang; Rinaldi; Sanford; Schaefer; Simmons; Springer; Stickland; Swanson; Tinderholt; Wilson.

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

Absent, Excused — Dukes.

SB 303 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. Thompson submitted the conference committee report on **SB 303**.

Representative S. Thompson moved to adopt the conference committee report on **SB 303**.

The motion to adopt the conference committee report on **SB 303** prevailed by (Record 1951): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; 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.; Davis, Y.; Dean; Deshotel; Dutton; 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; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Elkins.

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

Absent, Excused — Dukes.

Absent — Anchia.

SB 416 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Smithee submitted the conference committee report on **SB 416**.

Representative Smithee moved to adopt the conference committee report on **SB 416**.

The motion to adopt the conference committee report on **SB 416** prevailed by (Record 1952): 113 Yeas, 32 Nays, 4 Present, not voting.

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

Nays — Anderson, R.; Bell; Biedermann; Bonnen, D.; Bonnen, G.; Burrows; Cain; Capriglione; Cyrier; Elkins; Fallon; Goldman; Hefner; Holland; Klick; Krause; Landgraf; Lang; Leach; Metcalf; Phillips; Rinaldi; Sanford; Schaefer; Schubert; Simmons; Springer; Stickland; Swanson; Thompson, E.; Tinderholt; Wilson.

Present, not voting — Mr. Speaker; Anderson, C.; Murr; Paddie(C).

Absent, Excused — Dukes.

STATEMENT OF VOTE

When Record No. 1952 was taken, I was shown voting yes. I intended to vote no.

White

HB 2950 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Burkett submitted the following conference committee report on **HB 2950**:

Austin, Texas, May 26, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2950** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hinojosa
Nichols
Schwertner
V. Taylor
Watson

On the part of the senate

Burkett
Klick
Oliverson
Raymond
S. Thompson

On the part of the house

HB 2950, A bill to be entitled An Act relating to the continuation and functions of the Texas Board of Nursing and to the regulation of the practice of nursing.

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

SECTION 1. Section 193.005, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(a) A person required to file a death certificate or fetal death certificate shall obtain the required medical certification from the decedent's [and] attending physician, or, subject to Subsection (a-1), an advanced practice registered nurse of the decedent, if the death occurred under [medical attendance for] the care of the person in connection with the [and] treatment of the condition or disease process that contributed to the death.

(a-1) An advanced practice registered nurse may only complete the medical certification for a death certificate or fetal death certificate under this section if:

(1) a patient who has executed a written certification of a terminal illness has elected to receive hospice care and is receiving hospice services, as defined under Chapter 142, from a qualified hospice provider; or

(2) a patient is receiving palliative care.

(b) The attending physician or advanced practice registered nurse shall complete the medical certification not later than five days after receiving the death certificate.

(c) An associate physician, the chief medical officer of the institution where the death occurred, or the physician who performed an autopsy on the decedent may complete the medical certification if:

(1) the attending physician and the advanced practice registered nurse described by Subsection (a) are [is] unavailable;

(2) the attending physician or the advanced practice registered nurse described by Subsection (a) approves; and

(3) the person completing the medical certification has access to the medical history of the case and the death is due to natural causes.

SECTION 2. Section 671.001(d), Health and Safety Code, is amended to read as follows:

(d) A registered nurse, including an advanced practice registered nurse, or physician assistant may determine and pronounce a person dead in situations other than those described by Subsection (b) if permitted by written policies of a

licensed health care facility, institution, or entity providing services to that person. Those policies must include physician assistants who are credentialed or otherwise permitted to practice at the facility, institution, or entity. If the facility, institution, or entity has an organized nursing staff and an organized medical staff or medical consultant, the nursing staff and medical staff or consultant shall jointly develop and approve those policies. The executive commissioner of the Health and Human Services Commission shall adopt rules to govern policies for facilities, institutions, or entities that do not have organized nursing staffs and organized medical staffs or medical consultants.

SECTION 3. Section 671.002(a), Health and Safety Code, is amended to read as follows:

(a) A physician who determines death in accordance with Section 671.001(b) or a registered nurse, including an advanced practice registered nurse, or physician assistant who determines death in accordance with Section 671.001(d) is not liable for civil damages or subject to criminal prosecution for the physician's, registered nurse's, or physician assistant's actions or the actions of others based on the determination of death.

SECTION 4. Section 301.003, Occupations Code, is amended to read as follows:

Sec. 301.003. APPLICATION OF SUNSET ACT. The Texas Board of Nursing is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2029 ~~[2017]~~.

SECTION 5. Subchapter A, Chapter 301, Occupations Code, is amended by adding Section 301.006 to read as follows:

Sec. 301.006. CLAIM OR DEFENSE FOR PROHIBITED RULE OR POLICY. (a) The board may not adopt a rule, regulation, or policy that violates Chapter 110, Civil Practice and Remedies Code.

(b) A person may assert a violation of Subsection (a) as an affirmative defense in an administrative hearing or as a claim or defense in a judicial proceeding under Chapter 37, Civil Practice and Remedies Code.

SECTION 6. Section 301.059, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

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

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

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

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

(4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the board regulates, including rules, interpretations, and enforcement actions that:

(A) regulate the scope of practice of persons in a profession or business the board regulates;

(B) restrict advertising by persons in a profession or business the board regulates;

(C) affect the price of goods or services provided by persons in a profession or business the board regulates; and

(D) restrict participation in a profession or business the board regulates;

(5) [(2)] the results of the most recent formal audit of the board;

(6) [(3)] the requirements of:

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

(B) other laws applicable to members of the board in performing their duties; and

(7) [(4)] any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d) The executive director of the board shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. On receipt of the training manual, each board member shall sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 7. Section 301.157, Occupations Code, is amended by amending Subsections (d-4), (d-8), (d-9), and (d-11) and adding Subsection (d-12) to read as follows:

(d-4) The board may recognize and accept as approved under this section a school of nursing or educational program operated in another state and approved by a state board of nursing or other regulatory body of that state. The board shall adopt rules ~~[develop policies]~~ to ensure that the other state's standards are substantially equivalent to the board's standards. The board by rule shall develop a process for students enrolled in a school of nursing or educational program operated in another state that does not meet standards substantially equivalent to the board's standards to apply for an initial license under this chapter.

