

# HOUSE JOURNAL

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EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-SECOND DAY — THURSDAY, MAY 23, 2019

The house met at 11:09 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1717).

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; 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.; Smithee.

The invocation was offered by Andrew Dietzel, associate pastor, St. Martin's Evangelical Lutheran Church, Austin.

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

### **LEAVES OF ABSENCE GRANTED**

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

E. Johnson on motion of Muñoz.

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

Smithee on motion of Flynn.

**CAPITOL PHYSICIAN**

The chair recognized Representative Larson who presented Dr. Mark Nadeau of San Antonio as the "Doctor for the Day."

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

(Goldman in the chair)

**HCR 177 - ADOPTED**

**(by D. Bonnen)**

Representative G. Bonnen moved to suspend all necessary rules to take up and consider at this time **HCR 177**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 177**, In memory of former House Speaker Pro Tempore D. R. "Tom" Uher of Bay City.

**HCR 177** was unanimously adopted by a rising vote.

**HR 2015 - ADOPTED**

**(by D. Bonnen)**

Representative G. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 2015**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2015**, In memory of Stella Ruth Whisenant Tipton of Humble.

**HR 2015** was unanimously adopted by a rising vote.

**HR 1968 - ADOPTED**

**(by D. Bonnen)**

Representative G. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 1968**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1968**, Congratulating George Henry Rau Jr. and Anita Louise Rau of Angleton on their 50th wedding anniversary.

**HR 1968** was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 1968** as signers thereof.

**HR 2044 - ADOPTED**  
**(by D. Bonnen)**

Representative G. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 2044**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2044**, Congratulating Taylor "Missy" Horne on her graduation from the U.S. Military Academy at West Point.

**HR 2044** was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 2044** as signers thereof.

**HCR 177 - NAMES ADDED**

On motion of Representative Geren, the names of all the members of the house were added to **HCR 177** as signers thereof.

**HR 1814 - ADOPTED**  
**(by Canales, et al.)**

Representative Canales moved to suspend all necessary rules to take up and consider at this time **HR 1814**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1814**, Commending the participants in the Rio Grande Valley Legislative Internship Program during the 86th Session.

**HR 1814** was adopted.

**HR 1820 - ADOPTED**  
**(by Goodwin)**

Representative Goodwin moved to suspend all necessary rules to take up and consider at this time **HR 1820**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1820**, In memory of Lieutenant Christopher Todd Askew of the Westlake Fire Department.

**HR 1820** was unanimously adopted by a rising vote.

On motion of Representative Israel, the names of all the members of the house were added to **HR 1820** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Goodwin who introduced family members and friends of Christopher Todd Askew.

**HR 2008 - ADOPTED**  
**(by Farrar)**

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 2008**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2008**, Congratulating Nicolás Miguel Ramón Gallego on his graduation from eighth grade.

**HR 2008** was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 2008** as signers thereof.

**INTRODUCTION OF GUEST**

The chair recognized Representative Farrar who introduced Nicolás Miguel Ramón Gallego.

**HR 2006 - ADOPTED**  
**(by Anchia)**

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 2006**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2006**, Recognizing May 23, 2019, as Univision Day at the State Capitol.

**HR 2006** was adopted.

On motion of Representative Perez, the names of all the members of the house were added to **HR 2006** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Anchia who introduced representatives of Univision.

**LEAVE OF ABSENCE GRANTED**

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

S. Davis on motion of Moody.

**HR 2000 - ADOPTED**  
**(by Anchia)**

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 2000**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2000**, Congratulating Ben Mackey on his election to the Dallas ISD Board of Trustees.

**HR 2000** was adopted.

(Speaker pro tempore in the chair)

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Goldman who introduced representatives of The University of Texas at Austin men's tennis team.

### **HR 703 - INTRODUCTION OF GUEST**

The chair recognized Representative P. King who introduced Charles W. Gilchrist.

(Speaker in the chair)

### **HB 4749 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 4749**, A bill to be entitled An Act relating to the creation of the Rose City Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments and fees.

Representative Schaefer moved that the house concur in the senate amendments to **HB 4749**.

Representative Craddick offered a substitute motion that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the bill.

### **HB 4749 - POINT OF ORDER**

Representative Craddick raised a point of order against further consideration of **HB 4749** under Rule 8, Section 10, of the House Rules and under Article III, Section 56, and Article III, Section 57, of the Texas Constitution on the grounds that local notice of intention to introduce the bill was not timely published and that the bill is an impermissible local law under the Texas Constitution.

The point of order was withdrawn.

The substitute motion that the house not concur in the senate amendments and that a conference committee be requested prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4749**: Schaefer, chair; Craddick, Hefner, Lang, and Shaheen.

(Goldman in the chair)

**HR 2088 - ADOPTED**  
**(by Y. Davis)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 2088**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2088**, In memory of Dr. Robert Brown Jr. of Dallas.

**HR 2088** was unanimously adopted by a rising vote.

On motion of Representative Sherman, the names of all the members of the house were added to **HR 2088** as signers thereof.

**HR 1880 - ADOPTED**  
**(by Nevárez)**

Representative Nevárez moved to suspend all necessary rules to take up and consider at this time **HR 1880**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1880**, Congratulating Eagle Pass High School baseball coach Reynol Mendoza on his 300th career win.

**HR 1880** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Nevárez who introduced Reynol Mendoza and members of his family.

**HR 1856 - ADOPTED**  
**(by Lambert)**

Representative Lambert moved to suspend all necessary rules to take up and consider at this time **HR 1856**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1856**, Recognizing May 23, 2019, as Red Nose Day in Texas.

**HR 1856** was adopted.

**HR 1945 - ADOPTED**  
**(by M. González)**

Representative M. González moved to suspend all necessary rules to take up and consider at this time **HR 1945**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1945**, Recognizing the historic significance of Rio Vista Farm in Socorro.

**HR 1945** was adopted.

On motion of Representative Israel, the names of all the members of the house were added to **HR 1945** as signers thereof.

### INTRODUCTION OF GUESTS

The chair recognized Representative Biedermann who introduced Dwayne Fowler and his wife, Ellen.

(Speaker in the chair)

### **HCR 180 - ADOPTED** (by Parker)

Representative Parker moved to suspend all necessary rules to take up and consider at this time **HCR 180**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 180**, Congratulating Representative Tom Craddick and Nadine Craddick on their 50th wedding anniversary.

The chair recognized Representative Parker who introduced Representative Tom Craddick and his wife, Nadine. Representative Parker addressed the house, speaking as follows:

I appreciate so much you all taking a few moments to pay attention here. I want to take a couple of moments to really put into context the importance of the life of Tom and Nadine Craddick. We all know Tom, of course, as the legendary Texas lawmaker who's been instrumental in building the Republican Party in Texas and also is the first republican speaker since Reconstruction. But most importantly, we know him as our dear friend and colleague. However, the most critical story, members, is the love story of Tom and Nadine Craddick, a love story that will celebrate 50 years in September. Let's all think about that for a moment—50 years of an incredible marriage together.

Tom and Nadine Craddick met in the library at Texas Tech—can you picture that, everybody—where they both graduated, Nadine with a bachelor's in education and Tom with a bachelor's in business administration in '65 and later a master of business administration in 1966. They were married on September 6, 1969. Tom almost missed the wedding because of the special session that year. In fact, he tells me a story that he got there just maybe 15 minutes before the wedding ceremony began. Think about that for a moment. I think poor Nadine was worried about being left there at the altar. And being the true public servants that they are, they even postponed their honeymoon until that special session was over. The importance of faith and family throughout their journey cannot be underestimated. Together they've built an incredibly successful business career intertwined with a lifelong dedication to public service. Their faith and true devotion to one another is an example for all of us. Despite all the incredible

things that Tom and Nadine have done for the State of Texas, I can confidently share with all of you that they are most proud of their children, Christi and Tommy, and their grandchildren, Tripp, Claire, and Catherine.

I know firsthand about Tom's love and devotion to Nadine. Not a day goes by that he doesn't look to her for guidance and direction. She truly is his rock. He cherishes her immensely and truly walks the walk as a godly husband who puts his wife first. As Nadine says, "Tom is a good man, an honest man, a great husband and father, a man of his word, and a man who cares deeply about Texas. We both do. As he often tells people, we are a team. Tom and I have had a strong marriage that has shared a partnership and a strong commitment to help people. Politics has been the avenue that God set before us to serve him in an honorable way. We both believe in trust, honesty, respect, integrity, and helping our fellow man. God knows where he wants you in life, and staying in God's will is a testament to faith. We are both grateful and thankful for all the gifts, the opportunities, the friendships, the contributions, and service he has allowed us to make through these many years." My friends, Nadine's words sum it up beautifully. Members, would you please join me in congratulating my wonderful deskmate and his beautiful bride of 50 years of marriage and many, many more wonderful years to come. God bless you both. Thank you for all you do.

**HCR 180** was adopted.

On motion of Representative Morrison, the names of all the members of the house were added to **HCR 180** as signers thereof.

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

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

**HB 4347**, A bill to be entitled An Act relating to the authority of certain municipalities to use certain tax revenue for hotel and convention center projects and other qualified projects.

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

The motion to concur in the senate amendments to **HB 4347** prevailed by (Record 1718): 146 Yeas, 0 Nays, 1 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, 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, S.; Johnson, E.; Smithee.

### Senate Committee Substitute

**CSHB 4347**, A bill to be entitled An Act relating to the authority of certain municipalities to use certain tax revenue for hotel and convention center projects and other qualified projects.

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

SECTION 1. Section 351.001, Tax Code, is amended by adding Subdivision (12) to read as follows:

(12) "Retail establishment" means an establishment engaged in activities described by North American Industry Classification System subsector code 442, 443, 445, 446, 448, 451, 452, or 453.

SECTION 2. Sections 351.102(b), (c), and (e), Tax Code, are amended to read as follows:

(b) ~~A municipality described by Subsection (e) [An eligible central municipality, a municipality with a population of 173,000 or more that is located within two or more counties, a municipality with a population of 96,000 or more that is located in a county that borders Lake Palestine or contains the headwaters of the San Gabriel River, or a municipality with a population of at least 99,900 but not more than 111,000 that is located in a county with a population of at least 135,000]~~ may pledge the revenue derived from the tax imposed under this chapter from a hotel project that is owned by or located on land owned by the municipality or, in an eligible central municipality, by a nonprofit corporation acting on behalf of an eligible central municipality, and that is located within 1,000 feet of a qualified convention center facility, as defined by Section 351.151, owned by the municipality for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, and equip the hotel and any facilities ancillary to the hotel, including convention center entertainment-related facilities, ~~[meeting spaces,]~~ restaurants, retail establishments [shops], street and water and sewer infrastructure necessary for the operation of the hotel or ancillary facilities, and parking facilities within 1,000 feet of the hotel or convention center facility. ~~[A municipality with a population of 173,000 or more that is located within two or more counties may pledge for the payment of bonds or other obligations described by this subsection the revenue derived from the tax imposed under this chapter from a hotel project not owned by or located on land owned by the municipality if the project is located on land that is owned by the federal government and the project is located~~

~~within 1,000 feet of a convention center facility owned by the municipality.] For bonds or other obligations issued under this subsection, [an eligible central municipality or] a municipality described by [this subsection or] Subsection (e) may only pledge revenue or other assets of the hotel project benefiting from those bonds or other obligations.~~

(c) A ~~[Except as provided by this subsection, a]~~ municipality described by [to which] Subsection [(b) or] (e) [applies] is entitled to receive all funds from a project described by Subsection (b) that an owner of a project may receive under Section 151.429(h) of this code, or Section 2303.5055, Government Code, and may pledge the funds for the payment of obligations issued under this section, but only if. ~~A municipality described by Subsection (e) is not entitled to receive funds from a project under this subsection unless]~~ the municipality has pledged the revenue derived from the tax imposed under this chapter from the project for the payment of bonds or other obligations issued or incurred for the project.

(e) Subsection (b) applies only ~~[In addition to the municipalities described by Subsection (b), that subsection also applies]~~ to:

(1) a municipality with a population of two million or more;

(2) a municipality with a population of 700,000 or more but less than 1.3 million;

(3) a municipality with a population of 350,000 or more but less than 450,000 in which two professional sports stadiums are located, each of which:

(A) has a seating capacity of at least 40,000 people; and

(B) was approved by the voters of the municipality as a sports and community venue project under Chapter 334, Local Government Code; and

(4) ~~[at least 110,000 but not more than 135,000 at least part of which is located in a county with a population of not more than 135,000;~~

~~[(2) a municipality with a population of at least 9,000 but not more than 10,000 that is located in two counties, each of which has a population of at least 662,000 and a southern border with a county with a population of 2.3 million or more;~~

~~[(3) a municipality with a population of at least 200,000 but not more than 300,000 that contains a component institution of the Texas Tech University System;~~

~~[(4) a municipality with a population of at least 95,000 that borders Lake Lewisville;~~

~~[(5) a municipality that:~~

~~[(A) contains a portion of Cedar Hill State Park;~~

~~[(B) has a population of more than 45,000;~~

~~[(C) is located in two counties, one of which has a population of more than two million and one of which has a population of more than 149,000; and~~

~~[(D) has adopted a capital improvement plan for the construction or expansion of a convention center facility;~~

~~[(6) a municipality with a population of less than 6,000 that:~~

~~[(A) is located in two counties each with a population of 600,000 or more that are both adjacent to a county with a population of two million or more;~~

~~[(B) has full time police and fire departments; and~~

~~[(C) has adopted a capital improvement plan for the construction or expansion of a convention center facility;~~

~~[(7) a municipality with a population of at least 56,000 that:~~

~~[(A) borders Lake Ray Hubbard; and~~

~~[(B) is located in two counties, one of which has a population of less than 80,000;~~

~~[(8) a municipality with a population of more than 83,000, that borders Clear Lake, and that is primarily located in a county with a population of less than 300,000;~~

~~[(9)] a municipality with a population of less than 2,000 that:~~

~~(A) is located adjacent to a bay connected to the Gulf of Mexico;~~

~~(B) is located in a county with a population of 290,000 or more that is adjacent to a county with a population of four million or more; and~~

~~(C) has a boardwalk on the bay;~~

~~[(10) a municipality with a population of 75,000 or more that:~~

~~[(A) is located wholly in one county with a population of 575,000 or more that is adjacent to a county with a population of four million or more; and~~

~~[(B) has adopted a capital improvement plan for the construction or expansion of a convention center facility;~~

~~[(11) a municipality with a population of less than 75,000 that is located in three counties, at least one of which has a population of at least four million; and~~

~~[(12) an eligible coastal municipality with a population of more than 3,000 but less than 5,000].~~

SECTION 3. Section 351.102(d), Tax Code, is redesignated as Section 351.1063, Tax Code, and amended to read as follows:

Sec. 351.1063. ALLOCATION OF REVENUE FOR ADVERTISING AND PROMOTION: CERTAIN MUNICIPALITIES WITH CERTAIN PROJECTS. (a) This section applies only to a municipality described by Section 351.102(e) or 351.152, other than an eligible central municipality described by Section 351.001(7)(D).

(b) A ~~[(d) Except as provided by this subsection, an eligible central]~~ municipality ~~[or another municipality described by Subsection (b) or (c)]~~ that uses revenue derived from the tax imposed under this chapter or funds received under Section 351.102(c), 351.156, or 351.157 ~~[Subsection (e)]~~ for a hotel project under Section 351.102(b) or a qualified project under Section 351.155 ~~[described by Subsection (b)]~~ may not reduce the percentage of revenue from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of that revenue allocated by the municipality for that purpose during the 36-month

period preceding the date the municipality begins using the revenue or funds for the hotel project. ~~[This subsection does not apply to an eligible central municipality described by Section 351.001(7)(D).]~~

SECTION 4. Section 351.102(f), Tax Code, is redesignated as Section 351.1064, Tax Code, and amended to read as follows:

Sec. 351.1064. ALLOCATION OF REVENUE FOR CERTAIN SPORTING EVENT EXPENSES: CERTAIN MUNICIPALITIES WITH QUALIFIED PROJECT. (a) This section applies only to a municipality with a population of 200,000 or more but less than 300,000 that contains a component institution of the Texas Tech University System.

(b) ~~[(f)]~~ A municipality ~~[described by Subsection (e)(3)]~~ that uses revenue derived from the tax imposed under this chapter or funds received under Section 351.156 ~~[Subsection (e)]~~ for repayment of bonds, ~~[or]~~ other obligations, or contractual obligations issued or incurred for a qualified ~~[hotel]~~ project under Section 351.155 ~~[described by Subsection (b)]~~ may not, in a fiscal year that begins after ~~[construction of]~~ the qualified ~~[hotel]~~ project is complete and during any part of which the bonds, ~~[or]~~ other obligations, or contractual obligations are outstanding, reduce the amount of revenue derived from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(6) to an amount that is less than the sum of:

(1) the amount of the revenue derived from the tax imposed under this chapter and allocated by the municipality for a purpose described by Section 351.101(a)(6) during the fiscal year beginning October 1, 2016; and

(2) three percent of the amount of revenue derived from the tax imposed under this chapter during the fiscal year for which the amount required by this subsection is being determined.

SECTION 5. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.1021 to read as follows:

Sec. 351.1021. PLEDGE OR COMMITMENT OF CERTAIN TAX REVENUE FOR CERTAIN PROJECTS. (a) In this section:

(1) "Eligible municipality" means a municipality described by Section 351.102(e)(4).

(2) "Multipurpose convention center facility" means a facility that will be constructed and, after that construction:

(A) is used to host conventions, meetings, live performances, and sporting events;

(B) is:

(i) leased by an eligible municipality; or

(ii) wholly owned by an eligible municipality, and none of which is or may be owned through an undivided common interest;

(C) is not located in a hotel or other structure;

(D) has at least 10,000 square feet of continuous and usable meeting space; and

(E) is configurable to simultaneously accommodate multiple events described by Paragraph (A) of different sizes and types.

(3) "Multipurpose convention center facility project" means a project that consists of a hotel owned by an eligible municipality or another person and a multipurpose convention center facility, the nearest exterior wall of which is located not more than 2,500 feet from the nearest exterior wall of the hotel. A multipurpose convention center facility project may include:

(A) each new or existing business located in the municipality, regardless of who owns the business or the property on which the business is located, the nearest exterior wall of which is located not more than 2,500 feet from the nearest exterior wall of the multipurpose convention center facility or the hotel that is part of the project;

(B) a parking shuttle or transportation system; and

(C) any parking area or structure located in the municipality, regardless of who owns the area or structure or the property on which the area or structure is located, the nearest property line of which is located not more than two miles from the nearest exterior wall of the multipurpose convention center facility.

(b) An eligible municipality or local government corporation acting on behalf of an eligible municipality is entitled to receive all funds from a multipurpose convention center facility project that the owner of a project could receive under Section 151.429(h) of this code or Section 2303.5055, Government Code, if a project for purposes of those provisions included a multipurpose convention center facility project. The municipality or local government corporation is entitled to receive the funds for a period of 10 years beginning on the date the multipurpose convention center facility is issued a certificate of occupancy.

(c) An eligible municipality or local government corporation acting on behalf of an eligible municipality may pledge or commit the funds to which the municipality or local government corporation is entitled as provided by Subsection (b) for the payment of bonds, other obligations, or contractual obligations issued or incurred for the multipurpose convention center facility project.

(d) The comptroller shall deposit the funds to which an eligible municipality or local government corporation is entitled as provided by Subsection (b) in a separate suspense account of the municipality outside the state treasury.

(e) The comptroller may make a rebate, refund, or payment authorized under this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to the eligible municipality the funds to which the municipality or local government corporation is entitled as provided by Subsection (b) at least quarterly.

SECTION 6. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.1022 to read as follows:

Sec. 351.1022. PLEDGE OR COMMITMENT OF CERTAIN TAX REVENUE BY CERTAIN MUNICIPALITIES WITH SPORTS STADIUMS. (a) This section applies only to a municipality described by Section 351.102(e)(3).

(b) A municipality is entitled to receive all funds from a hotel project described by Section 351.102(b) that an owner of a project may receive under Section 151.429(h) of this code or Section 2303.5055, Government Code, and all tax revenue collected under Chapter 183 by or from all permittees at the hotel project, excluding revenue disbursed by the comptroller under Section 183.051(b). Notwithstanding any other law, the municipality is entitled to receive the funds for a period of 30 years beginning on the date the hotel project is open for initial occupancy.

(c) The municipality may pledge the funds to which the municipality is entitled as provided by Subsection (b) for the payment of bonds, other obligations, or contractual obligations issued or incurred to acquire, lease, construct, improve, enlarge, and equip the hotel project.

(d) The comptroller shall deposit the funds to which the municipality is entitled as provided by Subsection (b) in a separate suspense account of the municipality outside the state treasury.

(e) The comptroller may make a rebate, refund, or payment authorized under this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to the municipality the funds to which the municipality is entitled as provided by Subsection (b) at least monthly.

SECTION 7. Chapter 351, Tax Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. MUNICIPAL HOTEL AND CONVENTION CENTER  
PROJECTS

Sec. 351.151. DEFINITIONS. In this subchapter:

(1) "Infrastructure" includes:

(A) a road, street, highway, bridge, overpass, underpass, and interchange;

(B) a fresh, reuse, or alternative water supply system, sanitary sewer system, and storm drainage system;

(C) an electric system, telecommunications system, and gas system;

(D) signage, landscaping, and hardscaping; and

(E) a public amenity or public area, such as a plaza, park, or trail.

(2) "Qualified convention center facility" means a facility that has been or will be constructed and that:

(A) is primarily used to host conventions or meetings;

(B) is wholly owned by a municipality to which this subchapter applies, and none of which is or may be owned through an undivided common interest;

(C) is connected to a qualified hotel or has an exterior wall that is located not more than 1,000 feet from the nearest exterior wall of a qualified hotel;

(D) is not located in a hotel, sports stadium, or other structure but may share common infrastructure or facilities with a hotel, such as a heating, ventilation, and air-conditioning system, electrical system, or kitchen;

(E) has at least 10,000 square feet of continuous meeting space;  
and

(F) is configurable to simultaneously accommodate multiple events described by Paragraph (A) of different sizes and types.

(3) "Qualified hotel" means a hotel that is designated by a municipality to which this subchapter applies as the hotel that is part of a qualified project. A qualified hotel:

(A) must be located on land owned by the designating municipality;

(B) must be connected to a qualified convention center facility or have an exterior wall that is located not more than 1,000 feet from the nearest exterior wall of the qualified convention center facility; and

(C) may consist of two or more towers, regardless of whether named differently, branded differently, reporting different addresses to the comptroller under this code, or reporting taxes separately to the comptroller under this code, that:

(i) are constructed at the same time;

(ii) are connected to each other or to a qualified convention center facility; and

(iii) each meet the requirements of Paragraphs (A) and (B).

(4) "Qualified project" means a project:

(A) to:

(i) acquire, construct, repair, remodel, expand, or equip a qualified convention center facility; or

(ii) acquire, lease, construct, repair, remodel, expand, or equip a qualified hotel; and

(B) that may include:

(i) acquiring, leasing, constructing, repairing, remodeling, expanding, or equipping:

(a) a restaurant, bar, retail establishment, or spa located in a qualified convention center facility or qualified hotel or connected to a qualified convention center facility or qualified hotel, including by a covered walkway; or

(b) a parking area or structure, the nearest property line of which is located not more than 1,000 feet from the nearest property line of a qualified convention center facility or qualified hotel;

(ii) acquiring, constructing, repairing, remodeling, or expanding infrastructure that:

(a) is directly related to and necessary for the qualified convention center facility or qualified hotel; and

(b) is located within the property lines of the qualified convention center facility or qualified hotel, or not more than 1,000 feet from the nearest property line of the facility or hotel; or

(iii) acquiring a property right, including a fee simple interest, easement, or other interest in connection with a purpose described by this subdivision.

Sec. 351.152. APPLICABILITY. This subchapter applies only to:

- (1) a municipality described by Section 351.001(7)(B);
- (2) a municipality described by Section 351.001(7)(D);
- (3) a municipality described by Section 351.001(7)(E);
- (4) a municipality described by Section 351.102(e)(3);
- (5) a municipality that contains more than 75 percent of the population of a county with a population of 1.5 million or more;
- (6) a municipality with a population of 150,000 or more but less than 200,000 that is partially located in at least one county with a population of 125,000 or more;
- (7) a municipality with a population of 150,000 or more but less than one million that is located in one county with a population of 2.3 million or more;
- (8) a municipality with a population of 180,000 or more that:
  - (A) is located in two counties, each with a population of 100,000 or more; and
  - (B) contains an American Quarter Horse Hall of Fame and Museum;
- (9) a municipality with a population of 96,000 or more that is located in a county that borders Lake Palestine;
- (10) a municipality with a population of 96,000 or more that is located in a county that contains the headwaters of the San Gabriel River;
- (11) a municipality with a population of 99,900 or more but less than 111,000 that is located in a county with a population of 135,000 or more;
- (12) a municipality with a population of 110,000 or more but less than 135,000 at least part of which is located in a county with a population of less than 135,000;
- (13) a municipality with a population of 9,000 or more but less than 10,000 that is located in two counties, each of which has a population of 662,000 or more and a southern border with a county with a population of 2.3 million or more;
- (14) a municipality with a population of 200,000 or more but less than 300,000 that contains a component institution of the Texas Tech University System;
- (15) a municipality with a population of 95,000 or more that:
  - (A) is located in more than one county; and
  - (B) borders Lake Lewisville;
- (16) a municipality with a population of 45,000 or more that:
  - (A) contains a portion of Cedar Hill State Park;
  - (B) is located in two counties, one of which has a population of two million or more and one of which has a population of 149,000 or more; and
  - (C) has adopted a capital improvement plan for the construction or expansion of a convention center facility;
- (17) a municipality with a population of less than 6,000 that:
  - (A) is almost wholly located in a county with a population of 600,000 or more that is adjacent to a county with a population of two million or more;



(B) is partially located in a county with a population of 1.8 million or more that is adjacent to a county with a population of two million or more;

(C) has a visitor center and museum located in a 19th-century rock building in the municipality's downtown; and

(D) has a waterpark open to the public;

(18) a municipality with a population of 56,000 or more that:

(A) borders Lake Ray Hubbard; and

(B) is located in two counties, one of which has a population of less than 80,000;

(19) a municipality with a population of 83,000 or more that:

(A) borders Clear Lake; and

(B) is primarily located in a county with a population of less than 300,000;

(20) a municipality with a population of less than 2,000 that:

(A) is located adjacent to a bay connected to the Gulf of Mexico;

(B) is located in a county with a population of 290,000 or more that is adjacent to a county with a population of four million or more; and

(C) has a boardwalk on the bay;

(21) a municipality with a population of 75,000 or more that:

(A) is located wholly in one county with a population of 575,000 or more that is adjacent to a county with a population of four million or more; and

(B) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(22) a municipality with a population of less than 75,000 that is located in three counties, at least one of which has a population of four million or more;

(23) an eligible coastal municipality with a population of 3,000 or more but less than 5,000;

(24) a municipality with a population of 90,000 or more but less than 150,000 that:

(A) is located in three counties; and

(B) contains a branch campus of a component institution of the University of Houston System;

(25) a municipality that is:

(A) primarily located in a county with a population of four million or more; and

(B) connected by a bridge to a municipality described by Subdivision (20);

(26) a municipality with a population of 20,000 or more but less than 25,000 that:

(A) contains a portion of Mustang Bayou; and

(B) is wholly located in a county with a population of less than 500,000;

(27) a municipality with a population of 70,000 or more but less than 90,000 that is located in two counties, one of which has a population of four million or more and the other of which has a population of less than 50,000;

- (28) a municipality with a population of 10,000 or more that:  
(A) is wholly located in a county with a population of four million  
or more; and  
(B) has a city hall located less than three miles from a space center  
operated by an agency of the federal government;
- (29) a municipality that is the county seat of a county:  
(A) through which the Pedernales River flows; and  
(B) in which the birthplace of a president of the United States is  
located;
- (30) a municipality that contains a portion of U.S. Highway 79 and  
State Highway 130;
- (31) a municipality with a population of 48,000 or more but less than  
95,000 that is located in two counties, one of which has a population of  
900,000 or more but less than 1.7 million;
- (32) a municipality with a population of less than 25,000 that contains a  
museum of Western American art;
- (33) a municipality with a population of 50,000 or more that is the  
county seat of a county that contains a portion of the Sam Houston National  
Forest;
- (34) a municipality with a population of less than 25,000 that:  
(A) contains a cultural heritage museum; and  
(B) is located in a county that borders the United Mexican States  
and the Gulf of Mexico;
- (35) a municipality that is the county seat of a county that:  
(A) has a population of 115,000 or more;  
(B) is adjacent to a county with a population of 1.8 million or  
more; and  
(C) hosts an annual peach festival;
- (36) a municipality that is the county seat of a county that:  
(A) has a population of 585,000 or more; and  
(B) is adjacent to a county with a population of four million or  
more;
- (37) a municipality with a population of less than 10,000 that:  
(A) contains a component university of The Texas A&M  
University System; and  
(B) is located in a county adjacent to a county that borders  
Oklahoma;
- (38) a municipality with a population of less than 6,100 that:  
(A) is located in two counties, each of which has a population of  
600,000 or more but less than two million; and  
(B) hosts an annual Cajun Festival;
- (39) a municipality with a population of 13,000 or more that:  
(A) is located on an international border; and  
(B) is located in a county:  
(i) with a population of less than 400,000; and  
(ii) in which at least one World Birding Center site is located;

(40) a municipality with a population of 4,000 or more that:

(A) is located on an international border; and

(B) is located not more than five miles from a state historic site that serves as a visitor center for a state park that contains 300,000 or more acres of land;

(41) a municipality with a population of 36,000 or more that is adjacent to at least two municipalities described by Subdivision (15); and

(42) a municipality with a population of 28,000 or more in which is located a historic railroad depot and heritage center.

Sec. 351.153. EXCEPTION TO OWNERSHIP REQUIREMENT. (a) This section applies only to a municipality described by Section 351.152(6) or (29).

(b) Section 351.151(2)(B) does not apply to a facility that otherwise meets the requirements of a qualified convention center facility under Section 351.151.

(c) Section 351.151(3)(A) does not apply to a hotel that otherwise meets the requirements of a qualified hotel under Section 351.151.

Sec. 351.154. NONPROFIT CORPORATION AS MUNICIPAL AGENT. A municipality may authorize a nonprofit corporation to act on behalf of the municipality for any purpose under this subchapter.

Sec. 351.155. PLEDGE OR COMMITMENT OF CERTAIN TAX REVENUE FOR OBLIGATIONS FOR QUALIFIED PROJECT. (a) In addition to the authority of a municipality to issue debt under Chapter 1504, Government Code, a municipality may pledge or commit the revenue derived from the tax imposed under this chapter from a qualified hotel and the revenue to which the municipality is entitled under Section 351.156 and, if applicable, Section 351.157 or the payment of:

(1) bonds or other obligations issued for a qualified project; and

(2) contractual obligations related to the project, including obligations under:

(A) a contract authorized by Chapter 380, Local Government Code, for the project; and

(B) an interlocal agreement directly related to the project.

(b) A municipality may pledge or commit revenue for the payment of bonds, other obligations, or contractual obligations under Subsection (a) only if the qualified hotel that is a component of the qualified project for which that revenue is pledged or committed benefits from the pledging or committing of that revenue.

(c) A municipality may pledge or commit revenue under this section for only one qualified project. After a municipality pledges or commits revenue under this section for a qualified project, the municipality may not ever again pledge or commit revenue for a qualified project.

(d) Subsection (c) does not apply to a municipality with a population of 175,000 or more.

(e) A municipality is not entitled to receive revenue under Section 351.156 or 351.157 unless the municipality has pledged or committed a portion of the revenue derived from the tax imposed under this chapter and collected by

the qualified hotel for the payment of bonds, other obligations, or contractual obligations described by Subsection (a) and issued or incurred for the qualified project.

Sec. 351.156. ENTITLEMENT TO CERTAIN TAX REVENUE. Subject to Sections 351.155(e) and 351.158, a municipality is entitled to receive the revenue derived from the following taxes generated, paid, and collected by a qualified hotel, and each restaurant, bar, and retail establishment located in or connected to the hotel or the related qualified convention center facility, that is located in the municipality:

(1) the sales and use tax imposed under Chapter 151;  
(2) the hotel occupancy tax imposed under Chapter 156; and  
(3) if a political subdivision that is entitled to receive the revenue from the tax agrees in writing to the municipality receiving that revenue;

(A) the sales and use tax imposed by the political subdivision under Chapter 322 or 323;

(B) the hotel occupancy tax imposed by the political subdivision under Chapter 352; and

(C) the mixed beverage tax issued under Section 183.051.

Sec. 351.157. ADDITIONAL ENTITLEMENT FOR CERTAIN MUNICIPALITIES. (a) In this section, "qualified establishment" means an establishment:

(1) that is located on land:

(A) owned by a municipality; or

(B) owned by any person if the establishment is located in a municipality described by Section 351.152(3);

(2) the nearest exterior wall of which is located not more than 1,000 feet from the nearest exterior wall of a qualified hotel or qualified convention center facility;

(3) that is constructed:

(A) on or after the date the municipality commences a qualified project under this subchapter; or

(B) at any time if the establishment is located in a municipality described by Section 351.152(3);

(4) that is not a sports stadium; and

(5) that is the type of establishment described by Subsection (c) from which the municipality is entitled to receive revenue under Subsection (d).

(b) This section applies only to:

(1) a municipality described by Section 351.152(3);

(2) a municipality described by Section 351.152(6);

(3) a municipality described by Section 351.152(7);

(4) a municipality described by Section 351.152(10);

(5) a municipality described by Section 351.152(16);

(6) a municipality described by Section 351.152(22);

(7) a municipality described by Section 351.152(25);

(8) a municipality described by Section 351.152(34);

(9) a municipality described by Section 351.152(35);

(10) a municipality described by Section 351.152(36); and

(11) a municipality described by Section 351.152(38).

(c) A municipality is entitled to receive revenue under Subsection (d) derived from the following types of establishments that meet the requirements of Subsections (a)(1), (2), (3), and (4):

(1) for a municipality described by Subsection (b)(1):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel;

(2) for a municipality described by Subsection (b)(2), restaurants, bars, and retail establishments;

(3) for a municipality described by Subsection (b)(3), restaurants, bars, and retail establishments;

(4) for a municipality described by Subsection (b)(4):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel;

(5) for a municipality described by Subsection (b)(5), restaurants, bars, and retail establishments;

(6) for a municipality described by Subsection (b)(6), restaurants, bars, and retail establishments;

(7) for a municipality described by Subsection (b)(7), restaurants, bars, and retail establishments;

(8) for a municipality described by Subsection (b)(8), restaurants, bars, and retail establishments;

(9) for a municipality described by Subsection (b)(9), restaurants, bars, and retail establishments;

(10) for a municipality described by Subsection (b)(10):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel; and

(11) for a municipality described by Subsection (b)(11):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel.

(d) Subject to Subsection (e), in addition to the revenue to which the municipality is entitled under Section 351.156, a municipality to which this section applies is entitled to receive the revenue derived from the following taxes generated, paid, and collected from a qualified establishment located in the municipality:

(1) the sales and use tax imposed under Chapter 151; and

(2) the mixed beverage tax issued under Section 183.051, if the political subdivision that is entitled to receive the revenue from the tax agrees in writing to the municipality receiving that revenue.

(e) A municipality to which this section applies is not entitled to receive revenue under Subsection (d) unless the municipality commences a qualified project under this subchapter before September 1, 2023.

Sec. 351.158. PERIOD OF ENTITLEMENT. A municipality is entitled to receive revenue as provided by Sections 351.156 and 351.157 until the 10th anniversary of the date the qualified hotel to which the entitlement relates is open for initial occupancy.

Sec. 351.159. DEPOSIT OF REVENUE. Notwithstanding any other law, the comptroller shall deposit the revenue from the taxes described by Sections 351.156 and 351.157 that were collected by or forwarded to the comptroller in trust in a separate suspense account of the qualified project. The suspense account is outside the state treasury and the comptroller may make a payment authorized by this subchapter without the necessity of an appropriation.

Sec. 351.160. QUARTERLY PAYMENTS. The comptroller shall pay to each municipality the revenue to which the municipality is entitled under this subchapter at least quarterly.

SECTION 8. Sections 351.102(b-1), (c-1), and (g), Tax Code, are repealed.

SECTION 9. The comptroller of public accounts may adopt rules as necessary to administer this Act.

SECTION 10. The changes in law made to Subchapter B, Chapter 351, Tax Code, by this Act apply only to a hotel project described by Section 351.102(b), Tax Code, as amended by this Act, for which a municipality by ordinance or resolution first authorizes the issuance of bonds or other obligations, executes an agreement under Chapter 380, Local Government Code, or executes an interlocal agreement directly related to the project that is secured by a pledge or commitment of revenue under that subsection for the project on or after the effective date of this Act. A hotel project described by Section 351.102(b), Tax Code, for which a municipality by ordinance or resolution first authorized the issuance of bonds or other obligations, executed an agreement under Chapter 380, Local Government Code, or executed an interlocal agreement directly related to the project that is secured by a pledge or commitment of revenue under that subsection for the project before the effective date of this Act is governed by the law in effect when the ordinance was adopted or the agreement was executed, and that law is continued in effect for purposes of those hotel projects.

SECTION 11. Subchapter C, Chapter 351, Tax Code, as added by this Act, applies only to a qualified project as defined by Section 351.151, Tax Code, as added by this Act, for which a municipality by ordinance or resolution first authorizes the issuance of bonds or other obligations, executes or amends an agreement under Chapter 380, Local Government Code, or executes or amends an interlocal agreement directly related to the qualified project that is secured by a pledge or commitment of revenue under Subchapter C, Chapter 351, Tax Code, for the project on or after the effective date of this Act.

SECTION 12. The changes in law made by this Act do not affect the validity of a bond, other obligation, or contractual obligation for which revenue was pledged or committed under Section 351.102, Tax Code, before the effective date of this Act. Bonds, other obligations, or contractual obligations for which

revenue was pledged or committed before the effective date of this Act are governed by the law in effect when the revenue was pledged or committed, and that law is continued in effect for purposes of the validity of those bonds, obligations, and contractual obligations.

SECTION 13. This Act takes effect September 1, 2019.

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

Amend **CSHB 4347** by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.10712 to read as follows:

Sec. 351.10712. ALLOCATION OF REVENUE FOR CONSTRUCTION AND MAINTENANCE OF SPORTS-RELATED FACILITIES BY CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of at least 95,000 that is located in a county that is bisected by United States Highway 385 and has a population of not more than 140,000.

(b) Notwithstanding any other provision of this chapter, a municipality to which this section applies may use revenue derived from the tax imposed under this chapter to construct and maintain:

(1) a sports facility located in the municipality; or

(2) a multipurpose convocation center capable of hosting intercollegiate athletic events on land owned by a state university if the municipality leases the land on which the center will be located from the university for a term of at least 25 years.

(c) A municipality that uses revenue derived from the tax imposed under this chapter for a purpose described by Subsection (b):

(1) shall determine the amount of area hotel revenue attributable to the sports events and tournaments held at the sports facility or multipurpose convocation center for seven years after the date the municipality first uses hotel occupancy tax revenue for the purpose described by Subsection (b);

(2) shall at the end of the seven-year period described by Subdivision (1) reimburse from the municipality's general fund to the municipality's hotel occupancy tax revenue fund any hotel occupancy tax revenue expended on the sports facility or multipurpose convocation center during that period in excess of the amount determined under Subdivision (1); and

(3) may not during the seven-year period described by Subdivision (1) reduce the percentage of revenue from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of that revenue allocated by the municipality for that purpose during the 36-month period preceding the date the municipality first uses hotel occupancy tax revenue for the purpose described by Subsection (b).

**RECESS**

Representative Geren moved that the house recess until 2:45 p.m. today.

The motion prevailed.

The house accordingly, at 1:19 p.m., recessed until 2:45 p.m. today.

**AFTERNOON SESSION**

The house met at 3:29 p.m. and was called to order by the speaker.

**LEAVES OF ABSENCE GRANTED**

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

Darby on motion of Shine.

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

Anchia on motion of C. Turner.

**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. 36).

**HR 1815 - ADOPTED  
(by Sanford)**

Representative Sanford moved to suspend all necessary rules to take up and consider at this time **HR 1815**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1815**, Commending the Chief Clerk's Office for its service during the 86th Legislative Session.

**HR 1815** was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 1815** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Sanford who introduced the staff of the Chief Clerk's Office.

**HB 1900 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative G. Bonnen called up with senate amendments for consideration at this time,

**HB 1900**, A bill to be entitled An Act relating to replacement cost coverage in policies issued by the Texas Windstorm Insurance Association.

Representative G. Bonnen moved to concur in the senate amendments to **HB 1900**.

The motion to concur in the senate amendments to **HB 1900** prevailed by (Record 1719): 143 Yeas, 0 Nays, 1 Present, not voting.



Yeas — Allen; Allison; 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; Davis, Y.; Dean; Deshotel; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Dominguez.

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

Amend **HB 1900** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, on page 2, line 27, strike "a particular storm" and substitute "an occurrence".

(2) Strike SECTION 5 of the bill (page 2, line 41) and substitute the following:

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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

SECTION \_\_\_\_\_. Section 2210.071, Insurance Code, is amended to read as follows:

Sec. 2210.071. PAYMENT OF EXCESS LOSSES. (a) If, in a catastrophe year, an occurrence or series of occurrences in a catastrophe area results in insured losses and operating expenses of the association in excess of premium and other revenue of the association, the excess losses and operating expenses shall be paid as provided by this subchapter.

(b) The association may not pay insured losses and operating expenses resulting from an occurrence or series of occurrences in a catastrophe year with premium and other revenue earned in a subsequent year.

SECTION \_\_\_\_\_. Section 2210.0715, Insurance Code, is amended to read as follows:

Sec. 2210.0715. PAYMENT FROM RESERVES AND TRUST FUND. (a) The association shall pay losses resulting from an occurrence or series of occurrences in a catastrophe year in excess of premium and other revenue of the association for that catastrophe year from [available] reserves of the association available before or accrued during that catastrophe year and [available] amounts in the catastrophe reserve trust fund available before or accrued during that catastrophe year.

(b) Proceeds of ~~[Class 1]~~ public securities issued or assessments made before or as a result ~~[the date]~~ of any occurrence or series of occurrences in a catastrophe year that results in insured losses may not be included in ~~[available]~~ reserves available for a subsequent catastrophe year for purposes of this section.

SECTION \_\_\_\_\_. Subchapter C, Chapter 2210, Insurance Code, is amended by adding Section 2210.1052 to read as follows:

Sec. 2210.1052. EMERGENCY MEETING. If the ultimate loss estimate for an occurrence or series of occurrences made by the chief financial officer or chief actuary of the association indicates member insurers may be subject to an assessment under Subchapter B-1, the board of directors shall call an emergency meeting to notify the member insurers about the assessment.

SECTION \_\_\_\_\_. Section 2210.453, Insurance Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The cost of the reinsurance purchased or alternative financing mechanisms used under this section in excess of the minimum funding level required by Subsection (b) shall be paid by assessments as provided by this subsection. The association, with the approval of the commissioner, shall notify each member of the association of the amount of the member's assessment under this subsection. The proportion of the cost to each insurer under this subsection shall be determined in the manner used to determine each insurer's participation in the association for the year under Section 2210.052.

(e) A member of the association may not recoup an assessment paid under Subsection (d) through a premium surcharge or tax credit.

SECTION \_\_\_\_\_. Chapter 2210, Insurance Code, is amended by adding Subchapter N-1 to read as follows:

#### SUBCHAPTER N-1. LEGISLATIVE FUNDING AND FUNDING STRUCTURE OVERSIGHT BOARD

Sec. 2210.661. DEFINITION. In this subchapter, "board" means the windstorm insurance legislative funding and funding structure oversight board.

Sec. 2210.662. COMPOSITION OF BOARD. The 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.

Sec. 2210.663. POWERS AND DUTIES OF BOARD. (a) The board shall:

(1) gather information regarding:

(A) how the association's current funding and funding structure operate;

(B) how the catastrophic risk pools of other states operate; and

(C) other information that the board considers necessary to prepare the report required by Section 2210.664; and

(2) hold public meetings to hear testimony from experts, stakeholders, and other interested parties regarding recommendations and proposals for establishing and implementing sustainable funding and a sustainable funding structure for the association.

(b) The board may request reports and other information as necessary to implement this subchapter from:

(1) the department;

(2) the association; and

(3) experts, stakeholders, and other interested parties described by Subsection (a)(2).

Sec. 2210.664. REPORT. (a) The board shall prepare a report of the board's findings regarding the current funding and funding structure of the association, problems with the funding and funding structure, and recommendations for legislative action related to the funding, funding structure, and sustainability of the association. The report must include:

(1) an analysis of the current funding, funding structure, and sustainability of the association, including the association's reliance on debt and reinsurance; and

(2) recommendations for legislative action necessary to:

(A) address problems with the current funding and funding structure of the association; and

(B) foster the stability and sustainability of the association.

(b) Not later than November 15, 2020, the board shall deliver the report prepared under Subsection (a) to:

(1) the governor;

(2) the lieutenant governor; and

(3) the speaker of the house of representatives.

Sec. 2210.665. EXPIRATION. This subchapter expires September 1, 2021.

SECTION \_\_\_\_\_. (a) The windstorm insurance legislative oversight board established under Subchapter N, Chapter 2210, Insurance Code, shall conduct a study to evaluate a merger of the Texas Windstorm Insurance Association established under Chapter 2210, Insurance Code, and the Fair Access to Insurance Requirements Plan established under Chapter 2211, Insurance Code.

(b) The evaluation must consider:

(1) the affordability and availability of windstorm and hail insurance throughout this state and, in particular, in the seacoast territory as defined by Section 2210.003, Insurance Code;

(2) the affordability and availability of residential property insurance throughout this state and, in particular, in underserved areas as defined by Section 2211.001, Insurance Code;

(3) the advisability of merging the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan to provide windstorm and hail and residential property insurance in this state;

(4) any efficiencies or inefficiencies from a merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan;

(5) the funding necessary to ensure that windstorm and hail and residential property insurance are available after the merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan; and

(6) any other items the windstorm insurance legislative oversight board determines are relevant to a merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan.

(c) Not later than January 1, 2021, the windstorm insurance legislative oversight board shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the Texas Department of Insurance a written report of the study conducted under Subsection (a) of this section. The report must include the findings and legislative recommendations of the board.

(d) This section expires January 1, 2022.

### **Senate Amendment No. 2 (Senate Floor Amendment No. 3)**

Amend **HB 1900** (senate committee report) as follows:

(1) In SECTION 4 of the bill, in the transition language (page 2, line 35), strike "The changes in law made by this Act" and substitute "Sections 2210.207 and 2210.581, Insurance Code, as amended by this Act, and Section 2210.5741, Insurance Code, as added by this Act,".

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

SECTION \_\_\_\_\_. Section 2210.251(g), Insurance Code, is amended to read as follows:

(g) A certificate of compliance issued by the department [~~or association~~] under Section 2210.2515 demonstrates compliance with the applicable building code under the plan of operation. The certificate is evidence of insurability of the structure by the association.

SECTION \_\_\_\_\_. Section 2210.2515, Insurance Code, is amended by amending Subsection (c) and adding Subsections (c-1), (i), (j), and (k) to read as follows:

(c) A person may apply to the department [~~association~~] on a form prescribed by the department for a certificate of compliance for a completed improvement. The department [~~association~~] shall issue a certificate of compliance for a completed improvement if a professional engineer licensed by the Texas Board of Professional Engineers:

(1) has designed the improvement, has affixed the engineer's seal on the design, and submits to the department ~~[association]~~ on a form prescribed by the department an affirmation that the design complies ~~[of compliance]~~ with the applicable building code under the plan of operation and that the improvement was constructed in accordance with the design; or

(2) completes and submits to the department a sealed post-construction evaluation report that:

(A) confirms the improvement's compliance with the applicable building code under the plan of operation; and

(B) includes documentation supporting the engineer's post-construction evaluation report on a form prescribed by the department on which the engineer has affixed the engineer's seal.

(c-1) The department may deny an application for a certificate of compliance under Subsection (c) if the evaluation report or the form prescribed by the department under Subsection (c)(1) is not fully documented as required under Subsection (c).

(i) The department is authorized to submit a formal complaint under Chapter 1001, Occupations Code, to the Texas Board of Professional Engineers related to the engineering work of a professional engineer as reflected in the sealed post-construction evaluation report or other materials submitted by an engineer under Subsection (c).

