

HOUSE JOURNAL

EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SEVENTH DAY — THURSDAY, MAY 16, 2019

The house met at 10:02 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1414).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; 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; Herrero; 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 — Johnson, E.

The invocation was offered by Ryan M. Hart, pastor, Open Cathedral, Leander, as follows:

Mother God, father of us all, spirit of wonder and love, truth that permeates our existence, it is so easy for us to feel disconnected, it is so tempting to find enemies wherever we go. There are so many lines between us, right and wrong, good and bad, right and left, progressive and conservative. We draw lines in the sand, we draw lines on paper, we draw lines between us, but the most meaningful of lines is the one drawn around us all. The holiest of lines is the line that encompasses us all, the line that draws us into one beloved family. You teach us, we are reminded, that we know the truth. That though we are different; though our families, our cultures, our experiences, our religions, our origins, our identities are different; though we are unique—we are one family, one people, one created universe of love.

The beauty of nature, the strength of Texas, the wisdom of God is not in conformity but in diversity bathed in love. So may we be brave enough to love someone who is hard to love. May we be strong enough to serve those who cannot repay our work. May we be wise enough to learn from someone not at all like us. And most of all, may we have faith in the goodness within us, you and me, faith in the goodness in each other, the goodness that draws us together into one family, now and forever. Amen.

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

LEAVE OF ABSENCE GRANTED

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

E. Johnson on motion of Muñoz.

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Goldman in the chair)

HR 1508 - ADOPTED (by Minjarez)

Representative Minjarez moved to suspend all necessary rules to take up and consider at this time **HR 1508**.

The motion prevailed.

The following resolution was laid before the house:

HR 1508, Honoring Dorcas Seals of Austin for her 20-year career in social work and mental health.

HR 1508 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Minjarez who introduced Dorcas Seals and members of her family.

HR 583 - INTRODUCTION OF GUESTS

The chair recognized Representative Morrison who introduced Joe Braman, Richard Jankovsky, and Geoff Connor.

HR 1605 - ADOPTED (by Springer)

Representative Springer moved to suspend all necessary rules to take up and consider at this time **HR 1605**.

The motion prevailed.

The following resolution was laid before the house:

HR 1605, Recognizing May 16, 2019, as American Heritage Girls Day at the State Capitol.

HR 1605 was adopted.

HR 1481 - INTRODUCTION OF GUESTS

The chair recognized Representative Wu who introduced representatives of the Islamic Society of Greater Houston.

HR 1595 - ADOPTED **(by Calanni)**

Representative Calanni moved to suspend all necessary rules to take up and consider at this time **HR 1595**.

The motion prevailed.

The following resolution was laid before the house:

HR 1595, Commending Jessica Rubio for her service as a legislative aide in the office of State Representative Gina Calanni during the 86th Legislative Session.

HR 1595 was adopted.

HR 1596 - ADOPTED **(by Calanni)**

Representative Calanni moved to suspend all necessary rules to take up and consider at this time **HR 1596**.

The motion prevailed.

The following resolution was laid before the house:

HR 1596, Commending Arielle Declouette on her service as a legislative aide in the office of State Representative Gina Calanni.

HR 1596 was adopted.

HR 626 - INTRODUCTION OF GUESTS

The chair recognized Representative Clardy who introduced family members of James W. "Jim" Arnold.

HR 1634 - ADOPTED **(by Nevárez)**

Representative Nevárez moved to suspend all necessary rules to take up and consider at this time **HR 1634**.

The motion prevailed.

The following resolution was laid before the house:

HR 1634, Congratulating the varsity cheerleading team from Brackett High School in Brackettville for placing third at the 2019 UIL 2A State Spirit Championship.

HR 1634 was adopted.

HR 1636 - ADOPTED
(by Nevárez)

Representative Nevárez moved to suspend all necessary rules to take up and consider at this time **HR 1636**.

The motion prevailed.

The following resolution was laid before the house:

HR 1636, Congratulating Rachel Crismore of Brackettville on her receipt of a Good Citizen Award from the Uvalde de las Encinas Chapter of the Daughters of the American Revolution.

HR 1636 was adopted.

HR 1290 - INTRODUCTION OF GUESTS

The chair recognized Representative Paul who introduced representatives of the U.S. Coast Guard Auxiliary.

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. 30).

HR 1559 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1559**.

The motion prevailed.

The following resolution was laid before the house:

HR 1559, Congratulating the Gamma Sigma Philo Affiliate of Sigma Gamma Rho Sorority on its 70th anniversary.

HR 1559 was adopted.

SB 1264 - RECOMMITTED

Representative Oliverson moved to recommit **SB 1264** to the Committee on Insurance.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Huberty requested permission for the Committee on Public Education to meet while the house is in session, at 11:45 a.m. today, in 1W.14, to consider pending and referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, 11:45 a.m. today, 1W.14, for a formal meeting, to consider pending and referred business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Thompson requested permission for the Committee on Public Health to meet while the house is in session, at 11:45 a.m. today, in 3W.9, to consider pending and referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, 11:45 a.m. today, 3W.9, for a formal meeting, to consider pending and referred business.

HR 1642 - ADOPTED

(by Craddick)

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HR 1642**.

The motion prevailed.

The following resolution was laid before the house:

HR 1642, Congratulating the Trinity School of Midland girls' golf team on winning the 2019 TAPPS 4A state championship.

HR 1642 was adopted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, scheduled to meet at 11:45 a.m. today, was canceled.

**SB 1189 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Leach moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 1189** all joint authors and co-authors for **HB 2251**.

The motion prevailed.

LEAVES OF ABSENCE GRANTED

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

Allen on motion of Leach.

Allison on motion of Leach.

Ashby on motion of Leach.

K. Bell on motion of Leach.

Bernal on motion of Leach.

Dutton on motion of Leach.

M. González on motion of Leach.

Huberty on motion of Leach.

K. King on motion of Leach.

Meyer on motion of Leach.

Sanford on motion of Leach.

Talarico on motion of Leach.

VanDeaver on motion of Leach.

MAJOR STATE CALENDAR

SENATE BILLS

THIRD READING

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

SB 698 ON THIRD READING

(Lozano and Blanco - House Sponsors)

SB 698, A bill to be entitled An Act relating to the expedited processing of certain applications for permits under the Texas Clean Air Act.

SB 698 was passed by (Record 1415): 132 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; 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; Rose; Rosenthal; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Hinojosa; Ramos.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 790 ON THIRD READING
(Morrison - House Sponsor)**

SB 790, A bill to be entitled An Act relating to certain audit and reporting requirements of regional planning commissions.

SB 790 was passed by (Record 1416): 129 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Bailes; Beckley; Bell, C.; Biedermann; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; 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; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Stickland.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

Absent — Blanco; Stucky; Vo.

STATEMENTS OF VOTE

When Record No. 1416 was taken, my machine malfunctioned and I was shown voting no. I intended to vote yes.

Cain

When Record No. 1416 was taken, I was shown voting no. I intended to vote yes.

Stickland

SB 2137 ON THIRD READING
(Canales - House Sponsor)

SB 2137, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue by certain municipalities.

(VanDeaver now present)

SB 2137 was passed by (Record 1417): 103 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Bailes; Beckley; Blanco; Bohac; Bowers; Bucy; Burrows; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harris; Hernandez; Herrero; Hinojosa; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, T.; Kuempel; Lambert; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meza; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Paul; Perez; Phelan; Price; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zerwas; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Buckley; Burns; Cain; Capriglione; Craddick; Harless; Hefner; Holland; King, P.; Klick; Krause; Landgraf; Lang; Leach; Metcalf; Middleton; Murr; Noble; Parker; Patterson; Raney; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Toth; Zedler.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico.

Absent — Morales.

STATEMENTS OF VOTE

When Record No. 1417 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 1417 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1417 was taken, I was shown voting yes. I intended to vote no.

Leman

When Record No. 1417 was taken, I was shown voting yes. I intended to vote no.

Wilson

When Record No. 1417 was taken, I was shown voting yes. I intended to vote no.

Wray

SB 668 ON THIRD READING
(VanDeaver - House Sponsor)

SB 668, A bill to be entitled An Act relating to data collection, reporting, and notice requirements for certain educational entities.

SB 668 was passed by (Record 1418): 132 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; 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; Rose; Rosenthal; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Ramos.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico.

Absent — King, T.

LEAVE OF ABSENCE GRANTED

Pursuant to a previous motion, the following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Public Education:

VanDeaver on motion of Leach.

GENERAL STATE CALENDAR
(consideration continued)
SB 1784 ON THIRD READING
(Leach - House Sponsor)

SB 1784, A bill to be entitled An Act relating to the deduction from applied income of compensation paid to guardians of certain Medicaid recipients.

SB 1784 was passed by (Record 1419): 131 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Stickland.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

Absent — King, T.; Pacheco.

STATEMENTS OF VOTE

When Record No. 1419 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

When Record No. 1419 was taken, I was temporarily out of the house chamber. I would have voted yes.

Pacheco

SB 827 ON THIRD READING
(Smithee - House Sponsor)

SB 827, A bill to be entitled An Act relating to the transfer of civil cases by the judicial panel on multidistrict litigation.

SB 827 was passed by (Record 1420): 99 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Anderson; Bailes; Beckley; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cole; Cortez; Craddick; Cyrier; Darby; Davis, S.; Dean; Deshotel; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Holland; Hunter; Israel; Johnson, J.D.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Metcalf; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Romero; Rosenthal; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; White; Wilson; Wray; Wu; Zedler; Zerwas.

Nays — Anchia; Bell, C.; Blanco; Bowers; Bucy; Calanni; Canales; Coleman; Collier; Davis, Y.; Dominguez; Farrar; Fierro; González, J.; Goodwin; Herrero; Hinojosa; Howard; Johnson, J.E.; Lopez; Lucio; Martinez; Martinez Fischer; Moody; Nevárez; Pacheco; Ramos; Reynolds; Rodriguez; Rose; Sherman; Turner, J.; Vo; Walle; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

STATEMENTS OF VOTE

When Record No. 1420 was taken, I was shown voting no. I intended to vote yes.

C. Bell

When Record No. 1420 was taken, I was shown voting yes. I intended to vote no.

Neave

When Record No. 1420 was taken, I was shown voting no. I intended to vote yes.

Pacheco

When Record No. 1420 was taken, I was shown voting yes. I intended to vote no.

Romero

When Record No. 1420 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

SB 1494 ON THIRD READING

(Wu, Miller, Klick, Hinojosa, and Rose - House Sponsors)

SB 1494, A bill to be entitled An Act relating to the confidentiality of personal information of certain employees and contractors of the Department of Family and Protective Services.

SB 1494 was passed by (Record 1421): 127 Yeas, 7 Nays, 2 Present, not voting.

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

Nays — Cain; Dean; Hefner; Patterson; Schaefer; Stickland; Wilson.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

STATEMENT OF VOTE

When Record No. 1421 was taken, I was shown voting no. I intended to vote yes.

Patterson

SB 1707 ON THIRD READING**(Allen - House Sponsor)**

SB 1707, A bill to be entitled An Act relating to the duties of school district peace officers, school resource officers, and security personnel.

SB 1707 was passed by (Record 1422): 100 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Bailes; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Craddick; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frullo; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Lambert; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Ortega; Paddie; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smith; Stephenson; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wu; Zerwas; Zwiener.

Nays — Bell, C.; Burns; Cain; Clardy; Cyrier; Frank; Harris; Hefner; Hinojosa; Holland; Hunter; Krause; Kuempel; Landgraf; Lang; Metcalf; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Schaefer; Shaheen; Smithee; Springer; Stickland; Stucky; Swanson; Tinderholt; Wray; Zedler.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

Absent — Beckley; Pacheco.

STATEMENTS OF VOTE

When Record No. 1422 was taken, I was temporarily out of the house chamber. I would have voted yes.

Pacheco

When Record No. 1422 was taken, I was shown voting yes. I intended to vote no.

Wilson

SB 1189 ON THIRD READING**(Capriglione, Rose, Leach, Sheffield, Zerwas, et al. - House Sponsors)**

SB 1189, A bill to be entitled An Act relating to certain deceptive advertising of legal services.

SB 1189 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MARTINEZ FISCHER: Mr. Chairman, I intend to vote for this bill. I just wanted you to clear up a couple of things. Looking at the HRO, I noticed a professor from St. Mary's Law School, which is in San Antonio right outside the district I represent, who seems to be an authority on constitutional issues. And as I read the HRO, I understand why we want to regulate misleading advertisements in any space whether it's the practice of law or anything else. But I'm concerned in reading Professor Johnson's remarks and reading the HRO, is this an attempt to sort of regulate truthful advertisements or just misleading advertisements?

REPRESENTATIVE CAPRIGLIONE: There's always been the practice that if there's deceptive or fraudulent advertising, of course the government has an interest in protecting consumers and those that listen to that advertising. So there's no intent here to regulate or to stop anything but regular advertising. The reality, though, is that there's always been the precedent to allow for disclosures and that sort of thing.

MARTINEZ FISCHER: Sure. And again, I guess the compelling state interests—I'm just mindful of United States Supreme Court authority that talks about commercial free speech. And as long as advertisements are truthful—I guess that's a matter for someone else to decide—but the state would have to have a very high compelling interest to regulate truthful advertisements as opposed to untruthful or misleading advertisements. Would you agree with me?

CAPRIGLIONE: I would say that, obviously, truthful is telling people exactly who you are and what you are. So in some cases what we see in advertisements is that not all of that information is provided, not all of that information is clear. And if the way that it's said or the way that it's stated results in actions that could harm individuals, then that should also be regulated.

MARTINEZ FISCHER: Also just practically speaking, the district I represent has a number of law offices. As you know, I practice law for a living, and for those who advertise and practice law at the same time, does this set up sort of two different networks in terms of how one is going to follow advertising and standards by the State Bar and then is there another set of standards that would be imposed by this law?

CAPRIGLIONE: We had an amendment that was put on yesterday that essentially does provide for the State Bar to look and review, like it does already, for attorney advertisements. So what we're going to still look at—and I hope the State Bar looks at—in all of this advertising is that it is not deceptive, that it is truthful, that it is not misleading, and that it doesn't cause harm to the public.

MARTINEZ FISCHER: And in the essence of this as I understand it, not to put words in your mouth, this law will help focus on how things are said as opposed to whether they're being truthful or not. Is that what the aim is with this legislation?

CAPRIGLIONE: Well, when we laid this out in committee—I do wish I could have the television behind me to show you what some of these advertisements would say and not say. It was unclear. A lot of the text, a lot of the font, was very small. A lot of the disclosure was not really there. Some of these advertisements kind of insinuated that it was a medical opinion. Some of these advertisements

spoke very quickly. Some mumbled like I do sometimes, right? So what we want to do is make sure that those that are watching these ads don't do something that—

MARTINEZ FISCHER: And I don't disagree. We have a small collection of things we've bought on TV based on what we saw on the advertisement. So I know there's a difference. And again, if the aim is to really focus on the misleading and the deceptive, I understand that not just in the legal space, in any space. But with regard to folks that are out there just advocating and advertising and being truthful, you and I both recognize that there's a distinction there that does have a difference.

CAPRIGLIONE: And I think it would also include the truth and the whole truth. So that would include who's paying for the ads and who's behind some of this.

MARTINEZ FISCHER: I appreciate it. Thank you for my questions. I intend to vote for your bill.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Representative Capriglione and Representative Martinez Fischer on **SB 1189**.

The motion prevailed.

REPRESENTATIVE S. DAVIS: Representative, just so the body's clear, the U.S. Supreme Court rulings have made it clear that while attorneys have a right to advertise their services, states in fact can act to prevent false, deceptive, and misleading advertising. And the court has also upheld restrictions on ads that "unduly" influence individuals who are injured or distressed and restrictions on truthful, non-misleading advertisements that advance a substantial government influence. Is that your understanding of the law?