(d-8) For purposes of Subsection (d-4), a nursing program is considered to meet standards substantially equivalent to the board's standards if the program:

(1) is part of an institution of higher education located outside this state that is approved by the appropriate regulatory authorities of that state;

(2) holds regional accreditation by an accrediting body recognized by the United States secretary of education and the Council for Higher Education Accreditation;

(3) holds specialty accreditation by an accrediting body recognized by the United States secretary of education and the Council for Higher Education Accreditation~~[- including the National League for Nursing Accrediting Commission];~~

(4) requires program applicants to be a licensed practical or vocational nurse, a military service corpsman, or a paramedic, or to hold a college degree in a clinically oriented health care field with demonstrated experience providing direct patient care; and

(5) graduates students who:

(A) achieve faculty-determined program outcomes, including passing criterion-referenced examinations of nursing knowledge essential to beginning a registered nursing practice and transitioning to the role of registered nurse;

(B) pass a criterion-referenced summative performance examination developed by faculty subject matter experts that measures clinical competencies essential to beginning a registered nursing practice and that meets nationally recognized standards for educational testing, including the educational testing standards of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education; and

(C) pass the National Council Licensure Examination for Registered Nurses at a rate equivalent to the board's required passage rate for students of approved in-state programs.

(d-9) A graduate of a clinical competency assessment program operated in another state and approved by a state board of nursing or other regulatory body of another state is eligible to apply for an initial license under this chapter if:

(1) ~~[the board allowed graduates of the program to apply for an initial license under this chapter continuously during the 10-year period preceding January 1, 2007;~~

~~[(2)]~~ the program does not make any substantial changes in the length or content of its clinical competency assessment without the board's approval; and

~~(2) [(3)]~~ the program remains in good standing with the state board of nursing or other regulatory body in the other state~~]; and~~

~~[(4) the program participates in the research study under Section 405.008, Health and Safety Code].~~

(d-11) If a clinical competency assessment program operated in another state graduates students who pass the National Council Licensure Examination for Registered Nurses at a rate lower than the board's required passage rate for graduating students of approved in-state programs, not later than May 31 of the next school year the program shall:

(1) for the first year the student passage rate is lower than the board's required passage rate for students of approved in-state programs, complete and submit to the board for review and comment a self-study of the program in accordance with the board's guidelines;

(2) for the second consecutive year the student passage rate is lower than the board's required passage rate for students of approved in-state programs, allow the board to conduct a desk review to evaluate the program using the criteria typically used in an on-site visit and make recommendations to improve the program; and

(3) for the third consecutive year the student passage rate is lower than the board's required passage rate for students of approved in-state programs, provide notice on the program's Internet website that prospective students of the program may need to complete additional requirements to apply for an initial license in this state because the program has failed to meet the board's standards

~~related to the required passage rate on the National Council Licensure Examination for Registered Nurses [Subsections (d-8), (d-9), (d-10), and (d-11) expire December 31, 2017. As part of the first review conducted under Section 301.003 after September 1, 2009, the Sunset Advisory Commission shall:~~

~~(1) recommend whether Subsections (d-8) and (d-9) should be extended; and~~

~~(2) recommend any changes to Subsections (d-8) and (d-9) relating to the eligibility for a license of graduates of a clinical competency assessment program operated in another state].~~

(d-12) A clinical competency assessment program operated in another state is not considered to meet standards substantially equivalent to the board's standards if the program fails to meet the applicable requirements under Subsection (d-11) or if the program's graduating student passage rate on the National Council Licensure Examination for Registered Nurses is lower than the board's required passage rate for graduating students of approved in-state programs for four consecutive years. A student enrolled in a program described by this subsection before December 31 of the fourth consecutive year is eligible to apply for an initial license under this chapter. The program shall notify a student who enrolls in the program after December 31 of the fourth consecutive year that the student is required to complete additional requirements established by the board under Subsection (d-4) to apply for an initial license under this chapter.

SECTION 8. Subchapter D, Chapter 301, Occupations Code, is amended by adding Section 301.1583 to read as follows:

Sec. 301.1583. DISCIPLINARY ACTION. (a) The board shall remove a disciplinary action from the nurse licensure verification page on the board's Internet website if:

(1) the disciplinary action is the only disciplinary action taken against the nurse;

(2) the disciplinary action was taken by the board for a violation that is not related to the practice of nursing;

(3) the disciplinary action did not result in the suspension or revocation of, or the probation of the suspension or revocation of, the nurse's license;

(4) the disciplinary action does not provide any indication that continued practice by the nurse may risk harm to a patient; and

(5) the nurse has successfully completed the requirements imposed by the board in the disciplinary order related to the disciplinary action.

(b) A disciplinary action that is removed from the nurse licensure verification page on the board's Internet website under Subsection (a) shall be removed from the public portion of the coordinated licensure information system, as defined by Section 304.0015 in Article II of the Nurse Licensure Compact.

SECTION 9. Section 301.252, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-2) to read as follows:

(a) Each applicant for a registered nurse license or a vocational nurse license must submit to the board a sworn application that demonstrates the applicant's qualifications under this chapter, accompanied by evidence that the applicant:

- (1) has good professional character related to the practice of nursing;
- (2) has successfully completed a program of professional or vocational nursing education approved under Section 301.157(d); and
- (3) has passed the jurisprudence examination approved by the board as provided by Subsection (a-1).