(j) If the department finds that a person acting as a qualified inspector under Section 2210.254 has failed to provide complete and accurate information in connection an inspection for a certificate of compliance under this section, the department may impose a reasonable penalty on the inspector, including by prohibiting the inspector from applying for certificates of compliance under this section. The commissioner may adopt rules as necessary to implement this subsection.

(k) The department may rescind a certificate of compliance issued under this section if the department finds that the improvement does not comply with the applicable building code under the plan of operation. The commissioner may adopt rules as necessary to implement this subsection.

SECTION \_\_\_\_\_. Subchapter H, Chapter 2210, Insurance Code, is amended by adding Section 2210.3511 to read as follows:

Sec. 2210.3511. PUBLIC ACCESS TO RATE ADEQUACY ANALYSIS.

(a) The association shall make the association's rate adequacy analysis publicly available on its Internet website for at least 14 days before the date the board of directors votes on the submission of a proposed rate filing based on the analysis to the department. The rate adequacy analysis must include:

(1) all user selected hurricane model input assumptions; and

(2) output data:

(A) with the same content and in the same format that is customarily provided to:

(i) the association by hurricane modelers; and

(ii) the department by the association; and

(B) in a searchable electronic format that allows for efficient analysis and is sufficiently detailed to allow the historical experience in this state to be compared to results produced by the model.

(b) The association shall accept public comment with respect to the association's rate adequacy analysis at a public meeting of the board of directors before the board of directors votes on the submission of a proposed rate filing to the department.

SECTION \_\_\_\_\_. (a) The windstorm insurance legislative oversight board established under Subchapter N, Chapter 2210, Insurance Code, shall conduct a study to evaluate a merger of the Texas Windstorm Insurance Association established under Chapter 2210, Insurance Code, and the Fair Access to Insurance Requirements Plan established under Chapter 2211, Insurance Code.

(b) The evaluation must consider:

(1) the affordability and availability of windstorm and hail insurance throughout this state and, in particular, in the seacoast territory as defined by Section 2210.003, Insurance Code;

(2) the affordability and availability of residential property insurance throughout this state and, in particular, in underserved areas as defined by Section 2211.001, Insurance Code;

(3) the advisability of merging the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan to provide windstorm and hail and residential property insurance in this state;

(4) any efficiencies or inefficiencies from a merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan;

(5) the funding necessary to ensure that windstorm and hail and residential property insurance are available after the merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan; and

(6) any other items the windstorm insurance legislative oversight board determines are relevant to a merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan.

(c) Not later than January 1, 2021, the windstorm insurance legislative oversight board shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the Texas Department of Insurance a written report of the study conducted under this section. The report must include the findings and legislative recommendations of the board.

(d) This section expires January 1, 2022.

SECTION \_\_\_\_\_. Section 2210.2515(f), Insurance Code, is repealed.

SECTION \_\_\_\_\_. (a) Section 2210.251(g), Insurance Code, as amended by this Act, does not affect the status of a certificate of compliance issued by the Texas Windstorm Insurance Association before June 1, 2020, or after June 1, 2020, in response to an application made before that date for purposes of establishing evidence of insurability.

(b) Section 2210.2515, Insurance Code, as amended by this Act, applies only to an application for a certificate of compliance made on or after June 1, 2020. An application for a certificate of compliance made before June 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) Section 2210.3511, Insurance Code, as added by this Act, applies only to a rate adequacy analysis made in relation to a rate filing made on or after the effective date of this Act.

## **HB 8 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 8**, A bill to be entitled An Act relating to the criminal statute of limitations for certain sexual offenses and the collection, analysis, and preservation of evidence of sexual assault and other sex offenses.

Representative Neave moved to concur in the senate amendments to **HB 8**.

The motion to concur in the senate amendments to **HB 8** prevailed by (Record 1720): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; 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; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

### **Senate Committee Substitute**

**CSHB 8**, A bill to be entitled An Act relating to the criminal statute of limitations for certain sex offenses and the collection, analysis, and preservation of evidence of sexual assault and other sex offenses.

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

SECTION 1. This Act shall be known as the Lavinia Masters Act.

SECTION 2. Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

(1) no limitation:

(A) murder and manslaughter;

(B) sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code;

(C) sexual assault, if:

(i) during the investigation of the offense biological matter is collected and the matter:

(a) has not yet been subjected to forensic DNA testing; or

(b) has been subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained; or

(ii) probable cause exists to believe that the defendant has committed the same or a similar sex ~~[sexual]~~ offense against five or more victims;

(D) continuous sexual abuse of young child or children under Section 21.02, Penal Code;

(E) indecency with a child under Section 21.11, Penal Code;

(F) an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;

(G) trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code;

(H) continuous trafficking of persons under Section 20A.03, Penal Code; or

(I) compelling prostitution under Section 43.05(a)(2), Penal Code;

(2) ten years from the date of the commission of the offense:

(A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;

(B) theft by a public servant of government property over which he exercises control in his official capacity;

(C) forgery or the uttering, using or passing of forged instruments;

(D) injury to an elderly or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;

(E) sexual assault, except as provided by Subdivision (1);

(F) arson;

(G) trafficking of persons under Section 20A.02(a)(1), (2), (3), or (4), Penal Code; or

(H) compelling prostitution under Section 43.05(a)(1), Penal Code;

(3) seven years from the date of the commission of the offense:



(A) misapplication of fiduciary property or property of a financial institution;

(B) securing execution of document by deception;

(C) a felony violation under Chapter 162, Tax Code;

(D) false statement to obtain property or credit under Section 32.32, Penal Code;

(E) money laundering;

(F) credit card or debit card abuse under Section 32.31, Penal Code;

(G) fraudulent use or possession of identifying information under Section 32.51, Penal Code;

(H) exploitation of a child, elderly individual, or disabled individual under Section 32.53, Penal Code;

(I) Medicaid fraud under Section 35A.02, Penal Code; or

(J) bigamy under Section 25.01, Penal Code, except as provided by Subdivision (6);

(4) five years from the date of the commission of the offense:

(A) theft or robbery;

(B) except as provided by Subdivision (5), kidnapping or burglary;

(C) injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;

(D) abandoning or endangering a child; or

(E) insurance fraud;

(5) if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:

(A) sexual performance by a child under Section 43.25, Penal Code;

(B) aggravated kidnapping under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or

(C) burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit an offense described by Subdivision (1)(B) or (D) of this article or Paragraph (B) of this subdivision;

(6) ten years from the 18th birthday of the victim of the offense:

(A) trafficking of persons under Section 20A.02(a)(5) or (6), Penal Code;

(B) injury to a child under Section 22.04, Penal Code; or

(C) bigamy under Section 25.01, Penal Code, if the investigation of the offense shows that the person, other than the legal spouse of the defendant, whom the defendant marries or purports to marry or with whom the defendant lives under the appearance of being married is younger than 18 years of age at the time the offense is committed; or

(7) three years from the date of the commission of the offense: all other felonies.

SECTION 3. Article 38.43, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) An entity or individual described by Subsection (b) shall ensure that biological evidence, other than the contents of a sexual assault examination kit subject to Subsection (c-1), collected pursuant to an investigation or prosecution of a felony offense or conduct constituting a felony offense is retained and preserved:

(1) for not less than 40 years, or until any ~~the~~ applicable statute of limitations has expired, if there is an unapprehended actor associated with the offense; or

(2) in a case in which a defendant has been convicted, placed on deferred adjudication community supervision, or adjudicated as having engaged in delinquent conduct and there are no additional unapprehended actors associated with the offense:

(A) until the inmate is executed, dies, or is released on parole, if the defendant is convicted of a capital felony;

(B) until the defendant dies, completes the defendant's sentence, or is released on parole or mandatory supervision, if the defendant is sentenced to a term of confinement or imprisonment in the Texas Department of Criminal Justice;

(C) until the defendant completes the defendant's term of community supervision, including deferred adjudication community supervision, if the defendant is placed on community supervision;

(D) until the defendant dies, completes the defendant's sentence, or is released on parole, mandatory supervision, or juvenile probation, if the defendant is committed to the Texas Juvenile Justice Department; or

(E) until the defendant completes the defendant's term of juvenile probation, including a term of community supervision upon transfer of supervision to a criminal court, if the defendant is placed on juvenile probation.

(c-1) An entity or individual described by Subsection (b) shall ensure that the contents of a sexual assault examination kit collected pursuant to an investigation or prosecution of a felony offense or conduct constituting a felony offense is retained and preserved for not less than 40 years, or until any applicable statute of limitations has expired, whichever period is longer. This subsection applies regardless of whether a person has been apprehended for or charged with committing the offense.

SECTION 4. Article 56.065, Code of Criminal Procedure, is amended by amending Subsection (g) and adding Subsections (g-1), (g-2), and (g-3) to read as follows:

(g) The department, consistent with Chapter 420, Government Code, shall develop procedures for:

(1) the transfer [and preservation] of evidence collected under this article to a crime laboratory or other suitable location designated by the public safety director of the department;

(2) the preservation of the evidence by the receiving entity; and

(3) the notification of the victim of the offense before a planned destruction of evidence under this article.

(g-1) Subject to Subsection (g-2), an ~~[The receiving]~~ entity receiving evidence described by Subsection (g) shall preserve the evidence until the earlier of:

(1) the fifth ~~[second]~~ anniversary of the date on which ~~[the]~~ evidence was collected; or

(2) the date on which written consent to release the evidence is obtained as provided by Section 420.0735, Government Code.

(g-2) An entity receiving evidence described by Subsection (g) may destroy the evidence on the expiration of the entity's duty to preserve the evidence under Subsection (g-1)(1) only if:

(1) the entity provides written notification to the victim of the offense, in a trauma-informed manner, of the decision to destroy the evidence that includes:

(A) detailed instructions on how the victim may make a written objection to the decision, including contact information for the entity; or

(B) a standard form for the victim to complete and return to the entity to make a written objection to the decision; and

(2) a written objection is not received by the entity from the victim before the 91st day after the date on which the entity notifies the victim of the planned destruction of the evidence.

(g-3) The entity shall document the entity's attempt to notify the victim under Subsection (g-2).

SECTION 5. Section 420.003, Government Code, is amended by amending Subdivisions (1-a), (1-d), and (8) and adding Subdivision (3) to read as follows:

(1-a) "Active criminal case" means a case:

(A) in which:

(i) a sexual assault or other sex offense has been reported to a law enforcement agency; and

(ii) physical evidence of the offense ~~[assault]~~ has been submitted to the agency or an accredited crime laboratory under this chapter for analysis; and

(B) for which:

(i) the statute of limitations has not run with respect to the prosecution of the offense ~~[sexual assault]~~; or

(ii) a DNA profile was obtained that is eligible under Section 420.043 for comparison with DNA profiles in the state database or CODIS DNA database.

(1-d) "Law enforcement agency" means a state or local law enforcement agency in this state with jurisdiction over the investigation of a sexual assault or other sex offense.

(3) "Sex offense" means an offense under Chapter 21, Penal Code, for which biological evidence is collected in an evidence collection kit.

(8) "Survivor" means an individual who is a victim of a sexual assault or other sex offense, regardless of whether a report or conviction is made in the incident.

SECTION 6. Section 420.033, Government Code, is amended to read as follows:

Sec. 420.033. CHAIN OF CUSTODY. Medical, law enforcement, department, and laboratory personnel who handle ~~[sexual assault]~~ evidence of a sexual assault or other sex offense under this chapter or other law shall maintain the chain of custody of the evidence from the time the evidence is collected until the time the evidence is destroyed.

SECTION 7. Subchapter B, Chapter 420, Government Code, is amended by adding Section 420.035 to read as follows:

Sec. 420.035. EVIDENCE RELEASE. (a) If a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense receives signed, written consent to release the evidence as provided by Section 420.0735, the facility or entity shall promptly notify any law enforcement agency investigating the alleged offense.

(b) Except as provided by Subsection (c), a law enforcement agency that receives notice from a health care facility or other entity under Subsection (a) shall take possession of the evidence not later than the seventh day after the date the law enforcement agency receives notice.

(c) A law enforcement agency that receives notice from a health care facility or other entity that is located more than 100 miles from the law enforcement agency shall take possession of the evidence not later than the 14th day after the date the law enforcement agency receives notice.

(d) Failure to comply with evidence collection procedures or requirements under this section does not affect the admissibility of the evidence in a trial of the offense.

SECTION 8. Subchapter B-1, Chapter 420, Government Code, is amended to read as follows:

SUBCHAPTER B-1. ANALYSIS OF ~~[SEXUAL ASSAULT]~~ EVIDENCE OF SEXUAL ASSAULT OR OTHER SEX OFFENSE

Sec. 420.041. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to physical evidence of a sexual assault or other sex offense that is collected with respect to an active criminal case.

Sec. 420.042. ANALYSIS OF ~~[SEXUAL ASSAULT]~~ EVIDENCE. (a) A law enforcement agency that receives ~~[sexual assault]~~ evidence of a sexual assault or other sex offense that is collected under this chapter or other law shall submit that evidence to a public accredited crime laboratory for analysis not later than the 30th day after the date on which that evidence was received.

(b) A person who submits ~~[sexual assault]~~ evidence of a sexual assault or other sex offense to a public accredited crime laboratory under this chapter or other law shall provide the following signed, written certification with each submission: "This evidence is being submitted by (name of person making submission) in connection with a criminal investigation."

(c) If sufficient personnel and resources are available, a public accredited crime laboratory, as soon as practicable but not later than the 90th day after the date on which the laboratory received the evidence, shall complete its analysis of ~~[sexual assault]~~ evidence of a sexual assault or other sex offense that is submitted under this chapter or other law.

(d) To ensure the expeditious completion of analyses, the department and other applicable public accredited crime laboratories may contract with private accredited crime laboratories as appropriate to perform those analyses, subject to the necessary quality assurance reviews by the public accredited crime laboratories.

(e) The failure of a law enforcement agency to take possession of evidence of a sexual assault or other sex offense within the period required by Section 420.035 or to submit that ~~[sexual assault]~~ evidence within the period required by this section does not affect the authority of:

- (1) the agency to take possession of the evidence;
- (2) the agency to submit the evidence to an accredited crime laboratory for analysis; [or]
- (3) ~~(2)~~ an accredited crime laboratory to analyze the evidence or provide the results of that analysis to appropriate persons; or
- (4) the department or a public accredited crime laboratory authorized under Section 420.043(b) to compare the DNA profile obtained from the biological evidence with DNA profiles in the databases described by Section 420.043(a).

(f) Failure to comply with the requirements under this section does not affect the admissibility of the evidence in a trial of the offense.

Sec. 420.043. DATABASE COMPARISON REQUIRED. (a) Not later than the 30th day after the date ~~[On the request of any appropriate person and after]~~ an evidence collection kit containing biological evidence has been analyzed by an accredited crime laboratory and any necessary quality assurance reviews have been performed, except as provided by Subsection (b), the department shall compare the DNA profile obtained from the biological evidence with DNA profiles maintained in:

- (1) state databases, including the DNA database maintained under Subchapter G, Chapter 411, if the amount and quality of the analyzed sample meet the requirements of the state database comparison policies; and
- (2) the CODIS DNA database established by the Federal Bureau of Investigation, if the amount and quality of the analyzed sample meet the requirements of the bureau's CODIS comparison policies.

(b) If the evidence kit containing biological evidence is analyzed by a public accredited crime laboratory, the laboratory, instead of the department, may perform the comparison of DNA profiles required under Subsection (a) provided that:

- (1) the laboratory performs the comparison not later than the 30th day after the date the analysis is complete and any necessary quality assurance reviews have been performed;

(2) the law enforcement agency that submitted the evidence collection kit containing biological evidence gives permission; and

(3) the laboratory meets applicable federal and state requirements to access the databases described by Subsection (a).

(c) The department may use appropriated funds to employ personnel and purchase equipment and technology necessary to comply with the requirements of this section.

Sec. 420.044. GRANT FUNDS. The department shall apply for any available federal grant funds applicable to the analysis of evidence collection kits containing biological evidence, including grant money available under the National Institute of Justice's DNA Capacity Enhancement and Backlog Reduction Program.

Sec. 420.045. REPORT OF UNANALYZED EVIDENCE OF SEXUAL ASSAULT OR OTHER SEX OFFENSE. Each law enforcement agency and public accredited crime laboratory shall submit a quarterly report to the department identifying the number of evidence collection kits that the law enforcement agency has not yet submitted for laboratory analysis or for which the crime laboratory has not yet completed an analysis, as applicable.

Sec. 420.046. NONCOMPLIANCE. Failure to comply with the requirements of this subchapter may be used to determine eligibility for receiving grant funds from the department, the office of the governor, or another state agency.

Sec. 420.047. AUDIT OF UNANALYZED EVIDENCE OF SEXUAL ASSAULT OR OTHER SEX OFFENSE. (a) A law enforcement agency in possession of an evidence collection kit that has not been submitted for laboratory analysis shall:

(1) not later than December 15, 2019, submit to the department a list of the agency's active criminal cases for which an evidence collection kit collected on or before September 1, 2019, has not yet been submitted for laboratory analysis;

(2) not later than January 15, 2020, and subject to the availability of laboratory storage space, submit to the department or a public accredited crime laboratory, as appropriate, all evidence collection kits pertaining to those active criminal cases that have not yet been submitted for laboratory analysis; and

(3) if the law enforcement agency submits an evidence collection kit under Subdivision (2) to a laboratory other than a department laboratory, notify the department of:

(A) the laboratory to which the evidence collection kit was sent;  
and

(B) any analysis completed by the laboratory to which the evidence collection kit was sent and the date on which the analysis was completed.

(b) Not later than September 1, 2020, the department shall submit to the governor and the appropriate standing committees of the senate and the house of representatives a report containing:

(1) a projected timeline for the completion of laboratory analyses, in accordance with this chapter, of all unanalyzed evidence collection kits submitted under Subsection (a)(2);

(2) a request for any necessary funding to accomplish the analyses under Subdivision (1), including a request for a grant of money under Article 102.056(e), Code of Criminal Procedure, if money is available under that subsection;

(3) as appropriate, application materials for requests made as required by Subdivision (2); and

(4) if the department determines that outsourcing certain evidence collection kits is necessary for timely analyses of the kits:

(A) a proposal for determining which evidence collection kits should be outsourced; and

(B) a list of laboratories the department determines are capable of completing the outsourced analyses.

(c) Not later than September 1, 2022, and to the extent that funding is available, the department shall, as provided by Sections 420.042 and 420.043, analyze or contract for the analysis of, and complete the required database comparison, or ensure that a public accredited laboratory completed the comparison, regarding all evidence collection kits submitted to the department under Subsection (a)(2).

(d) Notwithstanding Subsection (c), the department is not required to use under this section in a state fiscal year any amount of money from the state highway fund that exceeds the amount the department has historically used in a state fiscal year to fund laboratory analyses of evidence collection kits under this chapter.

(e) To supplement funding of laboratory analyses under this section, the department may solicit and receive grants, gifts, or donations of money from the federal government or private sources as described by this chapter.

(f) This section expires September 1, 2023.

SECTION 9. Section 323.005, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The department shall develop a standard information form for sexual assault survivors that must include:

(1) a detailed explanation of the forensic medical examination required to be provided by law, including a statement that photographs may be taken of the genitalia;

(2) information regarding treatment of sexually transmitted infections and pregnancy, including:

(A) generally accepted medical procedures;

(B) appropriate medications; and

(C) any contraindications of the medications prescribed for treating sexually transmitted infections and preventing pregnancy;

(3) information regarding drug-facilitated sexual assault, including the necessity for an immediate urine test for sexual assault survivors who may have been involuntarily drugged;

(4) information regarding crime victims compensation, including:

(A) a statement that public agencies are responsible for paying for the forensic portion of an examination conducted under Article 56.06 or 56.065, Code of Criminal Procedure, and for the evidence collection kit used in connection with the examination[;]

~~[(i) a law enforcement agency will pay for the forensic portion of an examination requested by the agency under Article 56.06, Code of Criminal Procedure, and for the evidence collection kit; or~~

~~[(ii) the Department of Public Safety will pay the appropriate fees for the forensic portion of an examination conducted under Article 56.065, Code of Criminal Procedure, and for the evidence collection kit]; and~~

(B) ~~[reimbursement]~~ information regarding the reimbursement of the survivor for the medical portion of the examination;

(5) an explanation that consent for the forensic medical examination may be withdrawn at any time during the examination;

(6) the name and telephone number of sexual assault crisis centers statewide; and

(7) information regarding postexposure prophylaxis for HIV infection.

(d) In addition to providing the information form described by Subsection (a), a health care facility shall ensure that the information described by Subsection (a)(4)(A) is orally communicated to the survivor.

SECTION 10. Chapter 323, Health and Safety Code, is amended by adding Section 323.0052 to read as follows:

Sec. 323.0052. INFORMATION FORM FOR SEXUAL ASSAULT SURVIVORS WHO HAVE NOT REPORTED ASSAULT. (a) The department shall develop a standard information form that, as described by Subsection (b), is to be provided to sexual assault survivors who have not given signed, written consent to a health care facility to release the evidence as provided by Section 420.0735, Government Code. The form must include the following information:

(1) the Department of Public Safety's policy regarding storage of evidence of a sexual assault or other sex offense that is collected under Article 56.065, Code of Criminal Procedure, including:

(A) a statement that the evidence will be stored until the fifth anniversary of the date on which the evidence was collected before the evidence becomes eligible for destruction; and

(B) the department's procedures regarding the notification of the survivor before a planned destruction of the evidence;

(2) a statement that the survivor may request the release of the evidence to a law enforcement agency and report a sexual assault or other sex offense to the agency at any time;

(3) the name, phone number, and e-mail address of the law enforcement agency with jurisdiction over the offense; and

(4) the name and phone number of a local rape crisis center.



(b) A health care facility that provides care to a sexual assault survivor who has not given consent as described by Subsection (a) shall provide the standard form developed under Subsection (a) to the survivor before the survivor is released from the facility.

SECTION 11. The change in law made by this Act to Article 12.01, Code of Criminal Procedure, does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date of this Act. The prosecution of that offense remains barred as if this Act had not taken effect.

SECTION 12. The change in law made by this Act to Article 38.43, Code of Criminal Procedure, applies only to biological evidence destroyed on or after the effective date of this Act. Biological evidence destroyed before the effective date of this Act is governed by the law that was in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 13. (a) Except as provided by this section, the changes in law made by this Act to Article 56.065, Code of Criminal Procedure, and Chapter 420, Government Code, apply only to sexual assault evidence and evidence of other sex offenses collected on or after the effective date of this Act. Evidence collected before the effective date of this Act is governed by the law in effect on the date the evidence was collected, and the former law is continued in effect for that purpose.

(b) The change in law made by this Act to Section 420.042(c), Government Code, applies only to sexual assault evidence and evidence of other sex offenses received by a public accredited crime laboratory on or after January 1, 2021. Evidence received by a public accredited crime laboratory before January 1, 2021, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(c) Notwithstanding Section 420.046, Government Code, as added by this Act, a law enforcement agency's or public accredited crime laboratory's failure to comply with the requirements of Subchapter B-1, Chapter 420, Government Code, as amended by this Act, before January 15, 2020, does not affect the agency's or laboratory's eligibility for grants if the agency or laboratory is in compliance with Subchapter B-1, Chapter 420, Government Code, as amended by this Act, beginning on that date.

(d) Section 420.047, Government Code, as added by this Act, applies to an evidence collection kit in possession of a law enforcement agency on September 1, 2019.

SECTION 14. The Department of Public Safety of the State of Texas and the Department of State Health Services are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, those agencies may, but are not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 15. This Act takes effect September 1, 2019.

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

Amend **CSHB 8** (senate committee printing) in SECTION 8 of the bill, in amended Section 420.042, Government Code, between Subsections (c) and (d) of that section (page 5, between lines 31 and 32), by inserting the following:

(c-1) With respect to a criminal case in which evidence of a sexual assault or other sex offense is collected and the number of offenders is uncertain or unknown, a public accredited crime laboratory shall analyze any evidence of the sexual assault or other sex offense submitted to the laboratory under this chapter or other law that is necessary to identify the offender or offenders.

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

Amend **CSHB 8** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 420, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. STATEWIDE TELEHEALTH CENTER FOR SEXUAL  
ASSAULT FORENSIC MEDICAL EXAMINATION

Sec. 420.101. DEFINITIONS. In this subchapter:

(1) "Center" means the statewide telehealth center for sexual assault forensic medical examination.

(2) "Telehealth service" has the meaning assigned by Section 111.001, Occupations Code.

Sec. 420.102. ESTABLISHMENT OF CENTER. The attorney general shall establish the statewide telehealth center for sexual assault forensic medical examination to expand access to sexual assault nurse examiners for underserved populations.

Sec. 420.103. POWERS OF CENTER. (a) In accordance with other law, the center may facilitate in person or through telecommunications or information technology the provision by a sexual assault nurse examiner of:

(1) training or technical assistance to a sexual assault examiner on:

(A) conducting a forensic medical examination on a survivor; and

(B) the use of telehealth services; and

(2) consultation services, guidance, or technical assistance to a sexual assault examiner during a forensic medical examination on a survivor.

(b) With permission from the facility or entity where a forensic medical examination on a survivor is conducted and to the extent authorized by other law, the center may facilitate the use of telehealth services during a forensic medical examination on a survivor.

(c) The center may deliver other services as requested by the attorney general to carry out the purposes of this subchapter.

Sec. 420.104. OPERATION PROTOCOLS REQUIRED. (a) The center and the attorney general shall develop operation protocols to address compliance with applicable laws and rules governing:

(1) telehealth services;

(2) standards of professional conduct for licensure and practice;

- (3) standards of care;
- (4) maintenance of records;
- (5) technology requirements;
- (6) data privacy and security of patient information; and
- (7) the operation of a telehealth center.

(b) The center shall make every effort to ensure the system through which the center operates for the provision of telehealth services meets national standards for interoperability to connect to telehealth systems outside of the center.

Sec. 420.105. AUTHORIZED CONTRACTS. The attorney general may enter into any contract the attorney general considers necessary to implement this subchapter, including a contract to:

- (1) develop, implement, maintain, or operate the center;
- (2) train or provide technical assistance for health care professionals on conducting forensic medical examinations and the use of telehealth services; or
- (3) provide consultation, guidance, or technical assistance for health care professionals using telehealth services during a forensic medical examination.

Sec. 420.106. FUNDING. (a) The legislature may appropriate money to the attorney general to establish the center.

(b) The attorney general may provide funds to the center for:

- (1) establishing and maintaining the operations of the center;
- (2) training conducted by or through the center;
- (3) travel expenses incurred by a sexual assault nurse examiner for:
  - (A) carrying out the nurse's duties under Section 420.103(a); or
  - (B) testifying as a witness outside the nurse's county of residence;
- (4) equipment and software applications for the center; and
- (5) any other purpose considered appropriate by the attorney general.

Sec. 420.107. CONSULTATION REQUIRED. In implementing this subchapter, the attorney general shall consult with persons with expertise in medicine and forensic medical examinations, a statewide sexual assault coalition, a statewide organization with expertise in the operation of children's advocacy programs, and attorneys with expertise in prosecuting sexual assault offenses.

Sec. 420.108. RULES. The attorney general may adopt rules as necessary to implement this subchapter.

### **HB 4531 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 4531**, A bill to be entitled An Act relating to the rights and treatment of and services provided to certain adult sexual assault survivors.

Representative Neave moved to concur in the senate amendments to **HB 4531**.

The motion to concur in the senate amendments to **HB 4531** prevailed by (Record 1721): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; 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; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

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

Amend **HB 4531** (senate committee report) as follows:

(1) In SECTION 4 of the bill, in amended Section 420.073(a)(2), Government Code (page 2, line 26), strike "and" and substitute "[~~and~~]".

(2) In SECTION 4 of the bill, in amended Section 420.073(a)(3), Government Code (page 2, line 28), strike the period and substitute the following:

; and

(4) a reasonable time limitation during which the information or records may be released.

(3) In SECTION 4 of the bill, in added Section 420.073(d), Government Code (page 2), strike lines 36-37 and substitute the following:

the person seeking the release of confidential information may petition a court with probate jurisdiction in the county in which the adult survivor resides for an emergency order authorizing the release of the information, in the manner provided by Section 48.208, Human Resources Code.

(Goldman in the chair)

**HB 3582 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3582**, A bill to be entitled An Act relating to the punishment for certain intoxication offenses and the eligibility for deferred adjudication community supervision of defendants who committed certain intoxication offenses; enhancing a criminal penalty.

Representative Murr moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3582**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3582**: Murr, chair; Moody, Pacheco, Smith, and Wray.

**HB 1734 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1734**, A bill to be entitled An Act relating to litigation involving certain defects in school district facilities and enforcement of certain duties following that litigation; authorizing a civil penalty.

Representative Holland moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1734**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1734**: Holland, chair; J.E. Johnson, Leach, Martinez, and Meyer.

**HB 1735 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1735**, A bill to be entitled An Act relating to sexual harassment, sexual assault, dating violence, and stalking at public and private postsecondary educational institutions; providing an administrative penalty.

Representative Howard moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1735**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1735**: Howard, chair; Button, Frullo, Lozano, and C. Turner.

**HJR 34 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HJR 34**, A joint resolution proposing a constitutional amendment authorizing the legislature to provide for a temporary local option exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster.

Representative Shine moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HJR 34**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HJR 34**: Shine, chair; Burrows, Darby, Martinez Fischer, and Murphy.

**HB 1177 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1177**, A bill to be entitled An Act relating to carrying a handgun during a state of disaster.

Representative Phelan moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1177**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1177**: Phelan, chair; G. Bonnen, Metcalf, Nevárez, and White.

**HB 1711 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1711**, A bill to be entitled An Act relating to the issuance of digital license plates; authorizing a fee.

Representative Paddie moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1711**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1711**: Paddie, chair; Canales, Landgraf, Nevárez, and Price.

**HB 1523 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1523**, A bill to be entitled An Act relating to the continuation of the regulation of land surveyors and the transfer of the regulation to the Texas Board of Professional Engineers and Land Surveyors, following the recommendations of the Sunset Advisory Commission; changing fees.

Representative Nevárez moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1523**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1523**: Nevárez, chair; Harless, Lambert, Paddie, and S. Thompson.

**HB 3557 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3557**, A bill to be entitled An Act relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.

**HB 3557 - POINT OF ORDER**

Representative Zwiener raised a point of order against further consideration of **HB 3557** under Rule 11, Section 2, of the House Rules on the grounds that the senate amendments are not germane to the bill.

The point of order was withdrawn.

Representative Paddie moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3557**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3557**: Paddie, chair; Craddick, Leach, Moody, and Zwiener.

**HB 2984 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2984**, A bill to be entitled An Act relating to the essential knowledge and skills of the technology applications curriculum.

Representative Allison moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2984**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2984**: Allison, chair; Capriglione, M. González, K. King, and Minjarez.

**HB 2726 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2726**, A bill to be entitled An Act relating to the commencement of construction of a project following the issuance of a draft permit for a permit amendment to an air quality permit.

Representative Kuempel moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2726**.

The motion prevailed.



The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2726**: Kuempel, chair; Kacal, Morrison, Wilson, and Zedler.

(Speaker pro tempore in the chair)

**HB 2847 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2847**, A bill to be entitled An Act relating to the licensing and regulation of certain occupations, activities, and agreements; providing a civil penalty; authorizing fees; requiring an occupational registration and an occupational license.

Representative Goldman moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2847**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2847**: Goldman, chair; Geren, Hernandez, T. King, and Paddie.

(Goldman in the chair)

**HB 3148 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3148**, A bill to be entitled An Act relating to the administration and oversight of investigational adult stem cell treatments administered to certain patients.

Representative Craddick moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3148**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3148**: Parker, chair; Allison, Frank, Ortega, and Springer.

**HB 766 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 766**, A bill to be entitled An Act relating to exemptions for disabled peace officers and fire fighters from payment of tuition and fees at public institutions of higher education.

Representative Huberty moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 766**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 766**: Huberty, chair; Guillen, Howard, Stucky, and Walle.

**HB 4614 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 4614**, A bill to be entitled An Act relating to the administration, collection, and remittance of the cigarette tax; requiring a permit.

Representative Guillen moved to concur in the senate amendments to **HB 4614**.

The motion to concur in the senate amendments to **HB 4614** prevailed by (Record 1722): 116 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Button; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Deshotel; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Stephenson; Stickland; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Biedermann; Bonnen; Burrows; Cain; Cyrier; Hefner; Krause; Lang; Leach; Metcalf; Middleton; Noble; Oliverson; Patterson; Phelan; Price; Springer; Tinderholt; Wilson.

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

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Calanni; Davis, Y.; Dean; Dominguez; Harris; Schaefer; Swanson; Zedler.

### STATEMENTS OF VOTE

When Record No. 1722 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1722 was taken, I was shown voting yes. I intended to vote no.

Parker

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

Amend **HB 4614** (senate committee printing) in SECTION 1 of the bill by striking added Section 154.001(18)(D), Tax Code (page 2, line 50), and substituting the following:

(D) is not damaged beyond recognition as a valid Texas tax stamp.

### **HB 1824 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1824**, A bill to be entitled An Act relating to use of funds collected by the Parks and Wildlife Commission from the sale of certain materials.

Representative Murr moved to concur in the senate amendments to **HB 1824**.

The motion to concur in the senate amendments to **HB 1824** prevailed by (Record 1723): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddock; Cyrier; Davis, Y.; Dean; Deshotel; 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; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; 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.

Nays — Oliverson.

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

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Calanni; Dominguez.

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

Amend **HB 1824** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 86, Parks and Wildlife Code, is amended by adding Section 86.0192 to read as follows:

Sec. 86.0192. EXEMPTION FOR CERTAIN POLITICAL SUBDIVISIONS. (a) This section applies only to the following political subdivisions:

(1) San Jacinto River Authority; and

(2) Harris County Flood Control District.

(b) A political subdivision may take sand, gravel, marl, shell, and mudshell from the San Jacinto River and its tributaries to restore, maintain, or expand the capacity of the river and its tributaries to convey storm flows.

(c) A political subdivision acting under this section is not required to:

(1) obtain a permit or pay a fee to take sand, gravel, marl, shell, or mudshell under Subsection (b); or

(2) purchase sand, gravel, marl, shell, or mudshell taken under Subsection (b).

(d) A political subdivision acting under this section may deposit sand, gravel, marl, shell, or mudshell taken under Subsection (b) on private land.

### **HB 2048 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2048**, A bill to be entitled An Act relating to the repeal of the driver responsibility program and the amount and allocation of state traffic fine funds; eliminating program surcharges; authorizing and increasing criminal fines; increasing a fee.

Representative Zerwas moved to concur in the senate amendments to **HB 2048**.

The motion to concur in the senate amendments to **HB 2048** prevailed by (Record 1724): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; 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.

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

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Beckley; Calanni.

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

Amend **HB 2048** (senate committee printing) in SECTION 12 of the bill as follows:

(1) In amended Section 542.4031(g)(1), Transportation Code (page 5, line 35), strike "80" and substitute "70".

(2) In amended Section 542.4031(g)(2), Transportation Code (page 5, line 37), strike "20" and substitute "30".

(3) In amended Section 542.4031(h), Transportation Code (page 5, line 41), strike "80" and substitute "70".

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

Amend **HB 2048** (senate committee printing) in SECTION 14 of the bill, in added Section 709.001(b)(3), Transportation Code (page 6, line 17), by striking "0.16" and substituting "0.15".

### **Senate Amendment No. 3 (Senate Floor Amendment No. 3)**

Amend **HB 2048** (senate committee printing) in SECTION 14 of the bill, by striking added Sections 709.001(c), (d), and (e), Transportation Code (page 6, lines 19-31), and substituting the following:

(c) If the court having jurisdiction over an offense that is the basis for a fine imposed under this section makes a finding that the person is indigent, the court shall waive all fines and costs imposed on the person under this section.

(d) A person must provide information to the court in which the person is convicted of the offense that is the basis for the fine to establish that the person is indigent. The following documentation may be used as proof:

(1) a copy of the person's most recent federal income tax return that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines;

(2) a copy of the person's most recent statement of wages that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines; or

(3) documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152, Internal Revenue Code of 1986, the taxpayer claiming the person as a dependent, receives assistance from:

(A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;

(B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

(C) the medical assistance program under Chapter 32, Human Resources Code;

(D) the child health plan program under Chapter 62, Health and Safety Code; or

(E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

## **HB 191 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 191**, A bill to be entitled An Act relating to the disposal of pesticides.

Representative Stephenson moved to concur in the senate amendments to **HB 191**.

The motion to concur in the senate amendments to **HB 191** prevailed by (Record 1725): 125 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Allen; Allison; 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; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Smith; Springer;

Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wray; Wu; Zerwas; Zwiener.

Nays — Cain; Harris; Hefner; Krause; Landgraf; Lang; Leach; Middleton; Murr; Noble; Patterson; Shaheen; Tinderholt; White; Wilson; Zedler.

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

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Flynn; Schaefer.

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

Amend **HB 191** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The Texas Department of Agriculture is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

### **HB 906 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 906**, A bill to be entitled An Act relating to the establishment of a collaborative task force to study certain public school mental health services.

Representative S. Thompson moved to concur in the senate amendments to **HB 906**.

The motion to concur in the senate amendments to **HB 906** prevailed by (Record 1726): 126 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen;

Sheffield; Sherman; Shine; Smith; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Harris; Hefner; Krause; Lang; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Springer; Wilson.

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

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Flynn; Ortega; Schaefer.

### STATEMENTS OF VOTE

When Record No. 1726 was taken, I was in the house but away from my desk. I would have voted no.

Schaefer

When Record No. 1726 was taken, I was shown voting yes. I intended to vote no.

Stucky

When Record No. 1726 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

When Record No. 1726 was taken, I was shown voting yes. I intended to vote no.

Toth

### Senate Committee Substitute

**CSHB 906**, A bill to be entitled An Act relating to the establishment of a collaborative task force to study certain public school mental health services.

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

SECTION 1. Chapter 38, Education Code, is amended by adding Subchapter F to read as follows:

#### SUBCHAPTER F. COLLABORATIVE TASK FORCE ON PUBLIC SCHOOL MENTAL HEALTH SERVICES

Sec. 38.301. DEFINITIONS. In this subchapter:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Task force" means the Collaborative Task Force on Public School Mental Health Services.

Sec. 38.302. ESTABLISHMENT. The Collaborative Task Force on Public School Mental Health Services is established to study and evaluate:

(1) mental health services that are funded by this state and provided at a school district or open-enrollment charter school directly to:

(A) a student enrolled in the district or school;

(B) a parent or family member of or person standing in parental relation to a student enrolled in the district or school; or



(C) an employee of the district or school;  
(2) training provided to an educator employed by the district or school to provide the mental health services described by Subdivision (1); and  
(3) the impact the mental health services described by Subdivision (1) have on:

(A) the number of violent incidents that occur at school districts or open-enrollment charter schools;

(B) the suicide rate of the individuals who are provided the mental health services described by Subdivision (1);

(C) the number of public school students referred to the Department of Family and Protective Services for investigation services and the reasons for those referrals;

(D) the number of individuals who are transported from each school district or open-enrollment charter school for an emergency detention under Chapter 573, Health and Safety Code; and

(E) the number of public school students referred to outside counselors in accordance with Section 38.010.

Sec. 38.303. MEMBERSHIP. (a) The task force is composed of:

(1) the commissioner or the commissioner's designee;

(2) the following additional members appointed by the commissioner:

(A) three parents of students who are enrolled in school districts or open-enrollment charter schools and receive the mental health services described by Section 38.302(1);

(B) one person who provides the mental health services described by Section 38.302(1) or the training described by Section 38.302(2) and who is:

(i) a licensed professional counselor, as defined by Section 503.002, Occupations Code;

(ii) a licensed clinical social worker, as defined by Section 505.002, Occupations Code; or

(iii) a school counselor certified under Subchapter B, Chapter 21;

(C) one person who is a psychiatrist;

(D) two persons who are administrators of districts or schools that provide the mental health services described by Section 38.302(1) or the training described by Section 38.302(2);

(E) one person who is a member of a foundation that invests in the mental health services described by Section 38.302(1) or the training described by Section 38.302(2);

(F) one person who is an employee of an institution of higher education designated under Section 38.307; and

(G) one person who is a licensed specialist in school psychology, as defined by Section 501.002, Occupations Code; and

(3) for any other entity the task force considers necessary, one person appointed by the task force for each such entity.

(b) Appointments to the task force shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(c) Chapter 2110, Government Code, does not apply to the task force.

Sec. 38.304. OFFICERS. (a) The commissioner is designated as the interim presiding officer for purposes of calling and conducting the initial meeting of the task force.

(b) The task force:

(1) shall at its initial meeting select a presiding officer from among its members for the purpose of calling and conducting meetings; and

(2) may select an assistant presiding officer and a secretary from among its members.

Sec. 38.305. COMPENSATION; REIMBURSEMENT. A member of the task force may not receive compensation or reimbursement for service on the task force.

Sec. 38.306. MEETINGS. (a) After its initial meeting, the task force shall meet at least twice each year at a time and place determined by the presiding officer.

(b) The task force may meet at other times the task force considers appropriate. The presiding officer may call a meeting on the officer's own motion.

(c) The task force may meet by teleconference.

Sec. 38.307. SUPPORT SERVICES FOR TASK FORCE. (a) The commissioner shall designate one institution of higher education with experience in evaluating mental health services to serve as the lead institution for the task force. The institution designated under this subsection shall provide faculty, staff, and administrative support services to the task force as determined necessary by the task force to administer this subchapter.

(b) The commissioner shall designate two institutions of higher education with experience in evaluating mental health services to assist the task force and the lead institution designated under Subsection (a) as determined necessary by the task force to administer this subchapter.

(c) In making a designation under this section, the commissioner shall give preference to at least one predominantly black institution, as defined by 20 U.S.C. Section 1067q(c)(9).

(d) On request of the task force, the agency, a school district, or an open-enrollment charter school shall provide information or other assistance to the task force.

(e) The agency shall maintain the data collected by the task force and the work product of the task force in accordance with:

(1) the agency's information security plan under Section 2054.133, Government Code; and

(2) the agency's records retention schedule under Section 441.185, Government Code.

Sec. 38.308. DUTIES OF TASK FORCE. The task force shall:

(1) gather data on:

(A) the number of students enrolled in each school district and open-enrollment charter school;

(B) the number of individuals to whom each school district or open-enrollment charter school provides the mental health services described by Section 38.302(1);

(C) the number of individuals for whom each school district or open-enrollment charter school has the resources to provide the mental health services described by Section 38.302(1);

(D) the number of individuals described by Paragraph (B) who are referred to an inpatient or outpatient mental health provider;

(E) the number of individuals who are transported from each school district or open-enrollment charter school for an emergency detention under Chapter 573, Health and Safety Code; and

(F) the race, ethnicity, gender, special education status, educationally disadvantaged status, and geographic location of:

(i) individuals who are provided the mental health services described by Section 38.302(1);

(ii) individuals who are described by Paragraph (D); and

(iii) individuals who are described by Paragraph (E); and

(2) study, evaluate, and make recommendations regarding the mental health services described by Section 38.302(1), the training described by Section 38.302(2), and the impact of those mental health services, as described by Section 38.302(3), including addressing:

(A) the outcomes and the effectiveness of the services and training provided, including the outcomes and effectiveness of the service and training providers and the programs under which services and training are provided, in:

(i) improving student academic achievement and attendance;

(ii) reducing student disciplinary proceedings, suspensions, placements in a disciplinary alternative education program, and expulsions; and

(iii) delivering prevention and intervention services to promote early mental health skills, including:

(a) building skills relating to managing emotions, establishing and maintaining positive relationships, and making responsible decisions;

(b) preventing substance abuse;

(c) preventing suicides;

(d) adhering to the purpose of the relevant program services or training;

(e) promoting trauma-informed practices;

(f) promoting a positive school climate, as defined by Section 161.325(a-3), Health and Safety Code, in the district or school; and

(g) improving physical and emotional safety and well-being in the district or school and reducing violence in the district or school;

(B) best practices for districts and schools in implementing the services or training;

(C) disparities in the race, ethnicity, gender, special education status, and geographic location of individuals receiving the services; and

(D) best practices to replicate the services or training for all districts and schools.

Sec. 38.309. PRIVACY OF INFORMATION. The task force shall ensure that data gathered, information studied, and evaluations conducted under this subchapter:

(1) comply with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information; and

(2) may not be shared with a federal agency or state agency, including an institution of higher education, except as otherwise provided by this subchapter or other law.

Sec. 38.310. REPORTS. Not later than November 1 of each even-numbered year, the task force shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the agency a report of the results of the task force's activities conducted under Section 38.308 and any recommendations for legislative or other action.

Sec. 38.311. FUNDING; ADMINISTRATIVE COST RESTRICTION; GIFTS AND GRANTS. (a) Of state funds allocated to the agency for public school mental health services, the commissioner may provide not more than 10 percent for purposes of the task force established under this subchapter.

(b) The task force may not spend for the administration of the task force more than 10 percent of any money allocated to the task force for the purposes of this subchapter.

(c) The task force may accept a gift or grant from a person other than the federal government.

Sec. 38.312. EXPIRATION. The task force is abolished and this subchapter expires December 1, 2025.

SECTION 2. Not later than October 1, 2019, the commissioner of education shall:

(1) appoint the members of the Collaborative Task Force on Public School Mental Health Services that are to be appointed by the commissioner, as required by Section 38.303, Education Code, as added by this Act; and

(2) designate the institutions of higher education to provide support services, as required by Section 38.307, Education Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

## **HB 16 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 16**, A bill to be entitled An Act relating to the enforcement of the rights of a living unborn child after an abortion; creating a civil cause of action; providing a civil penalty; creating a criminal offense.

Representative Leach moved to concur in the senate amendments to **HB 16**.

The motion to concur in the senate amendments to **HB 16** prevailed by (Record 1727): 84 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Dean; Deshotel; Flynn; Frank; Frullo; Geren; Guillen; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Martinez; Metcalf; Meyer; Middleton; Miller; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Raymond; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, Y.; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; Longoria; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales; Neave; Nevárez; Ortega; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

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

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — King, T.; Thierry.

### **Senate Committee Substitute**

**CSHB 16**, A bill to be entitled An Act relating to the enforcement of the rights of a living unborn child after an abortion; providing a civil penalty; creating a criminal offense.

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

SECTION 1. The heading to Section 151.002, Family Code, is amended to read as follows:

Sec. 151.002. RIGHTS OF A LIVING CHILD AFTER AN ABORTION OR PREMATURE BIRTH; CIVIL PENALTY; CRIMINAL OFFENSE.

SECTION 2. Section 151.002, Family Code, is amended by adding Subsections (c), (d), (e), (f), and (g) to read as follows:

(c) For purposes of this section, a physician-patient relationship is established between a child born alive after an abortion and the physician who performed or attempted to perform the abortion. The physician must exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious physician would

render to any other child born alive at the same gestational age. In this subsection, "professional skill, care, and diligence" includes a requirement that the physician who performed or attempted the abortion ensure that the child born alive be immediately transferred and admitted to a hospital.

(d) A woman on whom an abortion, as defined by Section 245.002, Health and Safety Code, is performed or attempted to be performed may not be held liable under this section.

(e) A physician who violates Subsection (c) by failing to provide the appropriate medical treatment to a child born alive after an abortion or an attempted abortion is liable to the state for a civil penalty of not less than \$100,000. The attorney general may bring a suit to collect the penalty. In addition to the civil penalty, the attorney general may recover reasonable attorney's fees. The civil penalty described in this subsection is in addition to any other recovery authorized under other law.

(f) A person who has knowledge of a failure to comply with this section shall report to the attorney general. The identity and any personally identifiable information of the person reporting the failure to comply with this section is confidential under Chapter 552, Government Code.

(g) A physician or health care practitioner who violates Subsection (c) by failing to provide the appropriate medical treatment to a child born alive after an abortion or an attempted abortion commits an offense. An offense under this subsection is a felony of the third degree.

SECTION 3. Section 151.002, Family Code, as amended by this Act, applies only to a child born alive on or after the effective date of this Act.

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

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

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

Amend **CSHB 16** (senate committee printing) in SECTION 2 of the bill, in added Section 151.002(c), Family Code (page 1, line 41), by striking "and admitted".

### **HB 2771 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2771**, A bill to be entitled An Act relating to the authority of the Texas Commission on Environmental Quality to issue permits for the discharge into water in this state of produced water, hydrostatic test water, and gas plant effluent resulting from certain oil and gas activities.

Representative Lozano moved to concur in the senate amendments to **HB 2771**.

