

HOUSE JOURNAL

EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FOURTH DAY — MONDAY, MAY 13, 2019

The house met at 1:02 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1349).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Absent, Excused — Bohac; Clardy; Johnson, E.

Absent — Herrero.

The invocation was offered by Will Bostian, pastor, The City Church, Fort Worth.

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

(Goldman in the chair)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Clardy on motion of Ashby.

E. Johnson on motion of Muñoz.

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

Bowers on motion of Deshotel.

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

Bohac on motion of Miller.

CAPITOL PHYSICIAN

The chair recognized Representative Shine who presented Dr. Jocelyn Wilson of Temple as the "Doctor for the Day."

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

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. 21).

REGULAR ORDER OF BUSINESS SUSPENDED

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

COMMITTEE GRANTED PERMISSION TO MEET

Representative Leach requested permission for the Committee on Judiciary and Civil Jurisprudence to meet while the house is in session, at 1:30 p.m. today, in 3W.15, to consider referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 1:30 p.m. today, 3W.15, for a formal meeting, to consider referred business.

LEAVE OF ABSENCE GRANTED

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

Stickland on motion of Cain.

FIVE-DAY POSTING RULE SUSPENDED

Representative Bernal moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 723**, **SB 820**, and **SB 1045** at 8 a.m. tomorrow in E2.026.

The motion prevailed.

HR 1280 - INTRODUCTION OF GUESTS

The chair recognized Representative Bucy who introduced family members of Donald Anthony Garritano.

(Kuempel in the chair)

HR 627 - INTRODUCTION OF GUESTS

The chair recognized Representative Goldman who introduced representatives of the Tarrant County Criminal District Attorney's Office.

(Goldman in the chair)

HR 887 - INTRODUCTION OF GUESTS

The chair recognized Representatives Burrows, Springer, and Holland who introduced Josh Abbott and representatives of Mac's Pit Barbecue and Catering and JAB Cares.

HR 1603 - ADOPTED

(by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 1603**.

The motion prevailed.

The following resolution was laid before the house:

HR 1603, Commending Carlos González Gutiérrez for his four years of service as the consul general of Mexico in Austin.

HR 1603 was adopted.

HR 1535 - ADOPTED

(by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1535**.

The motion prevailed.

The following resolution was laid before the house:

HR 1535, Electing the children of house members to the office of mascot.

HR 1535 was adopted.

HR 1536 - ADOPTED

(by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1536**.

The motion prevailed.

The following resolution was laid before the house:

HR 1536, Designating the grandchildren of house members as honorary mascots.

HR 1536 was adopted.

**HR 1620 - ADOPTED
(by Frank)**

Representative Frank moved to suspend all necessary rules to take up and consider at this time **HR 1620**.

The motion prevailed.

The following resolution was laid before the house:

HR 1620, Congratulating Corporal Joshua Moer of the Texas Department of Public Safety on being named the 2018 Trooper of the Year by the International Association of Chiefs of Police.

HR 1620 was adopted.

On motion of Representative Toth, the names of all the members of the house were added to **HR 1620** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Frank who introduced Joshua Moer and his wife, Camela, and representatives of the Texas Department of Public Safety.

LEAVE OF ABSENCE GRANTED

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

Howard on motion of Israel.

HR 1332 - INTRODUCTION OF GUESTS

The chair recognized Representative Parker who introduced Jack Tolbert and his wife, Velma.

**SB 20 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative S. Thompson moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Miller as a co-sponsor to **SB 20**.

The motion prevailed.

**HR 1619 - ADOPTED
(by Zerwas)**

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 1619**.

The motion prevailed.

The following resolution was laid before the house:

HR 1619, Congratulating Cinco Ranch High School football coach Donald Clayton on his retirement.

HR 1619 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Zerwas who introduced Donald Clayton and members of his family.

HR 1600 - ADOPTED

(by Cain)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 1600**.

The motion prevailed.

The following resolution was laid before the house:

HR 1600, Honoring the members of the Texas Young Republican Federation on the occasion of their legislative day at the State Capitol.

HR 1600 was adopted.

SB 615 - COMMITTEE ON CALENDARS RULE ADOPTED

Representative Price moved to adopt the following rule governing floor consideration for **SB 615**:

Section 1. This rule for floor consideration of **SB 615** is proposed by the Committee on Calendars, pursuant to House Rule 3, Section 4(2). The rule will be effective if it is approved by the house, in accordance with House Rule 6, Section 16(f).

Section 2. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 10 a.m. on Wednesday, May 15.

The Committee on Calendars rule was adopted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Leach moved to suspend the five-day posting rule to allow the Committee on Judiciary and Civil Jurisprudence to consider **SB 560**, **SB 1649**, **SB 1783**, **SB 2215**, and **SB 2364** at 9 a.m. tomorrow in E2.012.

The motion prevailed.

MAJOR STATE CALENDAR

SENATE BILLS

SECOND READING

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

SB 20 ON SECOND READING**(S. Thompson, Krause, Collier, White, Y. Davis, et al. - House Sponsors)**

SB 20, A bill to be entitled An Act relating to the prevention of, prosecution of, penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses and to orders of nondisclosure for persons who committed certain of those offenses; regulating occupations to prevent and respond to those criminal offenses, including requiring a student occupational permit for those purposes; authorizing fees; increasing criminal penalties; creating criminal offenses.