CAPRIGLIONE: That's right. In fact, there was a case, which is *Bates v. State Bar of Arizona*, where their decision prohibited blanket bans on the ability of lawyers who truthfully advertise their services. The First Amendment's protection of commercial speech, the Supreme Court found, does not allow rules that prohibit lawyers from truthfully advertising, but they reaffirmed in *Bates* that advertising that is false, deceptive, or misleading, of course, is subject to restraint.

S. DAVIS: And subsequently, United States Supreme Court decisions have upheld restrictions on attorney advertising that unduly influences people who are injured and distressed, including restrictions on soliciting patients at hospitals or accident sites. Is that correct?

CAPRIGLIONE: That's correct.

S. DAVIS: I know that there are some examples of restrictions that have been upheld, but I think the point of what you are trying to do here is the prevention of consumer deception and the protection of public health. And those are considered substantial interests under the First Amendment. Is that correct?

CAPRIGLIONE: They are of significant interest for the government to be involved in. That's correct.

S. DAVIS: And it's my understanding that the FDA has documented instances through its adverse event reporting system of people seeing attorney advertisements, becoming alarmed about the drugs that they are taking, and then discontinuing use of those medicines that are critical to their health. And this has led to serious complications and in some cases death. Is that your understanding?

CAPRIGLIONE: That is, and in our committee hearing we provided documentation and recent documentation from the federal government that shows just how many individuals have been harmed from these types of advertisements.

S. DAVIS: So your legislation is narrowly tailored, really, to serve the government's interest?

CAPRIGLIONE: That's exactly what it's for.

S. DAVIS: And the use of terms like medical alert, health alert, drug alert, and public service announcement and recall in legal service advertising can suggest some type of authoritative sponsorship or endorsement of the ads' content. Is that correct?

CAPRIGLIONE: Yes, those are clearly misleading and hope to cause an action by an individual. So in that case they're misleading—deliberately misleading.

S. DAVIS: I appreciate your bill and the clarity that I think that we've been able to show to the members.

SB 1189 was passed by (Record 1423): 112 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Bailes; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Dean; Deshotel; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goodwin; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Holland; Howard; Hunter; Israel; Johnson, J.D.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Middleton; Miller; Minjarez; Moody; Morrison; Murphy; Murr; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Rodriguez; Romero; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; Vo; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Beckley; Bowers; Cole; Davis, Y.; Dominguez; Farrar; González, J.; Guerra; Hinojosa; Johnson, J.E.; Morales; Muñoz; Neave; Nevárez; Ramos; Reynolds; Rose; Rosenthal; Schaefer; Thierry; Walle.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

Absent — Raymond.

STATEMENTS OF VOTE

When Record No. 1423 was taken, I was shown voting no. I intended to vote yes.

Farrar

When Record No. 1423 was taken, I was shown voting no. I intended to vote yes.

Rose

REMARKS ORDERED PRINTED

Representative Leach moved to print remarks between Representative Capriglione and Representative S. Davis on **SB 1189**.

The motion prevailed.

**SB 357 ON THIRD READING
(Canales - House Sponsor)**

SB 357, A bill to be entitled An Act relating to outdoor advertising signs regulated by the Texas Department of Transportation.

Amendment No. 1

Representative Canales offered the following amendment to **SB 357**:

Amend **SB 357** on third reading, in added Section 391.0381(c), Transportation Code, as added by Amendment No. 2 by Morrison, by striking "The commission may deny an application" and substituting "After notice and an opportunity for hearing before the commission, the commission may deny an application".

Amendment No. 1 was adopted.

SB 357, as amended, was passed by (Record 1424): 116 Yeas, 17 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Bailes; Beckley; Bell, C.; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Farrar; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, T.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Patterson; Paul; Perez; Phelan; Price; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Biedermann; Cain; Craddick; Dominguez; Flynn; Hefner; Hunter; King, P.; Lambert; Middleton; Parker; Schaefer; Stickland; Swanson; Tinderholt; Wilson; Zedler.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

Absent — Raney.

SB 1257 ON THIRD READING
(Leach and G. Bonnen - House Sponsors)

SB 1257, A bill to be entitled An Act relating to the investigation and prosecution of criminal offenses involving the trafficking of persons.

Representative Leach moved to postpone consideration of **SB 1257** until 11 a.m. tomorrow.

The motion prevailed.

SB 1312 ON THIRD READING
(Guerra - House Sponsor)

SB 1312, A bill to be entitled An Act relating to certain programs to prevent vector-borne and zoonotic diseases in border counties; requiring an occupational license; authorizing a fee.

SB 1312 was passed by (Record 1425): 133 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

Absent — Pacheco.

SB 1370 ON THIRD READING

(Ashby - House Sponsor)

SB 1370, A bill to be entitled An Act relating to invoices and payments under certain state contracts for outside legal services.

SB 1370 was passed by (Record 1426): 130 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

Absent — Hinojosa; Klick; Pacheco.

SB 557 ON THIRD READING

(Moody - House Sponsor)

SB 557, A bill to be entitled An Act relating to use of the electronic funds transfer system operated by the comptroller.

SB 557 was passed by (Record 1427): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Flynn; Frank;

Frullo; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; 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; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

Absent — Fierro.

(Speaker pro tempore in the chair)

SB 1852 ON THIRD READING

(Smithee - House Sponsor)

SB 1852, A bill to be entitled An Act relating to disclosures required in connection with the issuance of certain health benefit plans.

SB 1852 was passed by (Record 1428): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Middleton; Miller; Minjarez; 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; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

SB 1497 ON THIRD READING
(Parker - House Sponsor)

SB 1497, A bill to be entitled An Act relating to the registration and regulation of brokers by the Public Utility Commission of Texas.

SB 1497 was passed by (Record 1429): 95 Yeas, 38 Nays, 3 Present, not voting.

Yeas — Anchia; Bailes; Beckley; Biedermann; Blanco; Bohac; Bowers; Buckley; Bucy; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frullo; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, T.; Klick; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Ortega; Pacheco; Parker; Paul; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Anderson; Bell, C.; Bonnen; Burns; Cain; Dean; Frank; Goldman; Harris; Hefner; Holland; Hunter; King, P.; Krause; Kuempel; Landgraf; Lang; Leach; Leman; Metcalf; Middleton; Miller; Murr; Noble; Oliverson; Paddie; Price; Schaefer; Shaheen; Smith; Smithee; Springer; Stickland; Swanson; Tinderholt; Toth; Wilson; Zedler.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

STATEMENTS OF VOTE

When Record No. 1429 was taken, I was shown voting yes. I intended to vote no.

Buckley

When Record No. 1429 was taken, I was shown voting no. I intended to vote yes.

Holland

When Record No. 1429 was taken, I was shown voting no. I intended to vote yes.

Kuempel

SB 1511 ON THIRD READING

(Cyrier, Toth, Martinez, Holland, Bucy, et al. - House Sponsors)

SB 1511, A bill to be entitled An Act relating to the operation of the Battleship "Texas."

SB 1511 - REMARKS

REPRESENTATIVE CYRIER: Members, this is a bill to save our Battleship Texas.

REPRESENTATIVE CAIN: Mr. Cyrier, we were talking this morning about some things. I was hoping maybe you could clarify some of the stuff we discussed about the intentions of not returning it to San Jacinto and the reasons for that?

CYRIER: The reasons were that, as you know, there was a study done by the Battleship Foundation that showed that at its current location at the San Jacinto battlefield, it doesn't generate enough revenue. As a matter of fact, the taxpayers are spending—Texas Parks and Wildlife is having to spend up to \$2 million a year where it sits right now because of the corrosion and having to pump the water out.

CAIN: I get that, but if they're spending that money on the corrosion and pumping the water out, won't those problems be solved after it's repaired?

CYRIER: Yes, but the problem is there's not enough revenue also being generated. And there was a study done by Deloitte that showed if it moved to a location like Galveston where there's tourists, where the tourism is at, that it could actually sustain itself in terms of revenue and it could keep the battleship in the positive.

CAIN: And who did that study?

CYRIER: Deloitte.

CAIN: And who paid them to do that study?

CYRIER: Private funds through the Battleship Texas Foundation.

CAIN: And who are some of the people that are on the board of that foundation?

CYRIER: I'm not advised.

CAIN: Anybody that maybe has a financial interest? That owns businesses in Galveston and restaurants and tourist industries there?

CYRIER: I'm not advised.

CAIN: Do you have any concern that, you know, one of the unique things about the San Jacinto Battleground is some people go there to see the ship, and while they're there, they then go and then learn about Texas history by visiting the hallowed grounds of that battlefield and learning about how Texas won independence from a tyrannical federal government of another country. I think that's important. Don't you think that's important?

CYRIER: You know, I think that the historians that I've talked to—and I'll tell you, Mr. Cain, and I know you know this, but there was a lot of work that's been put into this. And I literally went into this session because at times it was looked at that the battleship was going to be transferred over from Texas Parks and Wildlife to Texas Historical Commission. And historians looking at it and looking at where it is on our battlefield from April 21, 1836—having a World War I battleship parked there didn't make sense for the battlefield. Fortunately, I believe it's 23 acres that we're going to be gaining of our original battlefield site. Now that it's in the hands—we did make the transfer, as you probably know. We made the transfer from Parks and Wildlife of the battlefield site to Texas Historical Commission. With that and the work that's being done, we're also gaining about 23 more acres of that battlefield site. Historians believe that it really is out of place. The battleship is out of place being there. But again, the main concern right now is it's not generating the revenue. The battleship is not generating the revenue funds to be able to sustain it.

CAIN: I do want to clarify something for the body and to you, Mr. Cyrier. A moment ago I made some implications about maybe people's motives for Galveston, and I would like to retract that. That was not intentional, and it may be a little reckless. So I didn't want to impugn your motives or anybody on the foundation's motives, so if the body hears that and anybody listening, thank you, Mr. Cyrier.

REPRESENTATIVE KRAUSE: As I understood the discussion yesterday, it seemed like if we didn't do what your bill did, we had two options, which was to either dry berth it or to scrap it. Is that correct?

CYRIER: That is correct. In the studies that were done, to even scrap the battleship, to scrap the Battleship Texas was \$30 million. That's just a rough estimate, but it's \$30 million. You've got to understand, this battleship obviously was built like in 1917 for World War I. But over those years it's filled with asbestos, and it also has chemicals. So just to disassemble it, just to scrap it, the estimates are above \$30 million. So here's an opportunity to save our battleship, which we're thrilled to be able to do, to save our battleship for roughly around \$35 million.

KRAUSE: We've talked a lot about preserving history and making sure future generations can partake in that history. If it's just dry berthed and kind of left to its own devices where it is now, it's not going to tell a lot of the story, right? I mean, we actually need to do this renovation to actually get it to a place where we can actually further the history of this magnificent ship.

CYRIER: Many studies have also looked at dry berthing her, putting her on dry land right there at the same site. The studies done on that were over \$100 million—\$100 million—and I think this body would agree like I do. We love our battleship, but to spend another \$100 million to keep it there and to save it, we just couldn't afford to do.

KRAUSE: Well, I appreciate your work on this. I think just dry berthing it is not wise. I think trying to scrap it is unthinkable. And what you're doing, I think, is helping us preserve a piece of Texas history for generations to come and doing it in the best way possible. So I appreciate your efforts.

CYRIER: I appreciate all your help, Representative Krause.

REPRESENTATIVE PEREZ: Representative, I really appreciate your efforts in trying to save that battleship because that is what I would like to see as well.

CYRIER: Yes, ma'am.

PEREZ: The problems I have with this is that yes, it will cost \$80 million to \$100 million in order to fully restore her and have her float and do all the other things. I don't believe that if you dry berth her where she is now it's going to cost that \$80 million. Do you show a report that—

CYRIER: Yes, I do. Actually, the studies by the Battleship Texas Foundation—which I think that the membership would agree probably loves this battleship more than any of us because of all the efforts that they have put into this—their studies show that to dry berth it, it is over \$100 million to dry berth it there in San Jacinto.

PEREZ: Well, given the opportunity, I'd love to see that report because the report that I had was that \$100 million was to restore her 100 percent and not dry berth her. But I would like to see that report. Secondly, I've lived by Galveston all the days of my life. The only time Galveston has a really high tourist number is during the summer. During the winter months, no one goes to Galveston. So I don't understand.

CYRIER: I've got notes here from so many people, but let me make this real clear to the body. This bill was not about where the relocation—or if it was going to be relocated. This bill is not about the relocation of the battleship. This bill that Senator Nichols and others on the Senate Finance Committee were tasked to do was able to save our battleship—literally save it—and more importantly, also save taxpayers' money by doing this. And the study that was done by Deloitte—that was paid for by the Battleship Foundation—the study that was done shows that a location like Galveston would sustain the funds and the revenues to sustain our battleship into the future.

PEREZ: Thank you for carrying the bill. I am still saying that this was the intent. The reason the battleship was given to the State of Texas was because the intent was for it to stay at the battleground. I'm all for saving the ship, and I appreciate everything you're doing, but with all due respect, that has always been the intent—to keep it where it sits now.

CYRIER: Respectfully, I will tell you that what I have been told is that it was not the intent that it was supposed to or had to stay there. The U.S. Navy even sent—I gave you that document the other day. The U.S. Navy gave that to the State of Texas. It's in our possession, and never did it say that it must stay there in that one location. And as we have discussed, Representative Perez, I totally understand your concerns and I understand others' concerns of the possibility of it moving to another location. I think everybody in this body understands that. But also, too, with the reports and the studies, we're just fortunate—and I know you agreed on this—we're fortunate we have an opportunity to stop paying more taxpayer money once we get this final fix done and put it in a position where it will actually have revenues to sustain it and maintain it where it's at.

PEREZ: The other problem I have with this is the risk that you're going to run. At this point, and I think we agreed on this yesterday, the ship is not insurable. So do you have documentation that the ship is insurable?

CYRIER: Yes, I do, right here in front of me, and I showed that to you yesterday.

PEREZ: Sir, what you showed me yesterday was a document that says that they do that type of insurance but not that she was officially insurable.

CYRIER: She being the battleship, the insurer that looked at it—they actually had two of them that said, yes, this type of—

CAIN: Really, here is one of my concerns. During the committee hearings, there was really never a mention of Galveston. When we review them and listen to the statements in both the senate testimony and the house testimony, there were allusions to it. They would say, "moving it to a more prominent place" or "moving it to a place where there would be more tourism and make more money." But I believe that had the people known some time ago, before this last week, that the intent was to not return it back to Representative Perez's district, to not return it back to La Porte, to not return it back to the same place that it has been since April 21, 1948—a significant date, being the same date as the Battle of San Jacinto which was April 21, 1836. Had the people known that, there would have been an outcry. And they are just now learning of this. Had they known that this was the goal of the memorandum of understanding, there would have been a lot of Texans here at the Capitol calling upon you, visiting your offices, asking you not to allow it to be moved after its repair. But they weren't told that. They weren't allowed to hear that. That was prevented. I'm not implying that there was malice, but had they known, I think there would have been a different result. So I think the children, especially the amount of schoolchildren that go and visit this site that is so close to Harris County, that they get to do that, they won't be doing that as much down in Galveston, down in a much less populated area. They deserve to go and see this history. I still think this is a great bill, but I do hope that when it goes to conference they keep the amendment on so that when it's returned after being repaired that it goes back to where it's always been.