The motion to concur in the senate amendments to **HB 2771** prevailed by (Record 1728): 109 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Biedermann; Blanco; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Calanni; Capriglione; Clardy; Coleman; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; 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; Lozano; Lucio; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Morrison; Muñoz; Murphy; Murr; Nevárez; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; White; Wilson; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Bernal; Bowers; Bucy; Canales; Cole; Collier; Dominguez; Dutton; Gervin-Hawkins; González, J.; González, M.; Hernandez; Hinojosa; Howard; Israel; Longoria; Lopez; Martinez; Minjarez; Moody; Morales; Neave; Ortega; Ramos; Romero; Rose; Rosenthal; Talarico; Turner, C.; Vo; Walle; Zwiener.

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

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Phelan.

### STATEMENTS OF VOTE

When Record No. 1728 was taken, I was shown voting yes. I intended to vote no.

Beckley

When Record No. 1728 was taken, I was shown voting yes. I intended to vote no.

Farrar

When Record No. 1728 was taken, I was shown voting no. I intended to vote yes.

Rosenthal

When Record No. 1728 was taken, I was shown voting yes. I intended to vote no.

Wu

**Senate Committee Substitute**

**CSHB 2771**, A bill to be entitled An Act relating to the authority of the Texas Commission on Environmental Quality to issue permits for the discharge into water in this state of produced water, hydrostatic test water, and gas plant effluent resulting from certain oil and gas activities.

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

SECTION 1. Section 26.131, Water Code, as effective until delegation of authority under the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.) to the Railroad Commission of Texas, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) Except as provided by this section, the [The] Railroad Commission of Texas is solely responsible for the control and disposition of waste and the abatement and prevention of pollution of surface and subsurface water resulting from:

(1) activities associated with the exploration, development, and production of oil or gas or geothermal resources, including:

(A) activities associated with the drilling of injection water source wells which penetrate the base of useable quality water;

(B) activities associated with the drilling of cathodic protection holes associated with the cathodic protection of wells and pipelines subject to the jurisdiction of the Railroad Commission of Texas;

(C) activities associated with gasoline plants, natural gas or natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants;

(D) activities associated with any underground natural gas storage facility, provided the terms "natural gas" and "storage facility" shall have the meanings set out in Section 91.173, Natural Resources Code;

(E) activities associated with any underground hydrocarbon storage facility, provided the terms "hydrocarbons" and "underground hydrocarbon storage facility" shall have the meanings set out in Section 91.201, Natural Resources Code; and

(F) activities associated with the storage, handling, reclamation, gathering, transportation, or distribution of oil or gas prior to the refining of such oil or prior to the use of such gas in any manufacturing process or as a residential or industrial fuel;

(2) except to the extent the activities are regulated by the Texas Department of Health under Chapter 401, Health and Safety Code, activities associated with uranium exploration consisting of the disturbance of the surface or subsurface for the purpose of or related to determining the location, quantity, or quality of uranium ore; and

(3) any other activities regulated by the Railroad Commission of Texas pursuant to Section 91.101, Natural Resources Code.



(b) Except as provided by Subsection (d), the [The] Railroad Commission of Texas may issue permits for the discharge of waste resulting from the [these] activities described by Subsection (a), and the discharge of waste into water in this state resulting from those [these] activities must [shall] meet the water quality standards established by the commission.

(d) The commission may issue permits for the discharge into water in this state of produced water, hydrostatic test water, and gas plant effluent resulting from the activities described by Subsection (a) on delegation to the commission of NPDES authority for those discharges. The discharge of produced water, hydrostatic test water, and gas plant effluent into water in this state under this subsection must meet the water quality standards established by the commission.

SECTION 2. Section 26.131, Water Code, as effective on delegation of authority under the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.) to the Railroad Commission of Texas, is amended to read as follows:

Sec. 26.131. DUTIES OF RAILROAD COMMISSION. (a) Except as provided by this section, the [The] Railroad Commission of Texas is solely responsible for the control and disposition of waste and the abatement and prevention of pollution of surface and subsurface water resulting from:

(1) activities associated with the exploration, development, and production of oil or gas or geothermal resources, including:

(A) activities associated with the drilling of injection water source wells which penetrate the base of useable quality water;

(B) activities associated with the drilling of cathodic protection holes associated with the cathodic protection of wells and pipelines subject to the jurisdiction of the Railroad Commission of Texas;

(C) activities associated with gasoline plants, natural gas or natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants;

(D) activities associated with any underground natural gas storage facility, provided the terms "natural gas" and "storage facility" shall have the meanings set out in Section 91.173, Natural Resources Code;

(E) activities associated with any underground hydrocarbon storage facility, provided the terms "hydrocarbons" and "underground hydrocarbon storage facility" shall have the meanings set out in Section 91.201, Natural Resources Code; and

(F) activities associated with the storage, handling, reclamation, gathering, transportation, or distribution of oil or gas prior to the refining of such oil or prior to the use of such gas in any manufacturing process or as a residential or industrial fuel;

(2) except to the extent the activities are regulated by the Texas Department of Health under Chapter 401, Health and Safety Code, activities associated with uranium exploration consisting of the disturbance of the surface or subsurface for the purpose of or related to determining the location, quantity, or quality of uranium ore; and

(3) any other activities regulated by the Railroad Commission of Texas pursuant to Section 91.101, Natural Resources Code.

(b) Except as provided by Subsection (c), the ~~[The]~~ Railroad Commission of Texas may issue permits for the discharge of waste resulting from the ~~[these]~~ activities described by Subsection (a), and the discharge of waste into water in this state resulting from those ~~[these]~~ activities must ~~[shall]~~ meet the water quality standards established by the commission.

(c) The commission may issue permits for the discharge into water in this state of produced water, hydrostatic test water, and gas plant effluent resulting from the activities described by Subsection (a) on delegation to the commission of NPDES authority for those discharges. The discharge of produced water, hydrostatic test water, and gas plant effluent into water in this state under this subsection must meet the water quality standards established by the commission.

SECTION 3. (a) In this section:

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

(2) "NPDES" means National Pollutant Discharge Elimination System.

(b) On delegation of NPDES permit authority for discharges of produced water, hydrostatic test water, and gas plant effluent to the commission by the United States Environmental Protection Agency under Section 402(b) of the Federal Water Pollution Control Act (33 U.S.C. Section 1342(b)), the following are transferred from the Railroad Commission of Texas to the commission:

(1) the powers, duties, functions, programs, and activities of the Railroad Commission of Texas relating to the regulation of discharges of produced water, hydrostatic test water, and gas plant effluent into water in this state, other than discharges resulting from spills or other unplanned releases;

(2) any obligations and contracts of the Railroad Commission of Texas that are directly related to implementing a power, duty, function, program, or activity transferred under this Act; and

(3) all property and records in the custody of the Railroad Commission of Texas that are related to a power, duty, function, program, or activity transferred under this Act.

(c) The Railroad Commission of Texas shall continue to carry out its duties related to the regulation of discharges of produced water, hydrostatic test water, and gas plant effluent into water in this state until delegation of NPDES permit authority for discharges of produced water, hydrostatic test water, and gas plant effluent to the commission by the United States Environmental Protection Agency under Section 402(b) of the Federal Water Pollution Control Act (33 U.S.C. Section 1342(b)).

(d) The commission may carry out activities to ensure an orderly transfer of the powers, duties, functions, programs, and activities transferred under this Act, including hiring additional employees and amending the memorandum of understanding by mutual agreement with the Railroad Commission of Texas.

(e) Not later than September 1, 2020, the commission shall submit to the United States Environmental Protection Agency for approval a request to supplement or amend the Texas Pollutant Discharge Elimination System program to include delegation of NPDES permit authority for discharges of produced water, hydrostatic test water, and gas plant effluent.

SECTION 4. The change in law made by this Act to Section 26.131, Water Code, applies to an application for an authorization to discharge produced water, hydrostatic test water, or gas plant effluent into water in this state that is pending on or after the effective date of delegation of National Pollutant Discharge Elimination System permit authority for discharges of produced water, hydrostatic test water, and gas plant effluent to the Texas Commission on Environmental Quality by the United States Environmental Protection Agency under Section 402(b) of the Federal Water Pollution Control Act (33 U.S.C. Section 1342(b)). An application that is granted or denied in a final decision before the effective date of such delegation is governed by the law as it existed immediately before the effective date of such delegation, and that law is continued in effect for that purpose.

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

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

Amend **CSHB 2771** (senate committee report) in SECTION 3 of the bill, in Subsection (e) (page 3, line 51), by striking "2020" and substituting "2021".

#### **HB 1277 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1277**, A bill to be entitled An Act relating to authorizing a wellness and success center fee at the University of Houston-Downtown.

Representative Perez moved to concur in the senate amendments to **HB 1277**.

The motion to concur in the senate amendments to **HB 1277** prevailed by (Record 1729): 123 Yeas, 19 Nays, 3 Present, not voting.

Yeas — Allison; 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; Davis, Y.; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal;

Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Allen; Cain; Dean; Farrar; Harris; Hefner; King, P.; Krause; Lang; Leach; Leman; Middleton; Oliverson; Patterson; Schaefer; Springer; Tinderholt; Wilson; Zedler.

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

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

### STATEMENTS OF VOTE

When Record No. 1729 was taken, I was shown voting no. I intended to vote yes.

Allen

When Record No. 1729 was taken, I was shown voting yes. I intended to vote no.

Anderson

When Record No. 1729 was taken, I was shown voting no. I intended to vote yes.

Farrar

When Record No. 1729 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1729 was taken, I was shown voting present, not voting. I intended to vote yes.

Stephenson

When Record No. 1729 was taken, I was shown voting yes. I intended to vote no.

Swanson

### Senate Committee Substitute

**CSHB 1277**, A bill to be entitled An Act relating to authorizing a wellness and success center fee at the University of Houston-Downtown.

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

SECTION 1. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.5402 to read as follows:

Sec. 54.5402. WELLNESS AND SUCCESS CENTER FEE; UNIVERSITY OF HOUSTON-DOWNTOWN. (a) The board of regents of the University of Houston System may charge each student enrolled at the University of Houston-Downtown a wellness and success center fee. The fee may be used only for the purpose of financing, constructing, operating, maintaining, improving, and equipping a wellness and success center and for operating student wellness programs at the University of Houston-Downtown.

(b) The wellness and success center fee may not be charged unless the charging of the fee is approved by a majority vote of the students enrolled at the university participating in a general student election held for that purpose.

(c) The amount of a fee charged under this section may not exceed:

(1) \$150 per student for each regular semester;

(2) \$75 per student for each summer session of eight weeks or longer;

or

(3) \$50 per student for each term of the summer session of less than eight weeks.

(d) Revenue from a fee charged under this section shall be deposited to the credit of an account known as the University of Houston-Downtown Wellness and Success Center Fee Account.

(e) The board of regents may increase the amount of a fee charged under this section, except that the board may not increase the amount of the fee to an amount that exceeds by more than 10 percent the amount of the fee charged during the preceding academic year unless the amount of the increase is approved by a majority vote of students enrolled at the university participating in a general student election held for that purpose. The ballot proposition for such an election must clearly state the amount of the proposed fee increase and describe the reason for the proposed fee increase.

(f) The wellness and success center fee is not considered in determining the maximum amount of student services fees that may be charged under Section 54.503.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

## **HB 26 - HOUSE CONCURS IN SENATE AMENDMENTS**

### **TEXT OF SENATE AMENDMENTS**

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

**HB 26**, A bill to be entitled An Act relating to the notification of affected persons of certain releases of water from certain dams.

Representative Metcalf moved to concur in the senate amendments to **HB 26**.

The motion to concur in the senate amendments to **HB 26** prevailed by (Record 1730): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; 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; 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; 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 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; 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.

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

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Huberty; Martinez.

### Senate Committee Substitute

**CSHB 26**, A bill to be entitled An Act relating to the notification of affected persons of certain releases of water from certain dams.

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

SECTION 1. Section 12.052, Water Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

(a) The commission shall make and enforce rules and orders and shall perform all other acts necessary to provide for the safe construction, operation, maintenance, repair, ~~and~~ removal, and emergency management of dams located in this state. In performing the commission's duties under this subsection, the commission shall identify and focus on the most hazardous dams in the state.

(a-1) The commission shall require the owner or operator of a state-regulated dam that has a spillway with gates used to regulate flood waters to notify local emergency operation centers in downstream communities when spillway releases are made to regulate flood waters, according to the commission's emergency action plan guidelines.

(a-2) Emergency operation centers notified under Subsection (a-1) shall provide notice to the public when a release may contribute to flooding that may result in damage to life and property through all available means and shall include, at a minimum, the following information, if available:

(1) the names of the dam and reservoir;

(2) the communities downstream that may be impacted and estimated time of impact;

(3) the names of affected river basins and tributaries;

(4) the expected duration of the release;

(5) the level of potential flooding according to the National Weather Service River Forecast Center; and

(6) the roads or bridges that are expected to be affected.

(a-3) A notice provided under Subsection (a-2) must include the following disclaimer: "Actual flood conditions may vary significantly from the alert based on new or changed conditions; advanced alerts of changed conditions may not be possible."

(a-4) Notwithstanding any other defense or immunity that may apply, a notice provided under Subsection (a-1) or (a-2) may not be considered an admission of liability and may not be used as evidence in any suit related to the releases that are the subject of the notice.

SECTION 2. (a) Not later than January 1, 2020, the Texas Commission on Environmental Quality shall provide guidance for developing a notification plan through a dam owner's emergency action plan for state-regulated dams that have a spillway with gates used to regulate flood waters.

(b) Not later than June 1, 2020, a dam owner or operator shall deliver the notification plan described by Subsection (a) of this section for each dam to the Texas Commission on Environmental Quality.

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

### **HB 19 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 19**, A bill to be entitled An Act relating to mental health and substance use resources for certain school districts.

Representative Price moved to concur in the senate amendments to **HB 19**.

The motion to concur in the senate amendments to **HB 19** prevailed by (Record 1731): 134 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Allison; 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; Davis, Y.; Dean; Deshotel; Dominguez; 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; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zerwas; Zwiener.

Nays — Cain; Krause; Lang; Middleton; Noble; Patterson; Zedler.

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

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Dutton; Schaefer.

### STATEMENTS OF VOTE

When Record No. 1731 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1731 was taken, I was in the house but away from my desk. I would have voted no.

Schaefer

When Record No. 1731 was taken, I was shown voting yes. I intended to vote no.

Swanson

When Record No. 1731 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

When Record No. 1731 was taken, I was shown voting yes. I intended to vote no.

Wilson

### Senate Committee Substitute

**CSHB 19**, A bill to be entitled An Act relating to mental health and substance use resources for certain school districts.

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

SECTION 1. Chapter 8, Education Code, is amended by adding Subchapter E to read as follows:

#### SUBCHAPTER E. MENTAL HEALTH AND SUBSTANCE USE RESOURCES FOR SCHOOL DISTRICT PERSONNEL

Sec. 8.151. DEFINITIONS. In this subchapter, "local mental health authority" and "non-physician mental health professional" have the meanings assigned by Section 571.003, Health and Safety Code.

Sec. 8.152. EMPLOYMENT OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL AS MENTAL HEALTH AND SUBSTANCE USE RESOURCE. (a) A local mental health authority shall employ a non-physician mental health professional to serve as a mental health and substance use resource for school districts located in the region served by a regional education service center and in which the local mental health authority provides services.

(b) If two or more local mental health authorities provide services in a region served by a regional education service center, the local mental health authority that primarily operates in the county in which the center is located shall:

(1) employ the non-physician mental health professional;

(2) in making a hiring decision, consult with other local mental health authorities providing services in that region; and



(3) before making the final hiring decision, consult with the center.

Sec. 8.153. INTERAGENCY COLLABORATION; MEMORANDUM OF UNDERSTANDING. (a) A local mental health authority that employs a non-physician mental health professional under Section 8.152 and the regional education service center shall collaborate in carrying out this subchapter.

(b) Each regional education service center shall provide for a non-physician mental health professional employed for the region served by the center with a space for the professional to carry out the professional's duties under Section 8.155. The local mental health authority that employs the professional shall pay the center a reasonable, negotiated cost-recovery fee for providing the space and administrative support as outlined in the memorandum of understanding entered into under Subsection (c). The cost-recovery fee may not exceed \$15,000 per year unless the local mental health authority and center agree to a higher amount.

(c) A local mental health authority and a regional education service center shall enter into a memorandum of understanding for the administration of this section.

Sec. 8.154. SUPERVISION OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL. A local mental health authority that employs a non-physician mental health professional under Section 8.152 shall:

(1) supervise the professional in carrying out the professional's duties under Section 8.155; and

(2) consult with any other local mental health authorities in the region and the regional education service center for input on supervising the professional.

Sec. 8.155. DUTIES OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL. (a) A non-physician mental health professional employed under Section 8.152 shall, to the greatest extent possible, work collaboratively with the regional education service center and shall act as a resource for the center and school district personnel by:

(1) helping personnel gain awareness and a better understanding of mental health and co-occurring mental health and substance use disorders;

(2) assisting personnel to implement initiatives related to mental health or substance use under state law or agency rules, interagency memorandums of understanding, and related programs;

(3) ensuring personnel are aware of:

(A) the list of recommended best practice-based programs and research-based practices developed under Section 161.325, Health and Safety Code;

(B) other public and private mental health and substance use prevention, treatment, and recovery programs available in the school district, including evidence-based programs provided by a local mental health authority and other public or private mental health providers; and

(C) other available public and private mental health and substance use prevention, treatment, and recovery program resources administered by the local mental health authority or the Health and Human Services Commission to support school districts, students, and families;

(4) on a monthly basis, facilitating mental health first aid training;

(5) on a monthly basis, facilitating training regarding the effects of grief and trauma and providing support to children with intellectual or developmental disabilities who suffer from grief or trauma; and

(6) on a monthly basis, facilitating training on prevention and intervention programs that have been shown to be effective in helping students cope with pressures to:

(A) use alcohol, cigarettes, or illegal drugs; or

(B) misuse prescription drugs.

(b) A non-physician mental health professional employed under Section 8.152 may not treat or provide counseling to a student or provide specific advice to school district personnel regarding a student.

Sec. 8.156. PARTICIPATION BY SCHOOL DISTRICT NOT REQUIRED. This subchapter does not require a school district to participate in training provided by a non-physician mental health professional or otherwise use the professional as a resource.

Sec. 8.157. DISTRIBUTION OF FUNDING. A state agency to which money is appropriated to carry out this subchapter shall ensure that the money is distributed equally among the local mental health authorities that employ and supervise non-physician mental health professionals under this subchapter.

Sec. 8.158. REPORT. (a) Before the last business day of each calendar year, each local mental health authority that employs and supervises a non-physician mental health professional under this subchapter shall prepare and submit a report to the Health and Human Services Commission regarding the outcomes for school districts and students resulting from services provided by the non-physician mental health professional.

(b) Not later than January 31 of the following calendar year, the Health and Human Services Commission shall compile the information submitted under this section and prepare and submit a report to the lieutenant governor, the speaker of the house of representatives, each standing committee of the legislature having primary jurisdiction over mental health, each standing committee of the legislature having primary jurisdiction over public education, and the agency. Before submitting the report under this subsection, the commission shall provide the agency a reasonable opportunity to review and provide input on the contents of the report.

SECTION 2. A local mental health authority is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, a local mental health authority may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

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

## **HB 2586 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2586**, A bill to be entitled An Act relating to political contributions and political expenditures made to or by political committees or other persons.

Representative Leach moved to concur in the senate amendments to **HB 2586**.

The motion to concur in the senate amendments to **HB 2586** prevailed by (Record 1732): 139 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; 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; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; 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; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; 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.

Nays — González, J.; Ramos.

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

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Hefner; Schaefer.

### STATEMENTS OF VOTE

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Rose

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

Amend **HB 2586** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 254.031(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by this chapter, each report filed under this chapter must include:

(1) the amount of political contributions, other than political contributions described by Subdivision (1-a), from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions;

(1-a) the amount of political contributions from each person that are made electronically and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions;

(2) the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period;

(3) the amount of political expenditures that in the aggregate exceed \$100 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures;

(4) the amount of each payment made during the reporting period from a political contribution if the payment is not a political expenditure, the full name and address of the person to whom the payment is made, and the date and purpose of the payment;

(5) the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$100 or less made during the reporting period;

(6) the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period;

(7) the name of each candidate or officeholder who benefits from a direct campaign expenditure made during the reporting period by the person or committee required to file the report, and the office sought or held, excluding a direct campaign expenditure that is made by the principal political committee of a political party on behalf of a slate of two or more nominees of that party;

(8) as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period;

(9) any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting from the use of a political contribution or an asset purchased with a political contribution that is received during the reporting period and the amount of which exceeds \$100;

(10) any proceeds of the sale of an asset purchased with a political contribution that is received during the reporting period and the amount of which exceeds \$100;

(11) any investment purchased with a political contribution that is received during the reporting period and the amount of which exceeds \$100;

(12) any other gain from a political contribution that is received during the reporting period and the amount of which exceeds \$100; and

(13) the full name and address of each person from whom an amount described by Subdivision (9), (10), (11), or (12) is received, the date the amount is received, and the purpose for which the amount is received.

SECTION \_\_\_\_\_. Section 254.031(a), Election Code, as amended by this Act, applies only to a report under Chapter 254, Election Code, that is required to be filed on or after the effective date of this Act. A report under Chapter 254, Election Code, that is required to be filed before the effective date of this Act is governed by the law in effect on the date the report is required to be filed, and the former law is continued in effect for that purpose.

(Speaker in the chair)

### **HB 2477 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2477**, A bill to be entitled An Act relating to automatic employee participation in and administration of a deferred compensation plan provided by certain hospital districts.

Representative Coleman moved to concur in the senate amendments to **HB 2477**.

The motion to concur in the senate amendments to **HB 2477** prevailed by (Record 1733): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; 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; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Harless; Schaefer.

### **Senate Committee Substitute**

**CSHB 2477**, A bill to be entitled An Act relating to automatic employee participation in and administration of a deferred compensation plan provided by certain hospital districts.

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

SECTION 1. Section 609.007(c), Government Code, is amended to read as follows:

(c) Except as provided by Section 609.202 or 609.5025, to participate in a deferred compensation plan, an employee must consent in the contract to automatic payroll deductions in an amount equal to the deferred amount.

SECTION 2. Chapter 609, Government Code, is amended by adding Subchapter B-1 to read as follows:

#### **SUBCHAPTER B-1. PARTICIPATION IN DEFERRED COMPENSATION PLAN BY CERTAIN HOSPITAL DISTRICT EMPLOYEES**

Sec. 609.201. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a hospital district created under general or special law if the district offers a deferred compensation plan to the district's employees under Subchapter B.

(b) A hospital district subject to this subchapter may, at the district's option, elect to require automatic employee participation in a deferred compensation plan under Section 609.202.

Sec. 609.202. AUTOMATIC PARTICIPATION; DEFAULT INVESTMENT PRODUCT. (a) This section applies only to an employee of a hospital district that elects under Section 609.201(b) to require automatic employee participation in a deferred compensation plan under this section.

(b) An employee automatically participates in a deferred compensation plan provided by the hospital district unless the employee affirmatively elects not to participate in the plan. Notwithstanding Sections 609.007(a) and (c), an employee is not required to affirmatively contract for and consent to participation in a plan under this section.

(c) An employee participating in a deferred compensation plan under this section makes a contribution of three percent of the compensation earned by the employee to a default investment product selected by the plan administrator based on the criteria established under Section 609.113 and the rules adopted under Subsection (f). The contribution is made by automatic payroll deduction.

(d) At any time, an employee participating in a deferred compensation plan under this section may, in accordance with rules adopted by the board of the hospital district, or its designee, elect to end participation in the plan, to contribute to a different investment product, to contribute a different amount to the plan, or to designate all or a portion of the employee's contribution as a Roth contribution subject to the availability of a Roth contribution program.

(e) A hospital district to which this subchapter applies shall ensure that, at the time of employment, each employee is informed of:

(1) the elections the employee may make under this section; and

(2) the responsibilities of the employee under Section 609.010.

(f) The board of the hospital district, or its designee, shall adopt rules to implement the requirements of this section. The rules must ensure that the operation of a deferred compensation plan under this section conforms to the applicable requirements of any federal rule that provides fiduciary relief for investments in qualified default investment alternatives or otherwise governs default investment alternatives under participant-directed individual account plans.

(g) The amount deducted under this section from an employee's compensation is not deducted for payment of a debt and the automatic payroll deduction is not garnishment or assignment of wages.

(h) Using existing resources, the hospital district shall inform new employees of their automatic enrollment in a deferred compensation plan and their right to opt out of enrollment. Using existing resources, this information must be included as part of the new employee orientation process. The district shall maintain a record of a new employee's acknowledgment of receipt of information regarding the ability to opt out of enrollment in a deferred compensation plan.

Sec. 609.203. DISCRETIONARY TRANSFER. (a) A hospital district may transfer an employee's deferred amounts and investment income from a qualified investment product to the trust fund of the deferred compensation plan in which the employee participates if the district determines that the transfer is in the best interest of the plan and the employee.

(b) The hospital district is not required to give notice of a transfer under Subsection (a) to the employee before the transfer occurs.

(c) Promptly after a transfer under Subsection (a) occurs, the hospital district shall give to the employee a notice that:

(1) states the reason for the transfer; and

(2) requests that the employee promptly designate another qualified investment product to receive the transferred amount.

Sec. 609.204. ALTERNATIVE TO FUND DEPOSIT. Instead of depositing deferred amounts and investment income in the trust fund of the deferred compensation plan, a hospital district may invest deferred amounts and investment income in a qualified investment product specifically designated by the district for that purpose.

Sec. 609.205. CONTRACTS FOR GOODS AND SERVICES. (a) A hospital district may contract for necessary goods and consolidated billing, accounting, and other services to be provided in connection with a deferred compensation plan.

(b) In a contract under Subsection (a), the hospital district may provide for periodic audits of the person with whom the contract is made. An audit may cover:

- (1) the proper handling and accounting of public or trust funds; and
- (2) other matters related to the proper performance of the contract.

(c) The hospital district may contract with a private entity to conduct an audit under Subsection (b).

SECTION 3. Section 609.202, Government Code, as added by this Act, applies only to an employee of a hospital district subject to that section who initially begins employment on or after January 1, 2020.

SECTION 4. (a) Except as provided by Subsection (b) of this section, the acts of a hospital district created under general or special law that relate to discretionary transfers of funds and consolidation of billing and accounting for deferred compensation plans provided by the district to the district's employees and that occurred before the effective date of this Act are validated as if the acts had occurred as authorized by law.

(b) This section does not validate an act that, under the law of this state at the time the act occurred, was a misdemeanor or felony.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

### **HB 2424 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2424**, A bill to be entitled An Act relating to the creation of a micro-credential certification program for public school educator continuing education.

Representative Ashby moved to concur in the senate amendments to **HB 2424**.

The motion to concur in the senate amendments to **HB 2424** prevailed by (Record 1734): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; 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; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Guerra; Schaefer.

### **Senate Committee Substitute**

**CSHB 2424**, A bill to be entitled An Act relating to the creation of a micro-credential certification program for public school educator continuing education.

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

SECTION 1. Section 21.054, Education Code, is amended by amending Subsection (a) and adding Subsection (i) to read as follows:

(a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements, including opportunities for educators to receive micro-credentials in fields of study related to the educator's certification class as provided by Subsection (i).

(i) The board shall propose rules establishing a program to issue micro-credentials in fields of study related to an educator's certification class. The agency shall approve continuing education providers to offer micro-credential courses. A micro-credential received by an educator shall be recorded on the agency's Educator Certification Online System (ECOS) and included as part of the educator's public certification records.

SECTION 2. The Texas Education Agency is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Texas Education Agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

## **HB 1590 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1590**, A bill to be entitled An Act relating to statewide policies and practices, personnel training, evidence collection and preservation, and data collection and analysis regarding the prevention, investigation, and prosecution of sexual assault and other sex offenses.

Representative Howard moved to concur in the senate amendments to **HB 1590**.

The motion to concur in the senate amendments to **HB 1590** prevailed by (Record 1735): 140 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Beckley; Biedermann; Flynn; Klick.

### **STATEMENT OF VOTE**

When Record No. 1735 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

### **Senate Committee Substitute**

**CSHB 1590**, A bill to be entitled An Act relating to statewide policies and practices, personnel training, evidence collection and preservation, and data collection and analysis regarding the prevention, investigation, and prosecution of sexual assault and other sex offenses.

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

SECTION 1. Section 420.012, Government Code, is amended to read as follows:

Sec. 420.012. CONSULTATIONS. In implementing this chapter, the attorney general shall consult with:

- (1) state sexual assault coalitions;
- (2) state agencies, task forces, and councils that have duties relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or services provided to survivors;
- (3) forensic science experts; and
- (4) individuals ~~[persons]~~ and organizations having knowledge and experience relating to the issues of sexual assault and other sex offenses.

SECTION 2. Section 420.031(c), Government Code, is amended to read as follows:

(c) In developing the evidence collection kit and protocol, the attorney general shall consult with the individuals and organizations listed in Section 420.012 ~~[having knowledge and experience in the issues of sexual assault and other sex offenses]~~.

SECTION 3. Subchapter A, Chapter 772, Government Code, is amended by adding Section 772.0064 to read as follows:

Sec. 772.0064. SEXUAL ASSAULT SURVIVORS' TASK FORCE. (a) In this section:

(1) "Sexual assault," "sexual assault nurse examiner," and "survivor" have the meanings assigned by Section 420.003.

(2) "Task force" means the Sexual Assault Survivors' Task Force.

(b) The governor shall establish the Sexual Assault Survivors' Task Force within the criminal justice division established under Section 772.006.

(c) The task force shall include a steering committee composed of the following members:

- (1) the governor or the governor's designee;
- (2) the president of the state sexual assault coalition, as defined by Section 420.003, or the president's designee; and

(3) the president of the statewide organization described by Section 264.409, Family Code, or the president's designee.

(d) The task force is composed of the following members:

- (1) the governor or the governor's designee;
- (2) a representative of each state agency that has duties relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or provides services to survivors, including:

(A) the office of the attorney general; and

(B) the Health and Human Services Commission;

(3) the executive director of the Texas Commission on Law Enforcement or the executive director's designee;

(4) the presiding officer of the Texas Forensic Science Commission or the presiding officer's designee;

(5) the division director of the law enforcement support division of the Texas Department of Public Safety with authority over the Crime Laboratory Service or the division director's designee;

(6) the president of the Texas Association of Crime Laboratory Directors or the president's designee;

(7) the president of the Texas District and County Attorney's Association or the president's designee;

(8) the president of the Texas Society of Pathologists or the president's designee;

(9) the president of the International Association of Forensic Nurses Texas Chapter or the president's designee;

(10) the president of the statewide organization described by Section 264.409, Family Code, or the president's designee;

(11) the president of the state sexual assault coalition, as defined by Section 420.003, or the president's designee;

(12) a representative from a law enforcement agency appointed by the steering committee described by Subsection (c);

(13) a sexual assault nurse examiner appointed by the steering committee described by Subsection (c) to represent the interests of health care facilities that perform sexual assault forensic exams; and

(14) other members considered appropriate by the steering committee described by Subsection (c).

(e) An appointed member serves at the pleasure of the appointing official.

(f) The governor is the presiding officer of the task force.

(g) The task force shall meet at the call of the governor.

(h) The steering committee shall:

(1) create within the task force:

(A) a working group focusing on survivors who are children; and

(B) a working group focusing on survivors who are adults;

(2) ensure that the task force identifies systemic issues and solutions pertaining to survivors of all ages;

(3) ensure that the task force does not unnecessarily duplicate existing standards, information, and protocol in preventing, investigating, prosecuting, and responding to sexual assault and other sex offenses; and

(4) review and approve all task force reports, recommendations, resources, protocols, advice, and other information before release.

(i) The task force shall:

(1) develop policy recommendations to allow the state to:

(A) effectively coordinate funding for services to child and adult survivors; and

(B) better prevent, investigate, and prosecute incidents of sexual assault and other sex offenses;

(2) facilitate communication and cooperation between state agencies that have duties relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or services provided to survivors in order to identify and coordinate state resources available for assisting survivors;

(3) collect, analyze, and make publicly available information, organized by region, regarding the prevention, investigation, and prosecution of sexual assault and other sex offenses and services provided to survivors, including a list of SAFE-ready facilities designated under Section 323.0015, Health and Safety Code;

(4) make and periodically update recommendations regarding the collection, preservation, tracking, analysis, and destruction of evidence in cases of sexual assault or other sex offenses, including recommendations:

(A) to the attorney general regarding:

(i) evidence collection kits for use in the collection and preservation of evidence of sexual assault or other sex offenses;

(ii) protocols for the collection and preservation of evidence of sexual assault or other sex offenses;

(iii) the curriculum for training programs on collecting and preserving evidence of sexual assault and other sex offenses; and

(iv) the requirements for certification of sexual assault nurse examiners; and

(B) to other appropriate individuals or organizations, regarding:

(i) the procedures for obtaining patient authorization for forensic medical examinations of child and adult survivors under Articles 56.06 and 56.065, Code of Criminal Procedure;

(ii) the requirements for maintaining an appropriate evidentiary chain of custody;

(iii) the identification and reporting of untested evidence throughout the state; and

(iv) standards for the submission of evidence to forensic laboratories for analysis, including procedures for submitting evidence in cases for which no evidence has been previously submitted or tested;

(5) advise and provide resources to the Texas Commission on Law Enforcement and other law enforcement organizations to improve law enforcement officer training related to the investigation and documentation of cases involving sexual assault and other sex offenses, with a focus on the interactions between law enforcement officers and survivors;

(6) provide to law enforcement agencies, prosecutors, and judges with jurisdiction over sexual assault or other sex offense cases information and resources to maximize effective and empathetic investigation, prosecution, and hearings, including information and resources:

(A) regarding trauma-informed practices and the dynamics and effects of sexual assault and other sex offenses on child and adult survivors;

(B) intended to improve the understanding of and the response to sexual assault or other sex offenses;

(C) regarding best practices in the investigation and prosecution of sexual assault or other sex offenses; and

(D) for judges regarding common issues in the criminal trials of sexual assault and other sex offenses;

(7) biennially contract for a survey of the resources provided to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities in each region of the state;

(8) make recommendations as necessary to improve the collecting and reporting of data on the investigation and prosecution of sexual assault and other sex offenses; and

(9) develop a statewide standard for best practices in the funding and provision of services to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities.

(j) Not later than November 1 of each even-numbered year, the task force shall analyze the data from the survey performed under Subsection (i), prepare a report, or contract with a private entity for the preparation of a report, and submit to the legislature the report, which must include:

(1) a description of the resources provided to child and adult survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and governmental entities in each region of the state;

(2) a description of the differences between the resources provided to both child and adult survivors and the statewide standard, comparable by region and by year;

(3) recommendations on measures the state and each region could take to better comply with the statewide standard;

(4) a description of potential sources and mechanisms of funding available to implement the recommendations; and

(5) recommendations for accomplishing policy goals.

(k) To the extent possible, all recommendations, standards, and resource information provided by the task force must be evidence-based and consistent with standards of practice and care in this state and throughout the country.

(l) The task force shall use any available federal or state funding for the purposes of this section.

(m) This section expires September 1, 2023.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) The commission shall consult with the Sexual Assault Survivors' Task Force established under Section 772.0064, Government Code, regarding minimum curriculum requirements for training in the investigation and documentation of cases that involve sexual assault or other sex offenses.

(b-2) This subsection and Subsection (b-1) expire September 1, 2023.

SECTION 5. The governor is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the governor may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 6. As soon as practicable after the effective date of this Act, the governor shall establish the Sexual Assault Survivors' Task Force and the steering committee of that task force shall appoint members as required by Section 772.0064, Government Code, as added by this Act.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

### **HB 2050 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2050**, A bill to be entitled An Act relating to consent requirements for the prescription of certain psychoactive medications to residents of nursing facilities and related institutions.

Representative Paddie moved to concur in the senate amendments to **HB 2050**.

The motion to concur in the senate amendments to **HB 2050** prevailed by (Record 1736): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; 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; Shaheen; Sheffield; Sherman; Shine; Smith; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Biedermann; Klick; Moody; Schaefer.

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

Amend **HB 2050** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 24 and 25), strike "(c-1) and (c-2)" and substitute ""(c-1), (c-2), and (c-3)".

(2) In SECTION 1 of the bill, in added Section 242.505(c-2), Health and Safety Code (page 2, line 2), strike "is presumed to satisfy" and substitute "satisfies".

(3) In SECTION 1 of the bill, in added Section 242.505(c-2), Health and Safety Code (page 2, lines 3 through 5), strike "and the disclosure requirements established by the Texas Medical Disclosure Panel in Sections 74.103 and 74.105, Civil Practice and Remedies Code".

(4) In SECTION 1 of the bill, immediately following added Section 242.505(c-2), Health and Safety Code (page 2, between lines 5 and 6), insert the following:

(c-3) There is a rebuttable presumption that the written consent provided by a resident or the resident's legally authorized representative on the form described by Subsection (c-1) satisfies the disclosure requirements established by the Texas Medical Disclosure Panel in Sections 74.104 and 74.105, Civil Practice and Remedies Code.

### LEAVE OF ABSENCE GRANTED

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

Biedermann on motion of Murphy.

### HB 933 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 933**, A bill to be entitled An Act relating to posting of election information on the secretary of state's and each county's Internet website.

Representative Bucy moved to concur in the senate amendments to **HB 933**.

The motion to concur in the senate amendments to **HB 933** prevailed by (Record 1737): 133 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; 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, T.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman;



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

Nays — King, P.; Leach; Oliverson; Patterson; Smith; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Flynn; Klick; Nevárez; Schaefer.

### STATEMENT OF VOTE

When Record No. 1737 was taken, I was shown voting no. I intended to vote yes.

Smith

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

Amend **HB 933** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 4.003(b), Election Code (page 1, line 30), between "website" and the underlined period, insert ", if the county maintains a website".

(2) In SECTION 1 of the bill, in amended Section 4.003(b), Election Code (page 1, line 33), between the period and "For", insert the following:

If a county does not maintain a website, the authority responsible for giving notice of the election shall post a copy of a notice of the election on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves.

(3) In SECTION 2 of the bill, in amended Section 4.008(a), Election Code (page 1, line 50), between "website" and "as", insert ", if the county maintains a website,".

(4) Strike SECTION 3 of the bill, amending Section 31.012(a), Election Code (page 1, line 52, through page 2, line 1).

(5) In SECTION 5 of the bill, following added Section 31.125, Election Code (page 2, between lines 55 and 56), insert the following:

(c) This section applies only to a county that maintains an Internet website.

(6) In SECTION 6 of the bill, in amended Section 32.114(c), Election Code (page 2, line 60), between "website" and "and", insert ", if the county maintains an Internet website,".

(7) In SECTION 6 of the bill, in amended Section 32.114(c), Election Code (page 2, between lines 63 and 64), insert the following:

(1-a) post notice of the time and place of each session on the bulletin board used for posting notice of meetings of the commissioners court, if the county does not maintain an Internet website, and shall include on the notice a statement that the program is open to the public;

(8) In SECTION 7 of the bill, in amended Section 42.035(a), Election Code (page 3, line 10), between "website" and "for", insert ", if the county maintains an Internet website,".

(9) Strike SECTION 8 of the bill, amending Section 43.061(c), Election Code (page 3, lines 12 through 23).

(10) In SECTION 9 of the bill, in amended Section 66.059(b), Election Code (page 3, line 28), between "county" and the underlined comma, insert "or is a county that does not maintain an Internet website."

(11) In SECTION 9 of the bill, in added Section 66.059(b-1), Election Code (page 3, line 35), between "county" and the underlined comma, insert "that maintains an Internet website".

(12) In SECTION 11 of the bill, in amended Section 85.007(c), Election Code (page 3, lines 52 through 55), strike Subdivision (1) and substitute the following:

(1) the bulletin board used for posting notice of meetings of the commissioners court if the early voting clerk is the county clerk of a county that does not maintain an Internet website, or of the city governing body if the early voting clerk is the city secretary; or

(13) In SECTION 11 of the bill, in amended Section 85.007(c)(2), Election Code (page 3, line 57), between "clerk" and the underlined period, insert "of a county that maintains an Internet website".

(14) In SECTION 12 of the bill, in amended Section 85.067, Election Code (page 3, lines 60 through 67), strike Subsection (d) and substitute the following:

(d) The schedule shall be posted on:

(1) the bulletin board used for posting notice of meetings of the governing body of the political subdivision served by the authority ordering the election or, if the early voting clerk is the county clerk of a county that does not maintain an Internet website or city secretary, meetings of the commissioners court or city governing body, as applicable; or

(2) the county's Internet website if the early voting clerk is the county clerk of a county that maintains an Internet website.

(15) In SECTION 13 of the bill, in amended Section 87.027, Election Code (page 4, lines 2 through 8), strike Subsection (k) and substitute the following:

(k) Postings required by this section shall be made on the bulletin board used for posting notice of meetings of the commissioners court of a county that does not maintain an Internet website, in an election for which the county election board is established or a primary election, or of the governing body of the political subdivision in other elections.

(16) In SECTION 13 of the bill, in added Section 87.027(k-1), Election Code (page 4, line 9), strike "Postings" and substitute "If the county maintains an Internet website, postings".

(17) In SECTION 14 of the bill, in amended Section 129.023(b), Election Code (page 4, line 17), between "website" and "at", insert ", if the county maintains an Internet website, or on the bulletin board used for posting notice of meetings of the commissioners court if the county does not maintain an Internet website,".

(18) Strike SECTION 15 of the bill, amending Section 172.113(d), Election Code (page 4, lines 19 through 24).

- (19) Strike SECTION 19(c) of the bill (page 4, lines 58 through 61).  
(20) Renumber SECTIONS of the bill accordingly.

**HB 1949 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1949**, A bill to be entitled An Act relating to the criteria for awarding adult education and literacy program performance incentive funds.

Representative Guillen moved to concur in the senate amendments to **HB 1949**.

The motion to concur in the senate amendments to **HB 1949** prevailed by (Record 1738): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Klick; Muñoz; Schaefer.

**STATEMENT OF VOTE**

When Record No. 1738 was taken, my vote failed to register. I would have voted yes.

Muñoz

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

Amend **HB 1949** (senate committee report) as follows:

(1) On page 1, line 26, strike "adding Subsections (c) and (d)" and substitute "adding Subsections (c), (d), and (e)".

(2) On page 1, line 42, between "d" and "In", insert the following:

The process developed under this section must require the members of the commission to approve the award of any funds under this chapter.

(e)

**HB 1552 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1552**, A bill to be entitled An Act relating to the weapons proficiency of and the carrying of a handgun by qualified retired law enforcement officers.

Representative Paul moved to concur in the senate amendments to **HB 1552**.

The motion to concur in the senate amendments to **HB 1552** prevailed by (Record 1739): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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.; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Klick.

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

Amend **HB 1552** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.2561 to read as follows:

Sec. 1701.2561. FIREARMS TRAINING FOR COUNTY JAILERS.

(a) The commission shall develop a basic training program in the use of firearms by county jailers. The program must provide instruction in:

(1) legal limitations on the use of firearms and on the powers and authority of jailers;

(2) range firing and procedure;

(3) firearms safety and maintenance; and

(4) other topics determined by the commission to be necessary for the responsible use of firearms by jailers.

(b) The commission shall administer the training program and shall issue a certificate of firearms proficiency to each county jailer the commission determines has successfully completed the program.

(c) A county jailer who is issued a certificate of firearms proficiency and who maintains weapons proficiency in accordance with Section 1701.355 may carry a firearm:

(1) during the course of performing duties as a county jailer, including while transporting persons confined in the county jail; and

(2) while traveling to or from the jailer's place of assignment.

SECTION \_\_\_\_\_. Section 1701.355, Occupations Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) An agency that employs one or more county jailers who have been issued a certificate of firearms proficiency under Section 1701.2561 shall designate a firearms proficiency officer and require the jailers to demonstrate weapons proficiency to the firearms proficiency officer at least annually. The agency shall maintain records of the weapons proficiency of the agency's jailers. A county jailer's failure to demonstrate weapons proficiency does not affect the county jailer's license under this chapter.

(b) On request, the commission may waive the requirement that a peace officer or county jailer demonstrate weapons proficiency on a determination by the commission that the requirement causes a hardship.

### 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).

### HB 1343 - HOUSE CONCURS IN SENATE AMENDMENTS

#### TEXT OF SENATE AMENDMENTS

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

**HB 1343**, A bill to be entitled An Act relating to persons who may be prosecuted for the criminal offense of improper contact with a victim.

Representative Leach moved to concur in the senate amendments to **HB 1343**.

The motion to concur in the senate amendments to **HB 1343** prevailed by (Record 1740): 139 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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.; 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; 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.

Nays — Canales.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Klick; Phelan; Schaefer.

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

Amend **HB 1343** (senate committee printing) as follows:

(1) In SECTION 2 of the bill (page 1, line 49), between "The change in law made by this Act" and "applies", insert "to Section 38.111(a), Penal Code,".

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

SECTION \_\_\_\_\_. Article 7A.01, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) Except as provided by Subsection (a-2), if an application has not yet been filed in the case under Subsection (a), the attorney representing the state shall promptly file an application for a protective order with respect to each victim of an offense listed in Subdivision (1) or (2) of that subsection following the offender's conviction of or placement on deferred adjudication community supervision for the offense.

(a-2) The attorney representing the state may not file an application under Subsection (a-1) with respect to a victim who is at least 18 years of age if the victim requests that the attorney representing the state not file the application.

SECTION \_\_\_\_\_. Article 7A.03, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) An offender's conviction of or placement on deferred adjudication community supervision for an offense listed in Article 7A.01(a)(1) or (2) constitutes reasonable grounds under Subsection (a).

SECTION \_\_\_\_\_. Article 7A.07, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) The court shall issue a protective order effective for the duration of the lives of the offender and victim if the offender is:

(1) convicted of or placed on deferred adjudication community supervision for an offense listed in Article 7A.01(a)(1) or (2); and

(2) required under Chapter 62 to register for life as a sex offender.

SECTION \_\_\_\_\_. Section 25.07(g), Penal Code, is amended to read as follows:

(g) An offense under this section is a Class A misdemeanor, except the offense is:

(1) subject to Subdivision (2), a state jail felony if it is shown at the trial of the offense that the defendant violated an order issued as a result of an application filed under Article 7A.01(a-1), Code of Criminal Procedure; or

(2) a felony of the third degree if it is shown on the trial of the offense that the defendant:

(A) [~~H~~] has previously been convicted two or more times of an offense under this section or two or more times of an offense under Section 25.072, or has previously been convicted of an offense under this section and an offense under Section 25.072; or

(B) [~~S~~] has violated the order or condition of bond by committing an assault or the offense of stalking.

SECTION \_\_\_\_\_. The changes in law made by this Act to Chapter 7A, Code of Criminal Procedure, apply only to a judgment of conviction entered on or after the effective date of this Act or a grant of deferred adjudication community supervision made on or after the effective date of this Act.

### **HB 601 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 601**, A bill to be entitled An Act relating to procedures and reporting requirements regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability.

Representative Price moved to concur in the senate amendments to **HB 601**.

The motion to concur in the senate amendments to **HB 601** prevailed by (Record 1741): 141 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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.; 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; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Klick.

### **Senate Committee Substitute**

**CSHB 601**, A bill to be entitled An Act relating to procedures and reporting requirements regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability.

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

SECTION 1. Article 16.22(a), Code of Criminal Procedure, as amended by Chapters 748 (**SB 1326**) and 950 (**SB 1849**), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(a)(1) Not later than 12 hours after the sheriff or municipal jailer having custody of a defendant for an offense punishable as a Class B misdemeanor or any higher category of offense receives credible information that may establish reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, the sheriff or municipal jailer shall provide written or electronic notice to the magistrate. The notice must include any information related to the sheriff's or municipal jailer's determination, such as information regarding the defendant's behavior immediately before, during, and after the defendant's arrest and, if applicable, the results of any previous assessment of the defendant. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, the magistrate, except as provided by Subdivision (2), shall order the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert to:

(A) interview the defendant if the defendant has not previously been interviewed by a qualified mental health or intellectual and developmental disability expert on or after the date the defendant was arrested for the offense for which the defendant is in custody and otherwise collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability as defined by



Section 591.003, Health and Safety Code, including, if applicable, information obtained from any previous assessment of the defendant and information regarding any previously recommended treatment or service; and

(B) provide to the magistrate a written report ~~[assessment]~~ of an interview described by Paragraph (A) and the other information collected under that paragraph ~~[Paragraph (A)]~~ on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.0032(c) ~~[614.0032(b)]~~, Health and Safety Code.