Representative S. Thompson moved to postpone consideration of **SB 20** until 10 a.m. Wednesday, May 15.

The motion prevailed.

GENERAL STATE CALENDAR**SENATE BILLS****SECOND READING**

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

CSSB 14 ON SECOND READING**(Kuempel, Ashby, K. Bell, P. King, Price, et al. - House Sponsors)**

CSSB 14, A bill to be entitled An Act relating to broadband service or facilities provided by an electric cooperative.

Amendment No. 1

Representative Kuempel offered the following amendment to **CSSB 14**:

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

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

(2) On page 2, line 11, between "be" and "comparable", insert "just and reasonable and be".

Amendment No. 1 was adopted.

CSSB 14, as amended, was passed to third reading.

SB 281 ON SECOND READING**(M. González - House Sponsor)**

SB 281, A bill to be entitled An Act relating to the use of certain language regarding a person who is deaf or hard of hearing in statutes or resolutions.

SB 281 was passed to third reading.

CSSB 670 ON SECOND READING**(Price, Guillen, Sheffield, Ashby, M. González, et al. - House Sponsors)**

CSSB 670, A bill to be entitled An Act relating to Medicaid telemedicine and telehealth services.

Representative Price moved to postpone consideration of **CSSB 670** until 2:50 p.m. today.

The motion prevailed.

CSSB 198 ON SECOND READING
(Canales - House Sponsor)

CSSB 198, A bill to be entitled An Act relating to payment for the use of a highway toll project.

CSSB 198 was passed to third reading.

CSSB 27 ON SECOND READING
(Hefner - House Sponsor)

CSSB 27, A bill to be entitled An Act relating to recovery of damages, attorney's fees, and costs related to frivolous claims and regulatory actions by state agencies.

CSSB 27 was passed to third reading.

SB 370 ON SECOND READING
(Smithee - House Sponsor)

SB 370, A bill to be entitled An Act relating to employment protections for jury service.

SB 370 was passed to third reading.

SB 1438 ON SECOND READING
(Bailes and E. Thompson - House Sponsors)

SB 1438, A bill to be entitled An Act relating to prohibitions on the disposition of property interests by navigation districts for certain purposes.

SB 1438 was passed to third reading.

SB 467 ON SECOND READING
(Leach - House Sponsor)

SB 467, A bill to be entitled An Act relating to the procedures of the State Commission on Judicial Conduct.

SB 467 was passed to third reading.

CSSB 479 ON SECOND READING
(Longoria - House Sponsor)

CSSB 479, A bill to be entitled An Act relating to the inclusion in the definition of a medical and dental unit of the Dell Medical School at The University of Texas at Austin and the School of Medicine at The University of Texas Rio Grande Valley and the participation of those schools in certain programs and funding.

CSSB 479 was passed to third reading.

CSSB 747 ON SECOND READING
(Lucio - House Sponsor)

CSSB 747, A bill to be entitled An Act relating to required notice of the cost and health benefit plan coverage of newborn screening tests.

Amendment No. 1

Representative Lucio offered the following amendment to **CSSB 747**:

Amend **CSSB 747** (house committee report) as follows:

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

SECTION _____. Section 33.004(f), Health and Safety Code, is amended to read as follows:

(f) The executive commissioner by rule shall ~~may~~ establish the amounts charged for newborn screening fees, including fees assessed for follow-up services, tracking confirmatory testing, and diagnosis. In adopting rules under this subsection, the executive commissioner shall ensure that amounts charged for newborn screening fees are sufficient to cover the costs of performing the screening.

SECTION _____. Chapter 33, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. NEWBORN SCREENING PRESERVATION ACCOUNT

Sec. 33.051. DEFINITION. In this subchapter, "account" means the newborn screening preservation account established under Section 33.052.

Sec. 33.052. CREATION OF ACCOUNT. (a) The newborn screening preservation account is a dedicated account in the general revenue fund. Money in the account may be appropriated only to the department and only for the purpose of carrying out the newborn screening program established under this chapter.

(b) On November 1 of each year, the comptroller shall transfer to the account any unexpended and unencumbered money from Medicaid reimbursements collected by the department for newborn screening services during the preceding state fiscal year.

(c) The account is composed of:

- (1) money transferred to the account under Subsection (b);
- (2) gifts, grants, donations, and legislative appropriations; and
- (3) interest earned on the investment of money in the account.

(d) Section 403.0956, Government Code, does not apply to the account.

(e) The department administers the account. The department may solicit and receive gifts, grants, and donations from any source for the benefit of the account.

Sec. 33.053. DEDICATED USE. (a) The department may use any money remaining in the account after paying the costs of operating the newborn screening program established under this chapter only to:

(1) pay the costs of offering additional newborn screening tests not offered under this chapter before September 1, 2019, including the operational costs incurred during the first year of implementing the additional tests; and

(2) pay for capital assets, equipment, and renovations for the laboratory established by the department to ensure the continuous operation of the newborn screening program.

(b) The department may not use money from the account for the department's general operating expenses.

Sec. 33.054. REPORT. If the department requires an additional newborn screening test under Subchapter B the costs of which are funded with money appropriated from the newborn screening preservation account, the department shall, not later than September 1 of each even-numbered year, prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature having primary jurisdiction over the department a written report that:

(1) summarizes the implementation plan for the test, including anticipated completion dates for implementing the test and potential barriers to conducting the test; and

(2) summarizes the actions taken by the department to fund and implement the test during the preceding two years.