(a-2) An applicant who provides satisfactory evidence that the applicant has not committed a violation of this chapter or a rule adopted under this chapter is considered to have good professional character related to the practice of nursing. A determination by the board that an applicant does not have good professional character related to the practice of nursing must be based on a showing by the board of a clear and rational connection between a violation of this chapter or a rule adopted under this chapter and the applicant's ability to effectively practice nursing.

SECTION 10. Section 301.257, Occupations Code, is amended by adding Subsections (l) and (m) to read as follows:

(l) The board may require in a declaratory order under this section that a person begin participation in a peer assistance program at the time of receipt of an initial license under this chapter. The board shall notify the person that, on issuance of the person's initial license, the person may request reevaluation of the person's required participation in the peer assistance program.

(m) The board by rule shall develop a process to determine whether a person should continue to be required to participate in a peer assistance program. In making the determination, the board shall:

(1) review the person's criminal history record information and, if applicable, determine whether participation in the program is warranted based on the time that has elapsed since the conviction or end of community supervision;

(2) reevaluate or require a contractor administering a peer assistance program to reevaluate the treatment plan or the time the person is required to participate in the peer assistance program based on the person's individualized needs; and

(3) authorize, as appropriate, a waiver of peer assistance program completion if the board is satisfied the person has achieved a satisfactory period of treatment or documented sobriety, as defined by board rules, and continued participation is not necessary.

SECTION 11. Section 301.301(b), Occupations Code, is amended to read as follows:

(b) A person may renew an unexpired license issued under this chapter on payment to the board of the required renewal fee before the expiration date of the license ~~[, payment to the board of any costs assessed under Section 301.461,]~~ and compliance with any other renewal requirements adopted by the board. A person whose license has expired may not engage in activities that require a license until the license has been renewed.

SECTION 12. Section 301.4106, Occupations Code, is amended to read as follows:

Sec. 301.4106. PEER ASSISTANCE PROGRAMS. The board by rule shall develop guidelines to:

(1) outline the roles and responsibilities of the board and a peer assistance program established or approved by the board under Chapter 467, Health and Safety Code;

(2) outline the process for a peer assistance program to refer to the board complaints alleging a violation of the practice of nursing;

(3) establish requirements for successfully completing a peer assistance program and for notification of the board of the successful completion by a nurse the board has ordered to attend or referred to the program; ~~and~~

(4) establish a clear procedure based on meaningful performance goals for evaluating the success of a peer assistance program established or approved by the board under Chapter 467, Health and Safety Code;

(5) establish individualized requirements for participants in a peer assistance program, including the duration of participation in a peer assistance program for substance use, based on the individual's diagnosis and needs; and

(6) ensure that participation requirements and treatment plans for peer assistance program participants who are referred to peer assistance for similar reasons are administered consistently.

SECTION 13. Section 301.452, Occupations Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A person is subject to denial of a license or to disciplinary action under this subchapter for:

(1) a violation of this chapter, a rule or regulation not inconsistent with this chapter, or an order issued under this chapter;

(2) fraud or deceit in procuring or attempting to procure a license to practice professional nursing or vocational nursing;

(3) a conviction for, or placement on deferred adjudication community supervision or deferred disposition for, a felony or for a misdemeanor involving moral turpitude;

(4) conduct that results in the revocation of probation imposed because of conviction for a felony or for a misdemeanor involving moral turpitude;

(5) use of a nursing license, diploma, or permit, or the transcript of such a document, that has been fraudulently purchased, issued, counterfeited, or materially altered;

(6) impersonating or acting as a proxy for another person in the licensing examination required under Section 301.253 or 301.255;

(7) directly or indirectly aiding or abetting an unlicensed person in connection with the unauthorized practice of nursing;

(8) revocation, suspension, or denial of, or any other action relating to, the person's license or privilege to practice nursing in another jurisdiction or under federal law;

(9) intemperate use of alcohol or drugs that the board determines endangers or could endanger a patient;

(10) unprofessional [~~or dishonorable~~] conduct in the practice of nursing that~~[, in the board's opinion,]~~ is likely to deceive, defraud, or injure a patient or the public;

(11) adjudication of mental incompetency;

(12) lack of fitness to practice because of a mental or physical health condition that could result in injury to a patient or the public; or

(13) failure to care adequately for a patient or to conform to the minimum standards of acceptable nursing practice in a manner that, in the board's opinion, exposes a patient or other person unnecessarily to risk of harm.

(e) The board shall adopt rules to ensure that license denials and disciplinary action under Subsection (b)(10) are based on the application of objective criteria that are clearly and rationally connected to the applicant's or license holder's conduct and that any negative outcome resulting from that conduct is determined to affect the person's ability to effectively practice nursing.

SECTION 14. Section 301.459, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The board by rule shall adopt procedures under Chapter 2001, Government Code, governing formal disposition of a contested case. An administrative law judge employed by the [The] State Office of Administrative Hearings shall conduct a formal hearing. After receiving the administrative law judge's findings of fact and conclusions of law for a contested case, the board shall dispose of the case by issuing a final order based on the administrative law judge's findings of fact and conclusions of law.

(a-1) Notwithstanding Section 2001.058(e), Government Code, the board in a contested case may not change a finding of fact or conclusion of law or vacate or modify an order of the administrative law judge. The board may obtain judicial review of any finding of fact or conclusion of law issued by the administrative law judge as provided by Section 2001.058(f)(5), Government Code. For each case, the administrative law judge may make a recommendation regarding an appropriate action or sanction. The board has the sole authority and discretion to determine the appropriate action or sanction.

SECTION 15. Section 301.461, Occupations Code, is amended to read as follows:

Sec. 301.461. ASSESSMENT OF COSTS PROHIBITED. The board may not assess a person who is found to have violated this chapter the administrative costs of conducting a hearing to determine the violation.