(2) The magistrate is not required to order the interview and collection of other information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another mental health or intellectual and developmental disability expert described by Subdivision (1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the interview and collection of other information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a jail, or in another place determined to be appropriate by the local mental health authority or local intellectual and developmental disability authority, for a reasonable period not to exceed 72 hours. If applicable, the county in which the committing court is located shall reimburse the local mental health authority or local intellectual and developmental disability authority for the mileage and per diem expenses of the personnel required to transport the defendant, calculated in accordance with the state travel regulations in effect at the time.

SECTION 2. Article 16.22, Code of Criminal Procedure, is amended by adding Subsections (a-1), (a-2), (a-3), (a-4), and (f) and amending Subsections (b), (b-1), (c), (d), and (e) to read as follows:

(a-1) If a magistrate orders a local mental health authority, a local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert to conduct an interview or collect information under Subsection (a)(1), the commissioners court for the county in which the magistrate is located shall reimburse the local mental health authority, local intellectual and developmental disability authority, or qualified mental health or intellectual and developmental disability expert for the cost of performing those duties in the amount provided by the fee schedule adopted under Subsection (a-2) or in the amount determined by the judge under Subsection (a-3), as applicable.

(a-2) The commissioners court for a county may adopt a fee schedule to pay for the costs to conduct an interview and collect information under Subsection (a)(1). In developing the fee schedule, the commissioners court shall consider the generally accepted reasonable cost in that county of performing the duties

described by Subsection (a)(1). A fee schedule described by this subsection must be adopted in a public hearing and must be periodically reviewed by the commissioners court.

(a-3) If the cost of performing the duties described by Subsection (a)(1) exceeds the amount provided by the applicable fee schedule or if the commissioners court for the applicable county has not adopted a fee schedule, the authority or expert who performed the duties may request that the judge who has jurisdiction over the underlying offense determine the reasonable amount for which the authority or expert is entitled to be reimbursed under Subsection (a-1). The amount determined under this subsection may not be less than the amount provided by the fee schedule, if applicable. The judge shall determine the amount not later than the 45th day after the date the request is made. The judge is not required to hold a hearing before making a determination under this subsection.

(a-4) An interview under Subsection (a)(1) may be conducted in person in the jail, by telephone, or through a telemedicine medical service or telehealth service.

(b) Except as otherwise permitted by the magistrate for good cause shown, a written report ~~[assessment]~~ of an interview described by Subsection (a)(1)(A) and the other information collected under that paragraph ~~[Subsection (a)(1)(A)]~~ shall be provided to the magistrate:

(1) for a defendant held in custody, not later than 96 hours after the time an order was issued under Subsection (a); or

(2) for a defendant released from custody, not later than the 30th day after the date an order was issued under Subsection (a).

(b-1) The magistrate shall provide copies of the written report ~~[assessment]~~ to the defense counsel, the attorney representing the state, and the trial court. The written report ~~[assessment]~~ must include a description of the procedures used in the interview and collection of other information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability;

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) any appropriate or recommended treatment or service.

(c) After the trial court receives the applicable expert's written report ~~[assessment]~~ relating to the defendant under Subsection (b-1) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032 if the defendant is being held in custody;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual and developmental disability services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code;

(3) consider the written report [~~assessment~~] during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision; or

(4) refer the defendant to an appropriate specialty court established or operated under Subtitle K, Title 2, Government Code.

(d) This article does not prevent the applicable court from, before, during, or after the interview and collection of other information regarding the defendant as described by this article:

(1) releasing a defendant who has a mental illness or is a person with an intellectual disability from custody on personal or surety bond, including imposing as a condition of release that the defendant submit to an examination or other assessment; or

(2) ordering an examination regarding the defendant's competency to stand trial.

(e) The Texas Judicial Council shall adopt rules to require the reporting of ~~The magistrate shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis~~ the number of written reports [~~assessments~~] provided to a ~~the~~ court under Subsection (a)(1)(B). The rules must require submission of the reports to the Office of Court Administration of the Texas Judicial System on a monthly basis.

(f) A written report submitted to a magistrate under Subsection (a)(1)(B) is confidential and not subject to disclosure under Chapter 552, Government Code, but may be used or disclosed as provided by this article.

SECTION 3. Articles 17.032(b) and (c), Code of Criminal Procedure, as amended by Chapters 748 (**SB 1326**) and 950 (**SB 1849**), Acts of the 85th Legislature, Regular Session, 2017, are reenacted and amended to read as follows:

(b) Notwithstanding Article 17.03(b), or a bond schedule adopted or a standing order entered by a judge, a magistrate shall release a defendant on personal bond unless good cause is shown otherwise if:

(1) the defendant is not charged with and has not been previously convicted of a violent offense;

(2) the defendant is examined by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert under Article 16.22;

(3) the applicable expert, in a written report [~~assessment~~] submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual and developmental disability services for the defendant, as applicable;

(4) the magistrate determines, in consultation with the local mental health authority or local intellectual and developmental disability authority, that appropriate community-based mental health or intellectual and developmental disability services for the defendant are available in accordance with Section 534.053 or 534.103, Health and Safety Code, or through another mental health or intellectual and developmental disability services provider; and

(5) the magistrate finds, after considering all the circumstances, a pretrial risk assessment, if applicable, and any other credible information provided by the attorney representing the state or the defendant, that release on personal bond would reasonably ensure the defendant's appearance in court as required and the safety of the community and the victim of the alleged offense.

(c) The magistrate, unless good cause is shown for not requiring treatment or services, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health treatment or intellectual and developmental disability services as recommended by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert if the defendant's:

(1) mental illness or intellectual disability is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant does not receive the recommended treatment or services [~~is not treated~~].

SECTION 4. Section 8(c), Article 42.09, Code of Criminal Procedure, is amended to read as follows:

(c) A county that transfers a defendant to the Texas Department of Criminal Justice under this article shall also deliver to the designated officer any presentence or postsentence investigation report, revocation report, psychological or psychiatric evaluation of the defendant, including a written report provided to a court under Article 16.22(a)(1)(B) or an evaluation prepared for the juvenile court before transferring the defendant to criminal court and contained in the criminal prosecutor's file, and available social or psychological background information relating to the defendant and may deliver to the designated officer any additional information upon which the judge or jury bases the punishment decision.

SECTION 5. Section 511.0085(a), Government Code, is amended to read as follows:

(a) The commission shall develop a comprehensive set of risk factors to use in assessing the overall risk level of each jail under the commission's jurisdiction. The set of risk factors must include:

(1) a history of the jail's compliance with state law and commission rules, standards, and procedures;

- (2) the population of the jail;
- (3) the number and nature of complaints regarding the jail, including complaints regarding a violation of any required ratio of correctional officers to inmates;
- (4) problems with the jail's internal grievance procedures;
- (5) available mental and medical health reports relating to inmates in the jail, including reports relating to infectious disease or pregnant inmates;
- (6) recent turnover among sheriffs and jail staff;
- (7) inmate escapes from the jail;
- (8) the number and nature of inmate deaths at the jail, including the results of the investigations of those deaths; and
- (9) whether the jail is in compliance with commission rules, standards developed by the Texas Correctional Office on Offenders with Medical or Mental Impairments, and the requirements of Article 16.22, Code of Criminal Procedure, regarding screening and assessment protocols for the early identification of and reports concerning persons with mental illness or an intellectual disability.

SECTION 6. The heading to Section 614.0032, Health and Safety Code, is amended to read as follows:

Sec. 614.0032. SPECIAL DUTIES RELATED TO MEDICALLY RECOMMENDED SUPERVISION; DETERMINATIONS REGARDING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [~~COMPETENCY OR FITNESS TO PROCEED~~].

SECTION 7. Section 614.0032, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) The office shall approve and make generally available in electronic format a standard form for use by a person providing a written report under Article 16.22(a)(1)(B), Code of Criminal Procedure.

SECTION 8. The changes in law made by this Act apply only to a defendant charged with an offense committed on or after the effective date of this Act. A defendant charged with an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 10. This Act takes effect September 1, 2019.

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

Amend **HB 601** (senate committee printing) as follows:

(1) In the recital to SECTION 4 of the bill (page 4, lines 57-58), strike "Section 8(c), Article 42.09, Code of Criminal Procedure, is amended" and substitute "Sections 8(a) and (c), Article 42.09, Code of Criminal Procedure, are amended".

(2) Immediately following the recital to SECTION 4 of the bill (page 4, between lines 58 and 59), insert the following:

(a) A county that transfers a defendant to the Texas Department of Criminal Justice under this article shall deliver to an officer designated by the department:

(1) a copy of the judgment entered pursuant to Article 42.01, completed on a standardized felony judgment form described by Section 4 of that article;

(2) a copy of any order revoking community supervision and imposing sentence pursuant to Article 42A.755, including:

(A) any amounts owed for restitution, fines, and court costs, completed on a standardized felony judgment form described by Section 4, Article 42.01; and

(B) a copy of the client supervision plan prepared for the defendant by the community supervision and corrections department supervising the defendant, if such a plan was prepared;

(3) a written report that states the nature and the seriousness of each offense and that states the citation to the provision or provisions of the Penal Code or other law under which the defendant was convicted;

(4) a copy of the victim impact statement, if one has been prepared in the case under Article 56.03;

(5) a statement as to whether there was a change in venue in the case and, if so, the names of the county prosecuting the offense and the county in which the case was tried;

(6) if requested, information regarding the criminal history of the defendant, including the defendant's state identification number if the number has been issued;

(7) a copy of the indictment or information for each offense;

(8) a checklist sent by the department to the county and completed by the county in a manner indicating that the documents required by this subsection and Subsection (c) accompany the defendant;

(9) if prepared, a copy of a presentence or postsentence report prepared under Subchapter F, Chapter 42A;

(10) a copy of any detainer, issued by an agency of the federal government, that is in the possession of the county and that has been placed on the defendant;

(11) if prepared, a copy of the defendant's Texas Uniform Health Status Update Form; ~~and~~

(12) a written description of a hold or warrant, issued by any other jurisdiction, that the county is aware of and that has been placed on or issued for the defendant; and

(13) a copy of any mental health records, mental health screening reports, or similar information regarding the mental health of the defendant.

(3) Strike SECTION 8 of the bill (page 5, lines 41 through 48) and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. (a) The changes in law made by this Act to Articles 16.22 and 17.032, Code of Criminal Procedure, and to Section 8(c), Article 42.09, Code of Criminal Procedure, apply only to a defendant charged with an offense committed on or after the effective date of this Act. A defendant charged with an offense committed before the effective date of this Act is governed by the

law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) The changes in law made by this Act to Section 8(a), Article 42.09, Code of Criminal Procedure, and to Chapters 46B and 46C, Code of Criminal Procedure, apply only to a proceeding that begins on or after the effective date of this Act, regardless of when the defendant committed the underlying offense for which the defendant became subject to the proceeding. A proceeding that begins before the effective date of this Act is governed by the law in effect on the date the proceeding began, and the former law is continued in effect for that purpose.

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

SECTION \_\_\_\_\_. Article 46B.001, Code of Criminal Procedure, is amended to read as follows:

Art. 46B.001. DEFINITIONS. In this chapter:

(1) "Adaptive behavior" means the effectiveness with or degree to which a person meets the standards of personal independence and social responsibility expected of the person's age and cultural group.

(2) "Commission" means the Health and Human Services Commission.

(3) "Competency restoration" means the treatment or education process for restoring a person's ability to consult with the person's attorney with a reasonable degree of rational understanding, including a rational and factual understanding of the court proceedings and charges against the person.

(4) "Developmental period" means the period of a person's life from birth through 17 years of age.

(5) "Electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.

(6) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(7) "Inpatient mental health facility" has the meaning assigned by Section 571.003, Health and Safety Code.

(8) ~~[(2)]~~ "Intellectual disability" means significantly subaverage general intellectual functioning that is concurrent with deficits in adaptive behavior and originates during the developmental period ~~[has the meaning assigned by Section 591.003, Health and Safety Code].~~

(9) ~~[(3)]~~ "Local mental health authority" has the meaning assigned by Section 571.003, Health and Safety Code.

(10) ~~[(4)]~~ "Local intellectual and developmental disability authority" has the meaning assigned by Section 531.002, Health and Safety Code.

(11) ~~[(5)]~~ "Mental health facility" has the meaning assigned by Section 571.003, Health and Safety Code.

(12) ~~[(6)]~~ "Mental illness" means an illness, disease, or condition, other than epilepsy, dementia, substance abuse, or intellectual disability, that grossly impairs:

(A) a person's thought, perception of reality, emotional process, or judgment; or

(B) behavior as demonstrated by recent disturbed behavior [has the meaning assigned by Section 571.003, Health and Safety Code].

(13) [(7)] "Residential care facility" has the meaning assigned by Section 591.003, Health and Safety Code.

(14) "Subaverage general intellectual functioning" means a measured intelligence two or more standard deviations below the age-group mean, using a standardized psychometric instrument.

[(8) "Electronic broadcast system" means a two way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.

[(9) "Competency restoration" means the treatment or education process for restoring a person's ability to consult with the person's attorney with a reasonable degree of rational understanding, including a rational and factual understanding of the court proceedings and charges against the person.]

SECTION \_\_\_\_\_. Subchapter A, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.0021 to read as follows:

Art. 46B.0021. FACILITY DESIGNATION. The commission may designate for the commitment of a defendant under this chapter only a facility operated by the commission or under a contract with the commission for that purpose.

SECTION \_\_\_\_\_. Article 46B.073(c), Code of Criminal Procedure, is amended to read as follows:

(c) If the defendant is charged with an offense listed in Article 17.032(a)[, other than an offense under Section 22.01(a)(1), Penal Code,] or if the indictment alleges an affirmative finding under Article 42A.054(c) or (d), the court shall enter an order committing the defendant for competency restoration services to a [the maximum security unit of any] facility designated by the commission [Department of State Health Services, to an agency of the United States operating a mental hospital, or to a Department of Veterans Affairs hospital].

SECTION \_\_\_\_\_. Subchapter D, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.0831 to read as follows:

Art. 46B.0831. DETERMINATION WHETHER DEFENDANT IS MANIFESTLY DANGEROUS. A defendant committed to a maximum security unit by the commission may be assessed, at any time before the defendant is restored to competency, by the review board established under Section 46B.105 to determine whether the defendant is manifestly dangerous. If the review board determines the defendant is not manifestly dangerous, the commission shall transfer the defendant to a non-maximum security facility designated by the commission.

SECTION \_\_\_\_\_. Article 46B.104, Code of Criminal Procedure, is amended to read as follows:



Art. 46B.104. CIVIL COMMITMENT PLACEMENT: FINDING OF VIOLENCE. A defendant committed to a facility as a result of proceedings initiated under this chapter shall be committed to the ~~[maximum security unit of any]~~ facility designated by the commission ~~[Department of State Health Services]~~ if:

(1) the defendant is charged with an offense listed in Article 17.032(a)~~[- other than an offense listed in Article 17.032(a)(6)]~~; or

(2) the indictment charging the offense alleges an affirmative finding under Article 42A.054(c) or (d).

SECTION \_\_\_\_\_. Articles 46B.105(a), (b), and (e), Code of Criminal Procedure, are amended to read as follows:

(a) Unless a defendant committed to a maximum security unit by the commission is determined to be manifestly dangerous by a review board established under Subsection (b), not later than the 60th day after the date the defendant arrives at the maximum security unit, the defendant shall be transferred to:

(1) a unit of an inpatient mental health facility other than a maximum security unit;

(2) a residential care facility; or

(3) a program designated by a local mental health authority or a local intellectual and developmental disability authority.

(b) The executive commissioner ~~[of state health services]~~ shall appoint a review board of five members, including one psychiatrist licensed to practice medicine in this state and two persons who work directly with persons with mental illness or an intellectual disability, to determine whether the defendant is manifestly dangerous and, as a result of the danger the defendant presents, requires continued placement in a maximum security unit.

(e) If the superintendent of the facility at which the maximum security unit is located disagrees with the determination, the matter shall be referred to the executive commissioner ~~[of state health services]~~. The executive commissioner shall decide whether the defendant is manifestly dangerous.

SECTION \_\_\_\_\_. Article 46B.106(a), Code of Criminal Procedure, is amended to read as follows:

(a) A defendant committed to a facility as a result of the proceedings initiated under this chapter, other than a defendant described by Article 46B.104, shall be committed to:

(1) a facility designated by the commission ~~[Department of State Health Services or the Department of Aging and Disability Services, as appropriate]~~; or

(2) an outpatient treatment program.

SECTION \_\_\_\_\_. Articles 46B.107(a) and (d), Code of Criminal Procedure, are amended to read as follows:

(a) The release of a defendant committed under this chapter from the commission ~~[Department of State Health Services, the Department of Aging and Disability Services]~~, an outpatient treatment program, or another facility is subject to disapproval by the committing court if the court or the attorney

representing the state has notified the head of the facility or outpatient treatment provider, as applicable, to which the defendant has been committed that a criminal charge remains pending against the defendant.

(d) The court shall, on receiving notice from the head of a facility or outpatient treatment provider of intent to release the defendant under Subsection (b) [may, on motion of the attorney representing the state or on its own motion], hold a hearing to determine whether release is appropriate under the applicable criteria in Subtitle C or D, Title 7, Health and Safety Code. The court may, on motion of the attorney representing the state or on its own motion, hold a hearing to determine whether release is appropriate under the applicable criteria in Subtitle C or D, Title 7, Health and Safety Code, regardless of whether the court receives notice that the head of a facility or outpatient treatment provider provides notice of intent to release the defendant under Subsection (b). The court may conduct the hearing:

(1) at the facility; or

(2) by means of an electronic broadcast system as provided by Article 46B.013.

SECTION \_\_\_\_\_. Article 46B.151(c), Code of Criminal Procedure, is amended to read as follows:

(c) Notwithstanding Subsection (b), a defendant placed in a facility of the commission [Department of State Health Services or the Department of Aging and Disability Services] pending civil hearing under this article may be detained in that facility only with the consent of the head of the facility and pursuant to an order of protective custody issued under Subtitle C, Title 7, Health and Safety Code.

SECTION \_\_\_\_\_. Articles 46C.001(1) and (2), Code of Criminal Procedure, are amended to read as follows:

(1) "Commission" means the Health and Human Services Commission [~~"Commissioner" means the commissioner of state health services~~].

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission [~~"Department" means the Department of State Health Services~~].

SECTION \_\_\_\_\_. Subchapter A, Chapter 46C, Code of Criminal Procedure, is amended by adding Article 46C.0011 to read as follows:

Art. 46C.0011. FACILITY DESIGNATION. The commission may designate for the commitment of a defendant under this chapter only a facility operated by the commission or under a contract with the commission for that purpose.

SECTION \_\_\_\_\_. Article 46C.104, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.104. ORDER COMPELLING DEFENDANT TO SUBMIT TO EXAMINATION. (a) For the purposes described by this chapter, the court may order any defendant to submit to examination, including a defendant who is free on bail. If the defendant fails or refuses to submit to examination, the court may

order the defendant to custody for examination for a reasonable period not to exceed 21 days. Custody ordered by the court under this subsection may include custody at a facility operated by the commission ~~[department]~~.

(b) If a defendant who has been ordered to a facility operated by the commission ~~[department]~~ for examination remains in the facility for a period that exceeds 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant, calculated in accordance with the state travel rules in effect at that time.

(c) The court may not order a defendant to a facility operated by the commission ~~[department]~~ for examination without the consent of the head of that facility.

SECTION \_\_\_\_\_. Article 46C.106(b), Code of Criminal Procedure, is amended to read as follows:

(b) The county in which the indictment was returned or information was filed shall reimburse a facility operated by the commission ~~[department]~~ that accepts a defendant for examination under this subchapter for expenses incurred that are determined by the commission ~~[department]~~ to be reasonably necessary and incidental to the proper examination of the defendant.

SECTION 15. Article 46C.160(b), Code of Criminal Procedure, is amended to read as follows:

(b) The court may order a defendant detained in a facility of the commission ~~[department or a facility of the Department of Aging and Disability Services]~~ under this article only with the consent of the head of the facility.

SECTION \_\_\_\_\_. Article 46C.202(a), Code of Criminal Procedure, is amended to read as follows:

(a) Notwithstanding Article 46C.201(b), a person placed in a commission ~~[department]~~ facility ~~[or a facility of the Department of Aging and Disability Services]~~ pending civil hearing as described by that subsection may be detained only with the consent of the head of the facility and under an Order of Protective Custody issued under Subtitle C or D, Title 7, Health and Safety Code.

SECTION \_\_\_\_\_. Articles 46C.251(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) The court shall order the acquitted person to be committed for evaluation of the person's present mental condition and for treatment to the ~~[maximum security unit of any]~~ facility designated by the commission ~~[department]~~. The period of commitment under this article may not exceed 30 days.

(b) The court shall order that:

(1) a transcript of all medical testimony received in the criminal proceeding be prepared as soon as possible by the court reporter and the transcript be forwarded to the facility to which the acquitted person is committed; and

(2) the following information be forwarded to the facility and~~[, as applicable,]~~ to the commission ~~[department or the Department of Aging and Disability Services]~~:

- (A) the complete name, race, and gender of the person;
- (B) any known identifying number of the person, including social security number, driver's license number, or state identification number;
- (C) the person's date of birth; and
- (D) the offense of which the person was found not guilty by reason of insanity and a statement of the facts and circumstances surrounding the alleged offense.

SECTION \_\_\_\_\_. Article 46C.260, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.260. TRANSFER OF COMMITTED PERSON TO NON-MAXIMUM SECURITY ~~[NONSECURE]~~ FACILITY. (a) A person committed to a facility under this subchapter shall be committed to a ~~[the maximum security unit of any]~~ facility designated by the commission ~~[department]~~.

(b) A person committed under this subchapter shall be transferred to the designated facility ~~[maximum security unit]~~ immediately on the entry of the order of commitment.

(c) Unless a ~~[the]~~ person committed to a maximum security unit by the commission is determined to be manifestly dangerous by a review board under this article ~~[within the department]~~, not later than the 60th day following the date of the person's arrival at the maximum security unit the person shall be transferred to a non-maximum security ~~[nonsecure]~~ unit of a facility designated by the commission ~~[department or the Department of Aging and Disability Services, as appropriate]~~.

(d) The executive commissioner shall appoint a review board of five members, including one psychiatrist licensed to practice medicine in this state and two persons who work directly with persons with mental illnesses or with mental retardation, to determine whether the person is manifestly dangerous and, as a result of the danger the person presents, requires continued placement in a maximum security unit.

(e) If the head of the facility at which the maximum security unit is located disagrees with the determination, then the matter shall be referred to the executive commissioner. The executive commissioner shall decide whether the person is manifestly dangerous.

SECTION \_\_\_\_\_. Section 532.013(a), Health and Safety Code, is amended to read as follows:

(a) In this section:

(1) "Forensic patient" means a person with mental illness or a person with an intellectual disability who is:

(A) examined on the issue of competency to stand trial by an expert appointed under Subchapter B, Chapter 46B, Code of Criminal Procedure;

(B) found incompetent to stand trial under Subchapter C, Chapter 46B, Code of Criminal Procedure;

(C) committed to court-ordered mental health services under Subchapter E, Chapter 46B, Code of Criminal Procedure; [✖]

(D) found not guilty by reason of insanity under Chapter 46C, Code of Criminal Procedure;

(E) examined on the issue of fitness to proceed with juvenile court proceedings by an expert appointed under Chapter 51, Family Code; or

(F) found unfit to proceed under Subchapter C, Chapter 55, Family Code.

(2) "Forensic services" means a competency examination, competency restoration services, or mental health or intellectual disability services provided to a current or former forensic patient in the community or at a department facility.

(5) Appropriately renumber SECTIONS of the bill.

### **HB 2439 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2439**, A bill to be entitled An Act relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

Representative Phelan moved to concur in the senate amendments to **HB 2439**.

The motion to concur in the senate amendments to **HB 2439** prevailed by (Record 1742): 133 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; 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.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murr; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; Romero; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; 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.

Nays — Allen; Farrar; González, J.; Martinez; Murphy; Noble; Ramos; Rose; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Klick.

### STATEMENT OF VOTE

When Record No. 1742 was taken, I was shown voting yes. I intended to vote no.

Romero

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

Amend **HB 2439** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 3000.002(c), Government Code, strike Subdivision (3) (page 2, lines 7 through 12) and substitute the following:

(3) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that:

(A) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or

(B) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;

(2) In added Section 3000.002(d), Government Code (page 2, line 47), strike "Subsection (c)(3)(A) or (B)" and substitute "Subsection (c)(5)(A) or (B)".

### **HB 907 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 907**, A bill to be entitled An Act relating to the penalty for failure to register certain aggregate production operations with the Texas Commission on Environmental Quality.

Representative Lozano moved to concur in the senate amendments to **HB 907**.

The motion to concur in the senate amendments to **HB 907** prevailed by (Record 1743): 135 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales;

Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Krause; Lang; Middleton; Oliverson; Ramos; Springer; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

### STATEMENTS OF VOTE

When Record No. 1743 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1743 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1743 was taken, I was shown voting yes. I intended to vote no.

White

### Senate Committee Substitute

**CSHB 907**, A bill to be entitled An Act relating to the regulation of aggregate production operations by the Texas Commission on Environmental Quality; increasing a fee; increasing administrative penalties.

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

SECTION 1. Section 28A.053, Water Code, is amended to read as follows:

Sec. 28A.053. INSPECTION. (a) The commission shall inspect each active aggregate production operation in this state for compliance with applicable environmental laws and rules under the jurisdiction of the commission:

(1) at least once every two ~~[three]~~ years during the first six years in which the operation is registered; and

(2) after the expiration of the period described by Subdivision (1), at least once every three years.

(b) Except as provided by Subsection (c), the ~~[The]~~ commission may conduct an inspection only after providing notice to the responsible party in accordance with commission policy.

(c) The commission may conduct unannounced periodic inspections under this section of an aggregate production operation that in the preceding three-year period has been issued a notice of violation by the commission for a violation of

an environmental law or rule under the jurisdiction of the commission. The unannounced inspections may be conducted only for a period of not more than one year.

(d) An ~~[Except as provided by Subsection (d), an]~~ inspection must be conducted by one or more inspectors trained in the regulatory requirements ~~[under the jurisdiction of the commission that are]~~ applicable to ~~[an]~~ active aggregate production operations under the jurisdiction of the commission ~~[operation]~~. If the inspection is conducted by more than one inspector, each inspector is not required to be trained in each of the applicable regulatory requirements, but the combined training of the inspectors must include each of the applicable regulatory requirements. The applicable regulatory requirements include requirements related to:

- (1) individual water quality permits issued under Section 26.027;
- (2) a general water quality permit issued under Section 26.040;
- (3) air quality permits issued under Section 382.051, Health and Safety

Code; and

(4) other regulatory requirements applicable to active aggregate production operations under the jurisdiction of the commission.

(e) ~~(d)~~ An investigation in response to a complaint satisfies the requirement of an inspection under this section if a potential noncompliance issue not related to the complaint is observed and is:

(1) not within an area of expertise of the investigator but is referred by the investigator to the commission for further investigation; or

(2) within an area of expertise of the inspector and is appropriately investigated and appropriately addressed in the investigation report.

SECTION 2. Section 28A.101(b), Water Code, is amended to read as follows:

(b) The commission shall set the annual registration fee in an amount sufficient to maintain a registry of active aggregate production operations in this state and implement this chapter, not to exceed \$1,500 ~~[\$1,000]~~.

SECTION 3. Section 28A.102, Water Code, is amended to read as follows:

Sec. 28A.102. PENALTY. The commission may assess a penalty of not less than \$5,000 and not more than \$20,000 ~~[\$10,000]~~ for each year in which an aggregate production operation operates without being registered under this chapter. The total penalty under this section may not exceed \$40,000 ~~[\$25,000]~~ for an aggregate production operation that is operated in three or more years without being registered.

SECTION 4. Section 28A.102, Water Code, as amended by this Act, applies only to a penalty assessed on or after the effective date of this Act. A penalty assessed before the effective date of this Act is governed by the law in effect on the date the penalty was assessed, and the former law is continued in effect for that purpose.

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



## **HB 1026 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1026**, A bill to be entitled An Act relating to instruction in positive character traits in public schools.

Representative Bohac moved to concur in the senate amendments to **HB 1026**.

The motion to concur in the senate amendments to **HB 1026** prevailed by (Record 1744): 134 Yeas, 6 Nays, 1 Present, not voting.

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

Nays — Dean; Hefner; Ramos; Rose; Toth; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Geren; Klick; Stickland.

### **Senate Committee Substitute**

**CSHB 1026**, A bill to be entitled An Act relating to instruction in positive character traits in public schools.

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

SECTION 1. The heading to Section 29.906, Education Code, is amended to read as follows:

Sec. 29.906. CHARACTER TRAITS INSTRUCTION [~~EDUCATION PROGRAM~~].

SECTION 2. Section 29.906, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (g) to read as follows:

(a) The State Board of Education shall integrate positive character traits into the essential knowledge and skills adopted for kindergarten through grade 12, as appropriate ~~[A school district may provide a character education program].~~

(b) The State Board of Education must include the following ~~[A character education program under this section must:~~

~~[(1) stress] positive character traits [such as]:~~

~~(1) [(A)] courage;~~

~~(2) [(B)] trustworthiness, including honesty, reliability, punctuality, and loyalty;~~

~~(3) [(C)] integrity;~~

~~(4) [(D)] respect and courtesy;~~

~~(5) [(E)] responsibility, including accountability, diligence, perseverance, and self-control;~~

~~(6) [(F)] fairness, including justice and freedom from prejudice;~~

~~(7) [(G)] caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;~~

~~(8) [(H)] good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law; [and]~~

~~(9) [(I)] school pride; and~~

~~(10) gratitude[;~~

~~[(2) use integrated teaching strategies; and~~

~~[(3) be age appropriate].~~

(c) Each school district and open-enrollment charter school must adopt a character education program that includes the positive character traits listed in Subsection (b). In developing or selecting a character education program under this section, a school district shall consult with a committee selected by the district that consists of:

(1) parents of district students;

(2) educators; and

(3) other members of the community, including community leaders.

(g) The State Board of Education may adopt rules as necessary to implement this section.

SECTION 3. This Act applies beginning with the 2019-2020 school year.

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

## **HB 771 - HOUSE CONCURS IN SENATE AMENDMENTS**

### **TEXT OF SENATE AMENDMENTS**

Representative C. Turner called up with senate amendments for consideration at this time,

**HB 771**, A bill to be entitled An Act relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.

**HB 771 - POINT OF ORDER**

Representative Cain raised a point of order against further consideration of **HB 771** under Rule 11, Section 2, of the House Rules on the grounds that the senate amendments are not germane to the bill.

The point of order was withdrawn.

Representative C. Turner moved to concur in the senate amendments to **HB 771**.

The motion to concur in the senate amendments to **HB 771** prevailed by (Record 1745): 132 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Howard; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murr; Neave; 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; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Holland; Nevárez; Schaefer.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Cole; Huberty; Johnson, J.D.; Klick; Longoria; Murphy; Stickland.

**STATEMENT OF VOTE**

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Oliverson

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

Amend **HB 771** (senate committee printing) as follows:

(1) In SECTION 1, amending the heading to Section 545.425, Transportation Code (page 1, line 25), strike "SCHOOL BUS" and substitute "[~~SCHOOL~~] BUS".

(2) In the recital to SECTION 2, amending Section 545.425, Transportation Code (page 1, lines 28 and 29), strike "Sections 545.425(b-1), (b-2), (b-4), and (d-1), Transportation Code, are amended" and substitute "Section 545.425, Transportation Code, is amended by amending Subsections (b-1), (b-2), (b-4), (c), and (d-1) and adding Subsection (e-1)".

(3) In SECTION 2 of the bill, in amended Section 545.425, Transportation Code (page 2, between lines 18 and 19), insert the following:

(c) An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the ~~[passenger]~~ bus is stopped.

(4) In SECTION 2 of the bill, in amended Section 545.425, Transportation Code (page 2, between lines 23 and 24), insert the following:

(e-1) Subsection (c) does not apply to an operator of a school bus or passenger bus using a wireless communication device:

(1) in the performance of the operator's duties as a bus driver; and

(2) in a manner similar to using a two-way radio.

### **HB 76 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 76**, A bill to be entitled An Act relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

Representative Huberty moved to concur in the senate amendments to **HB 76**.

The motion to concur in the senate amendments to **HB 76** prevailed by (Record 1746): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Button; Johnson, J.E.; Lang; Stickland.

### STATEMENT OF VOTE

When Record No. 1746 was taken, my vote failed to register. I would have voted yes.

Button

### Senate Committee Substitute

**CSHB 76**, A bill to be entitled An Act relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

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

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.096 to read as follows:

Sec. 33.096. CARDIAC ASSESSMENTS OF HIGH SCHOOL PARTICIPANTS IN EXTRACURRICULAR ATHLETIC ACTIVITIES. (a) A school district must provide a district student, who is required under University Interscholastic League rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the University Interscholastic League, the following:

(1) information about sudden cardiac arrest and electrocardiogram testing; and

(2) notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

(b) A student may request an electrocardiogram from any health care professional, including a health care professional provided through the student's patient-centered medical home, as defined by Section 533.0029, Government Code, a health care professional provided through a school district program, or another health care professional chosen by the parent or person standing in parental relation to the student, provided that the health care professional is:

(1) appropriately licensed in this state; and

(2) authorized to administer and interpret electrocardiograms under the health care professional's scope of practice, as established by the applicable licensing provisions or other laws of this state.

(c) The University Interscholastic League shall adopt rules as necessary to administer this section.

(d) The rules adopted under Subsection (c) must include:

(1) criteria under which a school district may request an exemption from the requirements of Subsection (a);

(2) variances that allow for a delay of the implementation of the requirement to notify students of the option to request an electrocardiogram under this section;

(3) procedures to ensure students receiving the required annual physical examination are notified of the option to request an electrocardiogram; and

(4) provisions to ensure that the requirements under this section are minimum standards that provide a school district with the option to implement a program that exceeds the standards required by this section.

(e) This section does not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health care professional described by Subsection (b), the University Interscholastic League, a school district, or a district officer or employee for:

(1) the injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the University Interscholastic League based on or in connection with the administration or interpretation of or reliance on an electrocardiogram; or

(2) the content or distribution of the information required under Subsection (a) or the failure to distribute the required information under this section.

SECTION 2. This Act applies beginning with the 2019-2020 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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

Amend **CSHB 76** (senate committee printing) in SECTION 1 of the bill, in added Section 33.096(b)(2), Education Code (page 1, lines 52-53), by striking "applicable licensing provisions or other laws of this state" and substituting "health care professional's Texas licensing act".

### **HB 2261 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2261**, A bill to be entitled An Act relating to the physician education loan repayment program.

Representative Walle moved to concur in the senate amendments to **HB 2261**.

The motion to concur in the senate amendments to **HB 2261** prevailed by (Record 1747): 130 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal;

King, K.; King, P.; King, T.; Kuempel; Lambert; Landgraf; 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; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Capriglione; Hefner; Holland; Krause; Lang; Middleton; Patterson; Springer; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Klick; Stickland.

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

Amend **HB 2261** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The Texas Higher Education Coordinating Board is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the coordinating board may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

### **HB 963 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative C. Bell called up with senate amendments for consideration at this time,

**HB 963**, A bill to be entitled An Act relating to a review by the State Board of Education of the essential knowledge and skills of the career and technology and technology applications curriculums.

Representative C. Bell moved to concur in the senate amendments to **HB 963**.

The motion to concur in the senate amendments to **HB 963** prevailed by (Record 1748): 122 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty;

Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Shaheen; Sheffield; Sherman; Shine; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Bonnen; Cain; Cyrier; Goldman; Hefner; Holland; Krause; Lang; Middleton; Nevárez; Oliverson; Patterson; Sanford; Schaefer; Smith; Springer; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — González, J.; Noble; Stickland.

### **Senate Committee Substitute**

**CSHB 963**, A bill to be entitled An Act relating to a review by the State Board of Education of the essential knowledge and skills of the career and technology and technology applications curriculums.

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

SECTION 1. Not later than March 1, 2020, the State Board of Education shall:

(1) conduct a review of the essential knowledge and skills of the career and technology and technology applications curriculums; and

(2) amend the board's rules in the Texas Administrative Code to consolidate the technology applications courses for grades 9 through 12 in 19 T.A.C. Chapter 126, Subchapter C, with the career and technical education courses in 19 T.A.C. Chapter 130, and eliminate duplicative courses while ensuring certifications are aligned with the rigor of each individual course.

SECTION 2. The State Board of Education is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the State Board of Education may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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

Amend **CSHB 963** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:



SECTION \_\_\_\_\_. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.1518 to read as follows:

Sec. 11.1518. TRUSTEE INFORMATION POSTED ON WEBSITE. (a) Each school district that maintains an Internet website shall post on the website the name, e-mail address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees.

(b) If a school district does not maintain an Internet website, the district shall submit the information required by Subsection (a) to the agency. On receipt of the district's information, the agency shall post the information on the agency's Internet website.

(c) Each time there is a change in the membership of a school district's board of trustees, the district shall update the information required under Subsection (a) and, as applicable:

(1) post the updated information on the district's Internet website; or

(2) submit the updated information to the agency for posting on the agency's Internet website in accordance with Subsection (b).

## **HB 72 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 72**, A bill to be entitled An Act relating to the provision of Medicaid benefits to certain children formerly in the conservatorship of the Department of Family and Protective Services.

Representative White moved to concur in the senate amendments to **HB 72**.

The motion to concur in the senate amendments to **HB 72** prevailed by (Record 1749): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Stickland.

### **Senate Committee Substitute**

**CSHB 72**, A bill to be entitled An Act relating to the provision of Medicaid benefits to certain children formerly in the conservatorship of the Department of Family and Protective Services.

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

SECTION 1. Section 162.304(b-1), Family Code, is amended to read as follows:

(b-1) Subject to the availability of funds, the department shall pay a \$150 subsidy each month for the premiums for health benefits coverage for a child with respect to whom a court has entered a final order of adoption if the child:

(1) was in the conservatorship of the department at the time of the child's adoptive placement;

(2) after the adoption, is not receiving ~~[eligible for]~~ medical assistance under Chapter 32, Human Resources Code; and

(3) is younger than 18 years of age.

SECTION 2. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.00531 to read as follows:

Sec. 533.00531. MEDICAID BENEFITS FOR CERTAIN CHILDREN FORMERLY IN FOSTER CARE. (a) This section applies only with respect to a child who:

(1) resides in this state; and

(2) is eligible for assistance or services under:

(A) Subchapter D, Chapter 162, Family Code; or

(B) Subchapter K, Chapter 264, Family Code.

(b) Except as provided by Subsection (c), the commission shall ensure that each child described by Subsection (a) remains or is enrolled in the STAR Health program unless or until the child is enrolled in another Medicaid managed care program.

(c) If a child described by Subsection (a) received Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.) or was receiving Supplemental Security Income before becoming eligible for assistance or services under Subchapter D, Chapter 162, Family Code, or Subchapter K, Chapter 264, Family Code, as applicable, the child may receive Medicaid benefits in accordance with the program established under this subsection. To the extent permitted by federal law, the commission, in consultation with the Department of Family and Protective Services, shall develop and implement a program that allows the adoptive parent or permanent managing conservator of a child described by this subsection to elect on behalf of the child to receive or, if applicable, continue receiving Medicaid benefits under the:

(1) STAR Health program; or

(2) STAR Kids managed care program.

(d) The commission shall protect the continuity of care for each child described under this section and, if applicable, ensure coordination between the STAR Health program and any other Medicaid managed care program for each child who is transitioning between Medicaid managed care programs.

(e) The executive commissioner shall adopt rules necessary to implement this section.

SECTION 3. Section 162.304(f), Family Code, is repealed.

SECTION 4. As soon as possible after the effective date of this Act, the Health and Human Services Commission shall apply for and actively pursue from the federal Centers for Medicare and Medicaid Services or other appropriate federal agency any waiver or other authorization necessary to implement Section 533.00531, Government Code, as added by this Act. The commission may delay implementing this Act until the waiver or authorization is granted.

SECTION 5. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 6. This Act takes effect September 1, 2019.

## **HB 2481 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2481**, A bill to be entitled An Act relating to the administration of a veterans treatment court program.

Representative Metcalf moved to concur in the senate amendments to **HB 2481**.

The motion to concur in the senate amendments to **HB 2481** prevailed by (Record 1750): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.; Smithee.

Absent — Bell, C.; Stickland.

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

Amend **HB 2481** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subtitle K, Title 2, Government Code, is amended by adding Chapter 130 to read as follows:

#### **CHAPTER 130. JUVENILE FAMILY DRUG COURT PROGRAM**

**Sec. 130.001. JUVENILE FAMILY DRUG COURT PROGRAM DEFINED.** In this chapter, "juvenile family drug court program" means a program that has the following essential characteristics:

(1) the integration of substance abuse treatment services in the processing of cases and proceedings under Title 3, Family Code;

(2) the use of a comprehensive case management approach involving court-appointed case managers and court-appointed special advocates to rehabilitate an individual who is suspected of substance abuse and who resides with a child who is the subject of a case filed under Title 3, Family Code;

(3) early identification and prompt placement of eligible individuals who volunteer to participate in the program;

(4) comprehensive substance abuse needs assessment and referrals to appropriate substance abuse treatment agencies for participants;

(5) a progressive treatment approach with specific requirements for participants to meet for successful completion of the program;

(6) monitoring of abstinence through periodic screening for alcohol or screening for controlled substances;

(7) ongoing judicial interaction with program participants;

(8) monitoring and evaluation of program goals and effectiveness;

(9) continuing interdisciplinary education for the promotion of effective program planning, implementation, and operation; and

(10) development of partnerships with public agencies and community organizations.

**Sec. 130.002. AUTHORITY TO ESTABLISH PROGRAM.** The commissioners court of a county may establish a juvenile family drug court program for individuals who:

(1) are suspected by the Department of Family and Protective Services or the court of having a substance abuse problem; and

(2) reside in the home of a child who is the subject of a case filed under Title 3, Family Code.

Sec. 130.003. PARTICIPANT PAYMENT FOR TREATMENT AND SERVICES. A juvenile family drug court program may require a participant to pay the cost of all treatment and services received while participating in the program, based on the participant's ability to pay.

Sec. 130.004. FUNDING. A county that creates a juvenile family drug court under this chapter shall explore the possibility of using court improvement project money to finance the juvenile family drug court in the county. The county also shall explore the availability of federal and state matching money to finance the court.

SECTION \_\_\_\_\_. Article 102.0178(g), Code of Criminal Procedure, is amended to read as follows:

(g) The comptroller shall deposit the funds received under this article to the credit of the drug court account in the general revenue fund to help fund drug court programs established under Chapter 122, 123, 124, 125, ~~[or]~~ 129, or 130, Government Code, or former law. The legislature shall appropriate money from the account solely to the criminal justice division of the governor's office for distribution to drug court programs that apply for the money.

SECTION \_\_\_\_\_. Section 102.021, Government Code, is amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay the following under the Code of Criminal Procedure, in addition to all other costs:

(1) court cost on conviction of any offense, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Art. 102.0045, Code of Criminal Procedure) . . . \$4;

(2) a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) . . . \$25;

(3) fees for services of peace officer:

(A) issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(B) executing or processing an issued arrest warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal Procedure) . . . \$50;

(C) summoning a witness (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(D) serving a writ not otherwise listed (Art. 102.011, Code of Criminal Procedure) . . . \$35;

(E) taking and approving a bond and, if necessary, returning the bond to courthouse (Art. 102.011, Code of Criminal Procedure) . . . \$10;

(F) commitment or release (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(G) summoning a jury (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(H) attendance of a prisoner in habeas corpus case if prisoner has been remanded to custody or held to bail (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;

(I) mileage for certain services performed (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

(J) services of a sheriff or constable who serves process and attends examining trial in certain cases (Art. 02.011, Code of Criminal Procedure) . . . not to exceed \$5;

(4) services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal Procedure) . . . \$10 per day or part of a day, plus actual necessary travel expenses;

(5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

(6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(8) court costs on an offense of parent contributing to student nonattendance (Art. 102.014, Code of Criminal Procedure) . . . \$20;

(9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;

(10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;

(11) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

(12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

(13) court cost for DNA testing for certain felonies (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

(14) court cost for DNA testing for certain misdemeanors and felonies (Art. 102.020(a)(2), Code of Criminal Procedure) . . . \$50;

(15) court cost for DNA testing for certain felonies (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

(16) if required by the court, a restitution fee for costs incurred in collecting restitution installments and for the compensation to victims of crime fund (Art. 42.037, Code of Criminal Procedure) . . . \$12;

(17) if directed by the justice of the peace or municipal court judge hearing the case, court costs on conviction in a criminal action (Art. 45.041, Code of Criminal Procedure) . . . part or all of the costs as directed by the judge; and

(18) costs attendant to convictions under Chapter 49, Penal Code, and under Chapter 481, Health and Safety Code, to help fund drug court programs established under Chapter 122, 123, 124, ~~or~~ 125, 129, or 130, Government Code, or former law (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

SECTION \_\_\_\_\_. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.02713 to read as follows:

Sec. 103.02713. ADDITIONAL MISCELLANEOUS FEES AND COSTS: GOVERNMENT CODE. A participant in a juvenile family drug court program shall pay, if ordered by the court or otherwise required, in addition to any other fees or costs, a treatment and services fee in an amount to cover the cost of all treatment and services received.

(Smithee now present)

### **HB 4714 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative C. Bell called up with senate amendments for consideration at this time,

**HB 4714**, A bill to be entitled An Act relating to the powers, duties, and governance of the Westwood Magnolia Parkway Improvement District; providing authority to impose taxes and issue bonds.

Representative C. Bell moved to concur in the senate amendments to **HB 4714**.

The motion to concur in the senate amendments to **HB 4714** prevailed by (Record 1751): 118 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rosenthal; Schaefer; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Bonnen; Cain; Cyrier; Dean; Goldman; Hefner; Holland; Krause; Lambert; Landgraf; Lang; Leach; Middleton; Murr; Oliverson; Patterson; Rose; Sanford; Shaheen; Springer; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Calanni; Stickland.

**STATEMENTS OF VOTE**

When Record No. 1751 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1751 was taken, I was shown voting no. I intended to vote yes.

Rose

When Record No. 1751 was taken, I was shown voting yes. I intended to vote no.

E. Thompson

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

Amend **HB 4714** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended by adding Section 4C to read as follows:

Sec. 4C. CONFIRMATION ELECTION. (a) Notwithstanding any other provision of this Act, if the addition of territory to the district under Section 4B of this Act is not confirmed at an election under this section, the territory is not added to the district.

(b) The district shall hold an election in the additional territory described by Section 4B of this Act on a uniform election date provided by Section 41.001, Election Code, to confirm the addition of the territory to the district.

(c) Notice of the confirmation election shall state the day and place or places for holding the election and the proposition to be voted on.

(d) The ballots for the confirmation election shall be printed to provide for voting "For New District Boundaries" and "Against New District Boundaries."

(e) Immediately after the confirmation election, the presiding judge shall take returns of the results to the board. The board shall canvass the returns and issue an order declaring the results at the earliest practicable time. The order must include a description of the district's boundaries according to the results of the election.

(f) If a majority of the votes cast in the election favor the addition of the territory to the district, the board shall issue an order declaring that the additional territory is added to the district and enter the result in its minutes. If a majority of the votes cast in the election are against the addition of the territory to the district, the board shall issue an order declaring that the addition was defeated and enter the result in its minutes.

(g) A copy of each order issued under this section must be filed:

(1) in the deed records of the county or counties in which the district is located; and

(2) with the commission.



**HB 4280 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 4280**, A bill to be entitled An Act relating to the grant program distributing money from the transportation infrastructure fund.

Representative Morrison moved to concur in the senate amendments to **HB 4280**.

The motion to concur in the senate amendments to **HB 4280** prevailed by (Record 1752): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; 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; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Deshotel; Stickland.

**STATEMENT OF VOTE**

When Record No. 1752 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

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

Amend **HB 4280** (senate committee printing) by striking SECTIONS 2 and 4 of the bill (page 1, line 57 through page 2, line 11 and page 2, lines 39 and 40) and renumbering subsequent SECTIONS of the bill as appropriate.

**HB 3143 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3143**, A bill to be entitled An Act relating to the Property Redevelopment and Tax Abatement Act.

Representative Murphy moved to concur in the senate amendments to **HB 3143**.

The motion to concur in the senate amendments to **HB 3143** prevailed by (Record 1753): 135 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Kuempel; Lambert; Landgraf; 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; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Krause; Lang; Middleton; Patterson; Shaheen; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Stickland; Walle.