SECTION _____. Notwithstanding Section 33.054, Health and Safety Code, as added by this Act, the Department of State Health Services shall submit the first report required by that section not later than December 1, 2019.

(2) On page 3, line 9, strike "The change in law made by this Act applies" and substitute "Section 33.019, Health and Safety Code, as added by this Act, and Sections 1271.154 and 1367.003, Insurance Code, as amended by this Act, apply".

Amendment No. 1 was adopted.

CSSB 747, as amended, was passed to third reading.

SB 2140 ON SECOND READING **(Burrows - House Sponsor)**

SB 2140, A bill to be entitled An Act relating to the amount of civil penalties the attorney general may seek to recover under the Deceptive Trade Practices-Consumer Protection Act.

SB 2140 was passed to third reading.

(Speaker in the chair)

SB 683 ON SECOND READING **(Allison - House Sponsor)**

SB 683, A bill to be entitled An Act relating to the licensing and regulation of pharmacists and pharmacies.

Representative Allison moved to postpone consideration of **SB 683** until 10 a.m. tomorrow.

The motion prevailed.

SB 979 ON SECOND READING
(Kacal - House Sponsor)

SB 979, A bill to be entitled An Act relating to including cuttings as a form of propagation for citrus budwood and citrus nursery stock certification programs.

SB 979 was passed to third reading.

SB 1582 ON SECOND READING
(Wray, Blanco, Burns, and Guillen - House Sponsors)

SB 1582, A bill to be entitled An Act relating to benefits for peace officers relating to certain diseases or illnesses.

Amendment No. 1

Representative Dutton offered the following amendment to **SB 1582**:

Amend **SB 1582** (house committee printing) as follows:

- (1) On page 1, lines 21-22, strike ", or other law".
- (2) Strike SECTIONS 6 and 7 of the bill (page 4, line 20 through page 5, line 22).
- (3) Add the following appropriately numbered SECTION to the bill:
SECTION _____. Section 607.054, Government Code, is amended to read as follows:

Sec. 607.054. TUBERCULOSIS OR OTHER RESPIRATORY ILLNESS.

(a) A firefighter or emergency medical technician who suffers from tuberculosis, or any other disease or illness of the lungs or respiratory tract that has a statistically positive correlation with service as a firefighter or emergency medical technician, that results in death or total or partial disability is presumed to have contracted the disease or illness during the course and scope of employment as a firefighter or emergency medical technician.

(b) A peace officer who suffers from tuberculosis that results in death or total or partial disability is presumed to have contracted tuberculosis during the course and scope of employment as a peace officer.

- (4) Renumber the SECTIONS of the bill accordingly.

Representative Wray moved to postpone consideration of **SB 1582** until 2:43 p.m. today.

The motion prevailed.

SB 1582 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative Nevárez moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Canales as a co-sponsor to **SB 1582**.

The motion prevailed.

POSTPONED BUSINESS

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

SB 1582 ON SECOND READING**(Wray, Blanco, Burns, Guillen, et al. - House Sponsors)**

SB 1582, A bill to be entitled An Act relating to benefits for peace officers relating to certain diseases or illnesses.

SB 1582 was read second time earlier today, an amendment was offered, and **SB 1582** was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

SB 1582 was passed to third reading.

CSSB 670 ON SECOND READING**(Price, Guillen, Sheffield, Ashby, M. González, et al. - House Sponsors)**

CSSB 670, A bill to be entitled An Act relating to Medicaid telemedicine and telehealth services.

CSSB 670 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Schaefer offered the following amendment to **CSSB 670**:

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

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

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

Amendment No. 1 was adopted.

Amendment No. 2

Representative Oliverson offered the following amendment to **CSSB 670**:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) recordkeeping requirements; and

(6) security requirements.

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

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

Amendment No. 2 was adopted.

CSSB 670, as amended, was passed to third reading.

HB 1689 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1689, A bill to be entitled An Act relating to disclosure regarding the existence of a gestational agreement in a suit for the dissolution of a marriage and standing of an intended parent under a gestational agreement to file a suit affecting the parent-child relationship.

Representative Deshotel moved to concur in the senate amendments to **HB 1689**.

The motion to concur in the senate amendments to **HB 1689** prevailed by (Record 1350): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee;

Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Bowers; Clardy; Howard; Johnson, E.; Stickland.

Absent — Herrero; Huberty; Meza.

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

Amend **HB 1689** (senate committee printing), in SECTION 2 of the bill, in added Section 102.003(a)(15), Family Code (page 2, line 27), by striking "substantially".

LEAVE OF ABSENCE GRANTED

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

Huberty on motion of Murphy.

HB 2137 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2137, A bill to be entitled An Act relating to an application made by certain retired state and federal officers to obtain a license to carry a handgun; waiving a fee.

Representative Burns moved to concur in the senate amendments to **HB 2137**.

The motion to concur in the senate amendments to **HB 2137** prevailed by (Record 1351): 139 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithe; Springer; Stephenson; Stucky; Swanson;

Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Schaefer.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Bowers; Clardy; Howard; Huberty; Johnson, E.; Stickland.

Absent — Biedermann; Herrero.

STATEMENT OF VOTE

When Record No. 1351 was taken, I was in the house but away from my desk. I would have voted yes.