SECTION 16. Chapter 304, Occupations Code, is amended by adding Section 304.0015 to read as follows:

Sec. 304.0015. NURSE LICENSURE COMPACT. The Nurse Licensure Compact is enacted and entered into with all other jurisdictions that legally join in the compact, which reads as follows:

NURSE LICENSURE COMPACT

ARTICLE I. FINDINGS AND DECLARATION OF PURPOSE

(a) The party states find that:

(1) the health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

(2) violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

(3) the expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

(4) new practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

(5) the current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and

(6) uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

(b) The general purposes of this compact are to:

(1) facilitate the states' responsibility to protect the public's health and safety;

(2) ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

(4) promote compliance with the laws governing the practice of nursing in each jurisdiction;

(5) invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;

(6) decrease redundancies in the consideration and issuance of nurse licenses; and

(7) provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

ARTICLE II. DEFINITIONS

As used in this compact:

(a) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws that is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.

(b) "Alternative program" means a nondisciplinary monitoring program approved by a licensing board.

(c) "Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.

(d) "Current significant investigative information" means:

(1) investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction; or

(2) investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.

(e) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.

(f) "Home state" means the party state which is the nurse's primary state of residence.

(g) "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

(h) "Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

(i) "Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN in a remote state.

(j) "Nurse" means RN or LPN/VN, as those terms are defined by each party state's practice laws.

(k) "Party state" means any state that has adopted this compact.

(l) "Remote state" means a party state, other than the home state.

(m) "Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

(n) "State" means a state, territory, or possession of the United States and the District of Columbia.

(o) "State practice laws" means a party state's laws, rules, and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. "State practice laws" do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

ARTICLE III. GENERAL PROVISIONS AND JURISDICTION

(a) A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party state.

(b) A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an

applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

(c) Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:

(1) meets the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;

(2)(i) has graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program; or

(ii) has graduated from a foreign RN or LPN/VN prelicensure education program that (a) has been approved by the authorized accrediting body in the applicable country and (b) has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;

(3) has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing, and listening;

(4) has successfully passed an NCLEX-RN or NCLEX-PN Examination or a recognized predecessor, as applicable;

(5) is eligible for or holds an active, unencumbered license;

(6) has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

(7) has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;

(8) has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

(9) is not currently enrolled in an alternative program;

(10) is subject to self-disclosure requirements regarding current participation in an alternative program; and

(11) has a valid United States social security number.

(d) All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

(e) A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing

practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided.

(f) Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license.

(g) Any nurse holding a home state multistate license, on the effective date of this compact, may retain and renew the multistate license issued by the nurse's then-current home state, provided that:

(1) a nurse, who changes primary state of residence after this compact's effective date, must meet all applicable Article III(c) requirements to obtain a multistate license from the new home state; or

(2) a nurse who fails to satisfy the multistate licensure requirements in Article III(c) due to a disqualifying event occurring after this compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators ("commission").

ARTICLE IV. APPLICATIONS FOR LICENSURE IN A PARTY STATE

(a) Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.

(b) A nurse may hold a multistate license, issued by the home state, in only one party state at a time.

(c) If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the commission.

(1) The nurse may apply for licensure in advance of a change in primary state of residence.

(2) A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

(d) If a nurse changes primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

ARTICLE V. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE

LICENSING BOARDS

(a) In addition to the other powers conferred by state law, a licensing board shall have the authority to:

(1) take adverse action against a nurse's multistate licensure privilege to practice within that party state.

(i) Only the home state shall have the power to take adverse action against a nurse's license issued by the home state.

(ii) For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(2) issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state.

(3) complete any pending investigation of a nurse who changes primary state of residence during the course of such investigation. The licensing board shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

(4) issue subpoenas for both hearings and investigations that require the attendance and testimony of a witness, as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedures of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(5) obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks, and use the results in making licensure decisions.

(6) if otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.

(7) take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.

(b) If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

(c) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

ARTICLE VI. COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF INFORMATION

(a) All party states shall participate in a coordinated licensure information system of all licensed registered nurses (RNs) and licensed practical/vocational nurses (LPNs/VNs). This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

(b) The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

(c) All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications (with the reasons for such denials), and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.

(d) Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.

(e) Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

(f) Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

(g) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

(h) The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:

- (1) identifying information;
- (2) licensure data;
- (3) information related to alternative program participation; and
- (4) other information that may facilitate the administration of this compact, as determined by commission rules.

(i) The compact administrator of a party state shall provide all investigative documents and information requested by another party state.

ARTICLE VII. ESTABLISHMENT OF INTERSTATE COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS

(a) The party states hereby create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators.

- (1) The commission is an instrumentality of the party states.
- (2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, Voting, and Meetings

(1) Each party state shall have and be limited to one administrator. The head of the state licensing board or a designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

(2) Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules and the creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article VIII.

(5) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

- (i) noncompliance of a party state with its obligations under this compact;

(ii) the employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(iii) current, threatened, or reasonably anticipated litigation;

(iv) negotiation of contracts for the purchase or sale of goods, services, or real estate;

(v) accusing any person of a crime or formally censuring any person;

(vi) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(vii) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(viii) disclosure of investigatory records compiled for law enforcement purposes;

(ix) disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact; or

(x) matters specifically exempted from disclosure by federal or state statute.

(6) If a meeting or portion of a meeting is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(c) The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact, including but not limited to:

(1) establishing the fiscal year of the commission;

(2) providing reasonable standards and procedures:

(i) for the establishment and meeting of other committees; and

(ii) governing any general or specific delegation of any authority or function of the commission;

(3) providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the

administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;

(4) establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the commission;

(5) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission; and

(6) providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations.

(d) The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the commission.

(e) The commission shall maintain its financial records in accordance with the bylaws.