**Senate Committee Substitute**

**CSHB 3143**, A bill to be entitled An Act relating to the Property Redevelopment and Tax Abatement Act.

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

SECTION 1. Section 312.002, Tax Code, is amended by adding Subsections (c-1) and (c-2) to read as follows:

(c-1) Before the governing body of a taxing unit may adopt, amend, repeal, or reauthorize guidelines and criteria, the body must hold a public hearing regarding the proposed adoption, amendment, repeal, or reauthorization at which members of the public are given the opportunity to be heard.

(c-2) A taxing unit that maintains an Internet website shall post the current version of the guidelines and criteria governing tax abatement agreements adopted under this section on the website.

SECTION 2. Section 312.005, Tax Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) For each of the first three tax years following the expiration of a tax abatement agreement executed under this chapter, the chief appraiser shall deliver to the comptroller a report containing the appraised value of the property that was the subject of the agreement.

SECTION 3. Section 312.006, Tax Code, is amended to read as follows:

Sec. 312.006. EXPIRATION DATE. If not continued in effect, this chapter expires September 1, 2029 ~~[2019]~~.

SECTION 4. Section 312.207, Tax Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) In addition to any other requirement of law, the public notice of a meeting at which the governing body of a municipality or other taxing unit will consider the approval of a tax abatement agreement with a property owner must contain:

(1) the name of the property owner;

(2) the name and location of the reinvestment zone in which the property subject to the agreement is located;

(3) a general description of the nature of the improvements or repairs included in the agreement; and

(4) the estimated cost of the improvements or repairs.

(d) The notice of a meeting required by this section must be given in the manner required by Chapter 551, Government Code, except that the notice must be provided at least 30 days before the scheduled time of the meeting.

SECTION 5. Subchapter C, Chapter 312, Tax Code, is amended by adding Section 312.404 to read as follows:

Sec. 312.404. APPROVAL BY GOVERNING BODY. To be effective, an agreement made under this subchapter must be approved by the governing body of the county or other taxing unit in the manner that the governing body of a municipality authorizes an agreement under Section 312.207.

SECTION 6. Section 312.002(c-1), Tax Code, as added by this Act, applies only to the adoption, amendment, repeal, or reauthorization of guidelines and criteria under Section 312.002, Tax Code, on or after the effective date of this Act.

SECTION 7. Section 312.005(a-1), Tax Code, as added by this Act, applies only to a tax abatement agreement entered into under Chapter 312 of that code that expires on or after the effective date of this Act.

SECTION 8. Sections 312.207(c) and (d) and 312.404, Tax Code, as added by this Act, apply only to a tax abatement agreement entered into on or after the effective date of this Act.

SECTION 9. This Act takes effect September 1, 2019.

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

Amend **CSHB 3143** as follows:

In SECTION 4 of the bill, in added Sec. 312.207(c)(1), Tax Code, strike "the name of the property owner" and substitute "the name of the property owner and the name of the applicant for the tax abatement agreement".

### **HB 1028 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1028**, 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.

Representative Guillen moved to concur in the senate amendments to **HB 1028**.

The motion to concur in the senate amendments to **HB 1028** prevailed by (Record 1754): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Hernandez; Klick; Lucio; Stickland.

### **Senate Committee Substitute**

**CSHB 1028**, 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.

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

SECTION 1. Sections 12.50(b) and (c), Penal Code, are amended to read as follows:

(b) The increase in punishment authorized by this section applies only to an offense under:

(1) Section 22.01;

- (2) Section 28.02;
- (3) Section 29.02;
- (4) ~~[(3)]~~ Section 30.02;
- (5) Section 30.03;
- (6) Section 30.04;
- (7) Section 30.05; and
- (8) ~~[(4)]~~ Section 31.03.

(c) If an offense listed under Subsection (b)(1), (5), (6), (7), or (8) [(4)] is punishable as a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days. If an offense listed under Subsection (b)(2), [(b)(3) or (4)], or (8) is punishable as a felony of the first degree, the punishment for that offense may not be increased under this section.

SECTION 2. Section 12.50(d), Penal Code, is repealed.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2019.

### **HB 391 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 391**, A bill to be entitled An Act relating to student access to public school instructional materials and technology.

Representative Blanco moved to concur in the senate amendments to **HB 391**.

The motion to concur in the senate amendments to **HB 391** prevailed by (Record 1755): 135 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Landgraf; 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; Sherman; Shine; Smith; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Hefner; King, P.; Krause; Lang; Middleton; Springer; Swanson; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Stickland.

### **Senate Committee Substitute**

**CSHB 391**, A bill to be entitled An Act relating to student access to public school instructional materials and technology.

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

SECTION 1. Section 26.006, Education Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) A student's parent is entitled to request that the school district or open-enrollment charter school the student attends allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, the district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher. A school district or open-enrollment charter school must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. In this subsection, "instructional material" has the meaning assigned by Section 31.002.

(d) The requirement under Subsection (c) to provide to a student instructional materials in a printed format does not require a school district or open-enrollment charter school to purchase printed copies of instructional materials that the district or school otherwise would not purchase. A district or school may comply with Subsection (c) by providing the student a printout of the relevant electronic instructional materials.

SECTION 2. Section 26.006, Education Code, as amended by this Act, applies beginning with the 2019-2020 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

### **HB 2199 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2199**, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

Representative T. King moved to concur in the senate amendments to **HB 2199**.

The motion to concur in the senate amendments to **HB 2199** prevailed by (Record 1756): 117 Yeas, 26 Nays, 1 Present, not voting.

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

Nays — Bonnen; Cain; Capriglione; Cyrier; Dean; Frank; Harris; Hefner; Holland; King, P.; Krause; Landgraf; Lang; Leach; Leman; Middleton; Murr; Oliverson; Patterson; Shaheen; Swanson; Tinderholt; VanDeaver; White; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Stickland.

### STATEMENTS OF VOTE

When Record No. 1756 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 1756 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1756 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1756 was taken, I was shown voting yes. I intended to vote no.

E. Thompson

**Senate Committee Substitute**

**CSHB 2199**, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

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

SECTION 1. Section 351.1066(a), Tax Code, is amended to read as follows:

(a) This section applies only to:

(1) a municipality with a population of at least 3,500 but less than 5,500 that is the county seat of a county with a population of less than 50,000 that borders a county with a population of more than 1.6 million;

(2) a municipality with a population of at least 2,900 but less than 3,500 that is the county seat of a county with a population of less than 22,000 that is bordered by the Trinity River and includes a state park and a portion of a wildlife management area;

(3) a municipality with a population of at least 7,500 that is located in a county that borders the Pecos River and that has a population of not more than 15,000;

(4) a municipality with a population of not more than 5,000 that is located in a county through which the Frio River flows and an interstate highway crosses, and that has a population of at least 15,000; ~~and~~

(5) a municipality with a population of not less than 7,500 that is located in a county with a population of not less than 40,000 but less than 250,000 that is adjacent to a county with a population of less than 750;

(6) a municipality that is the county seat of a county with a population of at least 8,500 and that county contains part of the Chaparral Wildlife Management Area; and

(7) a municipality that has a population of not more than 25,000, that contains a cultural heritage museum, and that is located in a county that borders the United Mexican States and the Gulf of Mexico.

SECTION 2. This Act takes effect September 1, 2019.

**HB 3965 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

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

**HB 3965**, A bill to be entitled An Act relating to the countywide polling place program.

Representative Bohac moved to concur in the senate amendments to **HB 3965**.

The motion to concur in the senate amendments to **HB 3965** prevailed by (Record 1757): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; 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; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Hefner; Stickland.

### STATEMENT OF VOTE

When Record No. 1757 was taken, my vote failed to register. I would have voted yes.

Hefner

### Senate Committee Substitute

**CSHB 3965**, A bill to be entitled An Act relating to the countywide polling place program.

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

SECTION 1. Section 43.007, Election Code, is amended by adding Subsections (o) and (p) to read as follows:

(o) Each countywide polling place must post a notice of the four nearest countywide polling place locations by driving distance.

(p) If a court orders any countywide polling place to remain open after 7 p.m., all countywide polling places located in that county shall remain open for the length of time required in the court order.

SECTION 2. This Act takes effect September 1, 2019.

### HB 4662 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 4662**, A bill to be entitled An Act relating to the creation of the Richfield Ranch Management District of Harris County, Texas; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Calanni moved to concur in the senate amendments to **HB 4662**.

The motion to concur in the senate amendments to **HB 4662** prevailed by (Record 1758): 110 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bowers; Buckley; Bucy; Burns; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Ortega; Pacheco; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schaefer; Sheffield; Sherman; Shine; Smith; Stephenson; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Bohac; Bonnen; Burrows; Cain; Capriglione; Cyrier; Dean; Frank; Goldman; Hefner; Holland; Krause; Landgraf; Lang; Leach; Metcalf; Middleton; Oliverson; Paddie; Parker; Patterson; Phelan; Price; Sanford; Shaheen; Smithee; Springer; Stucky; Swanson; Thompson, E.; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Stickland.

### STATEMENTS OF VOTE

When Record No. 1758 was taken, I was shown voting yes. I intended to vote no.

Harris

When Record No. 1758 was taken, I was shown voting yes. I intended to vote no.

Miller

When Record No. 1758 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 1758 was taken, I was shown voting yes. I intended to vote no.

Schaefer

**Senate Committee Substitute**

**CSHB 4662**, A bill to be entitled An Act relating to the creation of the Richfield Ranch Management District of Harris County, Texas; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3975 to read as follows:

CHAPTER 3975. RICHFIELD RANCH MANAGEMENT DISTRICT OF  
HARRIS COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3975.0101. DEFINITIONS. In this chapter:

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

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

(3) "County" means Harris County.

(4) "Director" means a board member.

(5) "District" means the Richfield Ranch Management District of Harris  
County, Texas.

Sec. 3975.0102. CREATION AND NATURE OF DISTRICT; IMMUNITY.

(a) The district is a special district created under Section 59, Article XVI, Texas  
Constitution.

(b) The district is a governmental unit, as provided by Section 375.004,  
Local Government Code.

(c) This chapter does not waive any governmental or sovereign immunity  
from suit, liability, or judgment that would otherwise apply to the district.

Sec. 3975.0103. PURPOSE; DECLARATION OF INTENT. (a) The  
creation of the district is essential to accomplish the purposes of Sections 52 and  
52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other  
public purposes stated in this chapter.

(b) By creating the district, the legislature has established a program to  
accomplish the public purposes set out in Sections 52 and 52-a, Article III, Texas  
Constitution.

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

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

Sec. 3975.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(b) The district is created to serve a public use and benefit.

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

(1) developing and diversifying the economy of the state;

(2) eliminating unemployment and underemployment; and

(3) developing or expanding transportation and commerce.

(d) The district will:

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

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

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways, road facilities, transit facilities, parking facilities, recreational facilities, and public art objects and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and

(4) provide for water, wastewater, and drainage facilities for the district.

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

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

Sec. 3975.0105. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3975.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

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

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

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

(4) an industrial district created under Chapter 42, Local Government Code.

Sec. 3975.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3975.0108. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3975.0109. CONFLICTS OF LAW. This chapter prevails over any provision of general law, including a provision of Chapter 375, Local Government Code, or Chapter 49, Water Code, that is in conflict or inconsistent with this chapter.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3975.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors elected or appointed as provided by this chapter and Subchapter D, Chapter 49, Water Code.

(b) Except as provided by Section 3975.0203, directors serve staggered four-year terms.

Sec. 3975.0202. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 3975.0203. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal roll for the county may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) The temporary directors shall hold an election to elect five permanent directors as provided by Section 49.102, Water Code.

(c) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Subsection (b); or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

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

(1) the date permanent directors are elected under Subsection (b); or

(2) the fourth anniversary of the date of the appointment or reappointment.

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

Sec. 3975.0204. DISQUALIFICATION OF DIRECTORS. Section 49.052, Water Code, applies to the members of the board.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 3975.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3975.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may contract with a governmental or private entity to carry out an action under Subsection (a).

(c) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3975.0303. RECREATIONAL FACILITIES. The district may develop or finance recreational facilities as authorized by Chapter 375, Local Government Code, Sections 52 and 52-a, Article III, Texas Constitution, Section 59, Article XVI, Texas Constitution, and any other law that applies to the district.

Sec. 3975.0304. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may own, operate, maintain, design, acquire, construct, finance, issue bonds, notes, or other obligations for, improve, and convey to this state, a county, or a municipality for ownership, operation, and maintenance macadamized, graveled, or paved roads or improvements, including storm drainage, in aid of those roads.

Sec. 3975.0305. CONVEYANCE AND APPROVAL OF ROAD PROJECT. (a) The district may convey a road project authorized by Section 3975.0304 to:

(1) a municipality or county that will operate and maintain the road if the municipality or county has approved the plans and specifications of the road project; or

(2) the state if the state will operate and maintain the road and the Texas Transportation Commission has approved the plans and specifications of the road project.

(b) Except as provided by Subsection (c), the district shall operate and maintain a road project authorized by Section 3975.0304 that the district implements and does not convey to a municipality, a county, or this state under Subsection (a).

(c) The district may agree in writing with a municipality, a county, or this state to assign operation and maintenance duties to the district, the municipality, the county, or this state in a manner other than the manner described in Subsections (a) and (b).

Sec. 3975.0306. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3975.0307. LAW ENFORCEMENT SERVICES. Section 49.216, Water Code, applies to the district.

Sec. 3975.0308. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3975.0309. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that:

(1) Chapter 380, Local Government Code, provides to a municipality;  
and

(2) Subchapter A, Chapter 1509, Government Code, provides to a municipality.

Sec. 3975.0310. STRATEGIC PARTNERSHIP AGREEMENT. The district may negotiate and enter into a written strategic partnership agreement with a municipality under Section 43.0751, Local Government Code.

Sec. 3975.0311. REGIONAL PARTICIPATION AGREEMENT. The district may negotiate and enter into a written regional participation agreement with a municipality under Section 43.0754, Local Government Code.

Sec. 3975.0312. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3975.0313. ADDING OR EXCLUDING LAND. (a) The district may add land as provided by Subchapter J, Chapter 49, Water Code.

(b) The district may exclude land as provided by Subchapter J, Chapter 49, Water Code. Section 375.044(b), Local Government Code, does not apply to the district.

(c) The district may include and exclude land as provided by Sections 54.739-54.747, Water Code. A reference in those sections to a "tax" means an ad valorem tax for the purposes of this subsection.

(d) If the district adopts a sales and use tax authorized at an election held under Section 3975.0602 and subsequently includes new territory in the district under this section, the district:

(1) is not required to hold another election to approve the imposition of the sales and use tax in the included territory; and

(2) shall impose the sales and use tax in the included territory as provided by Chapter 321, Tax Code.

(e) If the district adopts a sales and use tax authorized at an election held under Section 3975.0602 and subsequently excludes territory in the district under this section, the sales and use tax is inapplicable to the excluded territory, as provided by Chapter 321, Tax Code, but is applicable to the territory remaining in the district.

Sec. 3975.0314. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3975.0315. AUDIT EXEMPTION. (a) The district may elect to complete an annual financial report in lieu of an annual audit under Section 375.096(a)(6), Local Government Code, if:

(1) the district had no bonds or other long-term (more than one year) liabilities outstanding during the fiscal period;

(2) the district did not have gross receipts from operations, loans, taxes, assessments, or contributions in excess of \$250,000 during the fiscal period; and

(3) the district's cash and temporary investments were not in excess of \$250,000 during the fiscal period.



(b) Each annual financial report prepared in accordance with this section must be open to public inspection and accompanied by an affidavit signed by a duly authorized representative of the district attesting to the accuracy and authenticity of the financial report.

(c) The annual financial report and affidavit shall be substantially similar in form to the annual financial report and affidavit forms prescribed by the executive director of the commission under Section 49.198, Water Code.

Sec. 3975.0316. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

#### SUBCHAPTER D. ASSESSMENTS

Sec. 3975.0401. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3975.0402. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3975.0403. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

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

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

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

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

SUBCHAPTER E. TAXES AND BONDS

Sec. 3975.0501. TAX ELECTION REQUIRED. The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

Sec. 3975.0502. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3975.0501, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

- (1) maintain and operate the district;
- (2) construct or acquire improvements; or
- (3) provide a service.

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

(c) Section 49.107(h), Water Code, does not apply to the district.

Sec. 3975.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district, by competitive bid or negotiated sale, may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, or other obligations provided by Section 49.4645, Water Code, does not apply to the district.

Sec. 3975.0504. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

- (1) revenue other than ad valorem taxes, including contract revenues; or
- (2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met.

Sec. 3975.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 3975.0501, the district may issue bonds payable from ad valorem taxes.

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

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

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

Sec. 3975.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The board may not issue bonds until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

(b) This section applies only to the district's first issuance of bonds payable from ad valorem taxes.

#### SUBCHAPTER F. SALES AND USE TAX

Sec. 3975.0601. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition, computation, administration, enforcement, and collection of the sales and use tax authorized by this subchapter except to the extent Chapter 321, Tax Code, is inconsistent with this chapter.

(b) A reference in Chapter 321, Tax Code, to a municipality or the governing body of a municipality is a reference to the district or the board, respectively.

Sec. 3975.0602. ELECTION; ADOPTION OF TAX. (a) The district may adopt a sales and use tax if authorized by a majority of the voters of the district voting at an election held for that purpose.

(b) The board by order may call an election to authorize the adoption of the sales and use tax. The election may be held on any uniform election date and in conjunction with any other district election.

(c) The ballot shall be printed to provide for voting for or against the proposition: "Authorization of a sales and use tax in the Richfield Ranch Management District of Harris County, Texas, at a rate not to exceed \_\_\_\_\_ percent" (insert rate of one or more increments of one-eighth of one percent).

Sec. 3975.0603. SALES AND USE TAX RATE. (a) On or after the date the results are declared of an election held under Section 3975.0602, at which the voters approved imposition of the tax authorized by this subchapter, the board shall determine and adopt by resolution or order the initial rate of the tax, which must be in one or more increments of one-eighth of one percent.

(b) After the election held under Section 3975.0602, the board may increase or decrease the rate of the tax by one or more increments of one-eighth of one percent.

(c) The initial rate of the tax or any rate resulting from subsequent increases or decreases may not exceed the lesser of:

(1) the maximum rate authorized by the district voters at the election held under Section 3975.0602; or

(2) a rate that, when added to the rates of all sales and use taxes imposed by other political subdivisions with territory in the district, would result in the maximum combined rate prescribed by Section 321.101(f), Tax Code, at any location in the district.

Sec. 3975.0604. TAX AFTER MUNICIPAL ANNEXATION. (a) This section applies to the district after a municipality annexes part of the territory in the district and imposes the municipality's sales and use tax in the annexed territory.

(b) If at the time of annexation the district has outstanding debt or other obligations payable wholly or partly from district sales and use tax revenue, Section 321.102(g), Tax Code, applies to the district.

(c) If at the time of annexation the district does not have outstanding debt or other obligations payable wholly or partly from district sales and use tax revenue, the district may:

(1) exclude the annexed territory from the district, if the district has no outstanding debt or other obligations payable from any source; or

(2) reduce the sales and use tax in the annexed territory by resolution or order of the board to a rate that, when added to the sales and use tax rate imposed by the municipality in the annexed territory, is equal to the sales and use tax rate imposed by the district in the district territory that was not annexed by the municipality.

Sec. 3975.0605. NOTIFICATION OF RATE CHANGE. The board shall notify the comptroller of any changes made to the tax rate under this subchapter in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

Sec. 3975.0606. USE OF REVENUE. Revenue from the sales and use tax imposed under this subchapter is for the use and benefit of the district and may be used for any district purpose. The district may pledge all or part of the revenue to the payment of bonds, notes, or other obligations, and that pledge of revenue may be in combination with other revenue, including tax revenue, available to the district.

Sec. 3975.0607. ABOLITION OF TAX. (a) Except as provided by Subsection (b), the board may abolish the tax imposed under this subchapter without an election.

(b) The board may not abolish the tax imposed under this subchapter if the district has outstanding debt secured by the tax, and repayment of the debt would be impaired by the abolition of the tax.

(c) If the board abolishes the tax, the board shall notify the comptroller of that action in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

(d) If the board abolishes the tax or decreases the tax rate to zero, a new election to authorize a sales and use tax must be held under Section 3975.0602 before the district may subsequently impose the tax.

(e) This section does not apply to a decrease in the sales and use tax authorized under Section 3975.0604(c)(2).

#### SUBCHAPTER I. DISSOLUTION

Sec. 3975.0901. DISSOLUTION. (a) The board shall dissolve the district on written petition filed with the board by the owners of:

(1) 66 percent or more of the assessed value of the property subject to assessment by the district based on the most recent certified county property tax rolls; or

(2) 66 percent or more of the surface area of the district, excluding roads, streets, highways, utility rights-of-way, other public areas, and other property exempt from assessment by the district according to the most recent certified county property tax rolls.

(b) The board by majority vote may dissolve the district at any time.

(c) The district may not be dissolved by its board under Subsection (a) or (b) if the district:

(1) has any outstanding bonded indebtedness until that bonded indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds;

(2) has a contractual obligation to pay money until that obligation has been fully paid in accordance with the contract; or

(3) owns, operates, or maintains public works, facilities, or improvements unless the district contracts with another person for the ownership, operation, or maintenance of the public works, facilities, or improvements.

(d) Sections 375.261, 375.262, and 375.264, Local Government Code, do not apply to the district.

SECTION 2. The Richfield Ranch Management District of Harris County, Texas, initially includes all the territory contained in the following area:

Being a 296.69 acre tract of land located within the John W. Baker Survey, A-116, the Edward Goodsir Survey, A-285, and the H.T.&B.R.R. Co. Survey, A-402, all in Harris County, Texas; said 296.69 acre tract being a part of a call 2523.670 acre tract of land recorded in Clerk's File Number U036618 of the Official Public Records of Real Property of Harris County (O.P.R.R.P.H.C.); said 296.69 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the south line of said 2523.670 acre tract):

Beginning at a 3/4-inch iron rod found at an interior corner of said 2523.670 acre tract and the northeast corner of a call 3.220 acre tract of land recorded in Volume 6368, Page 357 of the Harris County Deed Records (H.C.D.R.), and being on the south Right-of-Way (R.O.W.) line of the Union Pacific Railroad (100 feet wide) recorded in Volume 964, Page 88 of the H.C.D.R.;

1. Thence with common line of said 2523.670 acre tract and said Union Pacific Railroad, South 68 degrees 09 minutes 04 seconds East, a distance of 3,468.29 feet to the west R.O.W. line of State Highway 99 (Grand Parkway) recorded in Clerk's File Number 20120310531 of the O.P.R.R.P.H.C.;

Thence, with said west R.O.W. line, the following thirteen (13) courses

2. South 03 degrees 24 minutes 19 seconds East, a distance of 389.11 feet;

3. South 14 degrees 45 minutes 04 seconds East, a distance of 620.00 feet;

4. South 02 degrees 04 minutes 37 seconds East, a distance of 182.04 feet;

5. 843.74 feet along the arc of a curve to the right, said curve having a central angle of 04 degrees 17 minutes 37 seconds, a radius of 11,259.16 feet and a chord that bears South 00 degrees 04 minutes 11 seconds West, a distance of 843.54 feet;

6. South 02 degrees 12 minutes 59 seconds West, a distance of 74.10 feet;

7. South 47 degrees 12 minutes 59 seconds West, a distance of 49.50 feet;

8. South 02 degrees 12 minutes 59 seconds West, a distance of 100.00 feet;
9. South 42 degrees 47 minutes 01 seconds East, a distance of 49.50 feet;
10. South 02 degrees 12 minutes 59 seconds West, a distance of 1,486.42 feet;
11. 1,398.54 feet along the arc of a curve to the left, said curve having a central angle of 03 degrees 27 minutes 58 seconds, a radius of 23,118.32 feet and a chord that bears South 00 degrees 29 minutes 00 seconds West, a distance of 1,398.33 feet;
12. South 01 degrees 14 minutes 59 seconds East, a distance of 1,972.40 feet;
13. South 43 degrees 22 minutes 43 seconds West, a distance of 71.17 feet;
14. South 01 degrees 14 minutes 59 seconds East, a distance of 70.13 feet to the common line of aforesaid 2523.670 acre tract and a call 1158.2 acre tract recorded in Volume 3131, Page 393 of the H.C.D.R.;
15. Thence, with said common line, South 88 degrees 00 minutes 19 seconds West, a distance of 1,250.11 feet;
- Thence, through said 2523.670 acre tract, the following five (5) courses:
16. North 01 degrees 14 minutes 59 seconds West, a distance of 2,109.44 feet;
17. 1,477.19 feet along the arc of a curve to the right, said curve having a central angle of 03 degrees 27 minutes 58 seconds, a radius of 24,418.32 feet and a chord that bears North 00 degrees 29 minutes 00 seconds East, a distance of 1,476.96 feet;
18. North 02 degrees 12 minutes 59 seconds East, a distance of 1,730.52 feet;
19. 1,014.11 feet along the arc of a curve to the left, said curve having a central angle of 05 degrees 50 minutes 03 seconds, a radius of 9,959.16 feet and a chord that bears North 00 degrees 42 minutes 03 seconds West, a distance of 1,013.67 feet;
20. North 68 degrees 09 minutes 04 seconds West, a distance of 2,829.49 feet to the common line of said 2523.670 acre tract and a call 523.376 acre tract of land recorded in Clerk's File Number H793053 of the O.P.R.R.H.C.;
21. Thence, with said common line, North 02 degrees 09 minutes 14 seconds West, a distance of 157.88 feet;
22. Thence, through said 2523.670 acre tract, North 27 degrees 35 minutes 08 seconds East, at a distance of 306.42 feet passing an interior corner of said 2523.670 acre tract and the south corner of aforesaid 3.220 acre tract, in all, a total distance of 1161.59 feet to the Point of Beginning and containing 296.69 acres of land.

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

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

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

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

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

### **HB 207 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 207**, A bill to be entitled An Act relating to certain disclosures and notices required for certain life insurance policies.

Representative Craddick moved to concur in the senate amendments to **HB 207**.

The motion to concur in the senate amendments to **HB 207** prevailed by (Record 1759): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; 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; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Flynn; Harless; Perez; Stickland.

**Senate Committee Substitute**

**CSHB 207**, A bill to be entitled An Act relating to certain disclosures and notices required for certain life insurance policies.

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

SECTION 1. Chapter 1101, Insurance Code, is amended by adding Subchapter E to read as follows:

**SUBCHAPTER E. DISCLOSURES AND NOTICES RELATING TO LIFE INSURANCE POLICIES WITH NON-GUARANTEED CHARGES**

**Sec. 1101.201. PURPOSE.** This subchapter is intended to provide standards for disclosures relating to changes in certain non-guaranteed charges of life insurance policies subject to this subchapter.

**Sec. 1101.202. DEFINITIONS.** In this subchapter:

**(1) "Adverse change" means a change by an insurer in the insurer's current scale of charges applied to a policy that increases a premium or charge to a policy owner.**

**(2) "Current scale of charges" means the scale or schedule of non-guaranteed charges in effect for a policy during the period of time immediately before an adverse change to the policy.**

**(3) "Non-guaranteed charges" means the scale or schedule of charges in a policy provision at the time the policy was issued that may be changed at the insurer's discretion without the consent or request of the policy owner. The term does not include a policy loan interest rate charged on a policy loan.**

**Sec. 1101.203. APPLICABILITY.** (a) This subchapter applies to a life insurance policy issued by an insurer, as defined by Section 1102.001, that contains non-guaranteed charges that may change at the discretion of the insurer.

**(b) This subchapter does not apply to:**

**(1) group life insurance without separately identifiable accounts for insureds;**

**(2) a life insurance policy in which the insurer assumes all risk and contractually guarantees a death benefit in exchange for a guaranteed premium set at the time of the policy's issuance;**

**(3) an individual or group annuity contract;**

**(4) credit life insurance;**

**(5) a life insurance policy with no illustrated death benefits on any individual exceeding \$10,000;**

**(6) a bank-owned or corporate-owned life insurance policy; or**

**(7) a life insurance policy that does not provide for cash values or nonforfeiture values.**

**Sec. 1101.204. DISCLOSURE OF NON-GUARANTEED CHARGE INCREASE AFTER ISSUANCE OF POLICY.** (a) If an insurer increases a non-guaranteed charge applied to a policy, the insurer must provide a written notice to the policy owner:

**(1) disclosing:**

**(A) each non-guaranteed charge that has changed;**

**(B) the new scale of non-guaranteed charges after the change;**

**(C) the current scale of charges; and**



(D) the guaranteed maximum scale of charges; and

(2) including a prominent display of any adverse change in the current scale of charges identifying:

(A) the nature of the change;

(B) that the change is adverse or the conditions under which the change would be adverse; and

(C) the new age and year at which the policy will lapse if there are no changes to payments or coverage.

(b) The notice under Subsection (a) must include the insurer's telephone number and the following statement placed prominently on the front of the notice:

"YOU SHOULD KNOW: This increase may change the value of your policy and may change how long your policy will last unless you increase your premium payments or reduce your coverage, if permitted under your policy. Ask your insurance company for an illustration, at no cost, that shows the effect of this change on your policy and discuss with your agent or financial advisor other options that are available to you."

(c) The notice required by Subsection (a) must be given not later than the 90th day before the date the change is applied.

(d) The notice required by Subsection (a) does not constitute an illustration, as defined by rules adopted by the department relating to life insurance illustrations.

Sec. 1101.205. DISCLOSURE OF CREDITED INTEREST RATE DECREASE AFTER ISSUANCE OF POLICY. (a) If an insurer decreases the credited interest rate paid on a policy's accumulation value, the insurer must provide annually a written notice to the policy owner:

(1) disclosing:

(A) the new current credited interest rate;

(B) the previous credited interest rate;

(C) the minimum credited interest rate stated in the policy; and

(D) the effective date of the change; and

(2) including a prominent display of the new age and year at which the policy will lapse based on all changes to non-guaranteed charges and the credited interest rate if there are no changes to payments or coverage.

(b) The notice under Subsection (a) must include the insurer's telephone number and the following statement placed prominently on the front of the notice:

"YOU SHOULD KNOW: This decrease may change the value of your policy and may change how long your policy will last unless you increase your premium payments or reduce your coverage. Ask your insurance company for an in-force illustration that shows the effect of this change on your policy and discuss with your agent or financial advisor other options that are available to you."

(c) Notwithstanding any other provision of this section, this section does not apply to or require disclosures for a variable universal or indexed life insurance policy.

Sec. 1101.206. ANNUAL ILLUSTRATION. Regardless of whether any non-guaranteed charges are changed, an insurer that issues a policy subject to this subchapter must offer to provide to the policy owner at least annually an in-force illustration. If the insurer has changed any non-guaranteed charges or the credited interest rate, the insurer must offer the illustration at no charge.

Sec. 1101.207. RULES. (a) The commissioner may adopt rules as necessary to implement this subchapter.

(b) The commissioner by rule may exempt certain types of life insurance policies from one or more of the requirements of this subchapter.

(c) Section 2001.0045, Government Code, does not apply to rules adopted under this section.

SECTION 2. Subchapter E, Chapter 1101, Insurance Code, as added by this Act, applies only to an increase in a non-guaranteed charge applied to an insurance policy on or after January 1, 2020. Subchapter E, Chapter 1101, Insurance Code, as added by this Act, applies only to a decrease in a credited interest rate applied to an insurance policy on or after January 1, 2021.

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

## **HB 2758 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2758**, A bill to be entitled An Act relating to changing the eligibility of persons charged with certain trafficking and prostitution offenses to receive community supervision, including deferred adjudication community supervision.

Representative Hernandez moved to concur in the senate amendments to **HB 2758**.

The motion to concur in the senate amendments to **HB 2758** prevailed by (Record 1760): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; 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; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Harless; Klick; Stickland; Stucky.

### Senate Committee Substitute

**CSHB 2758**, A bill to be entitled An Act relating to changing the eligibility of persons charged with certain offenses to receive community supervision, including deferred adjudication community supervision.

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

SECTION 1. Article 42A.054, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Article 42A.053 does not apply to a defendant adjudged guilty of an offense under:

(1) Section 15.03, Penal Code, if the offense is punishable as a felony of the first degree;

(2) Section 19.02, Penal Code (Murder);

(3) Section 19.03, Penal Code (Capital Murder);

(4) Section 20.04, Penal Code (Aggravated Kidnapping);

(5) Section 20A.02, Penal Code (Trafficking of Persons);

(6) Section 20A.03, Penal Code (Continuous Trafficking of Persons);

(7) Section 21.11 [21.11(a)(1)], Penal Code (Indecency with a Child);

(8) [~~(7)~~] Section 22.011, Penal Code (Sexual Assault);

(9) [~~(8)~~] Section 22.021, Penal Code (Aggravated Sexual Assault);

(10) [~~(9)~~] Section 22.04(a)(1), Penal Code (Injury to a Child, Elderly Individual, or Disabled Individual), if:

(A) the offense is punishable as a felony of the first degree; and

(B) the victim of the offense is a child;

(11) [~~(10)~~] Section 29.03, Penal Code (Aggravated Robbery);

(12) [~~(11)~~] Section 30.02, Penal Code (Burglary), if:

(A) the offense is punishable under Subsection (d) of that section; and

(B) the actor committed the offense with the intent to commit a felony under Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code;

(13) Section 43.04, Penal Code (Aggravated Promotion of Prostitution);

(14) [~~(12)~~] Section 43.05, Penal Code (Compelling Prostitution);

(15) [~~(13)~~] Section 43.25, Penal Code (Sexual Performance by a Child); or

(16) [~~(14)~~] Chapter 481, Health and Safety Code, for which punishment is increased under:

(A) Section 481.140 of that code (Use of Child in Commission of Offense); or

(B) Section 481.134(c), (d), (e), or (f) of that code (Drug-free Zones) if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any of those subsections.

(e) Notwithstanding Subsection (a), with respect to an offense committed by a defendant under Section 43.04 or 43.05, Penal Code, a judge may place the defendant on community supervision as permitted by Article 42A.053 if the judge makes a finding that the defendant committed the offense solely as a victim of an offense under Section 20A.02, 20A.03, 43.03, 43.04, or 43.05, Penal Code.

SECTION 2. Article 42A.056, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY SUPERVISION. A defendant is not eligible for community supervision under Article 42A.055 if the defendant:

- (1) is sentenced to a term of imprisonment that exceeds 10 years;
- (2) is convicted of a state jail felony for which suspension of the imposition of the sentence occurs automatically under Article 42A.551;
- (3) is adjudged guilty of an offense under Section 19.02, Penal Code;
- (4) is convicted of an offense under Section 21.11 ~~[21.11(a)(1)]~~, 22.011, or 22.021, Penal Code, if the victim of the offense was younger than 14 years of age at the time the offense was committed;
- (5) is convicted of an offense under Section 20.04, Penal Code, if:
  - (A) the victim of the offense was younger than 14 years of age at the time the offense was committed; and
  - (B) the actor committed the offense with the intent to violate or abuse the victim sexually;
- (6) is convicted of an offense under Section 20A.02, 20A.03, 43.04, 43.05, or 43.25, Penal Code; or
- (7) is convicted of an offense for which punishment is increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any of those subsections.

SECTION 3. Article 42A.102, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.102. ELIGIBILITY FOR DEFERRED ADJUDICATION COMMUNITY SUPERVISION. (a) Subject to Subsection (b), a [A] judge may place on deferred adjudication community supervision a defendant charged with an offense under Section 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the victim, or a defendant charged with a felony described by Article 42A.453(b) only if the judge makes a finding in open court that placing the defendant on deferred adjudication community supervision is in the best interest of the victim. The failure of the judge to make a finding under this subsection is not grounds for the defendant to set aside the plea, deferred adjudication, or any subsequent conviction or sentence.

(b) In all other cases, the judge may grant deferred adjudication community supervision unless:

- (1) the defendant is charged with an offense:

(A) under Section 20A.02 or 20A.03 or Sections 49.04-49.08, Penal Code; or

(B) for which punishment may be increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any one of those subsections;

(2) the defendant:

(A) is charged with an offense under Section 21.11, 22.011, ~~(22.021, 43.04, or 43.05,~~ Penal Code, regardless of the age of the victim, or a felony described by Article 42A.453(b), other than a felony described by Subdivision (1)(A) or (3)(B) of this subsection; and

(B) has previously been placed on community supervision for an offense under Paragraph (A);

(3) the defendant is charged with an offense under:

(A) Section 21.02, Penal Code; or

(B) Section 22.021, Penal Code, that is punishable under Subsection (f) of that section or under Section 12.42(c)(3) or (4), Penal Code; or

(4) the defendant is charged with an offense under Section 19.02, Penal Code, except that the judge may grant deferred adjudication community supervision on determining that the defendant did not cause the death of the deceased, did not intend to kill the deceased or another, and did not anticipate that a human life would be taken.

SECTION 4. Section 773.0614(c), Health and Safety Code, is amended to read as follows:

(c) A certificate holder's certificate shall be revoked if the certificate holder has been convicted of or placed on deferred adjudication community supervision or deferred disposition for:

(1) an offense listed in Article 42A.054(a)(2), (3), (4), ~~[(6)],~~ (7), (8), (9), (11) [(10)], or (16) [(14)], Code of Criminal Procedure; or

(2) an offense, other than an offense described by Subdivision (1), committed on or after September 1, 2009, for which the person is subject to registration under Chapter 62, Code of Criminal Procedure.

SECTION 5. Section 773.06141(a), Health and Safety Code, is amended to read as follows:

(a) The department may suspend, revoke, or deny an emergency medical services provider license on the grounds that the provider's administrator of record, employee, or other representative:

(1) has been convicted of, or placed on deferred adjudication community supervision or deferred disposition for, an offense that directly relates to the duties and responsibilities of the administrator, employee, or representative, other than an offense for which points are assigned under Section 708.052, Transportation Code;

(2) has been convicted of or placed on deferred adjudication community supervision or deferred disposition for an offense, including:

(A) an offense listed in Article 42A.054(a)(2), (3), (4), ~~[(6)],~~ (7), (8), (9), (11) [(10)], or (16) [(14)], Code of Criminal Procedure; or

(B) an offense, other than an offense described by Subdivision (1), for which the person is subject to registration under Chapter 62, Code of Criminal Procedure; or

(3) has been convicted of Medicare or Medicaid fraud, has been excluded from participation in the state Medicaid program, or has a hold on payment for reimbursement under the state Medicaid program under Subchapter C, Chapter 531, Government Code.

SECTION 6. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. The Texas Department of Criminal Justice is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

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

### **HB 1048 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1048**, A bill to be entitled An Act relating to the use of a county early voting polling place by a political subdivision.

Representative Guillen moved to concur in the senate amendments to **HB 1048**.

The motion to concur in the senate amendments to **HB 1048** prevailed by (Record 1761): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; 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; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Flynn; Stickland.

### Senate Committee Substitute

**CSHB 1048**, A bill to be entitled An Act relating to the use of a county early voting polling place by a political subdivision.

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

SECTION 1. Section 85.010, Election Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) In this section, "eligible county polling place" means an early voting polling place, other than a polling place established under Section 85.062(e), established by a county.

(b) A political subdivision that holds an election described by Subsection (a):

(1) shall designate as an early voting polling place for the election an eligible county [any early voting] polling place[, other than a polling place established under Section 85.062(e), established by the county and] located in the political subdivision; and

(2) may not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the political subdivision is designated as an early voting polling place by the political subdivision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

### **HB 123 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 123**, A bill to be entitled An Act relating to personal identification documents for foster children or youth or homeless children or youth.

Representative White moved to concur in the senate amendments to **HB 123**.

The motion to concur in the senate amendments to **HB 123** prevailed by (Record 1762): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Clardy; Stickland.

### **Senate Committee Substitute**

**CSHB 123**, A bill to be entitled An Act relating to personal identification documents for foster children or youth or homeless children or youth.

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

SECTION 1. Section 264.121, Family Code, is amended by adding Subsection (e-3) to read as follows:

(e-3) When obtaining a copy of a birth certificate to provide to a foster youth or assisting a foster youth in obtaining a copy of a birth certificate, the department shall obtain the birth certificate from the state registrar. If the department is unable to obtain the birth certificate from the state registrar, the department may obtain the birth certificate from a local registrar or county clerk.

SECTION 2. Subchapter A, Chapter 191, Health and Safety Code, is amended by adding Section 191.0049 to read as follows:

Sec. 191.0049. BIRTH RECORD ISSUED TO FOSTER CHILD OR YOUTH OR HOMELESS CHILD OR YOUTH. On request of a child or youth described by this section, the state registrar, a local registrar, or a county clerk shall issue, without fee or parental consent, a certified copy of the child's or youth's birth record to:

(1) a homeless child or youth as defined by 42 U.S.C. Section 11434a;

(2) a child in the managing conservatorship of the Department of Family and Protective Services; and

(3) a young adult who:

(A) is at least 18 years of age, but younger than 21 years of age;

and

(B) resides in a foster care placement, the cost of which is paid by the Department of Family and Protective Services.



SECTION 3. Subchapter E, Chapter 521, Transportation Code, is amended by adding Section 521.1015 to read as follows:

Sec. 521.1015. PERSONAL IDENTIFICATION CERTIFICATE ISSUED TO FOSTER CHILD OR YOUTH OR HOMELESS CHILD OR YOUTH. (a) In this section:

(1) "Foster child or youth" means:

(A) a child in the managing conservatorship of the Department of Family and Protective Services; or

(B) a young adult who:

(i) is at least 18 years of age, but younger than 21 years of age;

and

(ii) resides in a foster care placement, the cost of which is paid by the Department of Family and Protective Services.

(2) "Homeless child or youth" has the meaning assigned by 42 U.S.C. Section 11434a.

(b) This section applies to the application for a personal identification certificate only for a foster child or youth or a homeless child or youth.

(c) Notwithstanding Section 521.101, Section 521.1426, or any other provision of this chapter, a child or youth described by Subsection (b) may, in applying for a personal identification certificate:

(1) provide a copy of the child's or youth's birth certificate as proof of the child's or youth's identity and United States citizenship, as applicable; and

(2) if the child or youth does not have a residence or domicile:

(A) provide a letter certifying the child or youth is a homeless child or youth issued by:

(i) the school district in which the child or youth is enrolled;

(ii) the director of an emergency shelter or transitional housing program funded by the United States Department of Housing and Urban Development; or

(iii) the director of:

(a) a basic center for runaway and homeless youth; or

(b) a transitional living program; or

(B) use the address of the regional office where the Department of Family and Protective Services caseworker for the child or youth is based.

(d) A child or youth described by Subsection (b) may apply for and the department may issue a personal identification certificate without the signature or presence of or permission from a parent or guardian of the child or youth.

(e) The department shall exempt a child or youth described by Subsection (b) from the payment of any fee for the issuance of a personal identification certificate under this chapter, subject to Section 521.4265.

SECTION 4. Section 521.1811, Transportation Code, is amended to read as follows:

Sec. 521.1811. WAIVER OF FEES FOR FOSTER CHILD OR YOUTH OR HOMELESS CHILD OR [CARE] YOUTH. A person is exempt from the payment of any fee for the issuance of a driver's license, as provided under this chapter, if that person is:

(1) younger than 18 years of age and in the managing conservatorship of the Department of Family and Protective Services; ~~(or)~~

(2) at least 18 years of age, but younger than 21 years of age, and resides in a foster care placement, the cost of which is paid by the Department of Family and Protective Services; or

(3) a homeless child or youth as defined by 42 U.S.C. Section 11434a.

SECTION 5. Section 521.421, Transportation Code, is amended by adding Subsection (k) to read as follows:

(k) A person applying for the issuance or renewal of a license, including a duplicate license or a license issued or renewed over the Internet or by other electronic means, may elect to contribute \$1 or more to the identification fee exemption account established under Section 521.4265.

SECTION 6. Section 521.422, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) A person applying for the issuance or renewal of a personal identification card, including a duplicate personal identification card or a personal identification card issued or renewed over the Internet or by other electronic means, may elect to contribute \$1 or more to the identification fee exemption account established under Section 521.4265.

SECTION 7. Subchapter R, Chapter 521, Transportation Code, is amended by adding Section 521.4265 to read as follows:

Sec. 521.4265. IDENTIFICATION FEE EXEMPTION ACCOUNT. (a) The identification fee exemption account is created as an account in the general revenue fund of the state treasury. The fund consists of grants and donations made to the department for the purposes of this section, including donations received under Sections 521.421(k) and 521.422(d). The department shall administer the account. Money in the account may be appropriated for the purposes of Subsection (b).

(b) For each exemption granted under Section 521.1015 or 521.1811, the department shall deposit to the credit of the Texas mobility fund an amount from the identification fee exemption account under Subsection (a) that is equal to the amount of the waived fee that would otherwise be deposited to the mobility fund.

(c) The department may not grant an exemption under Section 521.1015 or 521.1811 if money is not available in the identification fee exemption account to meet the requirements of Subsection (b).

SECTION 8. The changes in law made by this Act apply to an application for a driver's license, personal identification certificate, or birth record submitted on or after the effective date of this Act. An application for a driver's license, personal identification certificate, or birth record submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2019.

## **HB 1244 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1244**, A bill to be entitled An Act relating to including a civics test in the graduation requirements for public high school students and to eliminating the United States history end-of-course assessment instrument.

Representative Ashby moved to concur in the senate amendments to **HB 1244**.

The motion to concur in the senate amendments to **HB 1244** prevailed by (Record 1763): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; 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; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Klick; Longoria; Moody; Stickland; Swanson.

### **Senate Committee Substitute**

**CSHB 1244**, A bill to be entitled An Act relating to the United States history end-of-course assessment instrument administered to public high school students and reporting requirements for that assessment instrument.

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

SECTION 1. Section 39.023, Education Code, is amended by adding Subsection (c-7) to read as follows:

(c-7) The United States history end-of-course assessment instrument adopted under Subsection (c) must include 10 questions randomly selected by the agency from the civics test administered by the United States Citizenship and Immigration Services as part of the naturalization process under the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.). The agency shall:

(1) ensure that the questions included in the assessment instrument align with the essential knowledge and skills adopted for the United States history course for which the instrument is administered; and

(2) annually issue a report:

(A) providing the questions included in the assessment instrument under this subsection and the answers to those questions; and

(B) detailing student performance on the questions included in the assessment instrument under this subsection, both statewide and disaggregated by school district and campus.

SECTION 2. Section 39.023(c-7), Education Code, as added by this Act, applies beginning with students who enter the ninth grade during the 2019-2020 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

### **HB 2763 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2763**, A bill to be entitled An Act relating to the police pension fund in certain municipalities.

Representative Flynn moved to concur in the senate amendments to **HB 2763**.

The motion to concur in the senate amendments to **HB 2763** prevailed by (Record 1764): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Klick; Stickland.

### **Senate Committee Substitute**

**CSHB 2763**, A bill to be entitled An Act relating to the police pension fund in certain municipalities.

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

SECTION 1. Section 1.04, Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), is amended by adding Subdivisions (1-a), (1-b), (6-a), (8), (9), and (10) to read as follows:

(1-a) "Actuarial experience study" has the meaning assigned by Section 802.1014, Government Code.

(1-b) "Actuarially determined contribution rate" means the contribution rate, expressed as a percentage of payroll or compensation, actuarially determined necessary to:

(A) fund the normal cost of the pension fund, the costs of administering the fund, and the unfunded actuarial amortization amount of the fund for the current plan year; and

(B) maintain a closed amortization period that does not exceed 30 years.

(6-a) "Normal cost" means the actuarially determined amount necessary to fully fund accrued pension benefits under the pension fund allocated to the current plan year.

(8) "Plan year" means the 12-month period beginning January 1 and ending on the following December 31.

(9) "Trustee" means a member of the board of trustees.

(10) "Unfunded actuarial amortization amount" means the actuarially determined amount required to pay off the fund's unfunded actuarial accrued liability layers over a closed 30-year amortization period. The initial layer is equal to the unfunded actuarial accrued liability of the fund in the plan year beginning January 1, 2019. For each subsequent plan year, the unfunded actuarial accrued liability layer is equal to the unanticipated change in the unfunded actuarial accrued liability of the fund in that plan year over the expected unfunded actuarial accrued liability included in the preceding plan year's actuarial valuation.

SECTION 2. Sections 2.01 and 2.02, Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 2.01. BOARD OF TRUSTEES. A board of trustees of the police pension fund is created, in which is vested the general administration, management, and responsibility for the proper and effective operation of the fund. ~~[The board shall be organized immediately after the members have qualified and taken the oath of office.]~~ The board has all necessary powers to discharge the board's duties, including the authority to adopt necessary rules for the administration of the fund and to correct any defect, supply any omission, and

reconcile any inconsistency that may appear in this Act in a manner and to the extent that the board considers expedient for the administration of this Act for the greatest benefit of all members of the fund.