Biedermann

Senate Committee Substitute

CSHB 2137, A bill to be entitled An Act relating to an application made by certain retired state and federal officers to obtain a license to carry a handgun; waiving a fee.

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

SECTION 1. Section 411.199, Government Code, is amended by amending Subsections (b), (d), (f), and (g) and adding Subsections (e) and (e-1) to read as follows:

(b) The person shall submit two complete sets of legible and classifiable fingerprints and a sworn statement from the head of the law enforcement agency employing the applicant. A head of a law enforcement agency may not refuse to issue a statement under this subsection. If the applicant alleges that the statement is untrue, the department shall investigate the validity of the statement. The statement must include:

- (1) the name and rank of the applicant;
- (2) the status of the applicant before retirement;
- (3) whether or not the applicant was accused of misconduct at the time of the retirement;
- (4) the physical and mental condition of the applicant;
- (5) the type of weapons the applicant had demonstrated proficiency with during the last year of employment;
- (6) whether the applicant would be eligible for reemployment with the agency, and if not, the reasons the applicant is not eligible; ~~and~~
- (7) a recommendation from the agency head regarding the issuance of a license under this subchapter; and
- (8) whether the applicant holds a current certificate of proficiency under Section 1701.357, Occupations Code.

(d) The department shall waive any fee required [An applicant under this section must pay a fee of \$25] for a license issued under this subchapter to an applicant under this section.

(e) An applicant under this section who complies with Subsections (b) and (c) or Subsection (g), as applicable, and with the other requirements of this subchapter is not required to complete the classroom instruction portion of the handgun proficiency course described by Section 411.188 to obtain a license under this subchapter.

(e-1) An applicant described by Subsection (e) who holds a current certificate of proficiency under Section 1701.357, Occupations Code, is not required to complete the range instruction portion of the handgun proficiency course described by Section 411.188 to obtain a license under this subchapter.

(f) A license issued under this subchapter to an applicant under this section expires as provided by Section 411.183.

(g) A retired officer of the United States who was eligible to carry a firearm in the discharge of the officer's official duties is eligible to apply under this section for a license issued under this subchapter ~~[section]~~. An applicant described by this subsection may submit the application at any time after retirement. The applicant shall submit with the application proper proof of retired status by presenting the following documents prepared by the agency from which the applicant retired:

- (1) retirement credentials; and
- (2) a letter from the agency head stating the applicant retired in good standing.

SECTION 2. Section 411.199, Government Code, as amended by this Act, applies only to an application for a license to carry a handgun submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2019.

HB 347 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative P. King called up with senate amendments for consideration at this time,

HB 347, A bill to be entitled An Act relating to consent annexation requirements.

Representative P. King moved to concur in the senate amendments to **HB 347**.

The motion to concur in the senate amendments to **HB 347** prevailed by (Record 1352): 131 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Buckley; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Cole; Coleman; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, M.; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Holland; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel;

Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; Romero; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas.

Nays — Beckley; Bucy; Collier; González, J.; Hinojosa; Ramos; Rose; Sherman; Wiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Bowers; Clardy; Howard; Huberty; Johnson, E.; Stickland.

Absent — Goodwin; Herrero.

STATEMENT OF VOTE

When Record No. 1352 was taken, I was shown voting no. I intended to vote yes.

Sherman

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

Amend **HB 347** (senate committee printing) in SECTION 4.01 of the bill adding transition language as follows:

(1) In Subsection (a) (page 7, line 3), strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(2) Immediately after Subsection (b) (page 7, between lines 20 and 21), add the following:

(c) Until the fourth anniversary of the date that final judgment in an action described by this subsection is rendered, the changes in law made by this Act do not apply to an annexation of an area described by this subsection, and an annexation of an area described by this subsection is governed by Chapter 43, Local Government Code, as it existed on January 1, 2019. This subsection applies only to an area that is:

(1) wholly located in a county that:

(A) borders the Gulf of Mexico; and

(B) contains an international border; and

(2) proposed to be annexed by a municipality that is a named party in an action:

(A) involving issues of fact or law relating to the annexation; and

(B) commenced before January 1, 2019.

**HB 1397 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1397, A bill to be entitled An Act relating to the establishment of rates for certain non-ERCOT utilities.

Representative Phelan 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 1397**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1397**: Phelan, chair; Deshotel, Frullo, Nevárez, and Paddie.

**HB 303 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 303, A bill to be entitled An Act relating to entities eligible to authorize the creation of a spaceport development corporation.

Representative Paul moved to concur in the senate amendments to **HB 303**.

The motion to concur in the senate amendments to **HB 303** prevailed by (Record 1353): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Bowers; Clardy; Howard; Huberty; Johnson, E.; Stickland.

Absent — Herrero.

Senate Committee Substitute

CSHB 303, A bill to be entitled An Act relating to entities eligible to authorize the creation of spaceport development corporations and to the powers of those corporations.

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

SECTION 1. Section 507.003, Local Government Code, is amended to read as follows:

Sec. 507.003. **AUTHORITY TO CREATE CORPORATION BY ELIGIBLE ENTITIES.** The following entities are eligible to authorize the creation under this subtitle of a spaceport development corporation:

- (1) a county; ~~or~~
- (2) a municipality with a population of two million or more; or
- (3) a combination of one or more municipalities and one or more counties.

SECTION 2. Section 507.051, Local Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) If a single county authorizes the creation of a spaceport development corporation, the commissioners court of the county shall appoint the directors of the corporation. If a single municipality authorizes the creation of a spaceport development corporation under Section 507.003(2), the governing body of the municipality shall appoint the directors of the corporation.