REPRESENTATIVE FARRAR: When I was chair of the Harris County delegation, we were invited out to the battleground, to the ship actually, to see what was going on. And back then—I believe it was about 20 years ago. This has been a problem for quite some time. One of the things that disturbed me—and I went there as a kid. Many of us in the region went there as a kid so we have sentimental attachments to the area. But I never knew that the ship was actually standing on top of the battleground site. And what occurred to me at the time was that I can't even imagine the artifacts that are sitting below it that may be restored. And maybe back in the '40s people didn't think about that. They didn't understand it so much as we do today. But groups were asking us to please do something about this ship. This is the San Jacinto Battleground. This is what

made Texas, Texas. And so it's very, significant to our history. So I stand here glad to support the bill and glad it's finally coming about because at the time it seemed an impossibility, and I ask you for your support as well.

SB 1511 was passed by (Record 1430): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Middleton; Miller; Minjarez; 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; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Ashby; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Sanford; Talarico; VanDeaver.

SB 2119 - RULES SUSPENDED HOUSE SPONSOR AUTHORIZED

Representative Anchia moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Herrero as a house sponsor to **SB 2119**.

The motion prevailed.

(Ashby and Sanford now present)

SB 781 ON THIRD READING (Leman - House Sponsor)

SB 781, A bill to be entitled An Act relating to the regulation of child-care facilities.

SB 781 was passed by (Record 1431): 123 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank;

Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.E.; Kacal; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Bowers; Cain; Johnson, J.D.; King, P.; Krause; Lang; Rose; Schaefer; Stickland; Thompson, S.; Toth.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Bell, K.; Bernal; Dutton; González, M.; Huberty; King, K.; Meyer; Talarico; VanDeaver.

Absent — Biedermann; Murphy.

STATEMENTS OF VOTE

When Record No. 1431 was taken, I was shown voting yes. I intended to vote no.

Shaheen

When Record No. 1431 was taken, I was shown voting yes. I intended to vote no.

Wilson

(Huberty and K. King now present)

SB 1531 ON THIRD READING (White - House Sponsor)

SB 1531, A bill to be entitled An Act relating to the eligibility for certain occupational licenses and the use of a person's criminal history as grounds for certain actions related to the license.

SB 1531 was passed by (Record 1432): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; 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; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allen; Allison; Bell, K.; Bernal; Dutton; González, M.; Meyer; Talarico; VanDeaver.

Absent — Raney.

SB 2200 ON THIRD READING

(J. Turner, S. Davis, Sheffield, and Cortez - House Sponsors)

SB 2200, A bill to be entitled An Act relating to the authority of the Health and Human Services Commission to obtain criminal history record information.

(Allen now present)

SB 2200 was passed by (Record 1433): 136 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank; Frullo; Gervin-Hawkins; Goldman; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; 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; Meza; Middleton; Miller; Minjarez; 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; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allison; Bell, K.; Bernal; Dutton; González, M.; Meyer; Talarico; VanDeaver.

Absent — Allen; González, J.

(Dutton now present)

SB 1700 ON THIRD READING
(Miller - House Sponsor)

SB 1700, A bill to be entitled An Act relating to the discharge of a prisoner from a county jail.

SB 1700 was passed by (Record 1434): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; 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.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; 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; Meza; Middleton; Miller; Minjarez; 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; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Wiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allison; Bell, K.; Bernal; González, M.; Meyer; Talarico; VanDeaver.

Absent — Allen.

SB 2119 ON THIRD READING
(Goldman and Herrero - House Sponsors)

SB 2119, A bill to be entitled An Act relating to the transfer of the regulation of motor fuel metering and motor fuel quality from the Department of Agriculture to the Texas Department of Licensing and Regulation; providing civil and administrative penalties; creating criminal offenses; requiring occupational licenses; authorizing fees.

Amendment No. 1

Representative Goldman offered the following amendment to **SB 2119**:

Amend **SB 2119** on third reading, in the SECTION of the bill providing effective dates for the Act (SECTION 12(b) of the house committee report version of the bill), by striking "September 1, 2019" and substituting "immediately if this Act receives a vote of two-thirds of all the members elected

to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for those sections of this Act to have immediate effect, those sections take effect September 1, 2019".

Amendment No. 1 was adopted.

SB 2119, as amended, was passed by (Record 1435): 129 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; 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.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stucky; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Ashby; Cain; Lang; Muñoz; Ramos; Schaefer; Stephenson; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allison; Bell, K.; Bernal; González, M.; Meyer; Talarico; VanDeaver.

Absent — King, T.

STATEMENTS OF VOTE

When Record No. 1435 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 1435 was taken, I was shown voting yes. I intended to vote no.

Toth

(VanDeaver now present)

SB 1801 ON THIRD READING
(Hunter and S. Thompson - House Sponsors)

SB 1801, A bill to be entitled An Act relating to orders of nondisclosure for certain victims of trafficking of persons or compelling prostitution.

SB 1801 was passed by (Record 1436): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; 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.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Middleton; Miller; Minjarez; 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; 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; Moody(C).

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allison; Bell, K.; Bernal; González, M.; Meyer; Talarico.

Absent — King, T.

SB 536 ON THIRD READING
(Murr - House Sponsor)

SB 536, A bill to be entitled An Act relating to associate judges for guardianship proceedings and protective services proceedings in certain courts.

SB 536 was passed by (Record 1437): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; 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.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; 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; Meza; Miller; Minjarez; 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; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Middleton.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allison; Bell, K.; Bernal; González, M.; Meyer; Talarico.

SB 1823 ON THIRD READING (Murphy - House Sponsor)

SB 1823, A bill to be entitled An Act relating to the regulation of state banks, state trust companies, and third-party service providers of state banks and state trust companies.

SB 1823 was passed by (Record 1438): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; 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; Meza; Middleton; Miller; Minjarez; 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; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allison; Bell, K.; Bernal; González, M.; Meyer; Talarico.

Absent — Flynn.

SB 821 ON THIRD READING
(Price - House Sponsor)

SB 821, A bill to be entitled An Act relating to children's advocacy centers.

SB 821 was passed by (Record 1439): 134 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Capriglione; Clardy; 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.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Miller; Minjarez; 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; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Lang; Middleton; Schaefer; Stickland; Tinderholt.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allison; Bell, K.; Bernal; González, M.; Meyer; Talarico.

Absent — Canales.

STATEMENT OF VOTE

When Record No. 1439 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

SB 1746 ON THIRD READING
(White, Reynolds, Rose, et al. - House Sponsors)

SB 1746, A bill to be entitled An Act relating to the inclusion of certain students as students at risk of dropping out of school.

SB 1746 was passed by (Record 1440): 136 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; 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.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause;

Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; 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; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Lang; Middleton; Murr; Schaefer.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allison; Bell, K.; Bernal; González, M.; Meyer; Talarico.

COMMITTEE GRANTED PERMISSION TO MEET

Representative T. King requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, at 12:45 p.m. today, in 3W.3, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Licensing and Administrative Procedures, 12:45 p.m. today, 3W.3, for a formal meeting, to consider pending business.

GENERAL STATE CALENDAR (consideration continued)

SB 2223 ON THIRD READING (Canales and Cain - House Sponsors)

SB 2223, A bill to be entitled An Act relating to the efficient provision of pilot services by the board of pilot commissioners for Harris County ports.

Representative Canales moved to postpone consideration of **SB 2223** until 10 a.m. tomorrow.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Larson requested permission for the Committee on Natural Resources to meet while the house is in session, at 12:45 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Natural Resources, 12:45 p.m. today, 1W.14, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Thompson requested permission for the Committee on Public Health to meet while the house is in session, at 12:55 p.m. today, in 3W.9, to consider pending and referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, 12:55 p.m. today, 3W.9, for a formal meeting, to consider pending and referred business.

GENERAL STATE CALENDAR

(consideration continued)

SB 1915 ON THIRD READING

(Canales and Cain - House Sponsors)

SB 1915, A bill to be entitled An Act relating to the board of pilot commissioners for Harris County ports.

SB 1915 was passed by (Record 1441): 136 Yeas, 4 Nays, 3 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; 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; Meza; Miller; Minjarez; 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; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Dominguez; Dutton; Middleton; Ramos.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Allison; Bell, K.; Bernal; González, M.; Meyer; Talarico.

STATEMENT OF VOTE

When Record No. 1441 was taken, I was shown voting no. I intended to vote yes.

Middleton

**SB 1468 ON THIRD READING
(Goodwin - House Sponsor)**

SB 1468, A bill to be entitled An Act relating to annexation by certain municipalities of a special district under a strategic partnership agreement.

(Allison now present)

SB 1468 was passed by (Record 1442): 134 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; 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.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Holland; Huberty; Hunter; 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; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cole; Hinojosa; Howard; Israel; Ramos; Rodriguez; Stephenson.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Bell, K.; Bernal; González, M.; Meyer; Talarico.

Absent — Allison.

STATEMENTS OF VOTE

When Record No. 1442 was taken, I was shown voting yes. I intended to vote no.

Romero

When Record No. 1442 was taken, I was shown voting yes. I intended to vote no.

Zwiener

POSTPONED BUSINESS

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

**CSSB 604 ON SECOND READING
(Paddie - House Sponsor)**

CSSB 604, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Motor Vehicles and to the operations of certain other entities performing functions associated with the department.

CSSB 604 was read second time on May 14 and was postponed until 10 a.m. today.

Representative Paddie moved to postpone consideration of **CSSB 604** until 10 a.m. tomorrow.

The motion prevailed.

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 608 ON SECOND READING
(Paddie - House Sponsor)**

CSSB 608, A bill to be entitled An Act relating to the continuation and functions of the School Land Board.

CSSB 608 was passed to third reading.

**CSSB 615 ON SECOND READING
(Paddie - House Sponsor)**

CSSB 615, A bill to be entitled An Act relating to the operations and functions of the Texas Windstorm Insurance Association and the sunset review date for and programs administered by the association; authorizing a fee.

Amendment No. 1

Representative K. King offered the following amendment to **CSSB 615**:

Amend **CSSB 615** (house committee report) as follows:

(1) On page 2, line 12, before "adding Subsection", insert "amending Subsection (b) and".

(2) On page 2, between lines 12 and 13, insert the following:

(b) Three members must be representatives of the insurance industry who actively write and renew tornado insurance or wildfire insurance or write and renew windstorm and hail insurance in the first tier coastal counties.

(3) On page 6, line 9, between "counties" and the period, insert "or tornado insurance or wildfire insurance in this state".

(4) On page 6, line 11, between "windstorm and hail" and "and", insert ", tornado, or wildfire".

(5) On page 6, line 13, between "windstorm and hail" and the period, insert ", tornado, or wildfire".

(6) On page 7, line 4, between "Subsection (a)" and "and proof", insert "with respect to windstorm and hail insurance,".

(7) On page 7, line 7, between "(a)" and "and (c)", insert ", (a-1),".

(8) On page 7, between lines 14 and 15, insert the following:

(a-1) This subsection applies only to windstorm and hail insurance and a structure constructed, altered, remodeled, or enlarged on or after September 1, 2009, and only for insurable property located in areas designated by the commissioner. Notwithstanding Subsection (a), if all or any part of the property to which this subsection applies is located in Zone V or another similar zone with an additional hazard associated with storm waves, as defined by the National Flood Insurance Program, and if flood insurance under that federal program is available, the association may not issue an insurance policy for initial or renewal coverage unless evidence that the property is covered by a flood insurance policy is submitted to the association. An agent offering or selling a Texas windstorm and hail insurance policy in any area designated by the commissioner under this subsection shall offer flood insurance coverage to the prospective insured, if that coverage is available.

(9) On page 8, line 22, between "policy" and "issued", insert "tornado insurance policy, or wildfire insurance policy".

(10) On page 9, line 16, strike "(c) and (d)" and substitute "(b), (c), (d), and (e)".

(11) On page 9, between lines 17 and 18, insert the following:

(b) Subject to any applicable deductibles and the limits for the coverage purchased by the insured, a windstorm and hail insurance policy, tornado insurance policy, or wildfire insurance policy issued by the association may include replacement cost coverage for one- and two-family dwellings, including outbuildings, as provided under the dwelling extension coverage in the policy.

(12) On page 10, between lines 5 and 6, insert the following:

(e) Notwithstanding this chapter or any other law, the commissioner, after notice and hearing, may adopt rules to:

(1) authorize the association to provide actual cash value coverage instead of replacement cost coverage on the roof covering of a building insured by the association; and

(2) establish:

(A) the conditions under which the association may provide that actual cash value coverage;

(B) the appropriate premium reductions when coverage for the roof covering is provided on an actual cash value basis; and

(C) the disclosure that must be provided to the policyholder, prominently displayed on the face of the windstorm and hail insurance policy, tornado insurance policy, or wildfire insurance policy.

(13) On page 11, line 27, strike "The" and substitute "As applicable, the".

(14) On page 13, line 3, strike "a windstorm and hail insurance" and substitute "an insurance".

(15) On page 13, line 16, strike "The" and substitute "With respect to windstorm and hail insurance policies, the".

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

SECTION _____. Section 2210.001, Insurance Code, is amended to read as follows:

Sec. 2210.001. PURPOSE. The primary purpose of the Texas Windstorm Insurance Association is the provision of an adequate market for windstorm and hail insurance in the seacoast territory of this state and tornado insurance and wildfire insurance statewide. The legislature finds that the provision of adequate windstorm and hail insurance, tornado insurance, and wildfire insurance is necessary to the economic welfare of this state, and without that insurance, the orderly growth and development of this state would be severely impeded. This chapter provides a method by which adequate windstorm and hail insurance may be obtained in certain designated portions of the seacoast territory of this state and tornado insurance and wildfire insurance may be obtained statewide. The association is intended to serve as a residual insurer of last resort for windstorm and hail insurance in the seacoast territory and tornado insurance and wildfire insurance statewide. The association shall:

(1) function in such a manner as to not be a direct competitor in the private market; and

(2) provide windstorm and hail insurance coverage, tornado insurance coverage, and wildfire insurance coverage to those who are unable to obtain ~~that~~ coverage in the private market.

SECTION _____. Section 2210.003, Insurance Code, is amended by amending Subdivision (6) and adding Subdivisions (14), (15), and (16) to read as follows:

(6) "Insurance" means:

(A) Texas windstorm and hail insurance;

(B) tornado insurance; and

(C) wildfire insurance.

(14) "Tornado insurance" means insurance against:

(A) direct loss to insurable property incurred as a result of a tornado, as those terms are defined and limited in policies and forms approved by the department; and

(B) indirect losses resulting from the direct loss.

(15) "Wildfire" means an uncontrolled blaze fueled by weather, wind, and dry underbrush, trees, grasses, and other flammable material.

(16) "Wildfire insurance" means insurance against:

(A) direct loss to insurable property incurred as a result of wildfire, as those terms are defined and limited in policies and forms approved by the department; and

(B) indirect losses resulting from the direct loss.

SECTION _____. Sections 2210.004(a), (b), (c), and (d), Insurance Code, are amended to read as follows:

(a) Except as provided by Subsection (h), for purposes of this chapter and subject to this section, "insurable property" means immovable property at a fixed location in a catastrophe area or corporeal movable property located in that

immovable property, as designated in the plan of operation, that is determined by the association according to the criteria specified in the plan of operation to be in an insurable condition against windstorm and hail, tornado, and wildfire, as determined by normal underwriting standards. The term includes property described by Section 2210.209.

(b) A structure located in a catastrophe area, construction of which began on or after the 30th day after the date of publication of the plan of operation, that is not built in compliance with building specifications set forth in the plan of operation or continued in compliance with those specifications, does not constitute an insurable risk for purposes of windstorm and hail insurance, tornado insurance, or wildfire insurance except as otherwise provided by this chapter.

(c) A structure, or an addition to a structure, that is constructed in conformity with plans and specifications that comply with the specifications set forth in the plan of operation at the time construction begins may not be declared ineligible for windstorm and hail insurance, tornado insurance, or wildfire insurance as a result of subsequent changes in the building specifications set forth in the plan of operation.