Sec. 2.02. COMPOSITION OF BOARD. (a) The board of trustees of the fund is composed of eight trustees ~~[seven members]~~ as follows:

(1) the president of the municipality's police association or the president's designee, to serve during the president's term of office ~~[- except as provided by Subsection (b) of this section];~~

(2) two trustees ~~[one municipal financial staff employee]~~ designated by the city manager, to serve at the pleasure of the city manager;

(3) two trustees ~~[one legally qualified voter]~~ designated by the ~~[mayor, to serve a two-year term];~~

~~[(4) one legally qualified voter designated by the]~~ city council, each to serve a staggered three-year ~~[two-year]~~ term; and

(4) three trustees ~~[(5) three members of the fund]~~ elected by the members of the fund, each to serve a staggered three-year term.

(b) ~~[If the president of the municipality's police association is prevented by the constitution or bylaws of the association from serving as a member of the board of trustees or if the president is not a member of the fund, the member of the fund who holds the next highest ranking office in the association serves on the board in place of the president of the association for the term of the officer's office in the association.]~~

~~[(c)]~~ A trustee ~~[member of the board of trustees]~~ serves until a successor is selected and qualified. A vacancy occurring by death, resignation, or removal is filled in the same manner used to fill the position being vacated. A person appointed or elected to fill a position vacated by death, resignation, or removal serves the remainder of the term, if any, for the position being vacated, at which time the person may be reappointed or stand for election for a full term.

SECTION 3. Article 2, Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), is amended by adding Section 2.021 to read as follows:

Sec. 2.021. QUALIFICATIONS OF TRUSTEES. (a) To be designated or elected a trustee under Section 2.02 of this Act, a person must have:

(1) demonstrated financial, accounting, business, investment, budgeting, or actuarial experience;

(2) a bachelor's degree from an accredited institution of higher education; or

(3) been vetted to verify that the person is capable of performing the duties and responsibilities of a trustee under this Act and determined qualified for designation or election, as appropriate, to the board by:

(A) the trustee serving on the board under Section 2.02(a)(1) of this Act; and

(B) a trustee designated by the city manager under Section 2.02(a)(2) of this Act.

(b) A person is presumed to have demonstrated the expertise described by Subsection (a)(1) of this section if the person has at least five years of full-time employment experience working in a field described by that subdivision.

(c) A person is not required to reside in the municipality to be designated or elected a trustee under Section 2.02 of this Act.

SECTION 4. Section 2.03, Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.03. ELECTED TRUSTEES. The board shall provide by rule for the procedure for electing trustees described by Section 2.02(a)(4) [~~2.02(a)(5)~~] of this Act.

SECTION 5. Article 2, Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), is amended by adding Section 2.035 to read as follows:

Sec. 2.035. TRUSTEE TRAINING. (a) A person who is appointed or elected to the board of trustees and qualifies for office as a trustee shall complete a training program that complies with this section.

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

- (1) the law governing the pension fund's operations;
- (2) the programs, functions, rules, and budget of the fund;
- (3) the scope of and limitations on the rulemaking authority of the

board;

- (4) the results of the most recent actuarial valuation of the fund; and
- (5) the requirements of:

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

(B) other laws applicable to a trustee in performing the trustee's duties, including the board's fiduciary duty to hold and administer the assets of the fund for the exclusive benefit of members and their beneficiaries under Section 802.203, Government Code, Section 67(f), Article XVI, Texas Constitution, and any other applicable law.

SECTION 6. Sections 2.09(a), (b), and (c), Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The board may purchase from an insurer authorized to do business in this state one or more insurance policies that provide for the reimbursement of a trustee ~~[member]~~, officer, or employee of the board for liability imposed as damages caused by, and for costs and expenses incurred by the person in defense of, an alleged act, error, or omission committed in the person's capacity as fiduciary of assets of the fund. The board may not purchase an insurance policy that provides for the reimbursement of a trustee ~~[member]~~, officer, or employee of the board for liability imposed or costs and expenses incurred because of the trustee's ~~[member's]~~, officer's, or employee's personal dishonesty, fraudulent

breach of trust, lack of good faith, intentional fraud or deception, or intentional failure to act prudently. The board of trustees shall use money in the fund to purchase an insurance policy under this subsection.

(b) If an insurance policy described by Subsection (a) of this section is not available, sufficient, adequate, or otherwise in effect, the board may indemnify a trustee ~~[member]~~, officer, or employee of the board for liability imposed as damages caused by, and for reasonable costs and expenses incurred by the person in defense of, an alleged act, error, or omission committed in the person's fiduciary capacity. The board may not indemnify a trustee ~~[member]~~, officer, or employee of the board for liability imposed or costs and expenses incurred because of the trustee's ~~[member's]~~, officer's, or employee's personal dishonesty, fraudulent breach of trust, lack of good faith, intentional fraud or deception, or intentional failure to act prudently.

(c) A decision to indemnify under this section must be made by five trustees ~~[a majority of the board]~~. If a proposed indemnification is of a trustee ~~[board member]~~, the trustee ~~[member]~~ may not vote on the matter.

SECTION 7. Article 2, Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), is amended by adding Sections 2.10, 2.11, and 2.12 to read as follows:

Sec. 2.10. ACTION INCREASING AMORTIZATION PERIOD. Notwithstanding any other provision of this Act, the rate of contributions to the pension fund may not be reduced or eliminated, a new monetary benefit payable by the pension fund may not be established, and the amount of a monetary benefit from the fund may not be increased, if, as a result of the particular action, the time, as determined by an actuarial valuation, required to amortize the unfunded actuarial liabilities of the pension fund would be increased to a period that exceeds 25 years.

Sec. 2.11. ACTUARIAL VALUATIONS. (a) The assumptions and methods adopted by the board and used to prepare an actuarial valuation of the pension fund's assets and liabilities must be consistent with generally accepted actuarial standards.

(b) Any assumed rate of return adopted by the board under this Act must be reviewed as part of each actuarial valuation conducted on or after January 1, 2020.

Sec. 2.12. INVESTMENT RETURN ASSUMPTIONS; ACTUARIAL EXPERIENCE STUDY REQUIRED. (a) Except as provided by Section 67(f)(3), Article XVI, Texas Constitution, and notwithstanding Section 11.01 of this Act, the board shall adopt an assumed rate of return of seven percent to be used in the preparation of any actuarial valuation conducted on or after September 1, 2019, and before January 1, 2020.

(b) This section expires January 2, 2020.

SECTION 8. Sections 6.01, 6.03, and 6.04, Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), are amended to read as follows:



Sec. 6.01. CONTRIBUTION OF MEMBERS AND PARTICIPATION IN FUND; WAGE DEDUCTIONS. Subject to modification under Section 11.01 of this Act, each [Each] member shall make contributions to the fund, [except in a time of national emergency,] and the municipality is authorized to deduct 12 [a sum of not less than one percent and not more than 10] percent of the member's monthly wages as contributions to the fund for service rendered after August 31, 2019. [The board shall determine the percentage deducted from monthly wages, as provided by Section 2.01 of this Act, within the minimum and maximum deductions provided by this section or as otherwise provided by Section 11.01 of this Act.]

Sec. 6.03. CONTRIBUTIONS BY MUNICIPALITY. (a) Subject to modification under Section 11.01 of this Act and not later than the 15th business day after the first day of the municipality's fiscal year, the [The] municipality[; acting under the advice of the actuary for the fund,] shall contribute to the fund 18 percent [contributions expressed as a percentage] of payroll based on authorized positions, as determined by the municipality [or compensation for each member, in such amounts and at such times as are required to pay the municipality's normal cost and interest on any unfunded actuarial requirement at the rate of interest assumed in the actuarial valuation. The municipality shall also include in the contribution to the fund sufficient money to pay the costs of administration of the fund, including the costs of periodic actuarial evaluations and annual statements to the members of the fund].

(b) Not later than December 31 of the year following the year in which the municipality makes a contribution under Subsection (a) of this section, the municipality shall:

(1) calculate the difference, if any, between the amount of the municipality's actual payroll for the applicable fiscal year and the amount of payroll on which its contribution under Subsection (a) of this section was based; and

(2) contribute to the fund an amount equal to the municipality's applicable contribution rate multiplied by the amount of the difference calculated under Subdivision (1) of this subsection.

Sec. 6.04. MUNICIPALITY'S LIABILITY. (a) Except as provided by this section [Notwithstanding any other provision of this Act], the municipality may not be held liable or responsible for any claim or asserted claim for benefits under the fund, but all claims shall be paid from the money for which provisions have been made under the terms of the plan and fund.

(b) The municipality shall pay the pension fund, in the manner provided by Subsection (d) of this section, money in an amount sufficient to offset any negative financial impact to the fund, as determined by the actuary for the fund, caused by a unilateral action taken by the municipality, including a reduction by the municipality in the number of the municipality's police officers.

(c) The actuary for the fund, as part of the actuary's actuarial valuation of the fund, shall annually determine whether a reduction in the number of municipal police officers by a municipality had a negative financial impact to the fund.

(d) If the actuary determines a negative financial impact to the fund has occurred under this section, the municipality shall:

(1) provide additional funding to the fund in the time frame prescribed for making contribution increases under Section 11.01(b-1) of this Act; and

(2) continue to provide the funding described by Subdivision (1) of this subsection until the negative impact of the action is eliminated as determined by the actuary for the fund.

SECTION 9. Section 11.01, Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11.01. MODIFICATION OF BENEFITS, MEMBERSHIP QUALIFICATIONS, ELIGIBILITY REQUIREMENTS, AND CONTRIBUTIONS. (a) Subject to Section 2.10 ~~[Notwithstanding any other provision]~~ of this Act and except as otherwise provided by this section, the board, with the approval of at least six ~~[four]~~ board members, may modify:

(1) benefits provided by this Act, including the multiplier by which a pension benefit amount provided under Article 7 of this Act is calculated, except that any increase in benefits is subject to Subsection (b) of this section;

(2) future membership qualifications;

(3) eligibility requirements for pensions or benefits, including the age at which a member is eligible to retire; or

(4) subject to Subsection (b) of this section, the contribution rates [percentage of wage deductions] provided by Sections [Section] 6.01 and 6.03 of this Act[, except that any increase in wage deductions is subject to Subsection (b)(2) of this section].

(b) Notwithstanding any other provision of this Act, the board of trustees may not modify the contribution rates expressly provided by Sections 6.01 and 6.03 of this Act before January 1, 2025. If, on or after January 1, 2025, the fund's most recent actuarial valuation recommends an actuarially determined contribution rate that exceeds the aggregate contribution rates provided by Sections 6.01 and 6.03 of this Act, as modified under this section, if applicable, the board shall:

(1) calculate the difference between the actuarially determined contribution rate and the aggregate contribution rates; and

(2) by rule, increase the contribution rates applicable under Sections 6.01 and 6.03 of this Act by 50 percent of the difference calculated under Subdivision (1) of this subsection.

(b-1) An increase in contribution rates under Subsection (b) of this section may not take effect before:

(1) the January 1 following the date on which the board of trustees approved the applicable actuarial valuation, if the approval occurred at least three months before the first day of the municipality's fiscal year; or

(2) the first day of the municipality's fiscal year that begins more than three months after the date the board approved the applicable actuarial valuation, if the approval occurred less than three months before the first day of the

~~municipality's next fiscal year. [Notwithstanding any other provision of this Act, the board, with the approval of a majority of the members of the fund, may increase either of the following:~~

~~[(1) benefits provided by this Act; or~~

~~[(2) the percentage of wage deductions provided by Section 6.01 of this Act, except that, if the actuary for the fund certifies that an increase is necessary to maintain an actuarially sound plan, the board may, with the approval of at least four board members, increase the percentage of wage deductions.]~~

(c) Notwithstanding any other provision of this Act, the board, with the approval of at least five ~~[four]~~ board members, may provide for refunds, in whole or in part, with or without interest, of accumulated contributions made to the fund by members who leave the municipality's service before qualifying for a pension.

(d) Actions authorized under ~~[Subsection (a) or (b) of]~~ this section may not be made unless first reviewed by a qualified actuary selected by the [at least four] board ~~[members]~~. To qualify, an actuary who is an individual must be a Fellow of the Society of Actuaries~~[a Fellow of the Conference of Actuaries in Public Practice]~~, or a member of the American Academy of Actuaries. The basis for the actuary's approval or disapproval of a board action is not subject to judicial review.

SECTION 10. (a) In this section, "board of trustees" and "pension fund" have the meanings assigned by Section 1.04, Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes).

(b) As soon as practicable after the effective date of this Act:

(1) the city manager and city council shall designate trustees for the board of trustees in accordance with Sections 2.02(a)(2) and (3), Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), as amended by this Act, whose terms are to begin November 1, 2019; and

(2) the members of the pension fund shall elect, in accordance with a procedure adopted by the existing board of trustees for that purpose, three trustees to the board of trustees in accordance with Section 2.02(a)(4), Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), as amended by this Act, whose terms are to begin November 1, 2019.

(c) Notwithstanding the terms stipulated by Sections 2.02(a)(2), (3), and (4), Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), as amended by this Act, as applicable:

(1) the city manager and the city council shall designate one of the initial trustees appointed under Section 2.02(a)(2) or (3), Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), as amended by this Act, as applicable, to serve a term of two years; and

(2) the existing board of trustees shall designate one of the initial trustee positions elected under Section 2.02(a)(4), Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), as amended by this Act, to serve a one-year term and another of the initial trustee positions to serve a two-year term.

(d) Notwithstanding the term of a trustee serving on the board of trustees immediately before the effective date of this Act, effective October 31, 2019, the term of a trustee serving on the board under Sections 2.02(a)(2), (3), (4), and (5), Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), as those subdivisions existed immediately before the effective date of this Act, expires.

SECTION 11. Sections 6.01 and 6.03, Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), as amended by this Act, apply only to a contribution made on or after the effective date of this Act.

SECTION 12. Notwithstanding Section 6.03, Chapter 325 (**HB 2259**), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243p, Vernon's Texas Civil Statutes), as it existed immediately before the effective date of this Act, a municipality subject to that section is not required to pay interest on any unfunded actuarial requirement that is outstanding under that section on the effective date of this Act.

SECTION 13. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

### **HB 548 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 548**, A bill to be entitled An Act relating to reporting certain truancy information through the Public Education Information Management System.

Representative Canales moved to concur in the senate amendments to **HB 548**.

The motion to concur in the senate amendments to **HB 548** prevailed by (Record 1765): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Klick; Stickland.

### **Senate Committee Substitute**

**CSHB 548**, A bill to be entitled An Act relating to reporting certain information through the Public Education Information Management System.

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

SECTION 1. (a) The legislature finds that children who are deaf or hard of hearing are often at risk for language delay or deprivation. Research indicates that there is limited success in addressing these issues after the optimal period for language acquisition. It is critical that the language acquisition of children who are deaf or hard of hearing is closely monitored from birth through age eight to enable the use of timely interventions that support age-appropriate language skills. Therefore, the purpose of this section is to generate and monitor data on the language acquisition of children eight years of age or younger who are deaf or hard of hearing by:

(1) identifying language assessment protocols that are appropriate for the development and age of each child; and

(2) annually gathering and publishing relevant data.

(b) Nothing in this section shall operate to override the parental consent provisions set forth in 34 C.F.R. Section 300.300.

(c) Subchapter I, Chapter 29, Education Code, is amended by adding Section 29.316 to read as follows:

Sec. 29.316. LANGUAGE ACQUISITION. (a) In this section:

(1) "Center" means the Educational Resource Center on Deafness at the Texas School for the Deaf.

(2) "Division" means the Division for Early Childhood Intervention Services of the Health and Human Services Commission.

(3) "Language acquisition" includes expressive and receptive language acquisition and literacy development in English, American Sign Language, or both, or, if applicable, in another language primarily used by a child's parent or guardian, and is separate from any modality used to communicate in the applicable language or languages.

(b) The commissioner and the executive commissioner of the Health and Human Services Commission jointly shall ensure that the language acquisition of each child eight years of age or younger who is deaf or hard of hearing is regularly assessed using a tool or assessment determined to be valid and reliable as provided by Subsection (d).

(c) Not later than August 31 of each year, the agency, the division, and the center jointly shall prepare and post on the agency's, the division's, and the center's respective Internet websites a report on the language acquisition of children eight years of age or younger who are deaf or hard of hearing. The report must:

(1) include:

(A) existing data reported in compliance with federal law regarding children with disabilities; and

(B) information relating to the language acquisition of children who are deaf or hard of hearing and also have other disabilities;

(2) state for each child:

(A) the instructional arrangement used with the child, as described by Section 42.151, including the time the child spends in a mainstream instructional arrangement;

(B) the specific language acquisition services provided to the child, including:

(i) the time spent providing those services; and

(ii) a description of any hearing amplification used in the delivery of those services, including:

(a) the type of hearing amplification used;

(b) the period of time in which the child has had access to the hearing amplification; and

(c) the average amount of time the child uses the hearing amplification each day;

(C) the tools or assessments used to assess the child's language acquisition and the results obtained;

(D) the preferred unique communication mode used by the child at home; and

(E) the child's age, race, and gender, the age at which the child was identified as being deaf or hard of hearing, and any other relevant demographic information the commissioner determines to likely be correlated with or have an impact on the child's language acquisition;

(3) compare progress in English literacy made by children who are deaf or hard of hearing to progress in that subject made by children of the same age who are not deaf or hard of hearing, by appropriate age range; and

(4) be redacted as necessary to comply with state and federal law regarding the confidentiality of student medical or educational information.

(d) The commissioner, the executive commissioner of the Health and Human Services Commission, and the center shall enter into a memorandum of understanding regarding:

(1) the identification of experts in deaf education; and

(2) the determination, in consultation with those experts, of the tools and assessments that are valid and reliable, in both content and administration, for use in assessing the language acquisition of children eight years of age or younger who are deaf or hard of hearing.

(e) The agency shall use existing collected data and data collected and transferred from the Department of State Health Services and the Health and Human Services Commission, as agreed upon in the memorandum of understanding, for the report under this section.

(f) The commissioner and the executive commissioner of the Health and Human Services Commission jointly shall adopt rules as necessary to implement this section, including rules for:

(1) assigning each child eight years of age or younger who is deaf or hard of hearing a unique identification number for purposes of the report required under Subsection (c) and to enable the tracking of the child's language acquisition, and factors affecting the child's language acquisition, over time; and

(2) implementing this section in a manner that complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

SECTION 2. Section 42.006, Education Code, is amended by adding Subsection (a-6) to read as follows:

(a-6) The commissioner by rule shall require each school district and open-enrollment charter school to report through the Public Education Information Management System information disaggregated by campus and grade regarding:

(1) the number of children who are required to attend school under Section 25.085, are not exempted under Section 25.086, and fail to attend school without excuse for 10 or more days or parts of days within a six-month period in the same school year;

(2) the number of students for whom the district initiates a truancy prevention measure under Section 25.0915(a-4); and

(3) the number of parents of students against whom an attendance officer or other appropriate school official has filed a complaint under Section 25.093.

SECTION 3. (a) In this section:

(1) "Agency" means the Texas Education Agency.

(2) "Center" means the Educational Resource Center on Deafness at the Texas School for the Deaf.

(3) "Division" means the Division for Early Childhood Intervention Services of the Health and Human Services Commission.

(b) Not later than December 1, 2019, the commissioner of education, the executive commissioner of the Health and Human Services Commission, and the center jointly shall determine the tools and assessments that are valid and reliable

for use in assessing the language acquisition of children eight years of age or younger who are deaf or hard of hearing as required under Section 29.316(d), Education Code, as added by this Act.

(c) Notwithstanding Section 29.316(c), Education Code, as added by this Act, the agency, the division, and the center jointly shall prepare and post on the agency's, division's, and center's respective Internet websites the initial report required under that subsection not later than December 1, 2020.

SECTION 4. The Texas Education Agency and the Health and Human Services Commission are required to implement Section 29.316, Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency and commission may, but are not required to, implement Section 29.316, Education Code, as added by this Act, using other appropriations available for the purpose.

SECTION 5. Not later than January 1, 2020, the commissioner of education shall adopt rules required by Section 42.006(a-6), Education Code, as added by this Act.

SECTION 6. This Act takes effect September 1, 2019.

#### **HB 2065 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2065**, A bill to be entitled An Act relating to the use of general revenue appropriations for the artificial reef program.

Representative Guillen moved to concur in the senate amendments to **HB 2065**.

#### **HB 2065 - POINT OF ORDER**

Representative Pacheco raised a point of order against further consideration of **HB 2065** under Rule 11, Section 2, of the House Rules on the grounds that the senate amendments are not germane to the bill.

The point of order was withdrawn.

The motion to concur in the senate amendments to **HB 2065** prevailed by (Record 1766): 119 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Clardy; Coleman; Collier; Cortez; Craddick; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frullo; 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.; Kuempel; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Ortega; Pacheco;



Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wray; Wu; Zerwas; Zwiener.

Nays — Bonnen; Cyrier; Goldman; Krause; Landgraf; Lang; Leach; Middleton; Oliverson; Patterson; Shaheen; Springer; Thompson, E.; Tinderholt; White; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Capriglione; Cole; Frank; Geren; Klick; Lambert; Moody; Stickland.

### STATEMENTS OF VOTE

When Record No. 1766 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1766 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1766 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1766 was taken, I was shown voting yes. I intended to vote no.

Toth

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

Amend **HB 2065** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 13.015(a-1), Parks and Wildlife Code, is amended to read as follows:

(a-1) The commission may waive the park entrance fee for a person who is at least 70 years of age, a student enrolled in the fifth grade, or a child who is 11 years of age. The commission may not waive the fee for use of a park facility, including a hook-up fee for electricity or water.

### HB 489 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 489**, A bill to be entitled An Act relating to the use of certain weapons in or on the beds or banks of certain rivers and streams in particular counties.

Representative Springer moved to concur in the senate amendments to **HB 489**.

### **HB 489 - POINT OF ORDER**

Representative Cain raised a point of order against further consideration of **HB 489** under Rule 11, Section 2, of the House Rules on the grounds that the senate amendments are not germane to the bill.

The point of order was withdrawn.

The motion to concur in the senate amendments to **HB 489** prevailed by (Record 1767): 127 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; 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; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Ashby; Cain; Krause; Lang; Middleton; Patterson; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Anderson; Frullo; Metcalf; Miller; Moody; Paul; Shine; Stickland; Thompson, E.

### **STATEMENTS OF VOTE**

When Record No. 1767 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 1767 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

When Record No. 1767 was taken, I was in the house but away from my desk. I would have voted yes.

Paul

When Record No. 1767 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1767 was taken, I was shown voting yes. I intended to vote no.

Swanson

When Record No. 1767 was taken, my vote failed to register. I would have voted yes.

E. Thompson

When Record No. 1767 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

When Record No. 1767 was taken, I was shown voting yes. I intended to vote no.

White

### **Senate Committee Substitute**

**CSHB 489**, A bill to be entitled An Act relating to the use of certain weapons in or on the beds or banks of certain rivers and streams in particular counties.

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

SECTION 1. Section 284.001(b), Parks and Wildlife Code, is amended to read as follows:

(b) This section applies only to a navigable river or stream located wholly or partly in Dimmit, Edwards, Frio, Hall, Kenedy, Llano, Maverick, Real, Uvalde, or Zavala County.

SECTION 2. Chapter 350, Parks and Wildlife Code, is repealed.

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

### **HB 2757 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2757**, A bill to be entitled An Act relating to the rule of decision in a court of this state.

### **HB 2757 - REMARKS**

REPRESENTATIVE LEACH: This bill with the senate amendments, **HB 2757**, amends Section 5.001 of the Civil Practice and Remedies Code to provide that "in any action governed by the laws of the state concerning rights and obligations

under the law, the American Law Institute's Restatements of the Law are not controlling." Members, Texas courts, including the Supreme Court of Texas, have long looked to the Restatements of the Law as a useful resource, and our courts, including our Supreme Court, frequently have cited the Restatements of the Law. It would be consistent with this bill for Texas courts to continue to read Restatements, to consider Restatements, and to cite and quote from Restatements where relevant to the adjudication of controversies.

Representative Leach moved to concur in the senate amendments to **HB 2757**.

The motion to concur in the senate amendments to **HB 2757** prevailed by (Record 1768): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Ramos.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Stickland.

### **Senate Committee Substitute**

**CSHB 2757**, A bill to be entitled An Act relating to the rule of decision in a court of this state.

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

SECTION 1. Section 5.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 5.001. RULE OF DECISION. (a) The rule of decision in this state consists of those portions of the common law of England that are not inconsistent with the constitution or the laws of this state, the constitution of this state, and the laws of this state.

(b) In any action governed by the laws of this state concerning rights and obligations under the law, the American Law Institute's Restatements of the Law are not controlling.

SECTION 2. This Act takes effect September 1, 2019.

### REMARKS ORDERED PRINTED

Representative Moody moved to print remarks by Representative Leach on **HB 2757**.

The motion prevailed.

### HB 1421 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 1421**, A bill to be entitled An Act relating to cybersecurity of voter registration lists and other election-related documents, systems, and technology.

Representative Israel moved to concur in the senate amendments to **HB 1421**.

The motion to concur in the senate amendments to **HB 1421** prevailed by (Record 1769): 115 Yeas, 23 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Bailes; Beckley; Bell, K.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Zerwas; Zwiener.

Nays — Ashby; Bell, C.; Bonnen; Cain; Goldman; Harris; Holland; Krause; Lambert; Landgraf; Lang; Leman; Metcalf; Middleton; Murr; Oliverson; Patterson; Sanford; Springer; Tinderholt; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Frullo; Harless; Leach; Raney; Stickland; Wu.

**STATEMENTS OF VOTE**

When Record No. 1769 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1769 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1769 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1769 was taken, I was shown voting yes. I intended to vote no.

Swanson

**Senate Committee Substitute**

**CSHB 1421**, A bill to be entitled An Act relating to cybersecurity of voter registration lists and other election-related documents, systems, and technology.

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

SECTION 1. Title 16, Election Code, is amended by adding Chapter 279 to read as follows:

**CHAPTER 279. CYBERSECURITY OF ELECTION SYSTEMS**

Sec. 279.001. DEFINITIONS. In this chapter:

(1) "County election officer" means an individual employed by a county as an elections administrator, voter registrar, county clerk, or other officer with responsibilities relating to the administration of elections.

(2) "Election data" means information that is created or managed in the operation of an election system.

(3) "Election system" means a voting system and the technology used to support the conduct of an election, including the election data processed or produced in the course of conducting an election, such as voter registration information, ballot information, collected and tabulated votes, election management processes and procedures, and other election-related documents and election data.

Sec. 279.002. ELECTION CYBERSECURITY: SECRETARY OF STATE.

(a) The secretary of state shall adopt rules defining classes of protected election data and establishing best practices for identifying and reducing risk to the electronic use, storage, and transmission of election data and the security of election systems.

(b) The secretary of state shall offer training on best practices:

(1) on an annual basis, to all appropriate personnel in the secretary of state's office; and

(2) on request, to county election officers in this state.

(c) If the secretary of state becomes aware of a breach of cybersecurity that impacts election data, the secretary shall immediately notify the members of the standing committees of each house of the legislature with jurisdiction over elections.

Sec. 279.003. ELECTION CYBERSECURITY: COUNTY ELECTION OFFICERS. (a) A county election officer shall annually request training on cybersecurity from the secretary of state. The secretary of state shall pay the costs associated with the training with available state funds.

(b) A county election officer shall request an assessment of the cybersecurity of the county's election system from a provider of cybersecurity assessments if the secretary of state recommends an assessment and the necessary funds are available.

(c) If a county election officer becomes aware of a breach of cybersecurity that impacts election data, the officer shall immediately notify the secretary of state.

(d) To the extent that state funds are available for the purpose, a county election officer shall implement cybersecurity measures to ensure that all devices with access to election data comply to the highest extent possible with rules adopted by the secretary of state under Section 279.002.

SECTION 2. This Act takes effect September 1, 2019.

### **HB 4637 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative G. Bonnen called up with senate amendments for consideration at this time,

**HB 4637**, A bill to be entitled An Act relating to the creation of the City of Kemah Municipal Management District No. 1; providing a limited authority of eminent domain; providing authority to issue bonds and impose assessments, fees, and taxes.

Representative G. Bonnen moved to concur in the senate amendments to **HB 4637**.

The motion to concur in the senate amendments to **HB 4637** prevailed by (Record 1770): 128 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; 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; Sanford; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Cain; Hefner; Holland; Krause; Lang; Middleton; Patterson; Schaefer; Shaheen; Springer; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Lucio; Stickland; Thompson, E.

### STATEMENT OF VOTE

When Record No. 1770 was taken, my vote failed to register. I would have voted no.

E. Thompson

### Senate Committee Substitute

**CSHB 4637**, A bill to be entitled An Act relating to the creation of the City of Kemah Municipal Management District No. 1; providing authority to issue bonds and impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3976 to read as follows:

#### CHAPTER 3976. CITY OF KEMAH MUNICIPAL MANAGEMENT DISTRICT NO. 1

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3976.0101. DEFINITIONS. In this chapter:

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

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

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

Quality.

(4) "Director" means a board member.

(5) "District" means the City of Kemah Municipal Management District

No. 1.

Sec. 3976.0102. CREATION AND NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3976.0103. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.



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

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

Sec. 3976.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

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

(d) The creation of the district is in the public interest and is essential to:  
(1) further the public purposes of developing and diversifying the economy of the state;  
(2) eliminate unemployment and underemployment;  
(3) develop or expand transportation and commerce; and  
(4) provide quality residential housing.

(e) The district will:  
(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;  
(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and  
(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

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

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

Sec. 3976.0105. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2 of the Act enacting this chapter, as that territory may have been modified under other law.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to contract;
- (3) authority to borrow money or issue bonds or other obligations described by Section 3976.0501 or to pay the principal and interest of the bonds or other obligations;
- (4) right to impose or collect an assessment, or collect other revenue; or
- (5) legality or operation.

Sec. 3976.0106. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3976.0107. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3976.0108. CONFLICTS OF LAW. This chapter prevails over any provision of Chapter 375, Local Government Code, that is in conflict or inconsistent with this chapter.

Sec. 3976.0109. CONSENT OF MUNICIPALITY REQUIRED. The board may not hold an election to authorize the issuance of bonds until the governing body of the city by ordinance or resolution consents to the creation of the district and to the inclusion of land in the district. The city's consent must be granted in the manner provided by Section 54.016, Water Code, for including land within the corporate limits or extraterritorial jurisdiction of a city.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3976.0201. GOVERNING BODY; TERMS. The district is governed by a board of five directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each odd-numbered year. One director is appointed by the city, and four directors are appointed by the commission as provided by Sections 3976.0202 and 3976.0203, respectively.

Sec. 3976.0202. APPOINTMENT AND REMOVAL OF DIRECTOR APPOINTED BY CITY. (a) The governing body of the city shall appoint one director who must be:

- (1) at least 18 years of age; and
- (2) a resident of the city.

(b) At any time the governing body of the city may remove the director appointed by the city and appoint a director to serve the remainder of the removed director's term.

Sec. 3976.0203. APPOINTMENT BY COMMISSION. (a) Before the term of a director other than a director appointed under Section 3976.0202 expires, the board shall recommend to the commission the appropriate number of persons to serve as successor directors. The commission shall appoint as directors the persons recommended by the board.

(b) A person recommended by the board under Subsection (a) must be:

- (1) at least 18 years of age;

(2) an owner of property in the district;

(3) an owner of stock, whether beneficial or otherwise, of a corporate owner of property in the district;

(4) an owner of a beneficial interest in a trust that owns property in the district; or

(5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4).

Sec. 3976.0204. VACANCY. (a) Except as provided by Subsection (b), if a vacancy occurs on the board, the remaining directors shall appoint a director for the remainder of the unexpired term.

(b) If a vacancy occurs in the office of the director appointed by the city, the city shall appoint a director for the remainder of the unexpired term.

Sec. 3976.0205. DIRECTOR'S OATH OR AFFIRMATION. (a) A director shall file the director's oath or affirmation of office with the district, and the district shall retain the oath or affirmation in the district records.

(b) A director shall file a copy of the director's oath or affirmation with the secretary of the city.

Sec. 3976.0206. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary. The offices of chair and secretary may not be held by the same person.

Sec. 3976.0207. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$150 for each board meeting. The total amount of compensation a director may receive each year may not exceed \$7,200.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3976.0208. INITIAL DIRECTORS. (a) On or after September 1, 2019, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the commission requesting that the commission appoint as initial directors the four persons named in the petition. The commission shall appoint as initial directors the four persons named in the petition.

(b) The governing body of the city shall appoint one initial director.

(c) The initial directors shall determine by lot which three positions expire June 1, 2021, and which two positions expire June 1, 2023.

(d) This section expires September 1, 2021.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 3976.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3976.0302. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design,

construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3976.0303. LOCATION OF IMPROVEMENT PROJECT. A district improvement project may be located inside or outside of the district.

Sec. 3976.0304. OWNERSHIP OF IMPROVEMENT PROJECTS. (a) Before a district improvement project may be put into operation, the district must transfer ownership of the project:

(1) if the project is a water and sewer improvement project, to the Galveston County Water Control and Improvement District No. 12; or

(2) if the project is not described by Subdivision (1), to the city.

(b) The transfer of ownership is complete on the applicable entity's acceptance of ownership.

Sec. 3976.0305. RETAIL WATER AND SEWER SERVICES PROHIBITED. The district may not provide retail water or sewer services.

Sec. 3976.0306. ADDING OR REMOVING TERRITORY. (a) Subject to Subsection (b), the board may add or remove territory as provided by Subchapter J, Chapter 49, Water Code.

(b) The district may add territory as described by Subsection (a) only if the governing body of the city by ordinance or resolution consents to the addition.

Sec. 3976.0307. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3976.0401. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3976.0402. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, or finance an improvement project or service authorized by this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3976.0403. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3976.0404. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

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

(1) a first and prior lien against the property assessed;

(2) superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid.

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

(e) The district may not impose an assessment on a municipality, county, or other political subdivision.

Sec. 3976.0405. NOTICE OF ASSESSMENTS. Annually, the board shall file with the secretary of the city written notice that specifies the assessments the district will impose in the district's next fiscal year in sufficient clarity to describe the assessments for the operation and maintenance of the district and the assessments for the payment of debt service of obligations issued or incurred by the district.

#### SUBCHAPTER E. TAXES AND BONDS

Sec. 3976.0501. BONDS AND OTHER OBLIGATIONS. (a) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes or assessments in the manner provided by Subchapter A, Chapter 372, or Subchapter J, Chapter 375, Local Government Code. Sections 375.207(a) and (b), Local Government Code, do not apply to the district.

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

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

(d) Not later than the 30th day before the date the district holds a bond sale, the district shall provide the governing body of the city written notice of the sale.

Sec. 3976.0502. TAXES FOR WATER, WASTEWATER, AND DRAINAGE PURPOSES. Taxes the district imposes for water, wastewater, and drainage facility construction, if any, are for the particular benefit of the area inside the district, do not generally or directly benefit the area inside the Galveston County Water Control and Improvement District No. 12 as a whole, and do not duplicate a tax imposed by the Galveston County Water Control and Improvement District No. 12.

#### SUBCHAPTER F. DISSOLUTION

Sec. 3976.0601. DISSOLUTION BY CITY ORDINANCE. (a) The governing body of the city may dissolve the district by ordinance.

(b) The governing body of the city may not dissolve the district until water, sanitary, sewer, and drainage improvements and roads have been constructed to serve at least 90 percent of the developable territory of the district.

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

Sec. 3976.0602. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, other than revenue from ad valorem taxes, the city shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

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

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

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

Sec. 3976.0603. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes, subject to the appropriation and availability of funds, the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

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

#### SUBCHAPTER G. SPECIAL BOND PROVISIONS

Sec. 3976.0701. APPLICABILITY. This subchapter applies only to bonds payable wholly or partly from revenue derived from assessments on real property in the district.

Sec. 3976.0702. CONFLICT OF LAWS. In the event of a conflict between this subchapter and any other law, this subchapter prevails.

Sec. 3976.0703. WRITTEN AGREEMENT REGARDING SPECIAL APPRAISALS. Before the district may issue bonds, the district and any person to whom the board intends that proceeds of the bonds be distributed, including the developer, another owner of land in the district, and any entity acting as a lender to the developer or other landowner for the purpose of a project relating to the district, must enter into a written agreement that:

(1) waives for the term of the agreement the right to a special appraisal with respect to taxation by the district under Subchapters B, C, D, E, F, and H, Chapter 23, Tax Code; and

(2) remains in effect for 30 years and is binding on the parties, on entities related to or affiliated with the parties, and on their successors and assignees.

Sec. 3976.0704. REQUIREMENTS FOR ADVERTISING BOND ISSUE. The district may not advertise for an issuance of bonds until the completion of at least 25 percent of the projected value of the improvements, including houses and other buildings, that are liable for district assessments and necessary to support the district bonds.

Sec. 3976.0705. REQUIREMENTS FOR BOND ISSUE. The district may not issue bonds until:

(1) the district submits to the commission:

(A) an engineer's report describing the project for which the bonds will provide funding, including data, profiles, maps, plans, and specifications related to the project; and

(B) a cash flow analysis to determine the projected rate of assessment, which includes the following assumptions:

(i) each ending balance for debt service in the analysis is not less than 25 percent of the following year's debt service requirement;

(ii) interest income is only shown on the ending balance for debt service for the first two years; and

(iii) the projected rate of assessment is level or decreasing for the life of the bonds issued by the district;

(2) the completion of at least 75 percent of the projected value of the improvements, including houses and other buildings, that are liable for district assessments and necessary to support the district bonds; and

(3) the district has obtained an independent market study from a firm recognized in the area of real estate market analysis supporting the development projects for the real property that is liable for district assessments and necessary to support the district bonds.

Sec. 3976.0706. REQUIREMENTS FOR COLLECTION OF REVENUE TO PAY BONDS. The district may not collect an assessment to be used for the payment of bonds until:

(1) the completion of at least 95 percent of the underground water, wastewater, and drainage facilities financed from bond proceeds that are necessary to serve the projected build-out, as certified by the district's engineer;

(2) the district or other appropriate party has secured the groundwater, surface water, and water discharge permits that are necessary to secure capacity to support the projected build-out;

(3) the completion of at least 95 percent of lift station, water plant, and sewage treatment plant capacity sufficient to serve the connections constructed in the project for a period of not less than 18 months, as certified by the district's engineer; and

(4) the completion of at least 95 percent of the streets and roads that are necessary to provide access to the areas served by utilities and financed by the proceeds of bonds issued by the district, as certified by the district's engineer and constructed in accordance with municipal or county standards.

SECTION 2. The City of Kemah Municipal Management District No. 1 initially includes all the territory contained in the following area:

Metes and Bounds Description

61.7448 Acres

(2,689,603 Square Feet)

All that certain 61.7448 acre (2,689,603 square foot) tract of land situated in the Miguel Muldoon 2 League Grant, Abstract Number 18, Galveston County, Texas, and being out of a part of that certain call 93 acre tract described in a deed to Solomen J. Gordy in Volume 485, Page 475, of the Galveston County Deed

Records (G.C.D.R.), said 61,7448 acre tract being more particularly described by metes and bounds as follows: (All bearings are based on the Texas State Plane Coordinate System, South Central Zone)

Commencing at a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." Set in the recognized southerly line of the said Muldoon 2, League Grant and said 93 acre tract for the southwest corner of that certain call 101.709 acre tract described in a deed to Houston Lighting and Power (H.L.&P.) Company in Volume 1563, Page 669, of the G.C.D.R., same being in the northerly line of a call 639.740 acre tract described in a deed to Weems, Kelsey Management Company No. 2 LTD. in Volume 2252, Page 880, of the G.C.D.R., for the southeast corner of the herein described tract;

Thence, with the northerly line of said 639.740 acre tract and the southerly line of said 93 acre tract and the herein described tract, South 47 Degrees 33 Minutes 12 Seconds West, a distance of 1175.93 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for the most southerly southeast corner and Point of Beginning of the herein described tract;

Thence, continuing along the northerly line of said 639.740 acre tract and southerly line of said 93 acre tract and the herein described tract, South 47 Degrees 33 Minutes 12 Seconds West, at 522.87 feet pass a 5/8 inch iron rod with a Texas Department of Transportation (TXDOT) aluminum disk found for the intersection of the southerly line of said 93 acre tract with the northerly right-of-way (R.O.W.) line and point of curvature of State Highway Number 96 (SH96), and continue, in all, a distance of 1145.99 feet to a 5/8 inch iron rod with plastic cap stamp "BENCHMARK ENGR." set in the northerly R.O.W. line of said SH96 for the southwest corner of said 93 acre tract and the herein described tract;

Thence, departing at the northerly R.O.W. line of said SH96, and with the westerly line of said 93 acre tract and the herein described tract, North 42 Degrees 25 Minutes 43 Seconds West, a distance for 1501.14 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for the southwest corner of a call 57,1644 acre tract described in a deed to Galveston County, Texas in Galveston County Clerk's File (G.C.C.F.) Number 9041097 and the northwest corner of said 93 acre tract and the herein described tract;

Thence, with the southerly line of said 57.1644 acre tract and the northerly line of said 93 acre tract and the herein described tract, North 47 Degrees 34 Minutes 46 Seconds East, at 1792.35 feet pass a 1/2 inch iron rod found for the southeast corner of said 57.1644 acre tract and the southwest corner of a call 43.41 acre tract described in a partition deed to E.T. Roberts by Susan L. Roberts, et al, in Vol. 269, Page 581, of the G.C.D.R., and continue, in all, a distance of 2677.36 feet to a 5/8 inch iron rod with plastic stamped "BENCHMARK ENGR." Set for the northwest corner of said 10.709 acre tract, same being the southwest corner of a call 9.742 acre tract described in a deed to H.L.&P. Company in Volume 1587, Page 258, of the G.C.D.R., and the northeast corner of the herein described tract;

Thence, through and across said 93 acre tract the following (5) courses:



(1) South 29 Degrees 05 Minutes 53 Seconds East, a distance of 753.67 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set in the westerly line of said 10.709 acre tract for the most easterly southeast corner;

(2) South 60 Degrees 54 Minutes 07 Second West, a distance of 800.09 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for an interior corner;

(3) South 29 Degrees 05 Minutes 53 Seconds East, a distance of 129.82 feet a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for an interior corner;

(4) South 52 Degrees 02 Minutes 24 Seconds West, a distance of 483.16 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for an interior corner;

(5) South 37 Degrees 57 Minutes 36 Seconds East, a distance of 865.47 feet to the Point of Beginning and containing 61.7448 acres of land.

Metes and Bounds Description

0.0818 Acres

(3562 Square Feet)

All that certain 0.0818 acre (3562 square foot) tract of land situated in the Rafael Basque Survey, Abstract Number 32, Galveston County, Texas, and being out of a part of that certain call 639.740 acre tract described in a deed to Weems & Kelsey Management Company No. 2, LTD. in Volume 2253, Page 880 of the Galveston County Deed Records (G.C.D.R.), said 0.0818 acre tract being more particularly described by metes and bounds as follows: (All bearings are based on the Texas State Plane Coordinate System, South Central Zone)

Commencing at a 5/8 inch iron rod with ah "Texas Department of Transportation (TXDOT) aluminum disk found at the intersection of the northerly right-of-way (R.O.W.) line of State Highway 96 (SH96), as described in Galveston County Clerk's File (G.C.C.F.) Number 2003036995, with the westerly R.O.W. line of a 100 feet wide Southern Pacific Railroad R.O.W. line, and also being in the easterly line of said 639.74 acre tract and the easterly line of a 300 foot wide Houston Lighting and Power (H.L.&P.) Company easement recorded in Volume 1579, Page 594, of the G.C.D.R.;

Thence, with the northerly R.O.W. line of said SH96, South 60 Degrees 51 Minutes 34 Seconds West, at 300.00 feet pass a 5/8 inch iron rod with plastic cap stamped "BENECHMARK ENGR." set at the intersection of the westerly R.O.W. line of said 300 foot H.L.&P. easement with the northerly R.O.W. line of said SH96, and continue, in all, a distance of 419.45 to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for the beginning of a curve to the left, and from which a 5/8 inch iron rod with a TXDOT aluminum disk found bears South 81 Degrees 54 Minutes 10 Seconds West, a distance of 0.44 feet;

Thence, 1025.66 feet along the arc of said curve to the left having a radius of 6663.37 feet, a central angle of 08 Degrees 49 Minutes 09 Seconds, and a chord that bears South 56 Degrees 26 Minutes 59 Seconds West, a distance of

1024.65 to a 5/8 inch iron rod with plastic cap stamped "BENECHMARK ENGR." set for the southwest corner and Point of Beginning for the herein described tract;

Thence, 521.80 feet continuing along the arc of said curve to the left having a radius of 6663.37 feet, a central angle of 04 Degrees 29 Minutes 12 Seconds, and a chord that bears South 49 Degrees 47 Minutes 48 Seconds West, a distance of 521.66 feet to a 5/8 inch iron rod with a TXDOT aluminum disk found in the northerly line of said 639.740 acre tract, the southerly line of a call 93 area tract described in a deed to Solomon J. Gardy in Volume 485, Page 75, of the G.C.D.R., and the recognized common line of the said Basquez Survey and the Michael Muldon 2 League Grant, Abstract Number 18, for the end of said curve and the west corner of the herein described tract.

Thence, with a said common survey line, the northerly line of said 639.740 acre tract and the southerly line of said 93 acre tract, North 47 Degrees 33 Minutes 12 Seconds East, a distance of 522.87 feet to a 5/8 inch iron rod with plastic cap stamped "BENECHMARK ENGR." set for the northeast corner of the herein described tract;

Thence, through and across said 639.740 acre tract, South 37 Degrees 57 Minutes 36 Seconds East, a distance of 20.48 feet to the Point of Beginning.

Metes and Bounds Description

27.0000 Acres

(1,176,121 Square Feet)

All that certain 27.0000 acre (1,176,121 square foot) tract of land situated in the Miguel Muldoon 2 League Grant, Abstract Number 18, and the Rafael Basquez Survey, Abstract Number 32, both in Galveston County, Texas, and being out of a part of that certain call 93 acre tract described in a deed to Solomon J. Gordy in Volume 485, Page 475, of the Galveston County Deed Records (G.C.D.R.), and further cited in a Special Warranty Deed dated March 5, 2001 and recorded in Galveston County Clerk's File (G.C.C.F.) Number 2001010526, said 27.0000 acre tract being more particularly described by metes and bounds as follows: (All bearings are based on the Texas State Plane Coordinate System, South Central Zone)

Commencing at a 5/8 inch iron rod with a Texas Department of Transportation (TXDOT) aluminum disk found at the intersection of the north right-of-way (R.O.W.) line of State Highway 96 with the west R.O.W. line of a 100 foot wide Southern Pacific Railroad R.O.W. line, and also being in the east line of that certain call 639.74 acre tract described in a deed to Weems & Kelsey Management Company No. 2, LTD. in Volume 2253, Page 880 of the G.C.D.R., and the east line of a 388 foot wide Houston Lighting and Power (H.L.&P.) Company easement recorded in Volume 1579, Page 594, of the G.C.D.R.;

Thence, with the north R.O.W. line of said State Highway 96, South 60 Degrees 51 Minutes 34 Seconds West, a distance of 300.00 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set in the west R.O.W. line of said 300 foot H.L.&P. easement for the southeast corner and Point of Beginning of the herein described tract;

Thence, continuing with the north R.O.W. line of said State Highway 96 and the south line of the herein described tract, South 60 Degrees 51 Minutes 34 Seconds West, a distance of 119.45 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for the beginning of a curve to the left and from which a 5/8 inch rod with a TXDOT aluminum disk found bears South 81 Degrees 54 Minutes 10 Seconds West, a distance of 0.44 feet;

Thence, 1025.66 feet along the arc of said curve to the left having a radius of 6663.37 feet, a central angle of 08 Degrees 49 Minutes 09 Seconds, and a chord that bears South 56 Degrees 26 Minutes 59 Seconds West, a distance of 1024.65 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for the southwest corner of the herein described tract;

Thence, departing the north R.O.W. line of said State Highway 96, and through and across said 93 acre tract, the following four (4) courses:

1) North 37 Degrees 57 Minutes 36 Seconds West, a distance of 885.96 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for the northwest corner;

2) North 52 Degrees 02 Minutes 24 Seconds East, a distance of 483.16 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for an interior corner;

3) North 29 Degrees 05 Minutes 53 Seconds West, a distance of 129.82 feet to 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for an interior corner;

4) North 60 Degrees 54 Minutes 07 Seconds East, a distance of 800.09 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set in the west line of a call 10.709 Houston Power and Light (H.L.&P.) acre fee strip for the northeast corner of the herein described tract;

Thence, with the west line of said H.L.&P. Fee strip and the east line of the herein described tract, South 29 Degrees 05 Minutes 53 Seconds East, at 787.90 feet pass the southwest corner of said 10.709 acre tract and the northwest corner of said H.L.&P. 330 foot wide easement and continue, in all, a distance of 1000.00 feet to the Point of Beginning and containing 27.0000 acres of land.