(b-1) If more than one political subdivision authorizes the creation of a spaceport development corporation, the governing bodies of the political subdivisions shall appoint the directors through written agreement between the governing bodies.

SECTION 3. Section 507.103, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This section does not apply to a spaceport development corporation whose authorizing entity is a single municipality with a population of two million or more.

(a-1) A spaceport development corporation may exercise the power of eminent domain to acquire property for a spaceport, including the power to:

- (1) acquire fee title in land condemned;
- (2) relocate or modify a railroad, utility line, pipeline, or other facility that may interfere with a spaceport; or
- (3) impose a reasonable restriction on using the surface of the property for mineral development if the corporation does not own the mineral rights.

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

**HB 435 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 435, A bill to be entitled An Act relating to the maintenance of information entered into a fee record.

Representative Shaheen moved to concur in the senate amendments to **HB 435**.

The motion to concur in the senate amendments to **HB 435** prevailed by (Record 1354): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Bowers; Clardy; Howard; Huberty; Johnson, E.; Stickland.

Absent — Herrero.

Senate Committee Substitute

CSHB 435, A bill to be entitled An Act relating to the maintenance of information entered into a fee record.

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

SECTION 1. Subchapter G, Chapter 51, Government Code, is amended by adding Section 51.609 to read as follows:

Sec. 51.609. UNCOLLECTIBLE FEES. (a) The clerk may request the court in which a court cost or fee was imposed on a party in a civil case to make a finding that the cost or fee is uncollectible if the cost or fee has been unpaid for at least 15 years.

(b) On a finding by a court that a court cost or fee imposed on a party in a civil case is uncollectible, the court may order the clerk to designate the cost or fee as uncollectible in the fee record. The clerk shall attach a copy of the court's order to the fee record.

(c) This section does not apply to a court cost or fee imposed by the supreme court, the court of criminal appeals, or a court of appeals.

SECTION 2. Article 103.0081(c), Code of Criminal Procedure, is repealed.

SECTION 3. This Act takes effect September 1, 2019.

HB 650 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 650, A bill to be entitled An Act relating to inmates of the Texas Department of Criminal Justice.

Representative White moved to concur in the senate amendments to **HB 650**.

The motion to concur in the senate amendments to **HB 650** prevailed by (Record 1355): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Bowers; Clardy; Howard; Huberty; Johnson, E.; Stickland.

Absent — Herrero.

Senate Committee Substitute

CSHB 650, A bill to be entitled An Act relating to inmates of the Texas Department of Criminal Justice.

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

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.032 to read as follows:

Sec. 493.032. CORRECTIONAL OFFICER TRAINING RELATED TO PREGNANT INMATES. (a) The department shall provide training relating to medical and mental health care issues applicable to pregnant inmates to:

(1) each correctional officer employed by the department at a facility in which female inmates are confined; and

(2) any other department employee whose duties involve contact with pregnant inmates.

(b) The training must include information regarding:

(1) appropriate care for pregnant inmates; and

(2) the impact on a pregnant inmate and the inmate's unborn child of:

(A) the use of restraints;

(B) placement in administrative segregation; and

(C) invasive searches.

SECTION 2. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.0101 to read as follows:

Sec. 501.0101. STUDY OF VISITATION POLICIES; REPORT. (a) The department shall conduct a study of the effect of the department's visitation policies under Sections 501.010 and 507.030 on the relationships between inmates or defendants and their children. In conducting the study, the department shall:

(1) review:

(A) evidence-based visitation practices that enhance parental bonding and engagement; and

(B) age-appropriate visitation activities for children that enhance cognitive and motor skills; and

(2) consider implementing changes to the policies to strengthen the relationships between inmates or defendants and their children.

(b) Not later than December 31, 2020, the department shall report the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over the department.

(c) This section expires February 1, 2021.

SECTION 3. Subchapter A, Chapter 501, Government Code, is amended by adding Sections 501.0215 and 501.026 to read as follows:

Sec. 501.0215. EDUCATIONAL PROGRAMMING FOR PREGNANT INMATES. The department shall develop and provide to each pregnant inmate educational programming relating to pregnancy and parenting. The programming must include instruction regarding:

(1) appropriate prenatal care and hygiene;

(2) the effects of prenatal exposure to alcohol and drugs on a developing fetus;

(3) parenting skills; and

(4) medical and mental health issues applicable to children.

Sec. 501.026. LIMITATION ON CERTAIN SEARCHES. The department shall adopt a policy regarding a search of any room or other area that occurs while a female inmate who is not fully clothed is present in the room or area. The policy must:

(1) require that the search be conducted by a female correctional officer if one is available;

(2) include staffing procedures to ensure the availability of female officers; and

(3) provide that if it is necessary for a male correctional officer to conduct the search, the officer must submit a written report explaining the reasons for the search to the warden not later than 72 hours after the search.

SECTION 4. Section 501.066(a), Government Code, is amended to read as follows:

(a) The department may not place ~~use~~ restraints around the ankles, legs, or waist ~~[to control the movement]~~ of a pregnant woman in the custody of the department at any time after the woman's pregnancy has been confirmed by a medical professional ~~[during which the woman is in labor or delivery or recovering from delivery]~~, unless the director, the ~~or~~ director's designee, or a medical professional determines that the use of restraints is necessary based on a reasonable belief that the ~~to:~~

~~[(1) ensure the safety and security of the]~~ woman will harm herself, or her unborn child or infant, or any other person ~~[department or medical personnel, or any member of the public;]~~ or

~~[(2) prevent a substantial risk that the woman]~~ will attempt escape.