(d) Except as otherwise provided by this section, if repair of damage to a structure involves replacement of items covered in the building specifications set forth in the plan of operation, the repairs must be completed in a manner that complies with those specifications for the structure to continue to be insurable property for windstorm and hail insurance, tornado insurance, and wildfire insurance.

SECTION _____. Sections 2210.005(a) and (c), Insurance Code, are amended to read as follows:

(a) After at least 10 days' notice and a hearing, the commissioner may designate, with respect to windstorm and hail insurance, an area of the seacoast territory of this state as a catastrophe area or, with respect to tornado insurance and wildfire insurance, any area of this state as a catastrophe area if the commissioner determines, unless such a determination results in an adverse impact to the exposure of the association, that windstorm and hail insurance, tornado insurance, or wildfire insurance is not reasonably available to a substantial number of the owners of insurable property located in the area ~~that territory~~ because the area ~~territory~~ is subject to unusually frequent and severe damage resulting from windstorms, ~~or~~ hailstorms, tornadoes, or wildfires.

(c) If the association determines that windstorm and hail insurance, tornado insurance, or wildfire insurance is no longer reasonably unavailable to a substantial number of owners of insurable property in a territory designated as a catastrophe area, the association may request in writing that the commissioner revoke the designation. After at least 10 days' notice and a hearing, but not later than the 30th day after the date of the hearing, the commissioner shall:

- (1) approve the request and revoke the designation; or
- (2) reject the request.

SECTION _____. Section 2210.015(a), Insurance Code, is amended to read as follows:

(a) Each biennium, the department shall conduct a study of market incentives to promote participation in the voluntary windstorm and hail insurance, tornado insurance, and wildfire insurance markets ~~market~~ in ~~the seacoast territory of~~ this state. The study must address as possible incentives the mandatory or voluntary issuance of windstorm and hail insurance, tornado insurance, and wildfire insurance in conjunction with the issuance of a homeowners policy ~~in the seacoast territory~~.

SECTION _____. Section 2210.053(b), Insurance Code, is amended to read as follows:

(b) The department may develop programs to improve the efficient operation of the association, including a program for approving policy forms under Section 2301.010 and a program designed to create incentives for insurers to write windstorm and hail insurance, tornado insurance, and wildfire insurance voluntarily to cover property located in a catastrophe area, especially property located on the barrier islands of this state.

SECTION _____. Section 2210.151, Insurance Code, is amended to read as follows:

Sec. 2210.151. ADOPTION OF PLAN OF OPERATION. With the advice of the board of directors, the commissioner by rule shall adopt the plan of operation to provide Texas windstorm and hail insurance, tornado insurance, and wildfire insurance in a catastrophe area.

SECTION _____. Section 2210.152(a), Insurance Code, is amended to read as follows:

(a) The plan of operation must:

(1) provide for the efficient, economical, fair, and nondiscriminatory administration of the association; and

(2) include:

(A) a plan for the equitable assessment of the members of the association to defray losses and expenses;

(B) underwriting standards;

(C) procedures for accepting and ceding reinsurance;

(D) procedures for obtaining and repaying amounts under any financial instruments authorized under this chapter;

(E) procedures for determining the amount of insurance to be provided to specific risks;

(F) time limits and procedures for processing applications for insurance;

(G) a requirement that a nonresident agent licensed under Section 4056.052 may not offer or sell a Texas windstorm and hail insurance policy, tornado insurance policy, or wildfire insurance policy under this chapter unless the nonresident agent's state of residence authorizes a resident agent licensed in this state to act in the nonresident agent's state as an agent for that state's residual insurer of last resort for windstorm and hail insurance, tornado insurance, or wildfire insurance; and

(H) other provisions as considered necessary by the department to implement the purposes of this chapter.

SECTION _____. The heading to Section 2210.207, Insurance Code, is amended to read as follows:

Sec. 2210.207. WINDSTORM AND HAIL INSURANCE, TORNADO INSURANCE, AND WILDFIRE INSURANCE: REPLACEMENT COST COVERAGE.

SECTION _____. The heading to Section 2210.208, Insurance Code, is amended to read as follows:

Sec. 2210.208. WINDSTORM AND HAIL INSURANCE, TORNADO INSURANCE, AND WILDFIRE INSURANCE: COVERAGE FOR CERTAIN INDIRECT LOSSES.

SECTION _____. Sections 2210.208(a) and (b), Insurance Code, are amended to read as follows:

(a) Except as provided by Subsections (e) and (f), a windstorm and hail insurance policy, tornado insurance policy, or wildfire insurance policy issued by the association for a dwelling, as that term is defined by the department or a successor to the department, must include coverage for:

(1) with respect to a windstorm and hail insurance policy, wind-driven rain damage, regardless of whether an opening is made by the wind;

(2) loss of use; and

(3) consequential losses.

(b) A windstorm and hail insurance policy, tornado insurance policy, or wildfire insurance policy issued by the association for tenant contents of a dwelling or other residential building must include coverage for loss of use and consequential losses.

SECTION _____. The heading to Subchapter F, Chapter 2210, Insurance Code, is amended to read as follows:

SUBCHAPTER F. PROPERTY INSPECTIONS [~~FOR WINDSTORM AND HAIL INSURANCE~~]

SECTION _____. Section 2210.253, Insurance Code, is amended to read as follows:

Sec. 2210.253. INITIAL INSURER ASSESSMENT[~~— FIRST TIER COASTAL COUNTY~~]. (a) In this section, "property insurance" means a commercial or residential insurance policy prescribed or approved by the department that provides coverage for windstorm and hail damage, including a Texas windstorm and hail insurance policy, or loss from tornado or wildfire.

(b) The department shall assess each insurer that provides property insurance in [~~a first tier coastal county in~~] accordance with this section.

(c) The total assessment under this section in a state fiscal year must be in the amount estimated by the department as necessary to cover the administrative costs of the [~~windstorm~~] inspection program under Section 2210.251 to be incurred in [~~the first tier coastal counties in~~] that fiscal year.

(d) The assessment must be based on each insurer's proportionate share of the total extended coverage and other allied lines premium received by all insurers for property insurance in the state [~~first tier coastal counties~~] in the calendar year preceding the year in which the assessment is made.

(e) The commissioner shall adopt rules to implement the assessment of insurers under this section.

SECTION _____. Section 2210.2551(b), Insurance Code, is amended to read as follows:

(b) The commissioner by rule shall establish criteria to ensure that a person seeking appointment as a qualified inspector under this subchapter possesses the knowledge, understanding, and professional competence to perform ~~[windstorm]~~ inspections for the issuance of a certificate of compliance under Section 2210.2515(d) and to comply with other requirements of this chapter.

SECTION _____. Section 2210.258, Insurance Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) This section applies only to windstorm and hail insurance.

SECTION _____. Section 2210.355(g), Insurance Code, is amended to read as follows:

(g) A commission paid to an agent for a windstorm and hail insurance policy, tornado insurance policy, or wildfire insurance policy issued by the association must comply with the commission structure approved by the commissioner under Section 2210.203(d) and be reasonable, adequate, not unfairly discriminatory, and nonconfiscatory.

SECTION _____. Section 2210.359(a), Insurance Code, is amended to read as follows:

(a) Except as otherwise provided by this subsection, a rate approved by the commissioner under this subchapter may not reflect an average rate change that is more than 10 percent higher or lower than the rate for commercial windstorm and hail insurance, commercial tornado insurance, or commercial wildfire insurance or 10 percent higher or lower than the rate for noncommercial windstorm and hail insurance, noncommercial tornado insurance, or noncommercial wildfire insurance in effect on the date the filing is made. The rate may not reflect a rate change for an individual rating class that is 15 percent higher or lower than the rate for that individual rating class in effect on the date the filing is made. This subsection does not apply to a rate filed under Sections 2210.351(a)-(d).

SECTION _____. Section 2210.455(b), Insurance Code, is amended to read as follows:

(b) The catastrophe plan must:

(1) describe the manner in which the association will, during the period covered by the plan, evaluate losses and process claims after the following windstorms affecting an area of maximum exposure to the association:

(A) a windstorm with a four percent chance of occurring during the period covered by the plan;

(B) a windstorm with a two percent chance of occurring during the period covered by the plan; and

(C) a windstorm with a one percent chance of occurring during the period covered by the plan; ~~[and]~~

(2) include, if the association does not purchase reinsurance under Section 2210.453 for the period covered by the plan, an actuarial plan for paying losses in the event of a catastrophe with estimated damages of \$2.5 billion or more; and

(3) describe the manner in which the association will, during the period covered by the plan, evaluate losses and process claims after tornadoes or wildfires affecting an area of maximum exposure to the association.

SECTION _____. Section 2210.501(a), Insurance Code, is amended to read as follows:

(a) The board of directors shall propose the maximum liability limits under a windstorm and hail insurance policy, tornado insurance policy, and wildfire insurance policy issued by the association under this chapter. The maximum liability limits must be approved by the commissioner.

SECTION _____. Section 2210.502(b), Insurance Code, is amended to read as follows:

(b) An adjustment to the maximum liability limits that is approved by the commissioner applies to each windstorm and hail insurance policy, tornado insurance policy, and wildfire insurance policy delivered, issued for delivery, or renewed on or after January 1 of the year following the date of the approval. The indexing of the limits shall adjust for changes occurring on and after January 1, 1997.

SECTION _____. Section 2210.505(a), Insurance Code, is amended to read as follows:

(a) Notwithstanding any other law, the association may issue a windstorm and hail insurance policy, tornado insurance policy, or wildfire insurance policy that includes coverage for an amount in excess of a maximum liability limit established under Sections 2210.501-2210.504 if the association first obtains from a reinsurer approved by the commissioner reinsurance for the full amount of policy exposure above that limit.

SECTION _____. Section 2210.571(1), Insurance Code, is amended to read as follows:

(1) "Association policy" means a windstorm and hail insurance policy, tornado insurance policy, or wildfire insurance policy issued by the association.

SECTION _____. Section 2210.601, Insurance Code, is amended to read as follows:

Sec. 2210.601. PURPOSE. The legislature finds that authorizing the issuance of public securities to provide a method to raise funds to provide [~~windstorm and hail insurance~~] through the association windstorm and hail insurance in certain designated portions of the state and tornado insurance and wildfire insurance statewide is for the benefit of the public and in furtherance of a public purpose.

SECTION _____. Section 2210.6132(c), Insurance Code, is amended to read as follows:

(c) The premium surcharge under this section shall be assessed on all policyholders of policies that cover insured property that is located in a catastrophe area, including automobiles principally garaged in a catastrophe area.

The premium surcharge shall be assessed on each Texas windstorm and hail insurance policy, each tornado insurance policy, and each wildfire insurance policy issued by the association and each property and casualty policy, including an automobile insurance policy, issued for automobiles and other property located in the catastrophe area. A premium surcharge under Subsection (b) applies to:

- (1) all policies written under the following lines of insurance:
 - (A) fire and allied lines;
 - (B) farm and ranch owners;
 - (C) residential property insurance;
 - (D) private passenger automobile liability and physical damage insurance; and
 - (E) commercial automobile liability and physical damage insurance; and
- (2) the property insurance portion of a commercial multiple peril insurance policy.

SECTION _____. Section 2210.652, Insurance Code, is amended to read as follows:

Sec. 2210.652. COMPOSITION OF BOARD. The [~~windstorm insurance~~ legislative oversight] board is composed of eight members as follows:

- (1) four members of the senate appointed by the lieutenant governor, including the chairperson of the Senate Business and Commerce Committee, who shall serve as co-chairperson of the board; and
- (2) four members of the house of representatives appointed by the speaker of the house of representatives.

SECTION _____. Section 2210.653(a), Insurance Code, is amended to read as follows:

- (a) The board shall:
 - (1) receive information about rules proposed by the department relating to windstorm and hail insurance, tornado insurance, and wildfire insurance, and may submit comments to the commissioner on the proposed rules;
 - (2) monitor windstorm and hail insurance, tornado insurance, and wildfire insurance in this state, including:
 - (A) the adequacy of rates;
 - (B) the operation of the association; and
 - (C) the availability of coverage; and
 - (3) review recommendations for legislation proposed by the department or the association.

SECTION _____. Section 2210.654(b), Insurance Code, is amended to read as follows:

- (b) The report must include:
 - (1) an analysis of any problems identified; and
 - (2) recommendations for any legislative action necessary to address those problems and to foster stability, availability, and competition within the windstorm and hail insurance, tornado insurance, and wildfire insurance industries [~~industry~~].

SECTION _____. (a) The plan of operation adopted under Chapter 2210, Insurance Code, as amended by this Act, must provide that the Texas Windstorm Insurance Association issue tornado insurance policies and wildfire insurance policies under that chapter not later than January 1, 2020.

(b) The commissioner of insurance shall adopt rules necessary to ensure that the Texas Windstorm Insurance Association issues tornado insurance policies and wildfire insurance policies under Chapter 2210, Insurance Code, as amended by this Act, not later than January 1, 2020.

Amendment No. 1 was withdrawn.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Public Health:

Wray on motion of Cyrier.

CSSB 615 - (consideration continued)

CSSB 615 was passed to third reading.

(Talarico now present)

CSSB 616 ON SECOND READING (Paddie - House Sponsor)

CSSB 616, A bill to be entitled An Act relating to the continuation and functions of the Department of Public Safety of the State of Texas, the conditional transfer of the driver licensing program to the Texas Department of Motor Vehicles, the abolition of the Texas Private Security Board, the transfer of the motorcycle and off-highway vehicle operator training programs to the Texas Department of Licensing and Regulation, and the regulation of other programs administered by the Department of Public Safety; imposing an administrative penalty; authorizing and repealing the authorization for fees.

Amendment No. 1

Representative Paddie offered the following amendment to **CSSB 616**:

Amend **CSSB 616** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTION to ARTICLE 5 of the bill and renumber the SECTIONS of that article accordingly:

SECTION 5. _____. Section 1702.028, Occupations Code, is amended to read as follows:

Sec. 1702.028. ~~[PER DIEM;] REIMBURSEMENT. [(a) A board member is entitled to a per diem as set by legislative appropriation for each day the member engages in the business of the board.~~

~~[(b)] A committee member may not receive compensation for service on the advisory committee but is entitled to reimbursement for actual and necessary [travel] expenses incurred in performing the functions as a member of the committee, subject to [while conducting board business, including expenses for transportation, meals, and lodging, as prescribed by] the General Appropriations Act.~~

(2) On page 103, strike line 19 and renumber the subdivisions of the subsection accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Paddie offered the following amendment to **CSSB 616**:

Amend **CSSB 616** (house committee printing) as follows:

(1) On page 112, lines 14 and 15, strike "designated by the comptroller of public accounts".

(2) On page 112, between lines 19 and 20, insert the following:

(b-1) The solicitation documents for the contract described by Subsection (b) of this section must be submitted to the contract advisory team for review under Subchapter C, Chapter 2262, Government Code, before the Department of Public Safety may solicit any contractor for the contract, including publishing advertising regarding the contract.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Calanni offered the following amendment to **CSSB 616**:

Amend **CSSB 616** (house committee printing) as follows:

(1) On page 68, line 22, strike "or".

(2) On page 68, strike lines 24 through 27 and substitute the following:

~~[(4)]~~ a security salesperson; or

(K) ~~[(K)]~~ an individual whose duties include performing another activity for which an individual license ~~[endorsement]~~ is required under Subsection (e); or

(3) On page 76, line 15, strike "~~[AND SECURITY SALESPERSON]~~" and substitute "AND SECURITY SALESPERSON".

(4) On page 76, line 17, strike "~~[or security salesperson]~~" and substitute "or security salesperson".

(5) On page 77, line 17, strike "~~[or a security salesperson]~~" and substitute "or a security salesperson".

(6) On page 88, line 3, strike "and".