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

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

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

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

SECTION 4. This Act takes effect September 1, 2019.

**HB 305 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 305**, A bill to be entitled An Act relating to the requirement that a political subdivision with authority to impose a tax post certain information on an Internet website.

Representative Paul moved to concur in the senate amendments to **HB 305**.

The motion to concur in the senate amendments to **HB 305** prevailed by (Record 1771): 137 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smithee; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Bonnen; Goldman; Springer.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Nevárez; Schaefer; Smith; Stickland.

**Senate Committee Substitute**

**CSHB 305**, A bill to be entitled An Act relating to the requirement that certain political subdivisions with authority to impose a tax post certain information on an Internet website.

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

SECTION 1. Chapter 2051, Government Code, is amended by adding Subchapter E to read as follows:

### SUBCHAPTER E. INTERNET WEBSITE

Sec. 2051.151. APPLICABILITY OF SUBCHAPTER. Except as provided by Section 2051.152(b), this subchapter applies only to a political subdivision with the authority to impose a tax that at any time on or after January 1, 2019, maintained a publicly accessible Internet website.

Sec. 2051.152. INFORMATION REQUIRED ON WEBSITE. (a) A political subdivision to which this section applies shall post on a publicly accessible Internet website the following information:

(1) the political subdivision's contact information, including a mailing address, telephone number, and e-mail address;

(2) each elected officer of the political subdivision;

(3) the date and location of the next election for officers of the political subdivision;

(4) the requirements and deadline for filing for candidacy of each elected office of the political subdivision, which shall be continuously posted for at least one year before the election day for the office;

(5) each notice of a meeting of the political subdivision's governing body under Subchapter C, Chapter 551; and

(6) each record of a meeting of the political subdivision's governing body under Section 551.021.

(b) Subsections (a)(5) and (6) do not apply to:

(1) a county with a population of less than 10,000;

(2) a municipality with a population of less than 5,000 located in a county with a population of less than 25,000; or

(3) a school district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

SECTION 2. Sections 2051.152(a)(5) and (6), Government Code, as added by this Act, apply only to a meeting held on or after the effective date of this Act.

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

### **HB 1999 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1999**, A bill to be entitled An Act relating to certain construction liability claims concerning public buildings and public works.

Representative Leach moved to concur in the senate amendments to **HB 1999**.

The motion to concur in the senate amendments to **HB 1999** prevailed by (Record 1772): 108 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cortez; Craddick; Cyrier; Dean; Deshotel; Dutton; Flynn; Frank; Frullo; Geren; Goldman; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Holland; Howard; Huberty; Hunter; Israel; Johnson,

J.D.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Meza; Middleton; Miller; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Romero; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Toth; Turner, J.; VanDeaver; Vo; White; Wilson; Wray; Zedler; Zerwas; Zwiener.

Nays — Bernal; Bowers; Cole; Coleman; Collier; Davis, Y.; Dominguez; Farrar; Gervin-Hawkins; González, J.; González, M.; Gutierrez; Hernandez; Herrero; Hinojosa; Johnson, J.E.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Minjarez; Moody; Ortega; Ramos; Reynolds; Rodriguez; Rose; Sherman; Talarico; Thompson, S.; Turner, C.; Walle; Wu.

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

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Stickland.

### STATEMENTS OF VOTE

When Record No. 1772 was taken, I was shown voting yes. I intended to vote no.

Allen

When Record No. 1772 was taken, I was shown voting yes. I intended to vote no.

Deshotel

When Record No. 1772 was taken, I was shown voting yes. I intended to vote no.

Guerra

When Record No. 1772 was taken, I was shown voting yes. I intended to vote no.

Zwiener

### Senate Committee Substitute

**CSHB 1999**, A bill to be entitled An Act relating to certain construction liability claims concerning public buildings and public works.

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

SECTION 1. Subtitle F, Title 10, Government Code, is amended by adding Chapter 2272 to read as follows:

#### CHAPTER 2272. CERTAIN CONSTRUCTION LIABILITY CLAIMS

##### Sec. 2272.001. DEFINITIONS. In this chapter:

(1) "Action" means a court or judicial proceeding or an arbitration. The term does not include an administrative action.

(2) "Construction" includes:

(A) the initial construction of an improvement to real property;

(B) the construction of an addition to an improvement to real property; or

(C) the repair, alteration, or remodeling of an improvement to real property.

(3) "Construction defect" means a deficiency in the construction of an improvement to real property, including a deficiency in or arising out of the design, specifications, surveying, planning, or supervision of the construction, that is the result of:

(A) the use of defective materials, products, or components in the construction;

(B) a violation of a building code applicable by law to the construction;

(C) a failure of the design of an improvement to real property to meet the professional standards of care applicable at the time of governmental approval of the design or as otherwise applicable if no governmental approval of the design was required or obtained; or

(D) a failure to perform the construction in accordance with the accepted trade standards for good and workmanlike construction.

(4) "Contractor" means a person engaged in the business of developing, constructing, fabricating, repairing, altering, or remodeling improvements to real property.

(5) "Design professional" means an individual registered as an architect under Chapter 1051, Occupations Code, or a person licensed as an engineer under Chapter 1001, Occupations Code.

(6) "Governmental entity" means:

(A) the state;

(B) a municipality, county, public school district, or special-purpose district or authority;

(C) a district, county, or justice of the peace court;

(D) a board, commission, department, office, or other agency in the executive branch of state government, including an institution of higher education as defined by Section 61.003, Education Code;

(E) the legislature or a legislative agency; or

(F) the Supreme Court of Texas, the Texas Court of Criminal Appeals, a court of appeals, or the State Bar of Texas or another judicial agency having statewide jurisdiction.

(7) "Subcontractor" means a contractor directly retained and compensated by another contractor to perform labor or perform labor and supply materials in the construction.

(8) "Supplier" means a person who provides only materials, equipment, or other supplies for the construction.

Sec. 2272.002. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a claim:

(1) for:

(A) damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work; or

(B) indemnity or contribution for damages described by Paragraph (A);

(2) asserted by a governmental entity with an interest in the public building or public work affected by the alleged construction defect; and

(3) asserted against a contractor, subcontractor, supplier, or design professional.

(b) This chapter does not apply to:

(1) a claim for personal injury, survival, or wrongful death;

(2) a claim involving the construction of residential property covered under Chapter 27, Property Code;

(3) a contract entered into by the Texas Department of Transportation;

(4) a project that receives money from a state or federal highway fund;

or

(5) a civil works project as defined by Section 2269.351, Government Code.

Sec. 2272.003. REPORT. (a) Before bringing an action asserting a claim to which this chapter applies, the governmental entity must provide each party with whom the governmental entity has a contract for the design or construction of an affected structure a written report by certified mail, return receipt requested, that clearly:

(1) identifies the specific construction defect on which the claim is based;

(2) describes the present physical condition of the affected structure; and

(3) describes any modification, maintenance, or repairs to the affected structure made by the governmental entity or others since the affected structure was initially occupied or used.

(b) Not later than the fifth day after the date a contractor receives a report under Subsection (a), the contractor must provide a copy of the report to each subcontractor retained on the construction of the affected structure whose work is subject to the claim.

Sec. 2272.004. OPPORTUNITY TO INSPECT AND CORRECT. (a) Before bringing an action asserting a claim to which this chapter applies, the governmental entity must allow each party with whom the governmental entity has a contract for the design or construction of an affected structure and who is subject to the claim and any known subcontractor or supplier who is subject to the claim:

(1) a reasonable opportunity to inspect any construction defect or related condition identified in the report for a period of 30 days after sending the report required by Section 2272.003; and

(2) at least 120 days after the inspection to:

(A) correct any construction defect or related condition identified in the report; or



(B) enter into a separate agreement with the governmental entity to correct any construction defect or related condition identified in the report.

(b) The governmental entity is not required to allow a party to make a correction or repair under Subsection (a) if:

(1) the party:

(A) is a contractor and cannot provide payment and performance bonds to cover the corrective work;

(B) cannot provide liability insurance or workers' compensation insurance;

(C) has been previously terminated for cause by the governmental entity; or

(D) has been convicted of a felony; or

(2) the governmental entity previously complied with the process required by Subsection (a) regarding a construction defect or related condition identified in the report and:

(A) the defect or condition was not corrected as required by Subsection (a)(2)(A) or an agreement under Subsection (a)(2)(B); or

(B) the attempt to correct the construction defect or related condition identified in the report resulted in a new construction defect or related condition.

Sec. 2272.005. TOLLING OF LIMITATIONS AND REPOSE PERIODS. If the report and opportunity to correct required by Sections 2272.003 and 2272.004 are provided during the final year of a limitations or repose period applicable to the claim, the limitations or repose period is tolled until the first anniversary of the date on which the report is provided.

Sec. 2272.006. DISMISSAL. (a) If a governmental entity brings an action asserting a claim to which this chapter applies without complying with Sections 2272.003 and 2272.004, the court, arbitrator, or other adjudicating authority shall dismiss the action without prejudice.

(b) If an action is dismissed without prejudice under Subsection (a) and the governmental entity brings a second action asserting a claim to which this chapter applies without complying with Sections 2272.003 and 2272.004, the court, arbitrator, or other adjudicating authority shall dismiss the action with prejudice.

Sec. 2272.007. RECOVERY OF REPORT COSTS. If a report provided by a governmental entity under Section 2272.003 identifies a construction defect that is corrected under Section 2272.004 or for which the governmental entity recovers damages, the party responsible for that construction defect shall pay the reasonable amounts incurred by the governmental entity to obtain the report with respect to identification of that construction defect.

Sec. 2272.008. EMERGENCY REPAIRS BY GOVERNMENTAL ENTITY. This chapter does not prohibit or limit a governmental entity from making emergency repairs to the property as necessary to protect the health, safety, and welfare of the public or a building occupant.

Sec. 2272.009. INSURANCE TREATMENT OF CLAIM. If a party, in connection with a potential claim against the party, receives a written notice of an alleged construction defect or a report under Section 2272.003 identifying a

construction defect and provides the notice or report to the party's insurer, the insurer shall treat the provision of the notice or report to the party as the filing of a suit asserting that claim against the party for purposes of the relevant policy terms.

SECTION 2. (a) Chapter 2272, Government Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act.

(b) Section 2272.009, Government Code, as added by this Act, applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2020.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

### **HB 2729 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2729**, A bill to be entitled An Act relating to the administration, duties, and operation of the Edwards Aquifer Authority; authorizing a fee.

Representative Minjarez moved to concur in the senate amendments to **HB 2729**.

The motion to concur in the senate amendments to **HB 2729** prevailed by (Record 1773): 110 Yeas, 29 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burrows; Button; Calanni; Canales; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smith; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Allison; Bell, C.; Bonnen; Burns; Cain; Capriglione; Dean; Geren; Goldman; Harris; Hefner; Holland; King, P.; Krause; Lambert; Landgraf; Lang; Metcalf; Middleton; Miller; Murr; Oliverson; Patterson; Sanford; Schaefer; Smithee; Springer; Thompson, E.; Wray.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Clardy; Shaheen; Stickland; Zedler; Zerwas.

### STATEMENTS OF VOTE

When Record No. 1773 was taken, I was shown voting yes. I intended to vote no.

Anderson

When Record No. 1773 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1773 was taken, my vote failed to register. I would have voted no.

Shaheen

When Record No. 1773 was taken, I was shown voting yes. I intended to vote no.

Wilson

When Record No. 1773 was taken, my vote failed to register. I would have voted no.

Zedler

### Senate Committee Substitute

**CSHB 2729**, A bill to be entitled An Act relating to the administration, duties, and operation of the Edwards Aquifer Authority; authorizing a fee.

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

SECTION 1. Section 1.03(20), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(20) "Underground water" or "groundwater" means water percolating beneath the earth ~~[has the meaning assigned by Section 52.001, Water Code].~~

SECTION 2. Section 1.07, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.07. OWNERSHIP OF UNDERGROUND WATER. The ownership and rights of the owner of the land and the owner's lessees and assigns, including holders of recorded liens or other security interests in the land, in underground water and the contract rights of any person who purchases water for the provision of potable water to the public or for the resale of potable water to the public for any use are recognized. However, action taken pursuant to this Act may not be construed as depriving or divesting the owner or the owner's lessees and assigns, including holders of recorded liens or other security interests in the land, of these ownership rights or as impairing the contract rights of any person who purchases water for the provision of potable water to the public or for the resale of potable water to the public for any use, subject to the rules adopted by the authority under this Act or a district exercising the powers provided by Chapter 36 ~~[52]~~, Water

Code. The legislature intends that just compensation be paid if implementation of this article causes a taking of private property or the impairment of a contract in contravention of the Texas or federal constitution.

SECTION 3. Section 1.08(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(a) The authority has all of the powers, rights, and privileges necessary to manage, conserve, preserve, and protect the aquifer and to increase the recharge of, and prevent the waste or pollution of water in, the aquifer. The authority has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 49 and ~~50,~~ 51, ~~and 52,~~ Water Code, applicable to an authority created under Article XVI, Section 59, of the Texas Constitution. This article prevails over any provision of general law that is in conflict or inconsistent with this article regarding the area of the authority's jurisdiction. Chapter 36, Water Code, does not apply to the authority.

SECTION 4. Section 1.09, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Subsection (d) and adding Subsections (i) through (k) to read as follows:

(d) Section ~~[Sections 41.003 and]~~ 41.008, Election Code, does ~~[do]~~ not apply to an election held under this article.

(i) A member of a governing body of another political subdivision is ineligible for appointment or election as a director of the authority. A director of the authority is disqualified and vacates the office of director if the director is appointed or elected as a member of the governing body of another political subdivision.

(j) For liability purposes only, a director of the authority is considered an employee of the authority under Chapter 101, Civil Practice and Remedies Code, even if the director does not receive fees of office voluntarily, by authority policy, or through a statutory exception.

(k) A director of the authority is immune from suit and immune from liability for official votes and official actions. To the extent an official vote or official action conforms to laws relating to conflicts of interest, abuse of office, or constitutional obligations, this subsection provides immunity for those actions.

SECTION 5. Section 1.11(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(d) The authority may:

(1) issue or administer grants, loans, or other financial assistance to water users for water conservation and water reuse;

(2) enter into contracts;

(3) sue and be sued in its own name;

(4) receive gifts, grants, awards, and loans for use in carrying out its powers and duties;

(5) hire an executive director to be the chief administrator of the authority and other employees as necessary to carry out its powers and duties;

(6) delegate the power to hire employees to the executive director of the authority;

(7) own real and personal property;

- (8) close abandoned, wasteful, or dangerous wells;
- (9) hold permits under state law or under federal law pertaining to the Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.) and its amendments;
- (10) enforce inside the authority's boundaries Chapter 1901 ~~[32]~~, Occupations ~~[Water]~~ Code, and ~~[commission]~~ rules adopted by the Texas Commission of Licensing and Regulation under that chapter ~~[Act within the authority's boundaries]~~; and
- (11) require to be furnished to the authority water well drillers' logs that are required by Chapter 1901 ~~[32]~~, Occupations ~~[Water]~~ Code, to be kept and furnished to the Texas Department of Licensing and Regulation ~~[commission]~~.

SECTION 6. Article 1, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Sections 1.21 and 1.211 to read as follows:

Sec. 1.21. CONTESTED CASE HEARINGS; REQUEST FOR REHEARING OR FINDINGS AND CONCLUSIONS. (a) An applicant in a contested or uncontested hearing on an application under this Act or a party to a contested hearing may administratively appeal a decision of the board on an application by requesting written findings of fact and conclusions of law not later than the 20th day after the date of the board's decision.

(b) On receipt of a timely written request, the board shall make written findings of fact and conclusions of law regarding a decision of the board on an application under this Act. The board shall provide certified copies of the findings and conclusions to the person who requested them, and to each designated party, not later than the 20th day after the date the board receives the request. A party to a contested hearing may request a rehearing before the board not later than the 20th day after the date the board issues the findings and conclusions.

(c) A request for rehearing must be filed in the authority's office and must state the grounds for the request.

(d) If the board grants a request for rehearing, the board shall schedule the rehearing not later than the 45th day after the date the request is granted.

(e) The failure of the board to grant or deny a request for rehearing before the 91st day after the date the request is submitted is a denial of the request.

Sec. 1.211. DECISION; WHEN FINAL. (a) A decision by the board on an application under this Act is final:

(1) if a request for rehearing is not filed on time, on the expiration of the period for filing a request for rehearing; or

(2) if a request for rehearing is filed on time, on the date:

(A) the board denies the request for rehearing; or

(B) the board renders a written decision after rehearing.

(b) A timely filed motion for rehearing is a prerequisite to a suit against the authority under Section 1.46 of this article challenging a decision in a contested hearing. A suit under Section 1.46 must be filed not later than the 60th day after the date on which the decision becomes final.

SECTION 7. Section 1.26(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(a) ~~The [After review of the recommendations received in the program document, as prescribed by Section 1.26A of this article, the] authority by rule shall adopt a critical period management plan consistent with Sections 1.14(a), (f), and (h) of this article. [The critical period management plan shall be adopted by the authority no later than six months after the authority's receipt of the program document. On adoption of the critical period management plan, the authority shall provide a written report to the governor, lieutenant governor, and speaker of the house of representatives describing the actions taken in response to each recommendation and, for each recommendation not implemented, the reason it was not implemented.] The plan must[~~

~~(1) distinguish between discretionary use and nondiscretionary use;~~

~~(2) require reductions of all discretionary use to the maximum extent feasible;~~

~~(3) require utility pricing, to the maximum extent feasible, to limit discretionary use by the customers of water utilities;~~

~~(4) require reduction of nondiscretionary use by permitted or contractual users, to the extent further reductions are necessary, in the reverse order of the following water use preferences:~~

~~[(A) municipal, domestic, and livestock;~~

~~[(B) industrial and crop irrigation;~~

~~[(C) residential landscape irrigation;~~

~~[(D) recreational and pleasure; and~~

~~[(E) other uses that are authorized by law; and~~

~~[(5)] allow irrigation use to continue in order to permit the user to complete the irrigation of a crop in progress.~~

SECTION 8. Sections 1.29(b) and (f), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(b) The authority shall assess equitable aquifer management fees based on aquifer use under the water management plan to finance its administrative expenses and programs authorized under this article. Each water district governed by Chapter 36, Water Code, that is within the authority's boundaries may contract with the authority to pay expenses of the authority through taxes in lieu of user fees to be paid by water users in the district. The contract must provide that the district will pay an amount equal to the amount that the water users in the district would have paid through user fees. The authority may not collect a total amount of fees and taxes that is more than is reasonably necessary for the administration of the authority. The authority may not increase aquifer management fees by more than eight percent per year.

(f) The authority may ~~shall~~ impose a permit application fee not to exceed \$25. The authority may impose fees to recover administrative costs associated with actions other than the filing and processing of applications and registrations. The fees may not unreasonably exceed the administrative costs.

SECTION 9. Article 1, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Section 1.361 to read as follows:

Sec. 1.361. OPEN OR UNCOVERED WELLS. (a) If the owner or lessee of land on which an open or uncovered well is located fails or refuses to close or cap the well in compliance with Chapter 1901, Occupations Code, and the authority's rules:

(1) the authority may take enforcement action as authorized by this article to require the owner or lessee to close or cap the well; or

(2) a person, firm, or corporation employed by the authority may go on the land and close or cap the well safely and securely.

(b) Reasonable expenses incurred by the authority in closing or capping a well constitute a lien on the land on which the well is located.

(c) The lien described by Subsection (b) arises and attaches on recordation of, in the deed records of the county where the well is located, an affidavit executed by any person conversant with the facts stating the following:

(1) the existence of the well;

(2) the legal description of the property on which the well is located;

(3) the approximate location of the well on the property;

(4) the failure or refusal of the owner or lessee, after notification, to close or cap the well before the expiration of 10 days after the notification;

(5) the closing or capping of the well by the authority, or by an authorized agent, representative, or employee of the authority; and

(6) the expense incurred by the authority in closing or capping the well.

(d) This section does not affect the enforcement of Subchapter A, Chapter 756, Health and Safety Code.

SECTION 10. Sections 1.37(j), (n), and (r), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(j) Before the expiration of [Within] 30 days after the date the authority's order is final as provided by Section 2001.144(a), Government Code [Subsection (e), Section 16, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)], the person shall:

(1) pay the amount of the penalty;

(2) pay the amount of the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or

(3) without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(n) Judicial review of the order of the authority:

(1) is instituted by filing a petition as provided by Subchapter G, Chapter 2001, Government Code [Section 19, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)]; and

(2) is under the substantial evidence rule.

(r) All proceedings under this section are subject to Chapter 2001, Government Code [the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)].

SECTION 11. Section 1.38, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.38. INJUNCTION BY AUTHORITY. (a) The authority may file a civil suit in a state district court for an injunction or mandatory injunction to enforce this article and the authority's rules. The authority may recover reasonable attorney fees in a suit under this section.

(b) In an enforcement action by the authority against a governmental entity for a violation of authority rules, the limits on the amount of fees, costs, and penalties that the authority may impose under this section constitute a limit of liability of the governmental entity for the violation. This subsection does not prohibit the recovery by the authority of fees and costs under this article in an action against a governmental entity.

SECTION 12. Article 1, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Section 1.46 to read as follows:

Sec. 1.46. SUITS. (a) A person, firm, corporation, or association of persons affected by and dissatisfied with any provision or with any rule or order made by the authority is entitled to file a suit against the authority or its directors to challenge the validity of the law, rule, or order.

(b) Only the authority, the applicant, and parties to a contested case hearing may participate in an appeal of a decision on the application that was the subject of that contested case hearing. An appeal of a decision on a permit application must include the applicant as a necessary party.

(c) A suit under this section must be filed in a court of competent jurisdiction in any county in which the authority is located. The suit may be filed only after all administrative appeals to the authority are final.

(d) The burden of proof is on the petitioner, and the challenged law, rule, order, or act is to be considered prima facie valid. The review on appeal is governed by either Section 2001.038 or Section 2001.174, Government Code, as appropriate.

(e) The authority may recover attorney's fees, costs for expert witnesses, and other costs incurred by the authority before the court on the same basis as Chapter 36, Water Code, provides for a groundwater conservation district to recover those fees and costs.

SECTION 13. Section 3.01, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Subsection (d) to read as follows:

(d) Not later than the last business day of each even-numbered year, the Edwards Aquifer Authority shall prepare and deliver a report to the committee on the authority's operations. The report must contain a summary of issues related to the authority's operations that affect the continuing implementation of this Act or require an amendment to this Act.

SECTION 14. Section 36.205(e), Water Code, is amended to read as follows:

(e) Subsection (c) does not apply to the following districts:

(1) ~~the Edwards Aquifer Authority;~~

~~[(2)]~~ the Fort Bend Subsidence District;

~~[(3)]~~ the Harris-Galveston Subsidence District;

~~[(4)]~~ the Barton Springs-Edwards Aquifer Conservation District; or



(4) ~~(5)~~ any district that collects a property tax and that was created before September 1, 1999, unless otherwise authorized by special law.

SECTION 15. The following provisions are repealed:

(1) Section 1.25(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993;

(2) Section 36.101(l), Water Code;

(3) Section 36.1011(e), Water Code;

(4) Section 36.125, Water Code; and

(5) Section 36.419, Water Code.

SECTION 16. This Act takes effect September 1, 2019.

### **HB 4635 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 4635**, A bill to be entitled An Act relating to the creation of the Orchard Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Zerwas moved to concur in the senate amendments to **HB 4635**.

The motion to concur in the senate amendments to **HB 4635** prevailed by (Record 1774): 124 Yeas, 18 Nays, 1 Present, not voting.

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

Nays — Bonnen; Cain; Dean; Goldman; Hefner; Holland; Krause; Lang; Leach; Middleton; Oliverson; Patterson; Springer; Swanson; Thompson, E.; Tinderholt; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Capriglione; Stickland.

**STATEMENTS OF VOTE**

When Record No. 1774 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1774 was taken, I was shown voting yes. I intended to vote no.

Wilson

**Senate Committee Substitute**

**CSHB 4635**, A bill to be entitled An Act relating to the creation of the Orchard Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3792 to read as follows:

CHAPTER 3792. ORCHARD MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3792.0101. DEFINITIONS. In this chapter:

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

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

(3) "County" means Fort Bend County.

(4) "Director" means a board member.

(5) "District" means the Orchard Management District No. 1.

Sec. 3792.0102. CREATION AND NATURE OF DISTRICT; IMMUNITY.

(a) The district is a special district created under Section 59, Article XVI, Texas Constitution.

(b) The district is a governmental unit, as provided by Section 375.004, Local Government Code.

(c) This chapter does not waive any governmental or sovereign immunity from suit, liability, or judgment that would otherwise apply to the district.

Sec. 3792.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) By creating the district, the legislature has established a program to accomplish the public purposes set out in Sections 52 and 52-a, Article III, Texas Constitution.

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

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

Sec. 3792.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(b) The district is created to serve a public use and benefit.

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

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

(d) The district will:

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

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

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways, road facilities, transit facilities, parking facilities, rail facilities, recreational facilities, and public art objects and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and

(4) provide for water, wastewater, and drainage facilities for the district.

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

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

Sec. 3792.0105. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;
- (3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3792.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

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

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

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

(4) an industrial district created under Chapter 42, Local Government Code.

Sec. 3792.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3792.0108. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3792.0109. CONFLICTS OF LAW. This chapter prevails over any provision of general law, including a provision of Chapter 375, Local Government Code, or Chapter 49, Water Code, that is in conflict or inconsistent with this chapter.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3792.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors elected or appointed as provided by this chapter and Subchapter D, Chapter 49, Water Code.

(b) Except as provided by Section 3792.0203, directors serve staggered four-year terms.

Sec. 3792.0202. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 3792.0203. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal roll for the county may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) The temporary directors shall hold an election to elect five permanent directors as provided by Section 49.102, Water Code.

(c) Temporary directors serve until the earlier of:  
(1) the date permanent directors are elected under Subsection (b); or  
(2) the fourth anniversary of the effective date of the Act enacting this chapter.

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

- (1) the date permanent directors are elected under Subsection (b); or
- (2) the fourth anniversary of the date of the appointment or reappointment.

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

Sec. 3792.0204. DISQUALIFICATION OF DIRECTORS. Section 49.052, Water Code, applies to the members of the board.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 3792.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3792.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may contract with a governmental or private entity to carry out an action under Subsection (a).

(c) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3792.0303. RECREATIONAL FACILITIES. The district may develop or finance recreational facilities as authorized by Chapter 375, Local Government Code, Sections 52 and 52-a, Article III, Texas Constitution, Section 59, Article XVI, Texas Constitution, and any other law that applies to the district.

Sec. 3792.0304. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may own, operate, maintain, design, acquire, construct, finance, issue bonds, notes, or other obligations for, improve, and convey to this state, a county, or a municipality for ownership, operation, and maintenance macadamized, graveled, or paved roads or improvements, including storm drainage, in aid of those roads.

Sec. 3792.0305. CONVEYANCE AND APPROVAL OF ROAD PROJECT. (a) The district may convey a road project authorized by Section 3792.0304 to:

- (1) a municipality or county that will operate and maintain the road if the municipality or county has approved the plans and specifications of the road project; or

(2) the state if the state will operate and maintain the road and the Texas Transportation Commission has approved the plans and specifications of the road project.

(b) Except as provided by Subsection (c), the district shall operate and maintain a road project authorized by Section 3792.0304 that the district implements and does not convey to a municipality, a county, or this state under Subsection (a).

(c) The district may agree in writing with a municipality, a county, or this state to assign operation and maintenance duties to the district, the municipality, the county, or this state in a manner other than the manner described in Subsections (a) and (b).

Sec. 3792.0306. RAIL FACILITIES. In addition to the powers granted under Section 375.0921(b), Local Government Code, the district may construct, acquire, improve, maintain, finance, and operate rail facilities and improvements in aid of those facilities for the transport of freight and other cargo.

Sec. 3792.0307. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3792.0308. LAW ENFORCEMENT SERVICES. Section 49.216, Water Code, applies to the district.

Sec. 3792.0309. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3792.0310. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that:

(1) Chapter 380, Local Government Code, provides to a municipality;  
and

(2) Subchapter A, Chapter 1509, Government Code, provides to a municipality.

Sec. 3792.0311. STRATEGIC PARTNERSHIP AGREEMENT. The district may negotiate and enter into a written strategic partnership agreement with a municipality under Section 43.0751, Local Government Code.

Sec. 3792.0312. REGIONAL PARTICIPATION AGREEMENT. The district may negotiate and enter into a written regional participation agreement with a municipality under Section 43.0754, Local Government Code.

Sec. 3792.0313. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3792.0314. ADDING OR EXCLUDING LAND. (a) The district may add land as provided by Subchapter J, Chapter 49, Water Code.

(b) The district may exclude land as provided by Subchapter J, Chapter 49, Water Code. Section 375.044(b), Local Government Code, does not apply to the district.

(c) The district may include and exclude land as provided by Sections 54.739-54.747, Water Code. A reference in those sections to a "tax" means an ad valorem tax for the purposes of this subsection.

(d) If the district adopts a sales and use tax authorized at an election held under Section 3792.0602 and subsequently includes new territory in the district under this section, the district:

(1) is not required to hold another election to approve the imposition of the sales and use tax in the included territory; and

(2) shall impose the sales and use tax in the included territory as provided by Chapter 321, Tax Code.

(e) If the district adopts a sales and use tax authorized at an election held under Section 3792.0602 and subsequently excludes territory in the district under this section, the sales and use tax is inapplicable to the excluded territory, as provided by Chapter 321, Tax Code, but is applicable to the territory remaining in the district.

Sec. 3792.0315. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3792.0316. AUDIT EXEMPTION. (a) The district may elect to complete an annual financial report in lieu of an annual audit under Section 375.096(a)(6), Local Government Code, if:

(1) the district had no bonds or other long-term (more than one year) liabilities outstanding during the fiscal period;

(2) the district did not have gross receipts from operations, loans, taxes, assessments, or contributions in excess of \$250,000 during the fiscal period; and

(3) the district's cash and temporary investments were not in excess of \$250,000 during the fiscal period.

(b) Each annual financial report prepared in accordance with this section must be open to public inspection and accompanied by an affidavit signed by a duly authorized representative of the district attesting to the accuracy and authenticity of the financial report.

(c) The annual financial report and affidavit shall be substantially similar in form to the annual financial report and affidavit forms prescribed by the executive director of the commission under Section 49.198, Water Code.

Sec. 3792.0317. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

#### SUBCHAPTER D. ASSESSMENTS

Sec. 3792.0401. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3792.0402. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3792.0403. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

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

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.



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

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

#### SUBCHAPTER E. TAXES AND BONDS

Sec. 3792.0501. TAX ELECTION REQUIRED. The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

Sec. 3792.0502. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3792.0501, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

- (1) maintain and operate the district;
- (2) construct or acquire improvements; or
- (3) provide a service.

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

(c) Section 49.107(h), Water Code, does not apply to the district.

Sec. 3792.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district, by competitive bid or negotiated sale, may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, or other obligations provided by Section 49.4645, Water Code, does not apply to the district.

Sec. 3792.0504. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

- (1) revenue other than ad valorem taxes, including contract revenues; or
- (2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met.

Sec. 3792.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 3792.0501, the district may issue bonds payable from ad valorem taxes.

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

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

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

Sec. 3792.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The board may not hold an election under Section 3792.0501, issue bonds, or incur any debt until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

(b) This section applies only to the district's first issuance of bonds payable from ad valorem taxes.

#### SUBCHAPTER F. SALES AND USE TAX

Sec. 3792.0601. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition, computation, administration, enforcement, and collection of the sales and use tax authorized by this subchapter except to the extent Chapter 321, Tax Code, is inconsistent with this chapter.

(b) A reference in Chapter 321, Tax Code, to a municipality or the governing body of a municipality is a reference to the district or the board, respectively.

Sec. 3792.0602. ELECTION; ADOPTION OF TAX. (a) The district may adopt a sales and use tax if authorized by a majority of the voters of the district voting at an election held for that purpose.

(b) The board by order may call an election to authorize the adoption of the sales and use tax. The election may be held on any uniform election date and in conjunction with any other district election.

(c) The ballot shall be printed to provide for voting for or against the proposition: "Authorization of a sales and use tax in the Orchard Management District No. 1 at a rate not to exceed \_\_\_\_ percent" (insert rate of one or more increments of one-eighth of one percent).

Sec. 3792.0603. SALES AND USE TAX RATE. (a) On or after the date the results are declared of an election held under Section 3792.0602, at which the voters approved imposition of the tax authorized by this subchapter, the board shall determine and adopt by resolution or order the initial rate of the tax, which must be in one or more increments of one-eighth of one percent.

(b) After the election held under Section 3792.0602, the board may increase or decrease the rate of the tax by one or more increments of one-eighth of one percent.

(c) The initial rate of the tax or any rate resulting from subsequent increases or decreases may not exceed the lesser of:

(1) the maximum rate authorized by the district voters at the election held under Section 3792.0602; or

(2) a rate that, when added to the rates of all sales and use taxes imposed by other political subdivisions with territory in the district, would result in the maximum combined rate prescribed by Section 321.101(f), Tax Code, at any location in the district.

Sec. 3792.0604. TAX AFTER MUNICIPAL ANNEXATION. (a) This section applies to the district after a municipality annexes part of the territory in the district and imposes the municipality's sales and use tax in the annexed territory.

(b) If at the time of annexation the district has outstanding debt or other obligations payable wholly or partly from district sales and use tax revenue, Section 321.102(g), Tax Code, applies to the district.

(c) If at the time of annexation the district does not have outstanding debt or other obligations payable wholly or partly from district sales and use tax revenue, the district may:

(1) exclude the annexed territory from the district, if the district has no outstanding debt or other obligations payable from any source; or

(2) reduce the sales and use tax in the annexed territory by resolution or order of the board to a rate that, when added to the sales and use tax rate imposed by the municipality in the annexed territory, is equal to the sales and use tax rate imposed by the district in the district territory that was not annexed by the municipality.

Sec. 3792.0605. NOTIFICATION OF RATE CHANGE. The board shall notify the comptroller of any changes made to the tax rate under this subchapter in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

Sec. 3792.0606. USE OF REVENUE. Revenue from the sales and use tax imposed under this subchapter is for the use and benefit of the district and may be used for any district purpose. The district may pledge all or part of the revenue to the payment of bonds, notes, or other obligations, and that pledge of revenue may be in combination with other revenue, including tax revenue, available to the district.

Sec. 3792.0607. ABOLITION OF TAX. (a) Except as provided by Subsection (b), the board may abolish the tax imposed under this subchapter without an election.

(b) The board may not abolish the tax imposed under this subchapter if the district has outstanding debt secured by the tax, and repayment of the debt would be impaired by the abolition of the tax.

(c) If the board abolishes the tax, the board shall notify the comptroller of that action in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

(d) If the board abolishes the tax or decreases the tax rate to zero, a new election to authorize a sales and use tax must be held under Section 3792.0602 before the district may subsequently impose the tax.

(e) This section does not apply to a decrease in the sales and use tax authorized under Section 3792.0604(c)(2).

SUBCHAPTER I. DISSOLUTION

Sec. 3792.0901. DISSOLUTION. (a) The board shall dissolve the district on written petition filed with the board by the owners of:

(1) 66 percent or more of the assessed value of the property subject to assessment by the district based on the most recent certified county property tax rolls; or

(2) 66 percent or more of the surface area of the district, excluding roads, streets, highways, utility rights-of-way, other public areas, and other property exempt from assessment by the district according to the most recent certified county property tax rolls.

(b) The board by majority vote may dissolve the district at any time.

(c) The district may not be dissolved by its board under Subsection (a) or (b) if the district:

(1) has any outstanding bonded indebtedness until that bonded indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds;

(2) has a contractual obligation to pay money until that obligation has been fully paid in accordance with the contract; or

(3) owns, operates, or maintains public works, facilities, or improvements unless the district contracts with another person for the ownership, operation, or maintenance of the public works, facilities, or improvements.

(d) Sections 375.261, 375.262, and 375.264, Local Government Code, do not apply to the district.

SECTION 2. The Orchard Management District No. 1 initially includes all the territory contained in the following area:

A Field Note Description of 920 Acres of Land, more or less, being the Easterly 287.5 Acres of Land, more or less, of the German Emigration Company Survey No. 6, Abstract 176 and 632.5 Acres of Land, more or less, being the remainder of the David Scott Heirs Survey, Abstract 316, Fort Bend County, Texas.

Beginning at a point in the South line of the Gail Borden League, Abstract 12 marking the Northwest corner of the Peter McGreal Survey, Abstract 338 and Northeast corner of said German Emigration Company Survey No. 6, Abstract 176 and the Northeast corner of and place of beginning for this 920 Acre Tract;

THENCE, South, 3279.63 feet, more or less, along the East line of said German Emigration Company Survey No. 6, Abstract 176 and the West line of said Peter McGreal Survey, Abstract 338 to the Southeast corner of said German Emigration Company Survey No. 6, Abstract 176 and the Southwest corner of said Peter McGreal Survey, Abstract 338 to a point marking a re-entrant corner for this tract;

THENCE, East, 1120 feet, more or less, along the North line of the David Scott Heirs Survey, Abstract 316 and the South line of said Peter McGreal Survey, Abstract 338 to a point marking the Northeast corner of said David Scott Heirs Survey, Abstract 316 and Northwest corner of the German Emigration Company Survey No. 8, Abstract 177 and marking a Southerly Northeast corner for this tract;

THENCE, South, 5445 feet, more or less, along the East line of said David Scott Heirs Survey, Abstract 316 and West line of said German Emigration Company Survey No. 8, Abstract 177 and Heirs of L. Burknapp Survey, Abstract 109 to the Southeast corner of said David Scott Heirs Survey, Abstract 316 for the Southeast corner of this tract; said corner also marking the Northeast corner of the Mark Smith Survey, Abstract 314;

THENCE, West, 5060 feet, more or less, along the North line of the Mark Smith Survey, Abstract 314 and South line of said David Scott Heirs Survey, Abstract 316 to a point in the East right-of-way line of State Farm Market Road No. 1489 marking the Southwest corner for this tract;

THENCE, North, along said East right-of-way line of said State Farm Market Road No. 1489, at 5445 feet, more or less, pass the North line of said David Scott Heirs Survey, Abstract 316 and South line of said German Emigration Company Survey No. 6, Abstract 176, in all 7487.25 feet, more or less, to the point of curve to the right;

THENCE, Continuing along said Southeast right-of-way line of State Farm Market Road No. 1489, Northeasterly along a curve to the right with the following data: Delta=63 degrees 19'06", Radius=1086.28 feet, Length=1200.48 feet and Chord= North 31 deg.39'33" East, 1140.3 feet, more or less to point of tangency;

THENCE, North 63deg.19'06" East, 594.11 feet, more or less along said Southeast right-of-way line of State Farm Market Road No. 1489 to a point in the South line of said Gail Borden League, Abstract 12 marking the Northwest corner for this tract;

THENCE, East, 2810.65 feet, more or less, along said South line of said Gail Borden League, Abstract 12 and North line of said German Emigration Company Survey No. 6 to the place of beginning and containing 920 Acres of Land, more or less.

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

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

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

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

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

## **HB 888 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 888**, A bill to be entitled An Act relating to creating the criminal offense of misrepresenting a child as a family member at a port of entry and providing certain benefits to the misrepresented child.

Representative Landgraf moved to concur in the senate amendments to **HB 888**.

The motion to concur in the senate amendments to **HB 888** prevailed by (Record 1775): 100 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Capriglione; Clardy; Cole; Cortez; Craddick; Cyrier; Dean; Deshotel; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hinojosa; Holland; Huberty; Hunter; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Morrison; Muñoz; Murphy; Murr; Nevárez; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Raney; Raymond; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stucky; Swanson; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; White; Wilson; Wray; Zedler; Zerwas; Zwiener.

Nays — Beckley; Bernal; Blanco; Bowers; Canales; Coleman; Collier; Davis, Y.; Dominguez; Dutton; González, J.; González, M.; Gutierrez; Hernandez; Herrero; Howard; Israel; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales; Neave; Ortega; Price; Ramos; Reynolds; Rodriguez; Romero; Rose; Smithee; Stickland; Talarico; Thierry; Thompson, E.; Turner, C.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Klick.

## **STATEMENTS OF VOTE**

When Record No. 1775 was taken, I was shown voting yes. I intended to vote no.

Allen

When Record No. 1775 was taken, I was shown voting yes. I intended to vote no.

Calanni

When Record No. 1775 was taken, I was shown voting yes. I intended to vote no.

Cole

When Record No. 1775 was taken, I was shown voting yes. I intended to vote no.

Deshotel

When Record No. 1775 was taken, I was shown voting yes. I intended to vote no.

Fierro

When Record No. 1775 was taken, I was shown voting yes. I intended to vote no.

Gervin-Hawkins

When Record No. 1775 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

When Record No. 1775 was taken, I was shown voting yes. I intended to vote no.

Muñoz

When Record No. 1775 was taken, I was shown voting yes. I intended to vote no.

Rosenthal

When Record No. 1775 was taken, I was shown voting no. I intended to vote yes.

Smithee

When Record No. 1775 was taken, I was shown voting no. I intended to vote yes.

E. Thompson

When Record No. 1775 was taken, I was shown voting yes. I intended to vote no.

Zwiener

### **Senate Committee Substitute**

**CSHB 888**, A bill to be entitled An Act relating to creating the criminal offense of misrepresenting a child as a family member at a port of entry.

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

SECTION 1. Chapter 37, Penal Code, is amended by adding Section 37.082 to read as follows:

Sec. 37.082. MISREPRESENTING CHILD AS FAMILY MEMBER AT PORT OF ENTRY. (a) In this section:

(1) "Child" means a person younger than 18 years of age.

(2) "Family member" means a person who is related to another person by consanguinity or affinity.

(3) "Port of entry" means a place designated by executive order of the president of the United States, by order of the United States secretary of the treasury, or by act of the United States Congress at which a customs officer is authorized to enforce customs laws.

(b) A person commits an offense if the person, with intent to commit an offense under Section 20A.02, knowingly misrepresents a child as a family member of the person to a peace officer or federal special investigator at a port of entry.

(c) An offense under this section is a Class B misdemeanor.

(d) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

SECTION 2. This Act takes effect September 1, 2019.

### **HB 2325 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2325**, A bill to be entitled An Act relating to providing information and communication regarding and during a disaster.

Representative Metcalf moved to concur in the senate amendments to **HB 2325**.

The motion to concur in the senate amendments to **HB 2325** prevailed by (Record 1776): 137 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Patterson; Wilson.



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

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Blanco; Rosenthal; Stickland.

### STATEMENT OF VOTE

When Record No. 1776 was taken, my vote failed to register. I would have voted yes.

Blanco

### Senate Committee Substitute

**CSHB 2325**, A bill to be entitled An Act relating to information and communication of governmental and other entities regarding disasters and health and human services.

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

SECTION 1. Subchapter C, Chapter 418, Government Code, is amended by adding Sections 418.054, 418.055, 418.056, 418.057, 418.058, and 418.059 to read as follows:

Sec. 418.054. COORDINATING 9-1-1 TEXT MESSAGE CAPABILITY. The division, in consultation with the Texas A&M AgriLife Extension Service, shall coordinate state and local government efforts to make 9-1-1 emergency service capable of receiving text messages from a cellular telephone or other wireless communication device.

Sec. 418.055. SOCIAL MEDIA USE DURING AND AFTER DISASTERS. The division, in consultation with any state agency or private entity the division determines is appropriate, shall develop standards for the use of social media as a communication tool by governmental entities during and after a disaster. The standards must:

(1) require state agencies, political subdivisions, first responders, and volunteers that use social media during and after a disaster to post consistent and clear information;

(2) optimize the effectiveness of social media use during and after a disaster; and

(3) require that certain official social media accounts be used during and after a disaster only for providing credible sources of information.

Sec. 418.056. DISASTER MOBILE APPLICATION. (a) The division shall develop a mobile application for wireless communication devices to communicate critical information during a disaster directly to disaster victims and first responders.

(b) The mobile application may provide information on:

(1) road and weather conditions during a disaster; and

(2) disaster response and recovery activities.

Sec. 418.057. DISASTER WEB PORTAL. The division shall develop a comprehensive disaster web portal. The web portal must:

(1) provide disaster information to the public, including information on programs and services available to disaster victims and funding for and expenditures of disaster assistance programs;

(2) include information on disaster response and recovery activities;  
and

(3) provide information on obtaining assistance from the Federal Emergency Management Agency, state agencies, organized volunteer groups, and any other entities providing disaster assistance.

Sec. 418.058. USE OF DATA ANALYTICS IN DISASTER MANAGEMENT. To the extent feasible, the division shall use data analytics software to integrate data from federal, state, local, and nongovernmental sources to more effectively manage disaster response and recovery.

Sec. 418.059. STUDY ON STANDARD COMMUNICATION FORMAT.  
(a) To improve the state's response to disasters, the division shall conduct a study on the use of a standard communication format by first responders to create a common interoperable operating framework during a disaster. The study must:

(1) examine the costs and benefits of promoting the use of a standard communication format to create a comprehensive common operating framework that is interoperable across networks;

(2) identify any costs that first responders may incur in acquiring or upgrading equipment or services complying with a standard communication format; and

(3) identify necessary actions to adopt a standard communication format.

(b) Not later than September 1, 2020, the division shall submit to the governor, lieutenant governor, and members of the legislature a report on the findings of the study.

(c) This section expires December 1, 2020.

SECTION 2. Subchapter F, Chapter 418, Government Code, is amended by adding Section 418.127 to read as follows:

Sec. 418.127. DISASTER PREPAREDNESS COMMUNITY OUTREACH. To the extent practicable, the following entities shall conduct community outreach, including public awareness campaigns, and education activities on disaster preparedness each year:

(1) municipalities and counties;

(2) the department, including the division;

(3) the Texas Education Agency;

(4) the office of the comptroller;

(5) the Texas Department of Insurance;

(6) the Texas Department of Transportation;

(7) the Texas Department of Housing and Community Affairs;

(8) the Health and Human Services Commission; and

(9) the Department of State Health Services.

SECTION 3. Subchapter H, Chapter 418, Government Code, is amended by adding Sections 418.193 and 418.194 to read as follows:

Sec. 418.193. PURCHASE OF INFORMATION TECHNOLOGY COMMODITY ITEMS FOR DISASTER PURPOSES. A public safety entity, as defined by 47 U.S.C. Section 1401, or a county hospital, public hospital, or hospital district may purchase commodity items through the Department of

Information Resources in accordance with Section 2157.068 if the public safety entity, hospital, or hospital district finds that the purchase of those commodity items will assist the public safety entity, hospital, or hospital district in providing disaster education or preparing for a disaster.

Sec. 418.194. CONTRACTS WITH CERTAIN ENTITIES FOR DISASTER PURPOSES. (a) In this section, "consolidated telecommunications system" has the meaning assigned by Section 2170.001(a).

(b) A public safety entity, as defined by 47 U.S.C. Section 1401, or a governmental entity of another state may contract with the Department of Information Resources for use of the consolidated telecommunications system in accordance with Section 2170.004 if the public safety entity or governmental entity finds that the use of the consolidated telecommunications system will assist the entity in providing disaster education or preparing for a disaster.

SECTION 4. Section 531.0312(a), Government Code, is amended to read as follows:

(a) The Texas Information and Referral Network at the commission is the program responsible for the development, coordination, and implementation of a statewide information and referral network that integrates existing community-based structures with state and local agencies. The network must:

(1) include information relating to transportation services provided to clients of state and local agencies;

(2) be capable of assisting with statewide disaster response and emergency management, including through the use of interstate agreements with out-of-state call centers to ensure preparedness and responsiveness;

(3) include technology capable of communicating with clients of state and local agencies using electronic text messaging; and

(4) include a publicly accessible Internet-based system to provide real-time, searchable data about the location and number of clients of state and local agencies using the system and the types of requests made by the clients.