SECTION 5. Subchapter B, Chapter 501, Government Code, is amended by adding Sections 501.0665, 501.0666, 501.0667, 501.0675, and 501.070 to read as follows:

Sec. 501.0665. CERTAIN INVASIVE SEARCHES PROHIBITED. (a) Except as provided by Subsection (b), any invasive body cavity search of a pregnant inmate shall be conducted by a medical professional.

(b) A correctional officer may conduct an invasive body cavity search of a pregnant inmate only if the officer has a reasonable belief that the inmate is concealing contraband. An officer who conducts a search described by this section shall submit a written report to the warden not later than 72 hours after the search. The report must:

(1) explain the reasons for the search; and

(2) identify any contraband recovered in the search.

Sec. 501.0666. NUTRITION REQUIREMENTS FOR PREGNANT INMATES. The department shall ensure that pregnant inmates are provided sufficient food and dietary supplements, including prenatal vitamins, as ordered by an appropriate medical professional.

Sec. 501.0667. INMATE POSTPARTUM RECOVERY REQUIREMENTS. (a) The department shall ensure that, for a period of 72 hours after the birth of an infant by an inmate:

(1) the infant is allowed to remain with the inmate, unless a medical professional determines doing so would pose a health or safety risk to the inmate or infant; and

(2) the inmate has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.

(b) The department shall make the items described by Section (a)(2) available free of charge to an indigent inmate.

Sec. 501.0675. PROVISION OF FEMININE HYGIENE PRODUCTS. (a) In this section, "feminine hygiene product" means:

(1) a regular or large size tampon with applicator;

(2) a regular or large size sanitary napkin or menstrual pad with wings;

(3) a regular size panty liner; or

(4) any other similar item sold for the principal purpose of feminine hygiene in connection with the menstrual cycle.

(b) On request of a female inmate, the department shall provide free of charge to the inmate up to 10 feminine hygiene products per day that comply with applicable federal standards for comfort, effectiveness, and safety.

Sec. 501.070. TRAUMA HISTORY SCREENING. The department shall:

(1) screen each female inmate during the diagnostic process to determine whether the inmate has experienced adverse childhood experiences or other significant trauma; and

(2) refer the inmate as needed to the appropriate medical or mental health care professional for treatment.

SECTION 6. Subchapter D, Chapter 501, Government Code, is amended by adding Section 501.114 to read as follows:

Sec. 501.114. HOUSING REQUIREMENTS APPLICABLE TO PREGNANT INMATES. (a) The department may not place in administrative segregation an inmate who is pregnant or who gave birth during the preceding 30 days unless the director or director's designee determines that the placement is necessary based on a reasonable belief that the inmate will harm herself, her unborn child or infant, or any other person or will attempt escape.

(b) The department may not assign a pregnant inmate to any bed that is elevated more than three feet above the floor.

SECTION 7. As soon as practicable after the effective date of this Act, but not later than December 1, 2019, the Texas Department of Criminal Justice shall adopt rules and policies necessary to implement this Act.

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

HB 1828 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1828, A bill to be entitled An Act relating to prohibiting the sale and purchase of certain aquatic products; creating a criminal offense; increasing a criminal penalty.

Representative Martinez moved to concur in the senate amendments to **HB 1828**.

The motion to concur in the senate amendments to **HB 1828** prevailed by (Record 1356): 121 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, K.; Bernal; Blanco; Buckley; Bucy; Burrows; Button; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Hinojosa; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wilson; Wray; Wu; Zerwas; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Burns; Cain; Holland; King, P.; Lang; Leman; Metcalf; Murr; Oliverson; Patterson; Price; Swanson; Tinderholt; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Bowers; Clardy; Howard; Huberty; Johnson, E.; Stickland.

Absent — Beckley; Herrero; Middleton.

STATEMENTS OF VOTE

When Record No. 1356 was taken, I was in the house but away from my desk. I would have voted no.

Middleton

When Record No. 1356 was taken, I was shown voting yes. I intended to vote no.

Schaefer

Senate Committee Substitute

CSHB 1828, A bill to be entitled An Act relating to prohibiting the sale and purchase of certain aquatic products; creating a criminal offense; increasing a criminal penalty.

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

SECTION 1. Subchapter A, Chapter 47, Parks and Wildlife Code, is amended by adding Section 47.0121 to read as follows:

Sec. 47.0121. **UNLAWFUL COMMERCIAL SALE OR PURCHASE OF AQUATIC PRODUCTS.** (a) A person commits an offense if the person purchases for resale or receives for sale, barter, exchange, transport, or any other commercial purpose aquatic products that are taken, possessed, transported, or sold in violation of a federal or state law or regulation.

(b) It is an affirmative defense to prosecution under this section that the person:

(1) had no reason to believe at the time the offense was committed that the aquatic products purchased for resale or received for sale, barter, exchange, transport, or any other commercial purpose were taken, possessed, transported, or sold in violation of a federal or state law or regulation; and

(2) purchased or received the aquatic products described by Subdivision (1) from a seller who had a valid commercial license to sell aquatic products.