(f) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(g) The commission shall have the following powers:

(1) to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;

(2) to bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;

(3) to purchase and maintain insurance and bonds;

(4) to borrow, accept, or contract for services of personnel, including, but not limited to, employees of a party state or nonprofit organizations;

(5) to cooperate with other organizations that administer state compacts related to the regulation of nursing, including, but not limited to, sharing administrative or staff expenses, office space, or other resources;

(6) to hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(7) to accept any and all appropriate donations, grants, and gifts of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(8) to lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, whether real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

(9) to sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed;

(10) to establish a budget and make expenditures;

(11) to borrow money;

(12) to appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, consumer representatives, and other such interested persons;

(13) to provide and receive information from, and to cooperate with, law enforcement agencies;

(14) to adopt and use an official seal; and

(15) to perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice.

(h) Financing of the Commission

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities, and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states.

(3) The commission shall not incur an obligation of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the party states, except by and with the authority of such party state.

(4) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(i) Qualified Immunity, Defense, and Indemnification

(1) The compact administrators, officers, executive directors, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property, or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that nothing in this subdivision shall be construed to protect any such person from suit or liability for any damages, loss, injury, or liability caused by the intentional, wilful, or wanton misconduct of that person.

(2) The commission shall defend any administrator, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or

omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional, wilful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any administrator, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that the actual or alleged act, error, or omission did not result from the intentional, wilful, or wanton misconduct of that person.

ARTICLE VIII. RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.

(b) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(c) Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) on the website of the commission; and

(2) on the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

(d) The notice of proposed rulemaking shall include:

(1) the proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) the text of the proposed rule or amendment, and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person; and

(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(e) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(f) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

(g) The commission shall publish the place, time, and date of the scheduled public hearing.

(1) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

(2) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(h) If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided that the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, and in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) meet an imminent threat to public health, safety, or welfare;

(2) prevent a loss of commission or party state funds; or

(3) meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

(l) The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

ARTICLE IX. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(a) Oversight

(1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.

(2) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the commission, and shall have standing to intervene in such a proceeding for all

purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(b) Default, Technical Assistance, and Termination

(1) If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(i) provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and

(ii) provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state's membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states.

(4) A state whose membership in this compact has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of the termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(c) Dispute Resolution

(1) Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and nonparty states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

(3) In the event the commission cannot resolve disputes among party states arising under this compact:

(i) the party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute; and

(ii) the decision of a majority of the arbitrators shall be final and binding.

(d) Enforcement

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the U.S. District Court for the District of Columbia or in the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE X. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENTS

(a) This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact into law by no less than twenty-six (26) states or December 31, 2018. All party states to this compact that also were parties to the prior Nurse Licensure Compact, superseded by this compact ("prior compact"), shall be deemed to have withdrawn from said prior compact within six (6) months after the effective date of this compact.

(b) Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior compact until the party state has withdrawn from the prior compact.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

(d) A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

(e) Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this compact.

(f) This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

(g) Representatives of nonparty states to this compact shall be invited to participate in the activities of the commission, on a nonvoting basis, prior to the adoption of this compact by all states.

ARTICLE XI. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or the United States, or if the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held to be contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

SECTION 17. Chapter 304, Occupations Code, is amended by adding Section 304.0025 to read as follows:

Sec. 304.0025. RULES ADOPTED UNDER COMPACT. The Interstate Commission of Nurse Licensure Compact Administrators established under the Nurse Licensure Compact under Section 304.0015 may not adopt rules that alter the requirements or scope of practice of a license issued under Chapter 301. Any rule adopted by the Interstate Commission of Nurse Licensure Compact Administrators that purports to alter the requirements or scope of practice of a license issued under Chapter 301 is not enforceable.

SECTION 18. Section 304.006(a), Occupations Code, is amended to read as follows:

(a) On request and payment of a reasonable fee, the Texas Board of Nursing shall provide a registered or vocational nurse licensed by this state with a copy of information regarding the nurse maintained by the coordinated licensure information system under Article VI [7] of the Nurse Licensure Compact.

SECTION 19. Section 304.008(a), Occupations Code, is amended to read as follows:

(a) In reporting information to the coordinated licensure information system under Article VI [7] of the Nurse Licensure Compact, the Texas Board of Nursing may disclose personally identifiable information about the nurse, including the nurse's social security number.

SECTION 20. (a) Sections 301.160 and 301.163, Occupations Code, are repealed.

(b) Effective December 31, 2018, Sections 304.001 and 304.009, Occupations Code, are repealed.

SECTION 21. (a) Except as provided by Subsection (b) of this section, Section 301.059, Occupations Code, as amended by this Act, applies to a member of the Texas Board of Nursing appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Board of Nursing who, before the effective date of this Act, completed the training program required by Section 301.059, Occupations Code, as that law existed before the effective date of this Act, is

required to complete additional training only on subjects added to the training program required by Section 301.059, Occupations Code, as amended by this Act. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2017, until the member completes the additional training.

SECTION 22. (a) Not later than May 31, 2018, the Texas Board of Nursing shall adopt the rules necessary to implement the changes in law made by this Act to Section 301.157, Occupations Code. In adopting rules under this subsection, the board shall provide an opportunity for public comment and, through the board's Advisory Committee on Education, seek comment from interested parties. The rules must:

(1) clearly define substantially equivalent education standards for purposes of recognizing a school of nursing or educational program operated in another state; and

(2) establish a process for enabling students enrolled in an out-of-state school of nursing or educational program that does not meet standards substantially equivalent to the board's standards to apply for initial licensure under Chapter 301, Occupations Code.

(b) Not later than March 1, 2018, the Texas Board of Nursing shall adopt the rules necessary to implement the changes in law made by this Act to Sections 301.252 and 301.452, Occupations Code. In adopting rules under this subsection, the board shall seek comments from relevant interested parties.