(7) On page 88, strike lines 6 through 10 and substitute the following:

~~[(4)]~~ a security salesperson who is employed by an alarm systems company described by Subdivision (1) to sell services offered by the company; and

(4) ~~[(5)]~~ an owner~~[-, officer, partner, or shareholder]~~ of an alarm systems company described by Subdivision (1).

(8) On page 104, strike line 12 and renumber the subdivisions of the subsection accordingly.

(9) On page 106, lines 23 and 24, strike "security salesperson, private security consultant," and substitute "private security consultant".

(K. Bell, Bernal, Meyer, and Wray now present)

Representative Paddie moved to table Amendment No. 3.

A record vote was requested by Representative Calanni.

The motion to table prevailed by (Record 1443): 74 Yeas, 68 Nays, 2 Present, not voting.

Yeas — Allison; Bailes; Bell, C.; Bonnen; Buckley; Burns; Burrows; Button; Cain; Canales; Capriglione; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Metcalf; Meyer; Middleton; Miller; Murphy; Murr; Nevárez; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Romero; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Anderson; Ashby; Beckley; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bowers; Bucy; Calanni; Clardy; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Fierro; Flynn; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Morales; Morrison; Muñoz; Neave; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Rose; Rosenthal; Sherman; Smithee; Talarico; Thierry; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — González, M.

Absent — Farrar; Martinez; Thompson, S.; Tinderholt.

STATEMENTS OF VOTE

When Record No. 1443 was taken, I was shown voting no. I intended to vote yes.

Ashby

When Record No. 1443 was taken, I was shown voting no. I intended to vote yes.

K. Bell

When Record No. 1443 was taken, I was shown voting no. I intended to vote yes.

Biedermann

When Record No. 1443 was taken, I was shown voting yes. I intended to vote no.

Pacheco

When Record No. 1443 was taken, I was in the house but away from my desk. I would have voted yes.

Tinderholt

COMMITTEE GRANTED PERMISSION TO MEET

Representative Lucio requested permission for the Committee on Insurance to meet while the house is in session, at 1:30 p.m. today, in 1W.14, to consider referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, 1:30 p.m. today, 1W.14, for a formal meeting, to consider referred business.

(Speaker in the chair)

CSSB 616 - (consideration continued)**Amendment No. 4**

Representative Israel offered the following amendment to **CSSB 616**:

Amend **CSSB 616** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill accordingly:

ARTICLE _____. DEPARTMENT OF PUBLIC SAFETY AS VOTER
REGISTRATION AGENCY

SECTION _____. Section 13.002(a), Election Code, is amended to read as follows:

(a) A person desiring to register to vote must submit an application to the registrar of the county in which the person resides. Except as provided by Subsection (e) or Subchapter C, Chapter 20, an application must be submitted by personal delivery, by mail, or by telephonic facsimile machine in accordance with Sections 13.143(d) and (d-2).

SECTION _____. Section 20.062, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The Department of Public Safety shall prescribe and use a form and procedure that combines the department's application form for a license or card with an officially prescribed voter registration application form for each United States citizen who applies in person at the department's offices or online at the department's Internet website.

(d) A procedure prescribed under this section must provide for the electronic transmission of an applicant's voter registration data by the department to the secretary of state in accordance with Section 20.066.

SECTION _____. Sections 20.063(a) and (c), Election Code, are amended to read as follows:

(a) The Department of Public Safety shall provide to each person who applies in person, by mail, or online at the department's Internet website ~~at the department's offices~~ for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card an opportunity to complete a voter registration application form.

(c) A change of address that relates to a license or card and that is submitted to the department in person, ~~or~~ by mail, or online at the department's Internet website serves as a change of address for voter registration unless the licensee or cardholder indicates that the change is not for voter registration purposes. The

date of submission of a change of address to a department employee is considered to be the date of submission to the voter registrar for the purpose of determining the effective date of registration [~~only~~].

AMENDMENT NO. 4 - REMARKS

REPRESENTATIVE ISRAEL: Mr. Paddie, thank you as usual for your professionalism in these situations. I appreciate your time. To take you back to when you presented this to our Public Safety Committee, there was testimony from DPS about this situation. And this is a big issue for our constituents, correct?

REPRESENTATIVE PADDIE: It was brought up during that hearing. I think one of the challenges that we have in looking at this—obviously, there's ongoing litigation as it relates to this—is that it was somewhat disturbing to hear some testimony that would have you believe that we actually may not be doing all the efforts that we could be in sending folks to go online because of the challenges we have with the lawsuit there.

ISRAEL: To clarify for those who are listening and who might not have been watching the meeting, DPS testified that the effort that has been going on for years and years, which is to encourage constituents to get out of line, go online, make use of online tools, and lower those wait times—that has been sort of iced or put on hold because of this other litigation issue that has yet to be resolved. Is that correct?

PADDIE: That is the testimony as I understood it.

ISRAEL: I know it's frustrating to all of us that there's a simple answer that we're not taking advantage of. Were you aware, Mr. Paddie, that where we are right now is that there was a ruling from a federal judge that said Texas was not complying with the Motor Voter Act, and if we don't take care of this, we are in already to those who filed the lawsuit for \$750,000?

PADDIE: I'm not aware of all the details. I am aware of the lawsuit that you're mentioning.

ISRAEL: Well, Mr. Paddie thank you for engaging with me on this. I appreciate your time, and I wish we would be able to help our constituents with something as simple as getting their driver's license renewed and at the same time renewing their voter registration.

PADDIE: Thank you for your questions.

Amendment No. 4 was withdrawn.

CSSB 616, as amended, was passed to third reading.

CSSB 619 ON SECOND READING (Paddie - House Sponsor)

CSSB 619, A bill to be entitled An Act relating to the sunset review process and certain governmental entities subject to that process.

REMARKS ORDERED PRINTED

Representative Stickland moved to print remarks between Representative Israel and Representative Paddie on Amendment No. 4 to **CSSB 616**.

The motion prevailed.

CSSB 619 - (consideration continued)**Amendment No. 1**

Representative Meyer offered the following amendment to **CSSB 619**:

Amend **CSSB 619** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of ARTICLE 1 of the bill as appropriate:

SECTION 1.____. SPECIAL SERVICES FUNCTIONS OF THE TEXAS EDUCATION AGENCY. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0105 to read as follows:

Sec. 29.0105. SUNSET REVIEW OF SPECIAL SERVICES. (a) Separate from the review of the agency required under Section 7.004, the agency is subject to a limited review under Chapter 325, Government Code (Texas Sunset Act), of the efficacy and effectiveness with which the agency administers the agency's special services functions, including the agency's supervisory and monitoring functions relating to the provision of special services, except that those functions may not be abolished. The review shall be conducted during the period in which state agencies abolished in 2021 are reviewed.

(b) This section expires September 1, 2021.

Amendment No. 2

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

Amend Amendment No. 1 by Meyer to **CSSB 619** on page 1, line 13, between "including" and "the" by inserting "implementation of the special education strategic plan and".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative T. King offered the following amendment to **CSSB 619**:

Amend **CSSB 619** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 7 of the bill and renumbering the subsequent SECTIONS of the article accordingly:

SECTION 7.____. Section 325.012(c), Government Code, is amended to read as follows:

(c) The commission shall have drafts of legislation prepared for each state agency for which ~~[to carry out]~~ the commission's ~~recommendation~~ ~~[recommendations]~~ under this section is to continue the state agency. The legislation prepared under this section may only extend the state agency's expiration date. The legislation may not amend the state agency's governing law in any other manner.

(Goldman in the chair)

Amendment No. 3 was withdrawn.

(M. González now present)

CSSB 619, as amended, was passed to third reading.

CSSB 7 ON SECOND READING
(Phelan - House Sponsor)

CSSB 7, A bill to be entitled An Act relating to flood planning, mitigation, and infrastructure projects; making an appropriation.

Amendment No. 1

Representative Phelan offered the following amendment to **CSSB 7**:

Amend **CSSB 7** (house committee printing) by striking all below the enacting clause and substituting the following:

ARTICLE 1. FLOOD CONTROL PLANNING

SECTION 1.01. The heading to Section 15.405, Water Code, is amended to read as follows:

Sec. 15.405. **FLOOD CONTROL PLANNING CONTRACTS.**

SECTION 1.02. Section 15.405, Water Code, is amended by amending Subsections (a), (f), and (g) and adding Subsection (a-1) to read as follows:

(a) In this section, "flood control planning" means any work related to:

(1) planning for flood protection;

(2) preparing applications for and obtaining regulatory approvals at the local, state, or federal level;

(3) activities associated with administrative or legal proceedings by regulatory agencies; and

(4) preparing engineering plans and specifications to provide structural or nonstructural flood mitigation and drainage.

(a-1) The board may enter into contracts with political subdivisions to pay from the research and planning fund all or part of the cost of [developing] flood control planning [plans] for the political subdivision.

(f) The board shall adopt rules establishing criteria of eligibility for flood control planning money that considers:

(1) the relative need of the political subdivision for the money, giving greater importance to a county that has a median household income that is not greater than 85 percent of the median state household income;

(2) the legal authority of the political subdivision to plan for and control flooding; and

(3) the effect of flood control planning by the political subdivision on overall flood control in the state and within the area in which the political subdivision is located.

(g) The board shall require that flood control planning documents [plans] developed under contracts entered into under this section be made available to the commission.

ARTICLE 2. FLOOD INFRASTRUCTURE FUND

SECTION 2.01. Chapter 15, Water Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. FLOOD INFRASTRUCTURE FUND

Sec. 15.531. DEFINITIONS. In this subchapter:

(1) "Eligible political subdivision" means a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, a municipality, or a county.

(2) "Flood project" means a drainage, flood mitigation, or flood control project, including:

(A) planning and design activities;

(B) work to obtain regulatory approval to provide nonstructural and structural flood mitigation and drainage;

(C) construction of structural flood mitigation and drainage infrastructure; and

(D) construction and implementation of nonstructural projects, including projects that use nature-based features to protect, mitigate, or reduce flood risk.

(3) "Infrastructure fund" means the flood infrastructure fund.

(4) "Metropolitan statistical area" means an area so designated by the United States Office of Management and Budget.

Sec. 15.532. FINDINGS. The legislature finds that:

(1) the creation of the infrastructure fund and the administration of the fund by the board will encourage the development of nonstructural and structural flood mitigation in the state;

(2) the use of the infrastructure fund is in furtherance of the public purpose of mitigating the effects of flooding in the state; and

(3) the use of the infrastructure fund for the purposes provided by this subchapter is for the benefit of both the state and the political subdivisions to which the board makes financial assistance available in accordance with this subchapter and constitutes a program under Sections 49-d-3 and 52-a, Article III, Texas Constitution.

Sec. 15.533. FLOOD INFRASTRUCTURE FUND. (a) The flood infrastructure fund is a special fund in the state treasury outside the general revenue fund.

(b) The infrastructure fund may be used by the board, without further legislative appropriation, only as provided by this subchapter.

(c) The infrastructure fund consists of:

(1) appropriations from the legislature for a purpose of the infrastructure fund;

(2) proceeds of general obligation bonds issued for a purpose of the infrastructure fund;

(3) any fees or other sources of revenue that the legislature dedicates for deposit to the infrastructure fund;

(4) repayments of loans made from the infrastructure fund;

(5) interest earned on money credited to the infrastructure fund;

(6) depository interest allocable to the infrastructure fund;

(7) money from gifts, grants, or donations to the infrastructure fund;

and

(8) money from revenue bonds or other sources designated by the board for deposit to the infrastructure fund.

Sec. 15.534. USE OF INFRASTRUCTURE FUND. (a) The board may use the infrastructure fund only:

(1) to make a loan to an eligible political subdivision at or below market interest rates for a flood project;

(2) to make a grant, low interest loan, or zero interest loan to an eligible political subdivision for:

(A) a flood project to serve an area outside of a metropolitan statistical area in order to ensure that the flood project is implemented; or

(B) a flood project to serve an economically distressed area;

(3) to make a loan at or below market interest rates for planning and design costs, permitting costs, and other costs associated with state or federal regulatory activities with respect to a flood project;

(4) to make a grant to an eligible political subdivision to provide matching funds to enable the eligible political subdivision to participate in a federal program for a flood project;

(5) as a source of revenue or security for the payment of principal and interest on bonds issued by the board if the proceeds of the sale of the bonds will be deposited in the infrastructure fund; and

(6) to pay the necessary and reasonable expenses of the board in administering the infrastructure fund.

(b) Principal and interest payments on loans made under Subsection (a)(3) may be deferred for not more than 10 years or until construction of the flood project is completed, whichever is earlier.

Sec. 15.535. APPLICATION REQUIREMENTS. (a) Except as provided by Subsection (c), an eligible political subdivision applying for financial assistance under this subchapter for a proposed flood project must demonstrate in the application that:

(1) the eligible political subdivision has acted cooperatively with other political subdivisions to address flood control needs in the area in which the eligible political subdivisions are located;

(2) all eligible political subdivisions substantially affected by the proposed flood project have participated in the process of developing the proposed flood project;

(3) the eligible political subdivisions, separately or in cooperation, have held public meetings to accept comment on proposed flood projects from interested parties; and

(4) the technical requirements for the proposed flood project have been completed and compared against any other potential flood projects in the same area.

(b) The application must include an analysis of whether the proposed flood project could use floodwater capture techniques for water supply purposes, including floodwater harvesting, detention or retention basins, or other methods of capturing storm flow or unappropriated flood flow.

(c) An eligible political subdivision applying for assistance under Section 15.534(a)(3) is not required to make the demonstration described by Subsection (a)(4) of this section.

Sec. 15.536. APPROVAL OF APPLICATIONS. On review and recommendation by the executive administrator, the board may approve an application only if the board finds that:

(1) the application and the assistance applied for meet the requirements of this subchapter and board rules;

(2) the application demonstrates a sufficient level of cooperation among eligible political subdivisions and includes all of the eligible political subdivisions substantially affected by the flood project; and

(3) the taxes or other revenue, or both the taxes and other revenue, pledged by the applicant will be sufficient to meet all the obligations assumed by the eligible political subdivision.

Sec. 15.537. RULES. The board shall adopt rules necessary to carry out this subchapter, including rules:

(1) that establish procedures for an application for and for the award of financial assistance;

(2) for the investment of money; and

(3) for the administration of the infrastructure fund.

Sec. 15.538. INFORMATION CLEARINGHOUSE. The board shall act as a clearinghouse for information about state and federal flood planning, mitigation, and control programs that may serve as a source of funding for flood projects.

Sec. 15.539. LIABILITY. Participation in cooperative flood planning to obtain money under this subchapter does not subject an eligible political subdivision to civil liability in regard to a flood project.

SECTION 2.02. Subchapter H, Chapter 49, Water Code, is amended by adding Section 49.239 to read as follows:

Sec. 49.239. COOPERATIVE FLOOD CONTROL. A district, including a river authority, may participate in cooperative flood control planning for the purpose of obtaining financial assistance as an eligible political subdivision for a flood control project under Subchapter I, Chapter 15.

SECTION 2.03. Contingent on legislation of the 86th Legislature, Regular Session, 2019, that requires the creation of a state flood plan passing and becoming law, on the date that the Texas Water Development Board adopts the initial state flood plan in accordance with that law:

(1) Section 15.534, Water Code, as added by this Act, expires; and

(2) Subchapter I, Chapter 15, Water Code, is amended by adding Section 15.5341 to read as follows:

Sec. 15.5341. USE OF INFRASTRUCTURE FUND. (a) The board may use the infrastructure fund only to provide financing for flood projects included in the state flood plan.

(b) Money from the infrastructure fund may be awarded to several eligible political subdivisions for a single flood project.