SECTION 2. Section 47.051, Parks and Wildlife Code, is amended to read as follows:

Sec. 47.051. PENALTY. Except as provided by Sections ~~[Section]~~ 47.052 and 47.053 ~~[of this code]~~, a person who violates a provision of this chapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 3. Subchapter C, Chapter 47, Parks and Wildlife Code, is amended by adding Section 47.053 to read as follows:

Sec. 47.053. PENALTY. (a) A person who violates or fails to comply with Section 47.0121 commits an offense that is:

(1) a Class B Parks and Wildlife Code misdemeanor punishable by a fine of at least:

(A) \$500 if the weight of the aquatic products totals 10 pounds or more but less than 50 pounds; or

(B) \$1,000 if the weight of the aquatic products totals 50 pounds or more but less than 100 pounds;

(2) a Class A Parks and Wildlife Code misdemeanor punishable by a fine of at least:

(A) \$1,500 if the weight of the aquatic products totals 100 pounds or more but less than 200 pounds; or

(B) \$2,000 if the weight of the aquatic products totals 200 pounds or more but less than 300 pounds; or

(3) a Parks and Wildlife Code state jail felony for which, in addition to confinement, the person may be punished by a fine of at least:

(A) \$3,000 if the weight of the aquatic products totals 300 pounds or more but less than 500 pounds; or

(B) \$4,000 if the weight of the aquatic products totals 500 pounds or more.

(b) An offense under this section may be prosecuted in the county in which the aquatic products were unlawfully taken, possessed, transported, or sold or in any county through or into which the aquatic products were taken or transported.

(c) When aquatic products are obtained in violation of Section 47.0121 under one scheme or continuing course of conduct, whether from the same or several sources, the scheme or conduct may be considered as one offense and the weight of the aquatic products aggregated in determining the grade of the offense.

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2019.

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).

COMMITTEES GRANTED PERMISSION TO MEET

Representative Nevárez moved that the house grant permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings or recess motions.

Permission to meet was granted.

(Goldman in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 27).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, upon adjournment or during bill referral, if permission granted, today, Desk 35, for a formal meeting, to consider **SB 2553**.

Ways and Means, upon adjournment or during bill referral, if permission granted, today, 3W.9, for a formal meeting, to consider referred and pending business.

Business and Industry, upon adjournment or during bill referral, if permission granted, today, 3W.15, for a formal meeting, to consider **SB 339**, **SB 1414**, and pending and referred business.

Public Health, upon adjournment or during bill referral, if permission granted, today, 3W.3, for a formal meeting, to consider referred and pending business.

Environmental Regulation, upon adjournment today, Desk 69, for a formal meeting, to consider referred and pending business.

Homeland Security and Public Safety, upon adjournment or during bill referral, if permission granted, today, Desk 75, for a formal meeting, to consider referred and pending business.

PROVIDING FOR RECESS

At 3:13 p.m., Representative Morrison moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10 a.m. tomorrow.

The motion prevailed and the chairman of the Committee on House Administration directed the sergeant-at-arms to open the doors of the house to permit public attendance at the formal meetings announced to meet at a desk.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

RECESS

In accordance with a previous motion, the house, at 3:19 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

- SB 139** to Public Education.
- SB 207** to Criminal Jurisprudence.
- SB 293** to Public Education.
- SB 451** to Public Education.
- SB 550** to Corrections.
- SB 629** to Public Education.
- SB 694** to Environmental Regulation.
- SB 732** to Public Health.
- SB 756** to International Relations and Economic Development.
- SB 784** to Public Education.
- SB 869** to Public Education.
- SB 911** to Natural Resources.
- SB 947** to Public Education.
- SB 970** to Judiciary and Civil Jurisprudence.
- SB 1033** to State Affairs.
- SB 1109** to Human Services.
- SB 1145** to Public Health.
- SB 1294** to Ways and Means.

SB 1315 to County Affairs.
SB 1428 to Ways and Means.
SB 1441 to Higher Education.
SB 1463 to Business and Industry.
SB 1543 to Human Services.
SB 1570 to Pensions, Investments, and Financial Services.
SB 1600 to Public Education.
SB 1623 to Insurance.
SB 1637 to Criminal Jurisprudence.
SB 1663 to Culture, Recreation, and Tourism.
SB 1689 to Pensions, Investments, and Financial Services.
SB 1788 to Higher Education.
SB 1884 to Agriculture and Livestock.
SB 1913 to Urban Affairs.
SB 1987 to Ways and Means.
SB 2011 to Public Health.
SB 2083 to Ways and Means.
SB 2136 to Criminal Jurisprudence.
SB 2283 to Public Education.
SB 2445 to Urban Affairs.
SB 2452 to Natural Resources.
SB 2558 to Land and Resource Management.
SCR 61 to Resolutions Calendars.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 27

HB 39, HB 71, HB 105, HB 306, HB 339, HB 374, HB 380, HB 392, HB 402, HB 405, HB 559, HB 598, HB 695, HB 723, HB 791, HB 799, HB 811, HB 853, HB 917, HB 986, HB 1064, HB 1067, HB 1218, HB 1300, HB 1331, HB 1385, HB 1415, HB 1422, HB 1494, HB 1508, HB 1520, HB 1525, HB 1540, HB 1554, HB 1555, HB 1612, HB 1627, HB 1656, HB 1665, HB 1760, HB 1785, HB 1821, HB 1837, HB 1838, HB 1854, HB 1872, HB 1934, HB 1935, HB 1944, HB 1996, HB 2039, HB 2079, HB 2105, HB 2127, HB 2228, HB 2235, HB 2243, HB 2298, HB 2326, HB 2330, HB 2338, HB 2425, HB 2458, HB 2471, HB 2551, HB 2570, HB 2597, HB 2820, HB 2888, HB 2900, HB 3020, HB 3093, HB 3094,