(c) Section 301.157(d-11), Occupations Code, as amended by this Act, applies beginning with the passage rates available in January 2018, reflecting the passage rates for the preceding year. If the passage rate for a clinical competency assessment program available in January 2018 does not meet the Texas Board of Nursing's required passage rate for students of approved in-state programs, the clinical competency assessment program shall complete the self-study required under Section 301.157(d-11)(1), Occupations Code, as amended by this Act, not later than May 31, 2018.

(d) Sections 301.301(b) and 301.461, Occupations Code, as amended by this Act, apply only to the assessment of the administrative costs of conducting a hearing to determine a violation on or after the effective date of this Act. The assessment of the administrative costs of conducting a hearing to determine a violation before the effective date of this Act is governed by the law in effect on the date the administrative costs were assessed, and the former law is continued in effect for that purpose.

(e) Section 301.459, Occupations Code, as amended by this Act, applies only to a contested case for which an administrative law judge employed by the State Office of Administrative Hearings issues written findings of fact and conclusions of law on or after the effective date of this Act. A contested case for which an administrative law judge employed by the State Office of Administrative Hearings issues written findings of fact and conclusions of law before the effective date of this Act is governed by the law in effect on the date the findings of fact and conclusions of law were issued, and the former law is continued in effect for that purpose.

(f) Not later than March 1, 2019, the Texas Board of Nursing shall implement Section 301.1583, Occupations Code, as added by this Act, and remove any disciplinary actions from the nurse licensure verification page on the board's Internet website that meet the requirements of that section.

SECTION 23. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

Representative Burkett moved to adopt the conference committee report on **HB 2950**.

The motion to adopt the conference committee report on **HB 2950** prevailed by (Record 1953): 134 Yeas, 11 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Biedermann; Cain; Lang; Murr; Phillips; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Dukes.

Absent — Gutierrez; Klick.

HB 1553 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Lozano submitted the following conference committee report on **HB 1553**:

Austin, Texas, May 26, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1553** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hinojosa
Campbell
Lucio
Nelson
L. Taylor

On the part of the senate

Lozano
Morrison
Ashby
Gooden
K. King

On the part of the house

HB 1553, A bill to be entitled An Act relating to permitting a school district that has failed to satisfy performance standards to partner with an institution of higher education to improve district performance.

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

SECTION 1. Section 39.102(a), Education Code, is amended to read as follows:

(a) If a school district does not satisfy the accreditation criteria under Section 39.052, the academic performance standards under Section 39.053 or 39.054, or any financial accountability standard as determined by commissioner rule, or if considered appropriate by the commissioner on the basis of a special accreditation investigation under Section 39.057, the commissioner shall take any of the following actions to the extent the commissioner determines necessary:

- (1) issue public notice of the deficiency to the board of trustees;
- (2) order a hearing conducted by the board of trustees of the district for the purpose of notifying the public of the insufficient performance, the improvements in performance expected by the agency, and the interventions and sanctions that may be imposed under this section if the performance does not improve;
- (3) order the preparation of a student achievement improvement plan that addresses each academic achievement indicator under Section 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and implementation of the plan;
- (4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;
- (5) arrange a monitoring review of the district;
- (6) appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees or the superintendent;
- (7) appoint a conservator to oversee the operations of the district;
- (8) appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;
- (9) authorize the district to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution of higher education in improving the district's performance;

(10) if a district has a current accreditation status of accredited-warned or accredited-probation, fails to satisfy any standard under Section 39.054(e), or fails to satisfy financial accountability standards as determined by commissioner rule, appoint a board of managers to exercise the powers and duties of the board of trustees;

(11) ~~[(10)]~~ if for two consecutive school years, including the current school year, a district has received an accreditation status of accredited-warned or accredited-probation, has failed to satisfy any standard under Section 39.054(e), or has failed to satisfy financial accountability standards as determined by commissioner rule, revoke the district's accreditation and:

(A) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or

(B) in the case of a home-rule school district or open-enrollment charter school, order closure of all programs operated under the district's or school's charter; or

(12) ~~[(11)]~~ if a district has failed to satisfy any standard under Section 39.054(e) due to the district's dropout rates, impose sanctions designed to improve high school completion rates, including:

(A) ordering the development of a dropout prevention plan for approval by the commissioner;

(B) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section 29.081;

(C) ordering lower student-to-counselor ratios on school campuses with high dropout rates; and

(D) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

SECTION 2. Section 39.111(c), Education Code, is amended to read as follows:

(c) A conservator or management team, if directed by the commissioner, shall prepare a plan for the implementation of action under Section 39.102(a)(10) or (11) ~~[39.102(a)(9) or (10)]~~. The conservator or management team:

(1) may direct an action to be taken by the principal of a campus, the superintendent of the district, or the board of trustees of the district;

(2) may approve or disapprove any action of the principal of a campus, the superintendent of the district, or the board of trustees of the district;

(3) may not take any action concerning a district election, including ordering or canceling an election or altering the date of or the polling places for an election;

(4) may not change the number of or method of selecting the board of trustees;

(5) may not set a tax rate for the district; and

(6) may not adopt a budget for the district that provides for spending a different amount, exclusive of required debt service, from that previously adopted by the board of trustees.

SECTION 3. This Act applies beginning with the 2017-2018 school year.

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

Representative Lozano moved to adopt the conference committee report on **HB 1553**.

The motion to adopt the conference committee report on **HB 1553** prevailed by (Record 1954): 140 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; 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; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Lang; Schaefer; Stickland; Tinderholt.

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

Absent, Excused — Dukes.

Absent — Anderson, C.; Kacal.

SB 1329 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Smithee submitted the conference committee report on **SB 1329**.

Representative Smithee moved to adopt the conference committee report on **SB 1329**.

The motion to adopt the conference committee report on **SB 1329** prevailed by (Record 1955): 144 Yeas, 0 Nays, 2 Present, not voting.

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

Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; 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; Paddie(C).

Absent, Excused — Dukes.

Absent — Deshotel; Giddings; Israel.