ARTICLE 3. TEXAS INFRASTRUCTURE RESILIENCY FUND

SECTION 3.01. Chapter 16, Water Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. FLOOD PROJECT FUNDING

Sec. 16.451. DEFINITIONS. In this subchapter:

(1) "Advisory committee" means the Texas Infrastructure Resiliency Fund Advisory Committee.

(2) "Eligible political subdivision" means a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, a municipality, or a county.

(3) "Flood project" means a drainage, flood mitigation, or flood control project, including:

(A) planning and design activities;

(B) work to obtain regulatory approval to provide structural and nonstructural flood mitigation and drainage;

(C) construction of structural flood mitigation and drainage infrastructure;

(D) nonstructural or natural flood control strategies; and

(E) a federally authorized project to deepen a ship channel affected by a flooding event.

(4) "Resiliency fund" means the Texas infrastructure resiliency fund.

Sec. 16.452. TEXAS INFRASTRUCTURE RESILIENCY FUND. (a) The Texas infrastructure resiliency fund is a special fund in the state treasury outside the general revenue fund.

(b) The resiliency fund shall be administered by the board in accordance with this subchapter.

(c) The board may invest, reinvest, and direct the investment of any available money in the resiliency fund as provided by law for the investment of public funds.

(d) Investment earnings, interest earned on amounts credited to the resiliency fund, and interest earned on loans made from the fund shall be deposited to the credit of the fund.

Sec. 16.453. FLOODPLAIN MANAGEMENT ACCOUNT. (a) The floodplain management account is an account of the resiliency fund.

(b) The account consists of:

(1) money deposited to the credit of the account under Section 251.004, Insurance Code;

(2) money directly appropriated to the board; and

(3) money from gifts or grants from the United States government, local or regional governments, private sources, or other sources.

(c) The board may use the account to provide financing for activities related to:

(1) the collection and analysis of flood-related information;

(2) flood planning, protection, mitigation, or adaptation;

(3) the provision of flood-related information to the public through educational or outreach programs; or

(4) evaluating the response to and mitigation of flood incidents affecting residential property, including multifamily units, located in floodplains.

Sec. 16.454. HURRICANE HARVEY ACCOUNT. (a) The Hurricane Harvey account is an account in the resiliency fund.

(b) The board may use the account only to provide financing for flood projects related to Hurricane Harvey. Financing under this section includes making a:

(1) grant, low-interest loan, or zero-interest loan to an eligible political subdivision to provide nonfederal matching funds to enable the subdivision to participate in a federal program for the development of a:

(A) hazard mitigation project, under guidelines issued by the Federal Emergency Management Agency or the Texas Division of Emergency Management or the successor in function to those entities; or

(B) public assistance project, under guidelines issued by the Federal Emergency Management Agency or the Texas Division of Emergency Management or the successor in function to those entities; and

(2) loan to an eligible political subdivision at or below market interest rates for the political subdivision's planning or design costs, permitting costs, or other costs associated with state or federal regulatory activities with respect to a flood project.

(c) A grant or loan awarded under this section:

(1) may be awarded only after the applicant demonstrates that any available insurance, other state funds, and eligible federal funds have been exhausted and that Community Development Block Grant Disaster Recovery funds from the United States Department of Housing and Urban Development have been applied toward the cost of eligible matching funds; and

(2) may not provide more than 75 percent of the portion of the cost of the project that is paid with money other than money from a federal program.

(d) In collaboration with the Texas Division of Emergency Management, the board shall establish a point system for prioritizing flood projects for which money from the Hurricane Harvey account is sought. The system must include:

(1) a standard for the board to apply in determining whether a flood project qualifies for funding at the time the application for funding is filed with the board; and

(2) a method to account for the relative need of the political subdivision for the funding.

(e) The board shall give the highest consideration in awarding points to a flood project that will have a substantial effect, including a flood project that:

(1) is recommended or approved by the director of the Texas Division of Emergency Management or the successor in function to that entity; and

(2) meets an emergency need in a county where the governor has declared a state of disaster.

(f) After review and recommendation by the executive administrator and with input from the director of the Texas Division of Emergency Management or the successor in function to that entity, the board may approve an application for financial assistance under this section only if the board finds that:

(1) the application and assistance applied for meet the requirements of this subchapter and board rules;

(2) the application demonstrates a sufficient level of cooperation among applicable political subdivisions and includes all of the political subdivisions substantially affected by the flood project; and

(3) the taxes or other revenue, or both the taxes and other revenue, pledged by the applicant, if applicable, will be sufficient to meet all the obligations assumed by the applicant.

(g) Principal and interest payments on loans made under Subsection (b)(2) may be deferred for not more than 10 years or until construction of the flood project is completed, whichever is the shorter period.

(h) Money from the account may be awarded to several eligible political subdivisions for a single flood project.

(i) An eligible political subdivision that receives a grant for a flood project also may receive a loan from the account.

(j) This section expires September 1, 2031. The remaining balance of the account on that date is transferred to the flood plan implementation account.

Sec. 16.455. FEDERAL MATCHING ACCOUNT. (a) The federal matching account is an account in the resiliency fund.

(b) The board may use the account only to meet matching requirements for projects funded partially by federal money, including projects funded by the United States Army Corps of Engineers.

(c) The board may use the account to make a loan to an eligible political subdivision below market interest rates and under flexible repayment terms, including a line of credit or loan obligation with early prepayment terms, to provide financing for the local share of a federally authorized ship channel improvement project.

Sec. 16.456. TEXAS INFRASTRUCTURE RESILIENCY FUND ADVISORY COMMITTEE. (a) The Texas Infrastructure Resiliency Fund Advisory Committee is composed of the seven members that serve on the State Water Implementation Fund for Texas Advisory Committee described by Section 15.438, with the co-presiding officers of that committee serving as presiding officers of the advisory committee. The director of the Texas Division of Emergency Management or the successor in function to that entity serves as a nonvoting member of the advisory committee, as an additional duty of the director's office.

(b) The advisory committee may hold public hearings, formal meetings, or work sessions. Either co-presiding officer of the advisory committee may call a public hearing, formal meeting, or work session of the advisory committee at any time. The advisory committee may not take formal action at a public hearing, formal meeting, or work session unless a quorum of the committee is present.

(c) Except as otherwise provided by this subsection, a member of the advisory committee is not entitled to receive compensation for service on the committee or reimbursement for expenses incurred in the performance of official duties as a member of the committee. Service on the advisory committee by a member of the senate or house of representatives is considered legislative service for which the member is entitled to reimbursement and other benefits in the same manner and to the same extent as for other legislative service.

(d) The advisory committee may submit comments and recommendations to the board regarding the use of money in the resiliency fund and for use by the board in adopting rules.

(e) The advisory committee shall review the overall operation, function, and structure of the resiliency fund at least semiannually and may provide comments and recommendations to the board on any matter.

(f) The advisory committee may adopt rules, procedures, and policies as needed to administer this section and implement its responsibilities.

(g) The advisory committee shall make recommendations to the board regarding information on the resiliency fund to be posted on the board's Internet website.

(h) The advisory committee may evaluate and may provide comments or recommendations on the feasibility of the state owning, constructing, operating, and maintaining flood projects, including reservoirs and coastal barriers.

(i) The board shall provide an annual report to the advisory committee on:

(1) the board's compliance with statewide annual goals relating to historically underutilized businesses; and

(2) the participation level of historically underutilized businesses in flood projects that receive money from the resiliency fund.

(j) If the aggregate level of participation by historically underutilized businesses in flood projects that receive money from the resiliency fund does not meet statewide annual goals adopted under Chapter 2161, Government Code, the advisory committee shall make recommendations to the board to improve the participation level.

(k) The board shall supply staff support to the advisory committee.

(l) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee.

Sec. 16.457. REPORT REQUIRED. (a) In this section, "state agency" means:

(1) a department, commission, board, office, or other agency in the executive branch of state government created by the state constitution or a state statute; and

(2) a general academic teaching institution as defined by Section 61.003, Education Code.

(b) A state agency that uses or disburses federal money for flood research, planning, or mitigation projects shall submit a report to the board on a quarterly basis.

(c) The report must include the following information about federal money used or disbursed for flood research, planning, or mitigation projects:

(1) the original total of federal money received;

(2) the amount of the federal money spent or disbursed to date; and

(3) the eligibility requirements for receiving the federal money.

Sec. 16.458. APPLICABLE LAW. Subchapter E, Chapter 17, applies to financial assistance made available from the resiliency fund, except that the board may execute contracts as necessary to evidence grant agreements.

Sec. 16.459. TRANSPARENCY REQUIREMENTS. The board shall post the following information on the board's Internet website regarding the use of the resiliency fund and regularly update the information posted:

- (1) the progress made in developing flood projects statewide;
- (2) a description of each flood project that receives money from the resiliency fund, including:
 - (A) the expected date of completion of the flood project;
 - (B) the current status of the flood project;
 - (C) the proposed benefit of the flood project;
 - (D) the initial total cost estimate of the flood project and variances to the initial cost estimate exceeding five percent;
 - (E) a listing of the eligible political subdivisions receiving money from the resiliency fund;
 - (F) a listing of each political subdivision served by each flood project;
 - (G) an estimate of matching funds that will be available for the flood project resulting from the use of the resiliency fund; and
 - (H) the status of repayment of each loan provided in connection with a flood project, including an assessment of the risk of default based on a standard risk rating system;
- (3) a description of the point system for prioritizing flood projects and the number of points awarded by the board for each flood project;
- (4) any nonconfidential information submitted to the board as part of an application for funding under this subchapter that is approved by the board;
- (5) the administrative and operating expenses incurred by the board in administering the resiliency fund; and
- (6) any other information required by board rule.

Sec. 16.460. RULES. The board shall adopt rules necessary to carry out this subchapter, including rules:

- (1) that establish procedures for an application for and for the award of financial assistance;
- (2) that establish the prioritization system for flood projects that receive money from the resiliency fund;
- (3) for the repayment of a loan from the resiliency fund; and
- (4) for the administration of the resiliency fund.

SECTION 3.02. Section 251.004(b), Insurance Code, is amended to read as follows:

(b) Each state fiscal year, the comptroller shall reallocate to the floodplain management account established under Section 16.453 ~~[16.3161]~~, Water Code, the first \$3.05 million of the maintenance taxes collected under Chapter 252 and deposited in the general revenue fund.

SECTION 3.03. Section 16.3161, Water Code, is repealed.

SECTION 3.04. On the effective date of this Act, the Floodplain Management Account No. 0330 is transferred to the Texas infrastructure resiliency fund as an account of that fund and the balance of the Floodplain Management Account No. 0330 is transferred to the floodplain management account of the Texas infrastructure resiliency fund.

SECTION 3.05. (a) Not later than the 90th day after the effective date of this Act, the Texas Infrastructure Resiliency Fund Advisory Committee shall submit recommendations to the Texas Water Development Board on the rules to be adopted by the board under Section 16.460, Water Code, as added by this Act.

(b) Not later than the 90th day after the date the Texas Water Development Board receives the recommendations described by Subsection (a) of this section, the board shall adopt rules under Section 16.460, Water Code, as added by this Act.

SECTION 3.06. Contingent on legislation of the 86th Legislature, Regular Session, 2019, that requires the creation of a state flood plan passing and becoming law, on the date that the Texas Water Development Board adopts the initial state flood plan in accordance with that law, Subchapter L, Chapter 16, Water Code, as added by this Act, is amended by adding Section 16.4545 to read as follows:

Sec. 16.4545. FLOOD PLAN IMPLEMENTATION ACCOUNT. (a) The flood plan implementation account is an account in the resiliency fund.

(b) The board may use the account only to provide financing for projects included in the state flood plan.

(c) Money from the account may be awarded to several eligible political subdivisions for a single flood project.

ARTICLE 4. REVENUE BONDS

SECTION 4.01. Section 17.852(5), Water Code, is amended to read as follows:

(5) "Project" includes water supply projects, treatment works, and flood ~~[control]~~ projects, as defined by Section 15.531 or 16.451.

SECTION 4.02. Section 17.853(c), Water Code, is amended to read as follows:

(c) The board may use the fund only:

(1) to provide state matching funds for federal funds provided to the state water pollution control revolving fund or to any additional state revolving fund created under Subchapter J, Chapter 15;

(2) to provide financial assistance from the proceeds of taxable bond issues to water supply corporations organized under Chapter 67, and other participants;

(3) to provide financial assistance to participants for the construction of water supply projects and treatment works;

(4) to provide financial assistance for an interim construction period to participants for projects for which the board will provide long-term financing through the water development fund;

(5) to provide financial assistance for water supply and sewer service projects in economically distressed areas as provided by Subchapter K, Chapter 17, to the extent the board can make that assistance without adversely affecting the current or future integrity of the fund or of any other financial assistance program of the board;

(6) to provide funds to the water infrastructure fund created under Section 15.973; ~~and~~

(7) to provide funds to the state water implementation revenue fund for Texas;

(8) to provide funds to the flood infrastructure fund created under Section 15.533; and

(9) to provide funds to the Texas infrastructure resiliency fund created under Section 16.452.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. This Act takes effect January 1, 2020, but only if the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, authorizing the legislature to provide for the creation of the flood infrastructure fund to assist in the financing of drainage, flood mitigation, and flood control projects is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

Amendment No. 2

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

Amend Amendment No. 1 by Phelan to **CSSB 7** on page 18, by striking lines 11 through 17 and substituting the following:

SECTION 5.01. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

(b) Article 2 of this Act takes effect January 1, 2020, but only if the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, authorizing the legislature to provide for the creation of the flood infrastructure fund to assist in the financing of drainage, flood mitigation, and flood control projects is approved by the voters. If that amendment is not approved by the voters, Article 2 has no effect.

Amendment No. 2 was adopted.

Amendment No. 3

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

Amend Amendment No. 1 by Phelan to **CSSB 7** as follows:

(1) On page 4, strike lines 9 through 15, and substitute the following:

(2) to make a grant or loan at or below market interest rates to an eligible political subdivision for a flood project to serve an area outside of a metropolitan statistical area in order to ensure that the flood project is implemented;

(2) On page 4, between lines 23 and 24, insert the following:

(5) to make a grant to an eligible political subdivision for a flood project if the board determines that the eligible political subdivision does not have the ability to repay a loan;

(3) On page 4, line 24, strike "(5)" and substitute "(6)".

(4) On page 4, line 28, strike "(6)" and substitute "(7)".

(5) On page 6, between lines 22 and 23, insert the following:

Sec. 15.540. ADVISORY COMMITTEE. (a) In this section, "advisory committee" means the State Water Implementation Fund for Texas Advisory Committee described by Section 15.438.

(b) The advisory committee shall:

(1) review the overall operation, function, and structure of the infrastructure fund at least semiannually and may provide comments and recommendations to the board on any matter; and

(2) make recommendations to the board regarding information on the infrastructure fund to be posted on the board's Internet website.

(c) The advisory committee may:

(1) submit comments and recommendations to the board regarding the use of money in the infrastructure fund and for use by the board in adopting rules; and

(2) adopt rules, procedures, and policies as needed to administer this section and implement its responsibilities.

(6) On page 9, strike lines 7 through 9, and substitute the following:

(b) The board may use the account only to provide moneys to the Texas Division of Emergency Management for the Division to provide financing for projects related to Hurricane Harvey. Financing under this section includes making a:

(7) On page 10, line 6, strike "In collaboration with".

(8) On page 10, line 7, strike "the board".

(9) On page 10, line 10, strike "board" and substitute "Texas Department of Emergency Management".

(10) On page 10, line 12, strike "board" and substitute "Texas Department of Emergency Management".

(11) On page 10, line 15, strike "board" and substitute "Texas Department of Emergency Management".

(12) On page 10, line 26, strike "board" and substitute "Texas Department of Emergency Management".