**HB 3095, HB 3122, HB 3217, HB 3246, HB 3422, HB 3459, HB 3580,
HB 4650, HB 4651, HB 4654, HCR 40, HCR 47, HCR 59, HCR 122, HJR 12**

Senate List No. 21

SCR 21, SCR 60

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, May 13, 2019

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 638 Capriglione **SPONSOR: Powell**
Relating to the issuance of posthumous high school diplomas to certain students.

HB 1483 Frank **SPONSOR: Perry**
Relating to a pilot program for assisting certain recipients of public benefits to gain permanent self-sufficiency.
(Committee Substitute)

HB 2867 Metcalf **SPONSOR: Creighton**
Relating to the creation of the Sam Houston State University College of Osteopathic Medicine.
(Committee Substitute)

HB 4071 Longoria **SPONSOR: Hinojosa**
Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.
(Committee Substitute)

HCR 169 Hefner **SPONSOR: Fallon**
In memory of Olin "Cliff" Hand of Royse City.

SB 740 Hughes
Relating to the creation of a state financing program administered by the Texas Public Finance Authority to assist school districts with certain expenses; granting authority to issue bonds or other obligations.

SB 804 Rodríguez

Relating to conditions of community supervision for defendants convicted of certain criminal offenses involving animals.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 586 (31 Yeas, 0 Nays)

SB 1055 (29 Yeas, 2 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 10

Criminal Jurisprudence - **SB 1164, SB 1268**

Culture, Recreation, and Tourism - **SB 1270**

Defense and Veterans' Affairs - **SB 89**

Human Services - **SB 195, SB 568, SB 569, SB 708**

Judiciary and Civil Jurisprudence - **SB 346**

Public Health - **SB 916, SB 1096, SB 1239, SB 1636**

State Affairs - **SB 943**

Ways and Means - **SB 129, SB 597, SB 956, SB 1262, SB 1319, SB 1772, SB 1824, SB 1856, SB 1876, SB 2208**

ENGROSSED

May 10 - **HB 62, HB 183, HB 217, HB 288, HB 737, HB 798, HB 876, HB 907, HB 970, HB 975, HB 981, HB 1019, HB 1090, HB 1091, HB 1120, HB 1143, HB 1152, HB 1174, HB 1185, HB 1320, HB 1477, HB 1546, HB 1761, HB 1880, HB 1885, HB 2059, HB 2205, HB 2209, HB 2286, HB 2288, HB 2403, HB 2554, HB 2628, HB 2640, HB 2642, HB 2767, HB 2897, HB 2931, HB 2942, HB 2971, HB 2987, HB 3001, HB 3014, HB 3021, HB 3057, HB 3088, HB 3145, HB 3147, HB 3193, HB 3222, HB 3243, HB 3284, HB 3285, HB 3293, HB 3303, HB 3314, HB 3316, HB 3397, HB 3424, HB 3490, HB 3503, HB 3553, HB 3568, HB 3578, HB 3800, HB 4032, HB 4067, HB 4086, HB 4129, HB 4158, HB 4236, HB 4245, HB 4270, HB 4346, HB 4372, HB 4420, HB 4428, HB 4462, HB 4493, HB 4513, HB 4568, HB 4606, HB 4668, HB 4689, HB 4693, HB 4715, HB 4734, HB 4741, HB 4747, HB 4748, HB 4749, HB 4753,**

HB 4754, HB 4762

ENROLLED

May 10 - HB 39, HB 71, HB 105, HB 306, HB 339, HB 374, HB 380, HB 392, HB 402, HB 405, HB 559, HB 598, HB 695, HB 723, HB 791, HB 799, HB 811, HB 853, HB 917, HB 986, HB 1064, HB 1067, HB 1218, HB 1300, HB 1331, HB 1385, HB 1415, HB 1494, HB 1508, HB 1520, HB 1525, HB 1540, HB 1554, HB 1555, HB 1612, HB 1627, HB 1656, HB 1665, HB 1760, HB 1785, HB 1821, HB 1837, HB 1838, HB 1854, HB 1872, HB 1934, HB 1935, HB 1944, HB 1996, HB 2039, HB 2079, HB 2105, HB 2127, HB 2228, HB 2235, HB 2243, HB 2298, HB 2326, HB 2330, HB 2338, HB 2425, HB 2458, HB 2471, HB 2551, HB 2570, HB 2597, HB 2820, HB 2888, HB 2900, HB 3020, HB 3093, HB 3094, HB 3095, HB 3122, HB 3217, HB 3246, HB 3422, HB 3459, HB 3580, HB 4650, HB 4651, HB 4654, HCR 40, HCR 47, HCR 59, HCR 122, HJR 12

SENT TO THE GOVERNOR

May 10 - HB 125, HB 145, HB 852, HB 982, HB 1066, HB 1476, HB 2004, HB 2255, HB 2310, HB 2324, HB 3348

RECOMMENDATIONS FILED WITH THE SPEAKER

May 10 - HB 4712