SB 1248 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Lucio submitted the conference committee report on **SB 1248**.

Representative Lucio moved to adopt the conference committee report on **SB 1248**.

The motion to adopt the conference committee report on **SB 1248** prevailed by (Record 1956): 133 Yeas, 12 Nays, 2 Present, not voting.

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

Nays — Bell; Bonnen, G.; Cain; Collier; Dale; Goldman; Leach; Murr; Phillips; Romero; Schofield; Swanson.

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

Absent, Excused — Dukes.

Absent — Nevárez; Workman.

STATEMENT OF VOTE

When Record No. 1956 was taken, I was shown voting no. I intended to vote yes.

Schofield

SB 312 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Gonzales submitted the conference committee report on **SB 312**.

SB 312 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE E. THOMPSON: You and I had a conversation a little earlier today in regard to some subaccounts that were in this piece of legislation, correct?

REPRESENTATIVE GONZALES: Yes, sir.

E. THOMPSON: I'm basically asking this for legislative intent, because an actual addition to that was that the senate put on there a date for the environmental portion that a project had to be environmentally done by. I believe 2014 was the date.

GONZALES: Yes, sir, January 1, 2014.

E. THOMPSON: My concern is that one of the projects in my district, Highway 288, is one of those exemptions, if you will, to this new legislation. And I want to make sure for the future that this January 2014 date does not in any way inhibit Highway 288's ability to come under the subaccount or that future expansion of Highway 288 would not be impacted by this 2014 date.

GONZALES: Yes, sir, thank you for the question. And so you had asked about the subaccounts that were exempted from the amendment, and there are a few of them. I will read to you what it says here, Mr. Thompson. We are adding language specifying the requirement does not apply to the contribution of funds for a project if the environmental review process began on or before January 1, 2014.

E. THOMPSON: Okay, let me understand this from the standpoint of an expansion of an existing roadway that is in that subaccount. Say for example, if this toll road authority that is on the Brazoria County side of it—the distinction here, the problem here is that there is a Harris County portion of this toll road and then there's a Brazoria County side of it. Brazoria County has its own toll road authority. What their concern is that as they expand this roadway, that they would not be able to use those funds from TxDOT, that they could agree upon to expand the existing toll road.

GONZALES: Yes, sir. I see what you're asking.

E. THOMPSON: And in our conversation, your reply to me was that that was not to be worried about, and that this January 2014 date was placed in there for a particular project that was in the Austin area that a senator was concerned about.

GONZALES: Yes, sir.

E. THOMPSON: So I just want to make sure for legislative intent that we are on the same page on this going forward.

GONZALES: It is our understanding that the active subaccounts include the subaccount for State Highway 288 and that you would have had to have a contribution of funds for a project if the environmental review process began on or before January 1, 2014. I don't know exactly when you guys began the environmental review process for State Highway 288, Representative Thompson.

E. THOMPSON: Well, and that's my big concern about this, that while the environmental portion of this has already been done on the portion that is going to be completed right now, I'm not sure that the environmental portion has been done on the remainder of this roadway. Because this roadway goes from the Brazoria County line to where the Grand Parkway is anticipated to cross Highway 288. So there is a stretch there that is not currently being built, but yet I don't know if the environmental process has been done on that additional portion. So that's where my concern is, is that this date would then prohibit them from being able to possibly collect funds on the new portion even though it's an extension of an existing portion.

GONZALES: And I don't know what date the extension of Nolan Ryan Expressway has as to when the environmental began. I don't know what date that was.

E. THOMPSON: Okay, and I'm not sure either.

REMARKS ORDERED PRINTED

Representative E. Thompson moved to print remarks between Representative Gonzales and Representative E. Thompson.

The motion prevailed.

Representative Gonzales moved to adopt the conference committee report on **SB 312**.

The motion to adopt the conference committee report on **SB 312** prevailed by (Record 1957): 144 Yeas, 2 Nays, 2 Present, not voting.

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

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

Nays — Gervin-Hawkins; Minjarez.

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

Absent, Excused — Dukes.

Absent — Deshotel.

SB 319 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Raymond submitted the conference committee report on **SB 319**.

Representative Raymond moved to adopt the conference committee report on **SB 319**.

The motion to adopt the conference committee report on **SB 319** prevailed by (Record 1958): 102 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Bernal; Blanco; Bohac; Burkett; Button; Capriglione; Coleman; Collier; Cook; Cortez; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Pickett; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bonnen, D.; Bonnen, G.; Burns; Burrows; Cain; Canales; Elkins; Fallon; Goldman; Hefner; Kacal; Krause; Landgraf; Lang; Leach; Metcalf; Murr; Phillips; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simmons; Springer; Stickland; Swanson; Tinderholt; White; Wilson; Zedler.

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

Absent, Excused — Dukes.

Absent — Clardy; Cosper; Hinojosa; Holland; Johnson, J.; Larson; Nevárez; Price; VanDeaver.

STATEMENTS OF VOTE

When Record No. 1958 was taken, I was in the house but away from my desk. I would have voted yes.

Clardy

When Record No. 1958 was taken, I was in the house but away from my desk. I would have voted yes.

Cosper

When Record No. 1958 was taken, I was in the house but away from my desk. I would have voted yes.

Hinojosa

When Record No. 1958 was taken, I was in the house but away from my desk. I would have voted yes.

Holland

When Record No. 1958 was taken, I was shown voting yes. I intended to vote no.

Laubenberg

When Record No. 1958 was taken, I was shown voting yes. I intended to vote no.

Phelan

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 30).