(13) On page 10, line 27, strike "board" and substitute "Texas Department of Emergency Management".

(14) On page 10, line 29, strike "board" and substitute "Texas Department of Emergency Management".

(15) On page 6, line 20, between "subject" and "an", insert "the State or".

(16) On page 4, between lines 29 and 30, insert the following:

(7) to make transfers to the research and planning fund created under Section 15.402 of this chapter.

Amendment No. 3 was adopted.

Amendment No. 4

Representatives Huberty, Murphy, and Walle offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Phelan to **CSSB 7** as follows:

(2) On page 9, line 10, strike ", low-interest loan, or zero-interest loan".

(3) On page 9, line 13, strike "development of a" and substitute "participation in or development of".

(4) On page 9, line 14, between "(A)" and "hazard", insert "a".

(5) On page 9, line 17, strike "or".

(6) On page 9, line 18, between "(B)" and "public", insert "a".

(7) On page 9, line 21, between "entities" and the underlined semicolon, insert the following:
; or

(C) assistance under guidelines issued by the Natural Resources Conservation Service, the United States Economic Development Administration, or the United States Department of Housing and Urban Development, or the successor in function to those entities

(8) On page 9, line 24, between "permitting costs," and "or other" insert "construction costs,".

(9) Strike page 9, line 27 through page 10, line 14 and substitute the following:

(c) A grant or loan awarded under this section may not provide more than 75 percent of the portion of the cost of the project that is paid with money other than money from a federal program.

(d) In collaboration with the Texas Division of Emergency Management, the board shall establish a point system for prioritizing flood projects other than public assistance grants for which money from the Hurricane Harvey account is sought. The system must include a standard for the board to apply in determining whether a flood project qualifies for funding at the time the application for funding is filed with the board.

Amendment No. 4 was adopted.

LEAVE OF ABSENCE GRANTED

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

Thierry on motion of Patterson.

CSSB 7 - (consideration continued)

Amendment No. 1, as amended, was adopted.

CSSB 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE T. KING: Chairman Phelan, back on April 10 when **CSHB 13** was before this body, you and I had an exchange to establish some legislative intent on some definitions that were included in that bill. That same language is now in **CSSB 7** before us today. Am I correct in assuming that the legislative intent we discussed on **CSHB 13** would apply equally to those same definitions in **CSSB 7**?

REPRESENTATIVE PHELAN: That is correct. Yes, sir.

T. KING: Thank you, Chairman Phelan. I think you've got a great bill here.

REMARKS ORDERED PRINTED

Representative T. King moved to print remarks between Representative Phelan and Representative T. King on **CSSB 7**.

The motion prevailed.

CSSB 7, as amended, was passed to third reading.

SB 7 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative Leach moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 7** all joint authors and co-authors for **HB 13**.

The motion prevailed.

SB 7 ON THIRD READING
(Phelan, Larson, Longoria, Guerra, Zerwas, et al. - House Sponsors)
CONSTITUTIONAL RULE SUSPENDED

Representative Phelan moved to suspend the constitutional rule requiring bills to be read on three several days and to place **SB 7** on its third reading and final passage.

The motion prevailed by (Record 1444): 143 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; 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; Shaheen; Sheffield; Sherman; Shine; Smith; Smithe; Springer; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Schaefer; Stickland.

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

Absent, Excused — Johnson, E.; Thierry.

The chair laid **SB 7** before the house on its third reading and final passage.

SB 7 was read third time and was passed by (Record 1445): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren;

Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; 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; 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; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

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

Absent, Excused — Johnson, E.; Thierry.

Absent — Middleton; Sherman.

STATEMENT OF VOTE

When Record No. 1445 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

SB 8 ON SECOND READING

(Larson - House Sponsor)

SB 8, A bill to be entitled An Act relating to state and regional flood planning.

Representative Larson moved to postpone consideration of **SB 8** until the end of the second reading calendar.

The motion prevailed.

GENERAL STATE CALENDAR

SENATE BILLS

SECOND READING

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

CSSB 16 ON SECOND READING

(Stucky - House Sponsor)

CSSB 16, A bill to be entitled An Act relating to a student loan repayment assistance program for certain full-time peace officers in this state.

CSSB 16 was passed to third reading.

SB 1259 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative Collier moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representatives Collier and J. González as co-sponsors to **SB 1259**.

The motion prevailed.

SB 1259 ON SECOND READING
(Klick, Howard, S. Thompson, Button, Noble, et al. - House Sponsors)

SB 1259, A bill to be entitled An Act relating to the prosecution of the offense of sexual assault.

SB 1259 was passed to third reading.

SB 282 ON SECOND READING
(Buckley, Beckley, Shine, and Bowers - House Sponsors)

SB 282, A bill to be entitled An Act relating to the allocation of money associated with delays of transportation projects.

SB 282 was passed to third reading.

SB 16 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative C. Turner moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 16** all joint authors and co-authors for **HB 14**.

The motion prevailed.

SB 2135 ON SECOND READING
(Cortez - House Sponsor)

SB 2135, A bill to be entitled An Act relating to information a law enforcement agency is required to share with a school district about a person who may be a student.

A record vote was requested by Representative Stickland.

SB 2135 was passed to third reading by (Record 1446): 131 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; 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; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miller; Minjarez; Moody; Morales; 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; Smithee; Springer; Stephenson; Stucky; Talarico; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wilson; Wray; Wu; Zerwas; Zwiener.

Nays — Biedermann; Cain; Lang; Middleton; Schaefer; Stickland; Swanson; Tinderholt; White; Zedler.

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

Absent, Excused — Johnson, E.; Thierry.

Absent — Ashby; Coleman; Herrero; Meza; Morrison.

STATEMENT OF VOTE

When Record No. 1446 was taken, I was shown voting yes. I intended to vote no.

Wilson

SB 1415 ON SECOND READING (Geren - House Sponsor)

SB 1415, A bill to be entitled An Act relating to the ownership, control, or operation of a franchised or nonfranchised dealer or dealership by certain motor vehicle manufacturers and distributors.

SB 1415 was passed to third reading.

SB 1575 ON SECOND READING (Krause - House Sponsor)

SB 1575, A bill to be entitled An Act relating to governmental immunity for and adjudication of claims arising from a local governmental entity's disaster recovery contract.

Amendment No. 1

Representative Krause offered the following amendment to **SB 1575**:

Amend **SB 1575** (house committee printing) as follows:

(1) On page 1, line 23, strike "and".

(2) On page 1, between lines 23 and 24, insert the following:

(2) is not for nonresidential engineering, architectural, or construction services or goods related to those services; and

(3) On page 1, line 24, strike "(2)" and substitute "(3)".

Amendment No. 1 was adopted.

SB 1575, as amended, was passed to third reading.

SB 700 ON SECOND READING (Geren - House Sponsor)

SB 700, A bill to be entitled An Act relating to retail public utilities that provide water or sewer service.

Amendment No. 1

Representative Geren offered the following amendment to **SB 700**:

Amend **SB 700** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 5.501(c), Water Code, is amended to read as follows:

(c) The commission by order or rule may delegate to the executive director the authority to:

(1) receive applications and issue emergency orders under this subchapter and Section 13.041(h); and

(2) authorize, in writing, a representative or representatives to act on the executive director's behalf under this subchapter and Section 13.041(h).

Amendment No. 1 was adopted.

SB 700, as amended, was passed to third reading.

SB 494 ON SECOND READING
(Walle - House Sponsor)

SB 494, A bill to be entitled An Act relating to certain procedures applicable to meetings under the open meetings law and the disclosure of public information under the public information law in the event of an emergency, urgent public necessity, or catastrophic event.

SB 494 was passed to third reading.

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).

GENERAL STATE CALENDAR
(consideration continued)

SB 1584 ON SECOND READING
(Paul - House Sponsor)

SB 1584, A bill to be entitled An Act relating to satisfaction of continuing education requirements for certain insurance adjusters.

SB 1584 was passed to third reading.

SB 935 ON SECOND READING
(Shine, Martinez Fischer, Darby, and Cortez - House Sponsors)

SB 935, A bill to be entitled An Act relating to reimbursement of federal military treatment facilities under the workers' compensation system.

SB 935 was passed to third reading.

CSSB 891 ON SECOND READING
(Leach, Holland, et al. - House Sponsors)

CSSB 891, A bill to be entitled An Act relating to the operation and administration of and practice in and grants provided by courts in the judicial branch of state government; imposing a fee; creating a criminal offense.

Amendment No. 1

Representatives Leach and Leman offered the following amendment to **CSSB 891**:

Amend **CSSB 891** (house committee printing) as follows:

(1) On page 31, strike lines 6 through 15 and substitute the following:

Sec. 54.2401. AUTHORIZATION; APPOINTMENT; ELIMINATION. (a) The Commissioners Court of Fort Bend County may authorize the judges of the district and statutory county courts in Fort Bend County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Fort Bend County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Fort Bend County.

(c) An order appointing a magistrate must be signed by the local administrative judge and must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(2) Strike page 46, line 13 through page 47, line 15.

(3) On page 49, line 14, between "judge" and "[equal]", insert "within the budget guidelines established by the Commissioners Court of Grayson County".

(4) On page 51, lines 23 and 24, strike "or a shorthand reporting firm registration".

(5) On page 52, line 6, strike "and shorthand reporting firms".

(6) Strike ", registration," in each of the following places it appears:

(A) page 51, lines 26 and 27;

(B) page 52, lines 5, 10, and 13; and

(C) page 53, lines 1 and 10.

(7) On page 60, line 5, strike "154.115(b)" and substitute "154.115".

(8) On page 60 between lines 6 and 7, insert the following:

Sec. 154.115. PROHIBITED CONTRACTS. (a) A court reporter or shorthand reporting firm may not enter into or provide services under any contractual agreement, written or oral, exclusive or nonexclusive, that:

(1) undermines the impartiality of the court reporter;

(2) requires a court reporter to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney;

(3) requires a court reporter to provide any service not made available to all parties to an action; [or]

(4) gives or appears to give an exclusive advantage to any party; or

(5) restricts an attorney's choice in the selection of a court reporter or shorthand reporting firm.

(9) On page 65, line 22, strike "courts" and substitute "court programs".

(10) On page 65, line 25, strike "(d)" and substitute "(d)(1)".

(11) On page 66, line 1, strike "(d)" and substitute "(d)(1)".

(12) Add the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 2. _____. Section 25.1972, Government Code, is amended by amending Subsections (a), (e), (g), and (i) and adding Subsections (b), (c), (f), and (h) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (c), a county court at law in Reeves County has:

(1) the jurisdiction provided by the constitution and by general law for district courts, including concurrent jurisdiction with the district court:

(A) in family law cases and proceedings;

(B) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(C) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought; and

(D) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under:

(A) Chapter 462, Health and Safety Code; and

(B) Subtitles C and D, Title 7, Health and Safety Code;

(3) jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and

(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094.

(b) A county court at law has original concurrent jurisdiction with the justice courts in all civil and criminal matters prescribed by law for justice courts. Appeals from justice courts and other courts of inferior jurisdiction in Reeves County must be made directly to a county court at law.

(c) A county court at law does not have jurisdiction of:

(1) felony cases, except as otherwise provided by law;

(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059; or

(3) contested elections.

(e) A ~~The~~ judge of a county court at law in Reeves County shall be paid an annual salary equal to the amount that is \$1,000 less than ~~that does not exceed 90 percent of~~ the ~~total~~ salary paid by the state to a district judge in the county. The salary shall be paid in the same manner and from the same fund as prescribed

by law for the county judge ~~[out of the county treasury on order of the commissioners court. The judge is entitled to travel expenses and necessary office expenses, including administrative and clerical assistance].~~

(f) A county court at law may not issue writs of habeas corpus in felony cases.

(g) The district clerk serves as clerk of a county court at law in the ~~[family law]~~ cases described by Subsection (a). The district clerk shall establish a separate docket for each county court at law. In matters of concurrent jurisdiction with the district court, the district clerk shall charge the same fees as are allowed in district court cases, except that in cases described by Subsections (a)(1)(A) and (2) and in misdemeanor cases other than those involving official misconduct, the clerk may not charge higher fees than the fees charged by county clerks for similar cases ~~[and proceedings, and the county clerk serves as clerk of the court in all other matters].~~

(h) If a jury trial is requested in a case that is in a county court at law's jurisdiction, the jury shall be composed of 6 members unless the constitution requires a 12-member jury. Failure to object before a 6-member jury is seated and sworn constitutes a waiver of a 12-member jury.

(i) If any cause or proceeding is lodged with the district clerk and the district clerk files, docket, or assigns the cause or proceeding in or to a county court at law that does not have subject matter jurisdiction over the cause or proceeding, the filing, docketing, or assignment of the cause or proceeding in or to a county court at law is considered a clerical error. That clerical error must be corrected by a judgment or order nunc pro tunc. The cause or proceeding is considered filed, docketed, or assigned to the district court of the local administrative judge in the first instance rather than to the county court at law. The judge of a county court at law who acts in the cause or proceeding is considered assigned to the district court of the local administrative judge for that purpose and has all the powers of the judge of that district court under the assignment ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings are governed by this section and the laws and rules pertaining to district courts. If a family law case is tried before a jury, the jury shall be composed of 12 members].~~

(13) Add the following appropriately numbered SECTION to ARTICLE 8 of the bill and renumber SECTIONS of that ARTICLE accordingly:

SECTION 8. _____. Section 152.0811, Human Resources Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (d) to read as follows:

(a) The juvenile board of Fayette County is composed of:

(1) the county judge;

(2) ~~[and]~~ the judge of each ~~[a]~~ district court in Fayette County;

(3) the judge of each statutory county court in Fayette County; and

(4) a public member only if the total number of board members described by Subdivisions (1)-(3) is fewer than three or is an even number [as determined by the commissioners court].

(a-1) A public member who serves on the board must be appointed by a majority of the other members of the board. The public member serves a two-year term.

(b) The commissioners court may pay the juvenile board members [additional annual] compensation of [not more than] \$1,200 annually for the [added] duties imposed on the members. The [additional] compensation shall be paid in equal monthly installments from the general fund or any other available fund of the county.

(d) The board member who has the greatest number of years of judicial service and is willing to serve is the chair of the board.

(14) Add the following appropriately numbered subdivision to SECTION 13.02 of the bill (page 79, between lines 26 and 27) and renumber subsequent subdivisions of that SECTION accordingly:

(____) Section 25.1972(k);

(15) Add the following appropriately numbered SECTIONS to ARTICLE 13 of the bill and renumber SECTIONS of that ARTICLE accordingly:

SECTION 13.____. The following provisions of the Code of Criminal Procedure are repealed:

(1) Article 103.003(b-1); and

(2) Article 103.0033.

SECTION 13.____. The following provisions of the Local Government Code are repealed:

(1) Section 133.058(e); and

(2) Section 133.103(c-1).

(16) Insert the following appropriately numbered ARTICLES and SECTIONS to the bill and renumber subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. CASES BROUGHT BY ATTORNEY GENERAL

SECTION _____.01. Section 402.006(c), Government Code, is amended to read as follows:

(c) In a case in which the state is entitled to recover a penalty or damages the attorney general is entitled, in addition to any other remedy available by law and on behalf of the state, to reasonable attorney's fees and court costs.

ARTICLE _____. VISITING JUDGES

SECTION _____.01. Section 25.0022, Government Code, is amended by adding Subsections (v) and (w) to read as follows:

(v) A judge who is assigned under this section to a court in a county other than the county in which the judge serves is not an employee of the other county.

(w) A former or retired judge who is assigned under this section is not an employee of the county in which the assigned court is located.

SECTION _____.02. Section 74.061, Government Code, is amended by adding Subsections (l) and (m) to read as follows:

(l) A judge of a district, statutory probate, constitutional county, or statutory county court who is assigned under this chapter to a court in a county other than the county in which the judge serves is not an employee of the other county.

(m) A former or retired judge or an active judge or justice of the supreme court, the court of criminal appeals, or a court of appeals who is assigned under this chapter is not an employee of the county in which the assigned court is located.

SECTION _____.03. Subchapter A, Chapter 75, Government Code, is amended by adding Section 75.004 to read as follows:

Sec. 75.004. EMPLOYEE STATUS. A former or retired judge or justice who is assigned under this subchapter is not an employee of the county in which the assigned court is located.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Nevárez and Leach offered the following amendment to **CSSB 891**:

Amend **CSSB 891** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 2. _____. (a) Section 25.1972, Government Code, is amended by amending Subsections (a), (e), (g), and (i) and adding Subsections (b), (c), (f), and (h) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (c), a county court at law in Reeves County has:

(1) the jurisdiction provided by the constitution and by general law for district courts, including concurrent jurisdiction with the district court:

(A) in family law cases and proceedings;

(B) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(C) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought; and

(D) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under:

(A) Chapter 462, Health and Safety Code; and

(B) Subtitles C and D, Title 7, Health and Safety Code;

(3) jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and

(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094.

(b) A county court at law has original concurrent jurisdiction with the justice courts in all civil and criminal matters prescribed by law for justice courts. Appeals from justice courts and other courts of inferior jurisdiction in Reeves County must be made directly to a county court at law.

(c) A county court at law does not have jurisdiction of:

(1) felony cases, except as otherwise provided by law;

(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059; or

(3) contested elections.

(e) A [The] judge of a county court at law in Reeves County shall be paid an annual salary equal to the amount that is \$1,000 less than [that does not exceed 90 percent of] the [total] salary paid by the state to a district judge in the county. The salary shall be paid in the same manner and from the same fund as prescribed by law for the county judge [out of the county treasury on order of the commissioners court. The judge is entitled to travel expenses and necessary office expenses, including administrative and clerical assistance].

(f) A county court at law may not issue writs of habeas corpus in felony cases.

(g) The district clerk serves as clerk of a county court at law in the [family law] cases described by Subsection (a). The district clerk shall establish a separate docket for each county court at law. In matters of concurrent jurisdiction with the district court, the district clerk shall charge the same fees as are allowed in district court cases, except that in cases described by Subsections (a)(1)(A) and (2) and in misdemeanor cases other than those involving official misconduct, the clerk may not charge higher fees than the fees charged by county clerks for similar cases [and proceedings, and the county clerk serves as clerk of the court in all other matters].

(h) If a jury trial is requested in a case that is in a county court at law's jurisdiction, the jury shall be composed of 6 members unless the constitution requires a 12-member jury. Failure to object before a 6-member jury is seated and sworn constitutes a waiver of a 12-member jury.

(i) If any cause or proceeding is lodged with the district clerk and the district clerk files, docket, or assigns the cause or proceeding in or to a county court at law that does not have subject matter jurisdiction over the cause or proceeding, the filing, docketing, or assignment of the cause or proceeding in or to a county court at law is considered a clerical error. That clerical error must be corrected by a judgment or order nunc pro tunc. The cause or proceeding is considered filed, docketed, or assigned to the district court of the local administrative judge in the first instance rather than to the county court at law. The judge of a county court at law who acts in the cause or proceeding is considered assigned to the district court of the local administrative judge for that

~~purpose and has all the powers of the judge of that district court under the assignment [Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings are governed by this section and the laws and rules pertaining to district courts. If a family law case is tried before a jury, the jury shall be composed of 12 members].~~

(b) Section 25.1972(k), Government Code, is repealed.

Amendment No. 2 was adopted.

CSSB 891, as amended, was passed to third reading.

SB 1742 ON SECOND READING

(J.E. Johnson - House Sponsor)

SB 1742, A bill to be entitled An Act relating to physician and health care provider directories for certain health benefit plans.

SB 1742 was passed to third reading. (Flynn recorded voting no.)

SB 962 ON SECOND READING

(Zerwas - House Sponsor)

SB 962, A bill to be entitled An Act relating to the determination of the sufficient balance of the economic stabilization fund for the purpose of allocating general revenue to that fund and the state highway fund.

SB 962 was passed to third reading.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Button requested permission for the Committee on Urban Affairs to meet while the house is in session, at 3:30 p.m. today, in 3W.3, to consider **SB 1913** and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Urban Affairs, 3:30 p.m. today, 3W.3, for a formal meeting, to consider **SB 1913** and pending business.

GENERAL STATE CALENDAR

(consideration continued)

SB 31 ON SECOND READING

(Smithee and Guillen - House Sponsors)

SB 31, A bill to be entitled An Act relating to establishing a guardianship abuse, fraud, and exploitation deterrence program.

SB 31 was passed to third reading.

SB 201 ON SECOND READING
(Oliverson - House Sponsor)

SB 201, A bill to be entitled An Act relating to increasing the criminal penalties for certain offenses committed in a disaster area or an evacuated area.

SB 201 was passed to third reading.

SB 1153 ON SECOND READING
(Smithee - House Sponsor)

SB 1153, A bill to be entitled An Act relating to the Texas Life and Health Insurance Guaranty Association.

SB 1153 was passed to third reading.

SB 1232 ON SECOND READING
(Goldman - House Sponsor)

SB 1232, A bill to be entitled An Act relating to the delivery of alcoholic beverages by the holder of a wine and beer retailer's permit.

SB 1232 was passed to third reading.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Zerwas requested permission for the Committee on Appropriations to meet while the house is in session, at 3:45 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, 3:45 p.m. today, 1W.14, for a formal meeting, to consider pending business.

GENERAL STATE CALENDAR
(consideration continued)

SB 68 ON SECOND READING
(Schaefer - House Sponsor)

SB 68, A bill to be entitled An Act relating to strategic fiscal reviews of state agencies and programs.

Amendment No. 1

Representatives Larson, Rodriguez, Flynn, K. Bell, Anchia, Nevárez, Bailes, J. Turner, Kuempel, Kacal, Toth, and Schaefer offered the following amendment to **SB 68**:

Amend **SB 68** as follows:

In SECTION 1 of **SB 68** at page 1, line 10, after the period, insert "The board shall not perform a review under this section of state agencies listed in Section 325.025(b), Government Code, because these agencies are not subject to the legislative appropriations process."

Amendment No. 1 was adopted.

SB 68, as amended, was passed to third reading.

CSSB 936 ON SECOND READING
(Hernandez - House Sponsor)

CSSB 936, A bill to be entitled An Act relating to a cybersecurity monitor for certain electric utilities.

CSSB 936 was passed to third reading.

SB 1324 ON SECOND READING
(C. Turner - House Sponsor)

SB 1324, A bill to be entitled An Act relating to the filing of a degree plan by students at public institutions of higher education.

SB 1324 was passed to third reading.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Anchia requested permission for the Committee on International Relations and Economic Development to meet while the house is in session, at 3:30 p.m. today, in 1W.14, to consider pending and referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

International Relations and Economic Development, 3:30 p.m. today, 1W.14, for a formal meeting, to consider pending and referred business.

GENERAL STATE CALENDAR
(consideration continued)

SB 443 ON SECOND READING
(Murphy - House Sponsor)

SB 443, A bill to be entitled An Act relating to the period for which a property owner may receive a residence homestead exemption from ad valorem taxation for property that is rendered uninhabitable or unusable as a result of a disaster.

SB 443 was passed to third reading.

SB 1450 ON SECOND READING
(Paddie - House Sponsor)

SB 1450, A bill to be entitled An Act relating to the delivery of alcoholic beverages from certain premises to ultimate consumers; authorizing a fee; creating an offense.

SB 1450 was passed to third reading.

SB 1679 ON SECOND READING
(J. Turner, Meyer, VanDeaver, Bernal, et al. - House Sponsors)

SB 1679, A bill to be entitled An Act relating to eligibility of certain children for free prekindergarten programs in public schools.

SB 1679 was passed to third reading.

SB 1211 ON SECOND READING**(P. King, Patterson, Harless, Parker, and Hernandez - House Sponsors)**

SB 1211, A bill to be entitled An Act relating to regulation of mergers and consolidations of power generation companies.

SB 1211 was passed to third reading.

POSTPONED BUSINESS

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

SB 8 ON SECOND READING**(Larson - House Sponsor)**

SB 8, A bill to be entitled An Act relating to state and regional flood planning.

SB 8 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representatives Kuempel, Murr, and Cyrier offered the following amendment to **SB 8**:

Amend **SB 8** (house committee printing) as follows:

(1) On page 6, line 25, strike "REPORT" and substitute "REPORTS".

(2) On page 7, between lines 19 and 20, insert the following:

(d-1) The water development board, in coordination with the state board and the Texas Commission on Environmental Quality, shall prepare a report of the repair and maintenance needs of all dams that:

(1) are not licensed by the Federal Energy Regulatory Commission;

(2) do not have flood storage;

(3) are required to pass floodwaters; and

(4) have failed.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Paddie offered the following amendment to **SB 8**:

Amend **SB 8** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. It is the intent of the legislature that the Texas Water Development Board shall play primarily a coordinating and guidance role and rely to the greatest extent practicable on private sector providers to implement the state flood plan and the 10-year dam repair and maintenance plan under Section 16.061, Water Code, and Section 201.0227, Agriculture Code, as added by this Act.

Amendment No. 2 was adopted.

SB 8, as amended, was passed to third reading.

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.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Homeland Security and Public Safety, upon final recess or during bill referral, if permission granted, today, 2W.6, for a formal meeting, to consider pending and referred business.

PROVIDING FOR RECESS

At 3:41 p.m., Representative Krause moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1 and 2.)

RECESS

In accordance with a previous motion, the house, at 3:45 p.m., recessed until 9 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 185 to Energy Resources.

SB 808 to State Affairs.

SB 1260 to Defense and Veterans' Affairs.

SB 1325 to Licensing and Administrative Procedures.

SB 1355 to Public Education.

SB 1458 to Human Services.

SB 1492 to Criminal Jurisprudence.

SB 1980 to Elections.

SB 2086 to Human Services.

SB 2089 to State Affairs.

SB 2248 to Transportation.

SB 2343 to Higher Education.

SB 2470 to County Affairs.

SB 2472 to Natural Resources.

SB 2474 to Land and Resource Management.

SB 2475 to Land and Resource Management.

SB 2477 to Land and Resource Management.

SB 2478 to Land and Resource Management.

SB 2548 to Land and Resource Management.

List No. 2

SB 1978 to State Affairs.

SIGNED BY THE SPEAKER

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

House List No. 30

HB 70, HB 87, HB 156, HB 253, HB 381, HB 389, HB 403, HB 427, HB 446, HB 468, HB 621, HB 693, HB 833, HB 886, HB 892, HB 971, HB 979, HB 1031, HB 1142, HB 1856, HB 1858, HB 1902, HB 1965, HB 1969, HB 2107, HB 2198, HB 2203, HB 2246, HB 2321, HB 2329, HB 2529, HB 2530, HB 2615, HB 2623, HB 2684, HB 2697, HB 2779, HB 2790, HB 2899, HB 2979, HB 3086, HB 3441, HB 4465, HB 4638, HB 4641

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

Thursday, May 16, 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 25 González, Mary SPONSOR: Zaffirini
Relating to a pilot program for providing services to certain women and children under the Medicaid medical transportation program.
(Committee Substitute)

HB 111 González, Mary SPONSOR: Fallon
Relating to public school policy and training for public school employees addressing the prevention of sexual abuse, sex trafficking, and other maltreatment of certain children.

HB 191 Stephenson SPONSOR: Kolkhorst
Relating to the disposal of pesticides.
(Amended)

HB 861 Anchia SPONSOR: Campbell
Relating to the calculation of penalties and interest resulting from the final determination of an ad valorem tax appeal that changes a property owner's tax liability.

HB 871 Price SPONSOR: Perry
Relating to use of telemedicine medical service by certain trauma facilities.

HB 985 Parker SPONSOR: Hancock
Relating to the effect of certain agreements with a collective bargaining organization on certain state-funded public work contracts.

HB 1070 Price SPONSOR: Watson
Relating to the mental health first aid training program reporting requirements.
(Committee Substitute)

HB 1537 Shine SPONSOR: Buckingham
Relating to the terms and election of the members of the board of directors of the Elm Creek Watershed Authority.

HB 1824 Murr SPONSOR: Flores
Relating to use of funds collected by the Parks and Wildlife Commission from the sale of certain materials.
(Amended)

HB 2164 Burns SPONSOR: Hughes
Relating to imposing a civil penalty for prohibiting or otherwise restricting a peace officer or special investigator from carrying a weapon on certain premises open to the public.
(Committee Substitute)

HB 2340 Dominguez SPONSOR: Johnson
Relating to emergency and disaster management, response, and recovery.

HB 2402 Geren SPONSOR: Fallon

Relating to the eligibility of certain events to receive funding through the Major Events Reimbursement Program.
(Committee Substitute)

HB 2952 Guillen SPONSOR: Zaffirini
Relating to the establishment of an emergency radio infrastructure grant program.

HB 3913 Huberty SPONSOR: Alvarado
Relating to an exception from required disclosure under the public information law for certain personal information obtained by certain flood control districts.

HB 4614 Guillen SPONSOR: Hinojosa
Relating to the administration, collection, and remittance of the cigarette tax; requiring a permit.
(Amended)

SB 1978 Hughes
Relating to the protection of membership in, affiliation with, and support provided to religious organizations.

SCR 64 Hughes
Commending the work of the Texas State History Museum Foundation.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 15

Appropriations - **SB 69**

Business and Industry - **SB 339, SB 498, SB 1414, SB 1516, SB 1845**

County Affairs - **SB 2553** (corrected)

Criminal Jurisprudence - **SB 207, SB 341, SB 405, SB 815, SB 1637, SB 1803, SB 2136**

Elections - **SB 902**

Higher Education - **SB 25, SB 212, SB 499, SB 502, SB 1192, SB 1323, SB 1441, SB 1757, SB 1758, SB 1788**

Insurance - **SB 437, SB 439, SB 1530, SB 1623**

International Relations and Economic Development - **SB 1818**

Land and Resource Management - **SB 422, SB 2558**

Pensions, Investments, and Financial Services - **SB 2219**

Public Education - **SB 11, SB 139, SB 293, SB 686, SB 2282**

Public Health - **SB 10, SB 384, SB 633, SB 748, SB 750, SB 1119, SB 1120, SB 1121, SB 1122, SB 1124, SB 1313, SB 1404, SB 1621, SB 1622, SB 2111, SB 2150**

State Affairs - **SB 64, SB 237, SB 702, SB 1067, SB 1577, SB 2206, SB 2299, SB 2551**

Transportation - **SB 511, SB 575, SB 688, SB 1219, SB 1221, SB 1593, SB 2015, SB 2156**

Urban Affairs - **SB 544, SB 545, SB 1000, SB 1572, SB 2445, SB 2456**

Ways and Means - **SB 347, SB 941, SB 1253, SB 1261, SB 1307, SB 1642, SB 1943, SB 2060, SB 2531, SJR 47, SJR 67**

ENROLLED

May 15 - HB 156, HB 253, HB 381, HB 389, HB 403, HB 446, HB 468, HB 621, HB 693, HB 886, HB 892, HB 971, HB 979, HB 1031, HB 1142, HB 1326, HB 1628, HB 1856, HB 1858, HB 1960, HB 1969, HB 2107, HB 2196, HB 2198, HB 2203, HB 2246, HB 2321, HB 2329, HB 2529, HB 2530, HB 2615, HB 2623

SENT TO THE GOVERNOR

May 15 - HB 1326, HB 1592, HB 1628, HB 1769, HB 1960, HB 2196, HB 2496, HCR 169, HCR 171