PROVIDING FOR ADJOURNMENT

At 6:28 p.m., Representative Gutierrez moved that, at the conclusion of the receipt of messages from the senate and administrative duties, the house adjourn until 2 p.m. tomorrow in memory of Specialist Isiah L. Booker of Cibolo, Private First Class Juan L. Castro of San Antonio, Captain Jake Frederick of Corpus Christi, Chief Warrant Officer II Lucas Maurice Lowe of Hardin, Staff Sergeant James F. Moriarty of Kerrville, Chief Warrant Officer III Dustin Lee Mortenson of League City, Captain Jordan B. Pierson of Abilene, and Warrant Officer Travis R. Tamayo of Brownsville.

The motion prevailed.

(Phillips in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

(Geren in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 1:50 p.m. Sunday, May 28, adjourned until 2 p.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. 34

HB 51, HB 867, HB 1407, HB 1507, HB 2565, HB 2762, HB 3066, HB 3496, HB 3690, HB 3784

Senate List No. 30

SB 102, SB 227, SB 396, SB 441, SB 546, SB 554, SB 564, SB 570, SB 588, SB 589, SB 744, SB 749, SB 769, SB 825, SB 830, SB 840, SB 873, SB 922, SB 928, SB 948, SB 969, SB 1004, SB 1005, SB 1009, SB 1037, SB 1047, SB 1051, SB 1063, SB 1089, SB 1123, SB 1158, SB 1177, SB 1205, SB 1250, SB 1353, SB 1371, SB 1384, SB 1501, SB 1522, SB 1676, SB 1727, SB 1735, SB 1767, SB 1878, SB 1944, SB 2068, SB 2084, SB 2141, SB 2166, SB 2174, SB 2267, SB 2275, SB 2280, SB 2283

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

Saturday, May 27, 2017 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 248

(31 Yeas, 0 Nays)

SB 468	(31 Yeas, 0 Nays)
SB 526	(31 Yeas, 0 Nays)
SB 736	(26 Yeas, 5 Nays)
SB 810	(31 Yeas, 0 Nays)
SB 814	(30 Yeas, 1 Nay)
SB 1024	(31 Yeas, 0 Nays)
SB 1198	(28 Yeas, 3 Nays)
SB 1525	(31 Yeas, 0 Nays)
SB 1566	(26 Yeas, 5 Nays)
SB 1992	(28 Yeas, 3 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 1929

Senate Conferees: Kolkhorst - Chair/Buckingham/Miles/Schwertner/Taylor, Van

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 21

Senate Conferees: Taylor, Larry - Chair/Bettencourt/Campbell/Hughes/Lucio

THE SENATE HAS RECOMMENDED THE FOLLOWING MEASURES TO CONFERENCE COMMITTEE:

SB 1172

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Saturday, May 27, 2017 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 490	(28 Yeas, 3 Nays)
SB 719	(31 Yeas, 0 Nays)
SB 807	(29 Yeas, 2 Nays)
SB 848	(31 Yeas, 0 Nays)
SB 1014	(31 Yeas, 0 Nays)
SB 1091	(30 Yeas, 1 Nay)
SB 1099	(31 Yeas, 0 Nays)
SB 1298	(31 Yeas, 0 Nays)
SB 1326	(30 Yeas, 1 Nay)
SB 1330	(30 Yeas, 0 Nays)
SB 1444	(31 Yeas, 0 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 2912

Senate Conferees: Estes - Chair/Creighton/Garcia/Lucio/Nelson

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Saturday, May 27, 2017 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 622	(29 Yeas, 2 Nays)
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SB 805 (30 Yeas, 1 Nay)
SB 1215 (28 Yeas, 3 Nays)
SB 1781 (28 Yeas, 3 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 578

Senate Conferees: Lucio - Chair/Birdwell/Creighton/Estes/Rodríguez

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1424

Senate Conferees: Birdwell - Chair/Burton/Creighton/Seliger/Whitmire

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 1 (30 Yeas, 1 Nay)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENROLLED

May 26 - HB 51, HB 867, HB 1407, HB 1507, HB 2565, HB 2671, HB 2762, HB 3066, HB 3294, HB 3496, HB 3690, HB 3784

SENT TO THE GOVERNOR

May 26 - HB 10, HB 45, HB 238, HB 280, HB 490, HB 505, HB 785, HB 1075, HB 1099, HB 1151, HB 1217, HB 1260, HB 1298, HB 1455, HB 1469, HB 1472, HB 1492, HB 1494, HB 1644, HB 1724, HB 1787, HB 1866, HB 1877, HB 1904, HB 1917, HB 1944, HB 1983, HB 2015, HB 2070, HB 2087, HB 2119, HB 2157, HB 2220, HB 2252, HB 2334, HB 2369, HB 2559, HB 2578, HB 2610, HB 2908, HB 3019, HB 3024, HB 3046, HB 3055, HB 3056, HB 3125, HB 3218, HB 3391, HB 3423, HB 3442, HB 3803, HB 3859, HB 3907, HB 3921, HB 3952, HB 4038, HB 4147

SIGNED BY THE GOVERNOR

May 26 - HB 88, HB 216, HB 257, HB 263, HB 294, HB 544, HB 561, HB 594, HB 635, HB 639, HB 728, HB 873, HB 920, HB 979, HB 999, HB 1073, HB 1083, HB 1101, HB 1106, HB 1116, HB 1128, HB 1197, HB 1227, HB 1257, HB 1345, HB 1355, HB 1428, HB 1456, HB 1555, HB 1570, HB 1584, HB 1606, HB 1619, HB 1648, HB 1655, HB 1697, HB 1701, HB 1761, HB 1774, HB 1780, HB 1790, HB 1793, HB 1819, HB 1860, HB 2027, HB 2056, HB 2065, HB 2097, HB 2113, HB 2324, HB 2425, HB 2437, HB 2579, HB 2580, HB 2582, HB 2823, HB 2933, HB 2964, HB 2968, HB 2989, HB 3051, HB 3237, HB 3276, HB 3536, HB 4156, HCR 31, HCR 133, HCR 134

FILED WITHOUT THE GOVERNOR'S SIGNATURE

May 26 - HB 3954