SECTION 5. Section 2157.068(j), Government Code, is amended to read as follows:

(j) The following entities may purchase commodity items through the department, and be charged a reasonable administrative fee, as provided by this section:

(1) the Electric Reliability Council of Texas;

(2) the Lower Colorado River Authority;

(3) a private school, as defined by Section 5.001, Education Code;

(4) a private or independent institution of higher education, as defined by Section 61.003, Education Code; ~~or~~

(5) a volunteer fire department, as defined by Section 152.001, Tax Code;

(6) subject to Section 418.193, a public safety entity, as defined by 47 U.S.C. Section 1401; or

(7) subject to Section 418.193, a county hospital, public hospital, or hospital district.

SECTION 6. Section 2170.004, Government Code, is amended to read as follows:

Sec. 2170.004. CONTRACTS WITH ENTITIES OTHER THAN STATE AGENCIES. The department may contract for use of the consolidated telecommunications system with:

- (1) each house of the legislature;
- (2) a legislative agency;
- (3) an agency that is not a state agency as defined by Section 2151.002;
- (4) a political subdivision, including a county, municipality, or district;
- (5) a private institution of higher education accredited by a recognized accrediting agency, as defined by Section 61.003, Education Code, that:

(A) engages in distance learning, as defined by Section 57.021, Utilities Code; and

(B) receives federal funds for distance learning initiatives; ~~and~~

(6) an assistance organization, as defined by Section 2175.001;

(7) subject to Section 418.194, a public safety entity, as defined by 47 U.S.C. Section 1401; and

(8) subject to Section 418.194, a governmental entity of another state.

SECTION 7. This Act takes effect September 1, 2019.

## **HB 2348 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2348**, A bill to be entitled An Act relating to the prohibition of certain employment discrimination regarding an employee who is a volunteer emergency responder.

Representative T. King moved to concur in the senate amendments to **HB 2348**.

The motion to concur in the senate amendments to **HB 2348** prevailed by (Record 1777): 122 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Sanford; Schaefer; Shaheen;

Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Cain; Dean; Hefner; Holland; Krause; Lang; Leach; Leman; Middleton; Murr; Oliverson; Ramos; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Allen; Blanco; Patterson; Rosenthal; Stickland; Thompson, S.

### STATEMENTS OF VOTE

When Record No. 1777 was taken, my vote failed to register. I would have voted no.

Patterson

When Record No. 1777 was taken, my vote failed to register. I would have voted yes.

Rosenthal

When Record No. 1777 was taken, I was shown voting yes. I intended to vote no.

Schaefer

### Senate Committee Substitute

**CSHB 2348**, A bill to be entitled An Act relating to the prohibition of certain employment discrimination regarding an employee who is a volunteer emergency responder.

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

SECTION 1. Subtitle A, Title 2, Labor Code, is amended by adding Chapter 24 to read as follows:

#### CHAPTER 24. EMPLOYMENT DISCRIMINATION REGARDING VOLUNTEER EMERGENCY RESPONDERS

Sec. 24.001. DEFINITIONS. In this chapter:

(1) "Declared disaster" means:

(A) a disaster declared by the president of the United States;

(B) a state of disaster declared by the governor under Section 418.014, Government Code; or

(C) a local state of disaster declared by the presiding officer of the governing body of a political subdivision under Section 418.108, Government Code.

(2) "Emergency medical services" has the meaning assigned by Section 773.003, Health and Safety Code.

(3) "Emergency medical services volunteer" has the meaning assigned by Section 773.003, Health and Safety Code.

(4) "Emergency service organization" means any entity established to provide for the public:

(A) fire prevention and suppression;

(B) hazardous materials response operations; or

(C) emergency medical services.

(5) "Employee" means an individual who is employed by an employer for compensation.

(6) "Employer" means a person who employs 20 or more employees. The term includes the state or a political subdivision of the state.

(7) "Political subdivision" means a county, municipality, special district, or authority of this state.

(8) "Volunteer emergency responder" means an individual who is an active participant in an emergency service organization but who does not receive compensation for the individual's services. The term includes an emergency medical services volunteer and a volunteer firefighter.

(9) "Volunteer fire department" has the meaning assigned by Section 614.101, Government Code.

(10) "Volunteer firefighter" means an individual who is a member of a volunteer fire department.

Sec. 24.002. DISCRIMINATION PROHIBITED; LIMITATION. (a) Except as provided by this chapter, an employer may not terminate or suspend the employment of, or in any other manner discriminate against, an employee who is a volunteer emergency responder and who is absent from or late to the employee's employment because the employee is responding to a declared disaster in the employee's capacity as a volunteer emergency responder.

(b) Notwithstanding Subsection (a), an employee who is a volunteer emergency responder is not entitled under this chapter to be absent from the employee's employment for more than 14 days in a calendar year unless the employee's absence is approved by the employer.

Sec. 24.003. NOTICE TO EMPLOYER. An employee who is a volunteer emergency responder and who may be absent from or late to employment because the employee is responding to a declared disaster as a volunteer emergency responder shall make a reasonable effort to notify the employer that the employee may be absent or late. If the employee is unable to provide the notice due to the extreme circumstances of the declared disaster or inability to contact the employer, the employee shall submit to the employer, on the employer's request, a written verification of participation in activities in responding to a declared disaster that:

(1) is signed by the supervisor, or the designee of the supervisor, of the entity for which the affected volunteer emergency responder provides services or the applicable emergency service organization; and

(2) states that the volunteer emergency responder responded to a declared disaster and provides information regarding the declared disaster.

Sec. 24.004. EFFECT ON EMPLOYEE WAGES; USE OF LEAVE TIME. (a) An employer may reduce the wages otherwise owed to the employee for any pay period because the employee took time off during that pay period for an absence authorized by this chapter.

(b) In lieu of reducing an employee's wages under Subsection (a), an employer may require an employee who is a volunteer emergency responder to use existing vacation leave time, personal leave time, or compensatory leave time for an absence authorized by this chapter, except as otherwise provided by a collective bargaining agreement.

(c) This section does not affect an employee's right to wages or leave time under Section 661.905, Government Code.

Sec. 24.005. LIABILITY; REINSTATEMENT. An employee whose employment is suspended or terminated in violation of this chapter is entitled to:

(1) reinstatement to the employee's former position or a position that is comparable in terms of compensation, benefits, and other conditions of employment;

(2) compensation for wages lost during the period of suspension or termination; and

(3) reinstatement of any fringe benefits and seniority rights lost because of the suspension or termination.

Sec. 24.006. CIVIL ACTION. (a) An employee whose employer violates this chapter may bring a civil action against the employer to enforce rights protected by this chapter.

(b) An action under this section must be brought in the county in which the place of employment is located not later than the first anniversary of the date of the violation.

SECTION 2. Chapter 24, Labor Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

## **HB 448 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative C. Turner called up with senate amendments for consideration at this time,

**HB 448**, A bill to be entitled An Act relating to the creation of an offense for failing to secure certain children in a rear-facing child passenger safety seat system.

Representative C. Turner moved to concur in the senate amendments to **HB 448**.

The motion to concur in the senate amendments to **HB 448** prevailed by (Record 1778): 100 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Allison; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bohac; Bowers; Buckley; Bucy; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Davis, Y.; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty;

Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Ortega; Pacheco; Paddie; Parker; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Schaefer; Sheffield; Sherman; Shine; Smith; Smithee; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zerwas; Zwiener.

Nays — Anderson; Ashby; Bonnen; Burns; Burrows; Cain; Capriglione; Craddick; Cyrier; Dean; Harless; Harris; Hefner; Holland; King, P.; Krause; Lambert; Landgraf; Lang; Leach; Leman; Metcalf; Middleton; Miller; Murr; Oliverson; Patterson; Paul; Phelan; Sanford; Shaheen; Springer; Stickland; Tinderholt; White; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Allen; Blanco; Deshotel; Noble; Rosenthal; Toth.

#### STATEMENTS OF VOTE

When Record No. 1778 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1778 was taken, my vote failed to register. I would have voted no.

Noble

When Record No. 1778 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1778 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1778 was taken, my vote failed to register. I would have voted no.

Toth

#### Senate Committee Substitute

**CSHB 448**, A bill to be entitled An Act relating to the creation of an offense for failing to secure certain children in a rear-facing child passenger safety seat system.

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

SECTION 1. Section 545.412, Transportation Code, is amended by adding Subsections (a-1), (a-2), and (d) to read as follows:



(a-1) A person commits an offense if the person operates a passenger vehicle, transports a child who is younger than two years of age, and does not keep the child secured during the operation of the vehicle in a rear-facing child passenger safety seat system unless the child:

(1) is taller than three feet, four inches; or

(2) weighs more than 40 pounds.

(a-2) A peace officer may not:

(1) stop a motor vehicle or detain the operator of a motor vehicle solely to enforce Subsection (a-1); or

(2) issue a citation for an offense under Subsection (a-1) unless the officer determines that the person has previously been issued a warning or citation for or convicted of that offense.

(d) It is a defense to prosecution under Subsection (a-1) that the child has a medical condition, as evidenced by a written statement from a licensed physician, that prevents the child from being secured in a rear-facing child passenger safety seat system.

SECTION 2. Section 545.412(b), Transportation Code, is amended to read as follows:

(b) It is a defense to prosecution of an offense to which this section applies that the defendant provides to the court evidence satisfactory to the court that:

(1) at the time of the offense:

(A) the defendant was not arrested or issued a citation for violation of any other offense;

(B) the defendant did not possess a child passenger safety seat system in the vehicle; and

(C) the vehicle the defendant was operating was not involved in an accident; and

(2) subsequent to the time of the offense, the defendant obtained an appropriate child passenger safety seat system for each child required to be secured in a child passenger safety seat system under Section 545.412 ~~[545.412(a)]~~.

SECTION 3. Sections 545.413(b) and (b-1), Transportation Code, are amended to read as follows:

(b) A person commits an offense if the person:

(1) operates a passenger vehicle that is equipped with safety belts; and

(2) allows a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under Section 545.412 ~~[545.412(a)]~~ to ride in the vehicle without requiring the child to be secured by a safety belt, provided the child is occupying a seat that is equipped with a safety belt.

(b-1) A person commits an offense if the person allows a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under Section 545.412 ~~[545.412(a)]~~ to ride in a passenger van designed to transport 15 or fewer passengers, including the driver, without securing the child individually by a safety belt, if the child is occupying a seat that is equipped with a safety belt.

SECTION 4. This Act takes effect September 1, 2019.

**HB 2169 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2169**, A bill to be entitled An Act relating to reporting concerning female prisoners who are confined in county jails and to the provision of feminine hygiene products to female prisoners.

Representative Allen moved to concur in the senate amendments to **HB 2169**.

The motion to concur in the senate amendments to **HB 2169** prevailed by (Record 1779): 109 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bowers; Buckley; Bucy; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Ortega; Pacheco; Paddie; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smithee; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zerwas; Zwiener.

Nays — Ashby; Bohac; Bonnen; Burns; Burrows; Cain; Craddick; Cyrier; Frank; Goldman; Harless; Harris; Hefner; Holland; Johnson, J.E.; Krause; Landgraf; Lang; Leman; Metcalf; Middleton; Miller; Murr; Oliverson; Parker; Sanford; Schaefer; Shaheen; Smith; Springer; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Larson; Noble.

**STATEMENTS OF VOTE**

When Record No. 1779 was taken, I was shown voting yes. I intended to vote no.

Anderson

When Record No. 1779 was taken, I was shown voting no. I intended to vote yes.

Craddick

When Record No. 1779 was taken, I was shown voting no. I intended to vote yes.

Parker

### **Senate Committee Substitute**

**CSHB 2169**, A bill to be entitled An Act relating to reporting concerning female prisoners who are confined in county jails and to the provision of feminine hygiene products to female prisoners.

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

SECTION 1. Section 511.009(a), Government Code, is amended to read as follows:

(a) The commission shall:

(1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;

(2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

(3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;

(4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;

(5) revise, amend, or change rules and procedures if necessary;

(6) provide to local government officials consultation on and technical assistance for county jails;

(7) review and comment on plans for the construction and major modification or renovation of county jails;

(8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;

(9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;

(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;

(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;

(12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;

(13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;

(14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

(16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:

(A) common issues concerning jail administration;

(B) examples of successful strategies for maintaining compliance with state law and the rules, standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety;

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; ~~and~~

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals; and

(24) adopt reasonable rules and procedures establishing minimum standards for the quantity and quality of feminine hygiene products, including tampons in regular and large sizes and menstrual pads with wings in regular and large sizes, provided to a female prisoner.

SECTION 2. Section 511.0101(a), Government Code, is amended to read as follows:

(a) Each county shall submit to the commission on or before the fifth day of each month a report containing the following information:

(1) the number of prisoners confined in the county jail on the first day of the month, classified on the basis of the following categories:

(A) total prisoners;

(B) pretrial Class C misdemeanor offenders;

(C) pretrial Class A and B misdemeanor offenders;

(D) convicted misdemeanor offenders;

(E) felony offenders whose penalty has been reduced to a misdemeanor;

(F) pretrial felony offenders;

(G) convicted felony offenders;

(H) prisoners detained on bench warrants;

(I) prisoners detained for parole violations;

(J) prisoners detained for federal officers;

(K) prisoners awaiting transfer to the institutional division of the Texas Department of Criminal Justice following conviction of a felony or revocation of probation, parole, or release on mandatory supervision and for whom paperwork and processing required for transfer have been completed;

(L) prisoners detained after having been transferred from another jail and for whom the commission has made a payment under Subchapter F, Chapter 499, Government Code;

(M) prisoners for whom an immigration detainer has been issued by United States Immigration and Customs Enforcement; ~~[and]~~

(N) female prisoners; and

(O) other prisoners;

(2) the total capacity of the county jail on the first day of the month;

(3) the total number of prisoners who were confined in the county jail during the preceding month, based on a count conducted on each day of that month, who were known or had been determined to be pregnant;

(4) the total cost to the county during the preceding month of housing prisoners described by Subdivision (1)(M), calculated based on the average daily cost of housing a prisoner in the county jail; and

(5) certification by the reporting official that the information in the report is accurate.

SECTION 3. Not later than December 1, 2019, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(24), Government Code, as added by this Act.

SECTION 4. A county shall submit the first report required by Section 511.0101, Government Code, as amended by this Act, not later than October 5, 2019.

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

## **HB 2706 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2706**, A bill to be entitled An Act relating to authorized investments for governmental entities.

Representative Capriglione moved to concur in the senate amendments to **HB 2706**.

The motion to concur in the senate amendments to **HB 2706** prevailed by (Record 1780): 142 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; 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.

Nays — Murr; Ramos.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

### Senate Committee Substitute

**CSHB 2706**, A bill to be entitled An Act relating to authorized investments for governmental entities and a study of the investment and management of funds by public schools.

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

SECTION 1. Sections 2256.011(a) and (b), Government Code, are amended to read as follows:

(a) A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

- (1) has a defined termination date;
- (2) is secured by a combination of cash and obligations described by Section 2256.009(a)(1) or 2256.013 or, if applicable, Section 2256.0204; ~~and~~
- (3) requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and
- (4) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

(b) In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section 2256.009(a)(1) or 2256.013 or, if applicable, Section 2256.0204, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

SECTION 2. Section 2256.013, Government Code, is amended to read as follows:

Sec. 2256.013. **AUTHORIZED INVESTMENTS: COMMERCIAL PAPER.** Commercial paper is an authorized investment under this subchapter if the commercial paper:

(1) has a stated maturity of 365 ~~[270]~~ days or fewer from the date of its issuance; and

(2) is rated not less than A-1 or P-1 or an equivalent rating by at least:

(A) two nationally recognized credit rating agencies; or

(B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

SECTION 3. Sections 2256.016(e) and (f), Government Code, are amended to read as follows:

(e) In this section, for purposes of an investment pool for which a \$1.00 net asset value is maintained, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter:

(1) ~~[7]~~ a public funds investment pool that uses amortized cost or fair value accounting must mark its portfolio to market daily; ~~[7]~~ and

(2) if the investment pool uses amortized cost:

(A) the investment pool must, to the extent reasonably possible, stabilize at a \$1.00 net asset value, when rounded and expressed to two decimal places;

(B) the governing body of the investment pool must, if ~~[-14]~~ the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, ~~[the governing body of the public funds investment pool shall]~~ take action as the body determines necessary to eliminate or reduce to the extent reasonably practicable any dilution or unfair result to existing participants, including a sale of portfolio holdings to attempt to maintain the ratio between 0.995 and 1.005; and

(C) the investment pool must, in ~~[-14]~~ addition to the requirements of its investment policy and any other forms of reporting, ~~[a public funds investment pool that uses amortized cost shall]~~ report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

SECTION 4. Subchapter A, Chapter 2256, Government Code, is amended by adding Section 2256.0208 to read as follows:

Sec. 2256.0208. LOCAL GOVERNMENT INVESTMENT OF BOND PROCEEDS AND PLEDGED REVENUE. (a) In this section, "pledged revenue" means money pledged to the payment of or as security for:

(1) bonds or other indebtedness issued by a local government;

(2) obligations under a lease, installment sale, or other agreement of a local government; or

(3) certificates of participation in a debt or obligation described by Subdivision (1) or (2).



(b) The investment officer of a local government may invest bond proceeds or pledged revenue only to the extent permitted by this chapter, in accordance with:

(1) statutory provisions governing the debt issuance or the agreement, as applicable; and

(2) the local government's investment policy regarding the debt issuance or the agreement, as applicable.

SECTION 5. Section 2256.0204(g), Government Code, is repealed.

SECTION 6. (a) The Texas Education Agency shall conduct a study regarding the investment and management of funds by school districts and open-enrollment charter schools. On request of the agency, a district or school or the entity that invests or manages funds for the district or school, as appropriate, shall provide the agency information regarding:

(1) the district's or school's investments, including asset allocations, fees, and risks; and

(2) the district's or school's cash flow, fund balances, and other revenue sources.

(b) Not later than June 1, 2020, the Texas Education Agency shall deliver a report to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature having primary jurisdiction over primary and secondary education that includes:

(1) the findings of the study; and

(2) any recommendations for legislative action based on the findings of the study.

(c) This section expires September 1, 2021.

SECTION 7. This Act takes effect September 1, 2019.

## **HB 872 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 872**, A bill to be entitled An Act relating to financial assistance paid to the survivors of certain law enforcement officers and other public employees killed in the line of duty.

Representative Hefner moved to concur in the senate amendments to **HB 872**.

The motion to concur in the senate amendments to **HB 872** prevailed by (Record 1781): 140 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; 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; 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; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Frank; Noble; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

### STATEMENTS OF VOTE

When Record No. 1781 was taken, I was shown voting no. I intended to vote yes.

Noble

When Record No. 1781 was taken, I was shown voting no. I intended to vote yes.

Wilson

### Senate Committee Substitute

**CSHB 872**, A bill to be entitled An Act relating to financial assistance paid to the survivors of certain law enforcement officers and other public employees killed in the line of duty.

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

SECTION 1. Section 615.041, Government Code, is amended to read as follows:

Sec. 615.041. CONSIDERATION AND DETERMINATION [PROOF] OF CLAIM; COMPELLED COMPLIANCE. (a) Not later than the 30th day ~~[As soon as practicable]~~ after the date of the death of an individual listed under Section 615.003 that occurs in the performance of duties in the individual's position as described by Section 615.003 or as a result of an action that occurs while the individual is performing those duties ~~[is claimed to meet the requirements of Section 615.021(1)]~~, the individual's employing entity shall furnish to the board of trustees of the Employees Retirement System of Texas proof of the death in the form and with additional evidence and information required by the board. The employing entity shall furnish the evidence and information required under this subsection regardless of whether the employing entity believes the individual's death satisfies the eligibility requirements established under Section 615.021(a)(1).

(b) The board of trustees shall consider the proof, evidence, and information provided under Subsection (a), and any additional information required by the rules adopted in accordance with Section 615.002, to determine whether the

individual's death satisfies the eligibility requirements established under Section 615.021(a)(1) and justifies the payment of assistance to the individual's eligible survivors under this chapter.

(c) If the individual's employing entity fails to comply with Subsection (a), the attorney general may use any means authorized by law, including filing suit for a writ of mandamus against the employer, to compel the employer's compliance with this section.

SECTION 2. Section 615.121(a), Government Code, is amended to read as follows:

(a) The state shall pay the following benefits to an eligible surviving spouse of a peace officer, a jailer, a county jailer or guard, or an employee of the Texas Department of Criminal Justice, as described by Section 615.003(1), (4), ~~(6)~~, or (7), who was killed in the line of duty and who had not qualified for an annuity under an employees' retirement plan:

(1) funeral expenses related to the deceased person ~~[officer or employee]~~; and

(2) monthly payments that equal the greater of:

(A) the monthly annuity payment the deceased person ~~[officer or employee]~~ would have received if the deceased person ~~[officer or employee]~~ had survived, had retired on the last day of the month in which the person ~~[officer or employee]~~ died, and had been eligible to receive an annuity under an employees' retirement plan; or

(B) the minimum monthly annuity payment the deceased person ~~[officer or employee]~~ would have received if the person ~~[officer or employee]~~ had been employed by the state for 10 years, had been paid a salary at the lowest amount provided by the General Appropriations Act for a position of peace officer, jailer, county jailer or guard, or employee of the Texas Department of Criminal Justice, as described by Section 615.003(1), (4), ~~(6)~~, or (7), and had been eligible to retire under the Employees Retirement System of Texas.

SECTION 3. Section 615.041, Government Code, as amended by this Act, applies to the payment of assistance in connection with a death that occurs on or after the effective date of this Act. The payment of assistance in connection with a death that occurs before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. Section 615.121(a), Government Code, as amended by this Act, applies to a payment of assistance to survivors of certain law enforcement officers and employees on or after the effective date of this Act regardless of the date the officer or employee died.

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

## **HB 3648 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 3648**, A bill to be entitled An Act relating to the powers and duties of the office of independent ombudsman for the Texas Juvenile Justice Department.

Representative Guillen moved to concur in the senate amendments to **HB 3648**.

The motion to concur in the senate amendments to **HB 3648** prevailed by (Record 1782): 141 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; 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; 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.

Nays — Oliverson; Springer.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

Absent — Clardy.

### **Senate Committee Substitute**

**CSHB 3648**, A bill to be entitled An Act relating to the powers and duties of the office of independent ombudsman for the Texas Juvenile Justice Department.

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

SECTION 1. Section 261.001, Human Resources Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Child" means an individual who is:

(A) 10 years of age or older and younger than 19 years of age; and

(B) committed to or placed in a facility described by Section

261.101(f) by an order issued by a juvenile court.

(1-a) "Independent ombudsman" means the individual who has been appointed under this chapter to the office of independent ombudsman.

SECTION 2. Section 261.101, Human Resources Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other provision of this chapter, the powers of the office include:

(1) the inspection of:

(A) a facility operated by the department under Subtitle C;

(B) a post-adjudication secure correctional facility under Section 51.125, Family Code;

(C) a nonsecure correctional facility under Section 51.126, Family Code; and

(D) any other residential facility in which a child adjudicated as having engaged in conduct indicating a need for supervision or delinquent conduct is placed by court order; and

(2) the investigation of complaints alleging a violation of the rights of the children committed to or placed in a facility described by this subsection.

SECTION 3. The following provisions of the Human Resources Code are repealed:

(1) Section 261.101(e), as added by Section 11(b), Chapter 854 (**SB 1149**), Acts of the 84th Legislature, Regular Session, 2015; and

(2) Section 261.101(e), as amended by Chapter 962 (**SB 1630**), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 4. This Act takes effect September 1, 2019.

## **HB 4181 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 4181**, A bill to be entitled An Act relating to the organization and efficient operation of the legislative branch of state government.

Representative Geren moved to concur in the senate amendments to **HB 4181**.

The motion to concur in the senate amendments to **HB 4181** prevailed by (Record 1783): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; 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; 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; 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.

Nays — Middleton.

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

Absent, Excused — Anchia; Biedermann; Darby; Davis, S.; Johnson, E.

### STATEMENT OF VOTE

When Record No. 1783 was taken, I was shown voting yes. I intended to vote no.

Hunter

### Senate Committee Substitute

**CSHB 4181**, A bill to be entitled An Act relating to the organization and efficient operation of the legislative branch of state government.

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

SECTION 1. Sections 301.001, 301.002, 301.003, 301.004, and 301.005, Government Code, are amended to read as follows:

Sec. 301.001. TIME AND PLACE OF MEETING. The legislature shall convene at the seat of government in regular session at 12 noon on the second Tuesday in January of each odd-numbered year.

Sec. 301.002. WHO MAY ORGANIZE. (a) The following individuals ~~[persons]~~ only may organize the senate ~~[and house of representatives]~~:

(1) senators who have not completed their terms of office; and

(2) individuals who have received certification of election to the ~~[house of representatives or]~~ senate.

(b) Only the individuals who have received certification of election to the house of representatives may organize the house of representatives.

Sec. 301.003. ~~[SECRETARY OF STATE AS]~~ PRESIDING OFFICERS ~~[OFFICER]~~. (a) The secretary of state shall attend and unable ~~[the convening of each regular legislative session and shall]~~ preside at the organization of the house of representatives.

(b) If there is no secretary of state or if the secretary of state is absent or unable to attend, the attorney general shall attend and preside at the organization of the house of representatives.

(c) The lieutenant governor shall attend and preside at the organization of the senate. If the lieutenant governor is absent or unable to attend, the lieutenant governor may designate a member of the senate who is entitled to organize the senate under Section 301.002(a)(1) to preside ~~[The secretary of state shall appoint a clerk to take the minutes of the proceedings. If the chief clerk of the house of representatives for the previous session is present, the secretary of state shall appoint that person to act as clerk].~~

(d) If there is no lieutenant governor, the senator with the greatest number of years of cumulative service as a member of the senate who is entitled to organize the senate under Section 301.002(a)(1) shall preside.

Sec. 301.004. TEMPORARY OFFICERS; DUTIES ~~[OF CLERK]~~. (a) If the secretary of the senate for the previous session is present, that individual shall act as temporary secretary of the senate. If the chief clerk of the house of representatives for the previous session is present, the secretary of state shall appoint that individual to act as temporary chief clerk. The presiding officer of each house of the legislature shall appoint any temporary officers necessary to ensure the organization of the legislature.

(b) Under the direction of the presiding officer ~~[secretary of state]~~, the secretary of the senate or chief clerk shall call the districts of the appropriate house ~~[counties]~~ in numerical ~~[alphabetical]~~ order regardless of whether the secretary of state has received the election returns for each district ~~[county]~~.

(c) ~~[(b)]~~ If an individual appears at the call and presents proper evidence of the individual's ~~[his]~~ election, the individual shall be admitted or qualified as if the individual's election returns had been made to the secretary of state.

(d) ~~[(e)]~~ After the secretary of the senate has called the districts and the senators-elect have appeared and presented their credentials, the official oath shall be administered to each senator-elect by an officer authorized by law to administer oaths.

(e) After the chief clerk has called the districts ~~[counties]~~ and the members-elect of the house of representatives have appeared and presented their credentials, the chief clerk shall administer the official oath to each member-elect.

(f) The presiding officer of each house shall ensure that a journal of the proceedings of that house is kept.

Sec. 301.005. LACK OF QUORUM. If a quorum is not present in a house of the legislature on the day the legislature is to convene, the presiding officer of that house ~~[secretary of state]~~ and the secretary of the senate or chief clerk, as appropriate, shall attend each day until a quorum appears and is qualified.

SECTION 2. Section 301.006, Government Code, is amended by adding Subsection (c) to read as follows:

(c) After the senators-elect have taken the official oath, the senate shall choose necessary officers, and the lieutenant governor or an officer authorized by law to administer oaths shall administer the official oath to those officers.

SECTION 3. The heading to Subchapter B, Chapter 301, Government Code, is amended to read as follows:

SUBCHAPTER B. COMMITTEES AND COMMITTEE PROCEDURE  
[LEGISLATIVE REORGANIZATION ACT]

SECTION 4. Section 301.014, Government Code, is amended to read as follows:

Sec. 301.014. POWERS AND DUTIES OF STANDING COMMITTEES.  
(a) Each standing committee shall:

(1) conduct a continuing study of any matter within its jurisdiction and of the instrumentalities of government administering or executing the matter;

(2) examine the administration and execution of all laws relating to matters within its jurisdiction;

(3) conduct investigations to collect adequate information and materials necessary to perform its duties; and

(4) ~~[formulate legislative programs; and~~  
~~[(5) initiate, draft, and]~~ recommend to the appropriate house any legislation the committee believes is necessary and desirable.

(b) ~~[The chair of each standing committee shall introduce or cause to be introduced the legislative programs developed by the committee and shall mobilize committee efforts to secure the enactment into law of committee proposals.~~

~~[(e)]~~ Each committee may inspect the records, documents, and files of each state department, agency, or office as necessary to perform the committee's duties.

(c) ~~[(d)]~~ A standing committee is not limited in its legislative endeavors to considering bills, resolutions, or other proposals submitted by individual legislators. Each committee shall search for problems within its jurisdiction and develop, formulate, ~~[initiate,]~~ and recommend ~~[secure]~~ passage of any legislative solution the committee believes is desirable.

SECTION 5. Section 301.015(b), Government Code, is amended to read as follows:

(b) When the legislature is not in session, each standing committee shall meet as necessary to transact the committee's business. Each committee shall meet in Austin, except that if authorized by rule or resolution of the house creating the committee, the committee may meet in any location in this state that the committee determines necessary. To the extent authorized by rule or resolution, each committee may determine its meeting times.

SECTION 6. Sections 301.016 and 301.017, Government Code, are amended to read as follows:

Sec. 301.016. SPECIAL COMMITTEES. (a) By rule or resolution, each house acting individually or the two houses acting jointly may create special committees.

(b) A special committee shall perform the duties and functions and exercise the powers prescribed by the rule or resolution creating the committee.

(c) Except as limited by the rule or resolution creating the special committee, a special committee shall have and exercise the powers granted under this subchapter to a standing committee. A special committee also has any other powers delegated to it by the rule or resolution creating the committee, subject to the limitations of law.

Sec. 301.017. GENERAL INVESTIGATING COMMITTEES. (a) By rule or resolution, each house may create a general investigating committee.

(b) The senate general investigating committee must consist of five senators appointed by the president of the senate. The president of the senate shall designate one [a] committee member as chairman and one committee member as vice chairman.

(c) The house general investigating committee must consist of not fewer than five house members appointed by the speaker. The speaker shall designate one [a] committee member as chairman and one committee member as vice chairman.



(d) Each member serves a term beginning on the date of the member's appointment and ending with the convening of the next regular session following the date of appointment.

(e) If a vacancy occurs on a general investigating committee, the appropriate appointing authority shall appoint a person to fill the vacancy in the same manner as the original appointment.

(f) ~~[Each general investigating committee shall select a vice chairman and secretary from among its members.]~~

~~[(g)]~~ Members of a general investigating committee are entitled to reimbursement for actual and necessary expenses incurred in attending committee meetings and engaging in committee work.

~~[(h)]~~ All expenses of a general investigating committee, including compensation of the committee's employees and expenses incurred by members, shall be paid out of any appropriation to the legislature under Section 301.029 ~~[for mileage, per diem, and contingent expenses].~~

SECTION 7. Section 301.018(e), Government Code, is amended to read as follows:

(e) If the general investigating committees decide not to conduct joint hearings as provided by Section 301.019, the committees shall establish a liaison to fully inform each other ~~[the chairman of the inactive committee]~~ of the nature and progress of committee inquiries ~~[any inquiry by the other committee]~~.

SECTION 8. Section 301.019(c), Government Code, is amended to read as follows:

(c) A majority of the [Seven] members from each house's committee constitutes [of a joint general investigating committee constitute] a quorum of a joint general investigating committee.

SECTION 9. Section 301.020(e), Government Code, is amended to read as follows:

(e) Information held by a general investigating committee ~~[that if held by a law enforcement agency or prosecutor would be excepted from the requirements of Section 552.021 under Section 552.108]~~ is confidential and not subject to public disclosure except as provided by the rules of the house establishing the committee.

SECTION 10. Section 301.032, Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) Subject to Subsection (c), a ~~[A]~~ committee created by rule or resolution may accept gifts, grants, and donations for purposes of funding the committee's activities unless the rule or resolution prohibits the acceptance.

(c) The acceptance of a gift, grant, or donation under Subsection (b) is not effective until the committee on administration for the appropriate house, or the committees on administration for both houses in the case of acceptance by a joint committee, approves the acceptance.

(d) All gifts, grants, and donations must be accepted in an open meeting by a majority of the voting members of the appropriate body and reported in the public record of the accepting body with the name of the donor and purpose of the gift, grant, or donation.

SECTION 11. Section 301.041, Government Code, is transferred to Subchapter B, Chapter 301, Government Code, redesignated as Section 301.033, Government Code, and amended to read as follows:

Sec. 301.033 ~~[301.041]~~. TERMINATION OF MEMBERSHIP ON INTERIM COMMITTEE. (a) A duly appointed senator's or representative's membership on the Legislative Budget Board, Legislative Library Board, Legislative Audit Committee, Texas Legislative Council, or any other interim committee terminates if the member:

- (1) resigns the membership;
- (2) ceases membership in the legislature for any reason; or
- (3) fails to be nominated or elected to the legislature for the next term.

(b) A vacancy created under this section shall be immediately filled by appointment for the unexpired term in the same manner as the original appointment.

(c) If a member serves on the Legislative Budget Board, Legislative Library Board, or Legislative Audit Committee because of the member's position as chairman of a standing committee, this section does not affect the member's position as chairman of that standing committee.

(d) In filling a vacancy created under this section, the lieutenant governor or the speaker may appoint a senator or representative, as appropriate, other than a committee chairman designated by law to serve as a member of the Legislative Budget Board, Legislative Library Board, Legislative Audit Committee, Texas Legislative Council, or any other interim committee. An appointment made under this subsection does not constitute an appointment to any position other than that of a member of a board, council, or committee covered by this section.

SECTION 12. The heading to Subchapter C, Chapter 301, Government Code, is amended to read as follows:

**SUBCHAPTER C. LEGISLATIVE OFFICERS AND EMPLOYEES**

**[MEMBERSHIP ON INTERIM COMMITTEES]**

SECTION 13. Subchapter C, Chapter 301, Government Code, is amended by adding Sections 301.041, 301.042, and 301.043 to read as follows:

Sec. 301.041. COMMUNICATIONS WITH PARLIAMENTARIANS. (a) Communications, including conversations, correspondence, and electronic communications, between a member, officer, or employee of the legislative branch and a parliamentarian appointed by the presiding officer of either house that relate to a request by the member, officer, or employee for information, advice, or opinions from a parliamentarian are confidential and subject to legislative privilege. Information, advice, and opinions given privately by a parliamentarian to a member, officer, or employee of the legislative branch, acting in the member's, officer's, or employee's official capacity, are confidential and subject to legislative privilege. However, the member, officer, or employee of the legislative branch may choose to disclose all or a part of the communications, information, advice, or opinions to which this section applies, and such disclosure does not violate the law of this state.

(b) Records relating to requests made of a parliamentarian appointed under Subsection (a) for assistance, information, advice, or opinion are not public information and are not subject to Chapter 552.

(c) In this section:

(1) "Member, officer, or employee of the legislative branch" includes:

(A) a member, member-elect, or officer of either house of the legislature or of a legislative committee;

(B) an employee of the legislature, including an employee of a legislative agency, office, or committee; and

(C) the lieutenant governor.

(2) "Parliamentarian" includes an employee of a parliamentarian.

Sec. 301.042. COMMUNICATIONS WITH ENGROSSING AND ENROLLING DEPARTMENT. (a) In this section, "department" means an engrossing and enrolling department maintained by either house of the legislature.

(b) Communications, including conversations, correspondence, and electronic communications, between a member of the legislature or the lieutenant governor, an officer of the house or senate, a legislative agency, office, or committee, or a member of the staff of any of those officers or entities and an assistant or employee of a department that relate to a request by the officer or entity for information, advice, or opinions from an assistant or employee of the department are confidential and subject to legislative privilege.

(c) A communication described by Subsection (b) is subject to attorney-client privilege if:

(1) the assistant or employee of the department who is a party to the communication is a department attorney or is working at the direction of a department attorney;

(2) the communication is given privately; and

(3) the communication is made in connection with the department attorney's provision of legal advice or other legal services.

(d) Information, advice, and opinions given privately by an assistant or employee of a department to a member of the legislature or the lieutenant governor, an officer of the house or senate, a legislative agency, office, or committee, or a member of the staff of any of those officers or entities, when acting in the person's official capacity, are confidential and subject to legislative privilege.

(e) The member of the legislature, lieutenant governor, house or senate officer, or legislative agency, office, or committee may choose to disclose all or a part of the communications, information, advice, or opinions to which this section applies and to which the individual or entity was a party.

(f) This section does not affect the authority of a court to analyze and apply attorney-client privilege under the applicable rules of evidence governing a judicial proceeding.

Sec. 301.043. ENGROSSING AND ENROLLING DEPARTMENT RECORDS OF DRAFTING AND OTHER REQUESTS. (a) In this section, "department" has the meaning assigned by Section 301.042(a).

(b) Records relating to requests of department staff for the drafting of proposed legislation or for assistance, information, advice, or opinion are:

(1) subject to legislative privilege; and

(2) not public information and not subject to Chapter 552.

SECTION 14. Section 301.007, Government Code, is transferred to Subchapter D, Chapter 301, Government Code, and redesignated as Section 301.052, Government Code, to read as follows:

Sec. 301.052 [~~301.007~~]. DISTRIBUTION OF JOURNALS. (a) The lieutenant governor and speaker shall each appoint an employee to distribute the journal of the respective houses.

(b) The employee shall distribute a copy of the journal to:

(1) the governor;

(2) each member of the legislature; and

(3) heads of departments, if requested.

SECTION 15. Chapter 301, Government Code, is amended by adding Subchapter F, and a subchapter heading is added to read as follows:

#### SUBCHAPTER F. MISCELLANEOUS PROVISIONS

SECTION 16. Section 301.034, Government Code, is transferred to Subchapter F, Chapter 301, Government Code, as added by this Act, and redesignated as Section 301.071, Government Code, to read as follows:

Sec. 301.071 [~~301.034~~]. SALE OF TEXAS FLAGS AND SIMILAR ITEMS. Either house of the legislature may acquire and provide for the sale of Texas flags and other items carrying symbols of the State of Texas.

SECTION 17. Section 303.003(c), Government Code, is amended to read as follows:

(c) Contributions from a contributor to the speaker's reunion day ceremony may not exceed an aggregate of \$1,000 [~~\$500~~] cash or an aggregate value of more than \$1,000 [~~\$500~~].

SECTION 18. Chapter 306, Government Code, is amended by adding Sections 306.008 and 306.009 to read as follows:

Sec. 306.008. LEGISLATIVE PRIVILEGE. (a) To protect the public's interest in the proper performance of the deliberative and policymaking responsibilities of the legislature and to preserve the legislative branch's independence under the fundamental principle of separation of powers, as guaranteed by Article II and Section 21, Article III, Texas Constitution, a communication is confidential and subject to legislative privilege if the communication:

(1) is given privately;

(2) concerns a legislative activity or function; and

(3) is among or between any of the following:

(A) a member of the house or senate;

(B) the lieutenant governor;

(C) an officer of the house or senate;

(D) a member of the governing body of a legislative agency; or

(E) a legislative employee.

(b) A communication described by Subsection (a) is subject to attorney-client privilege if:

(1) one of the parties to the communication is a legislative attorney or a legislative employee working at the direction of a legislative attorney; and

(2) the communication is made in connection with the legislative attorney's provision of legal advice or other legal services.

(c) A member of the house or senate, the lieutenant governor, or an officer of the house or senate may choose to disclose all or part of a communication to which Subsection (a) or (b) applies and to which the individual or a legislative employee acting on behalf of the individual was a party.

(d) This section does not affect the authority of a court to analyze and apply legislative or attorney-client privileges under the applicable rules of evidence governing a judicial proceeding.

(e) In this section:

(1) "Legislative agency" means a board, commission, committee, council, department, office, or any other agency in the legislative branch of state government. The term does not include the Texas Ethics Commission.

(2) "Legislative attorney" means an attorney employed or engaged by the house, the senate, a member of the house or senate, the lieutenant governor, an officer of the house or senate, a house or senate committee, a joint committee, or a legislative agency.

(3) "Legislative employee" means an employee of, assistant or a person performing services under a contract entered into with either house of the legislature, a committee of either house, or a legislative agency, or credentialed intern for any part of the legislative branch of state government, including the house, the senate, a member of the house or senate, the lieutenant governor, an officer of the house or senate, a house or senate committee, a joint committee, or a legislative agency.

Sec. 306.009. CUSTODIAN OF CERTAIN LEGISLATIVE RECORDS.

(a) A member of the legislature, the lieutenant governor, an officer of the house or senate, or a legislative agency, office, or committee that stores records with or transfers records to the Legislative Reference Library or the Texas State Library and Archives Commission:

(1) possesses, maintains, or controls the records for purposes of litigation; and

(2) is the custodian of the records for purposes of Chapter 552.

(b) Subsection (a) does not apply to a member of the legislature or the lieutenant governor after the individual's service as a member or lieutenant governor ends.

SECTION 19. Sections 314.003(a) and (b), Government Code, are amended to read as follows:

(a) If a fiscal note is required on a bill or resolution, it must be attached to the bill or resolution as provided by the rules of the appropriate house of the legislature ~~[before a committee hearing on the bill or resolution may be conducted].~~

(b) The fiscal note must be printed as part of [on the first page of] the committee report of the bill or resolution and as part [on the first page] of all subsequent printings, as provided by the rules of the appropriate house of the legislature.

SECTION 20. Section 323.006(a), Government Code, is amended to read as follows:

(a) The council shall:

(1) study and investigate the functions and problems of state departments, agencies, and officers;

(2) conduct investigations and studies and make reports that may be considered useful to the legislative branch of state government;

(3) gather and disseminate information for the legislature's use;

(4) meet and perform council functions during the legislative interim;

(5) make periodic reports to all members of the legislature and keep the legislature fully informed of all issues that may come before the council, any action taken on an issue, and the progress made on an issue;

(6) report council recommendations to the legislature and, if appropriate, provide drafts of legislation with the report;

(7) assist the legislature in drafting proposed legislation; ~~and~~

(8) provide legal advice and other legal services to the legislature; and

(9) provide data-processing services to aid members and legislative committees in accomplishing their legislative duties.

SECTION 21. Sections 323.017 and 323.018, Government Code, are amended to read as follows:

Sec. 323.017. CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS. (a) Communications, including conversations, correspondence, and electronic communications, between a member of the legislature or the lieutenant governor, an officer of the house or senate, a legislative agency, office, or committee, or a member of the staff of any of those officers or entities and an assistant or employee of the council that relate to a request by the officer or entity [official] for information, advice, or opinions from an assistant or employee of the council are confidential and subject to legislative privilege.

(b) A communication described by Subsection (a) is subject to attorney-client privilege if:

(1) the assistant or employee of the council who is a party to the communication is a council attorney or is working at the direction of a council attorney;

(2) the communication is given privately; and

(3) the communication is made in connection with the council attorney's provision of legal advice or other legal services.

(c) Information, advice, and opinions given privately by an assistant or employee of the council to a member of the legislature[;] or the lieutenant governor, an officer of the house or senate, a legislative agency, office, or

committee, or a member of the staff of any of those officers or entities, when acting in the person's official capacity, are confidential and subject to legislative privilege.

(d) The ~~[However, the]~~ member of the legislature, ~~[or]~~ lieutenant governor, house or senate officer, or legislative agency, office, or committee may choose to disclose all or a part of the communications, information, advice, or opinions to which this section applies~~;~~ and to which the individual or entity was a party ~~[such a disclosure does not violate the law of this state].~~

(e) This section does not affect the authority of a court to analyze and apply attorney-client privilege under the applicable rules of evidence governing a judicial proceeding.

Sec. 323.018. RECORDS OF DRAFTING AND OTHER REQUESTS. Records relating to requests of council staff for the drafting of proposed legislation or for assistance, information, advice, or opinion are:

(1) subject to legislative privilege; and

(2) not public information and not subject to Chapter 552.

SECTION 22. Chapter 323, Government Code, is amended by adding Section 323.021 to read as follows:

Sec. 323.021. LEGISLATIVE OFFICE RECORDS. A member of the legislature, the lieutenant governor, an officer of the house or senate, or a legislative agency, office, or committee that uses a system made available by the council to transmit, store, or maintain records:

(1) possesses, maintains, or controls the records for purposes of litigation; and

(2) is the custodian of the records for purposes of Chapter 552.

SECTION 23. Section 324.001, Government Code, is amended by adding Subdivisions (4), (5), and (6) to read as follows:

(4) "Legislative entity" means a member of the legislature, the lieutenant governor, an officer of the house or senate, or a legislative committee, department, or office, but does not include a legislative agency created by Subtitle C, Title 3.

(5) "Legislative record" means a record, including a state record or archival state record, created by a legislative entity. The term includes records described by Section 324.008(b).

(6) "State record" and "archival state record" have the meanings assigned by Section 441.180.

SECTION 24. Sections 324.007(b) and (c), Government Code, are amended to read as follows:

(b) The library shall contain, as may best be made available for legislative use, the following items:

(1) checklists and catalogues of current legislation in this and other states;

(2) catalogues of bills and resolutions presented in either house of the legislature;

(3) checklists of public documents in each state;

(4) checklists of all reports issued by each department, agency, board, or commission of this state; ~~and~~

(5) digests of public laws of this and other states;

(6) legislative records; and

(7) other items designated by the board or the director.

(c) The director and library employees shall provide any assistance requested by a member of the legislature in researching, analyzing, evaluating, and preparing bills and resolutions.

SECTION 25. The heading to Section 324.008, Government Code, is amended to read as follows:

Sec. 324.008. DEPOSIT AND MANAGEMENT ~~[DISPOSITION]~~ OF DOCUMENTS.

SECTION 26. Sections 324.008(a) and (c), Government Code, are amended to read as follows:

(a) The library is a depository library as defined by Section 441.101 ~~[Section 1, Chapter 438, Acts of the 58th Legislature, 1963 (Article 5442a, Vernon's Texas Civil Statutes),]~~ and shall receive state documents and publications from other states distributed by the Texas State Library.

(c) At the close of each legislative session, each daily legislative journal, bill, or resolution possessed by the senate or house sergeant at arms shall be delivered to the library to be managed as a legislative record under Section 324.0085 ~~[disposed of at the discretion of the director]~~.

SECTION 27. Chapter 324, Government Code, is amended by adding Sections 324.0085 and 324.0086 to read as follows:

Sec. 324.0085. LEGISLATIVE RECORDS. (a) In this section:

(1) "Commission," "records management officer," and "state records administrator" have the meanings assigned by Section 441.180.

(2) "Director and librarian of the commission" means the chief executive and administrative officer of the Texas State Library and Archives Commission.

(b) The library is the depository for legislative records.

(c) Except as otherwise provided by this chapter, a legislative record must be managed by the director in the same manner that a state record is managed under Subchapter L, Chapter 441. For a legislative record, with regard to the requirements of Subchapter L, Chapter 441:

(1) the board shall perform the functions and duties of the commission;  
and

(2) the director shall perform the functions and duties of:

(A) the director and librarian of the commission;

(B) the state records administrator; and

(C) the records management officer.

(d) Legislative records shall be transferred to the library or a depository outside the library under Section 324.0086, in accordance with any applicable records retention schedule approved by the director under this section.



(e) A legislative entity may retrieve, for temporary use, records transferred by the legislative entity to the library or a depository outside the library. The director and library employees shall assist the legislative entity with retrieval of the records, and the legislative entity shall return the records to the library following the legislative entity's use.

(f) Under the direction of the legislative entity that created the records transferred to the library, or of the public information officer of the appropriate house of the legislature in the case of a former legislative entity, the director shall protect privileged or confidential legislative records held by the library or a depository outside the library from public disclosure.

(g) Under the direction of the public information officer of the legislative entity that transferred a legislative record to the library or an authorized depository outside the library, or of the public information officer of the appropriate house of the legislature in the case of a former legislative entity, the director shall respond to requests received under Chapter 552 for the legislative record. The director shall notify the public information officer responsible for the legislative record as soon as practicable after receiving a request described by this subsection.

(h) The director may:

(1) transfer legislative records to the Texas State Library and Archives Commission for management under Subchapter L, Chapter 441; and

(2) request the Texas State Library and Archives Commission to return to the library, without charge to the library, legislative records held by the commission.

(i) To the extent of any conflict, this section prevails over Chapter 441 or any other state law relating to the management of legislative records.

Sec. 324.0086. PLACEMENT IN OTHER DEPOSITORY. (a) A member of the legislature may apply to the board to place records that were created or received by the member's office during the member's term in a depository other than the library.

(b) The board shall:

(1) create a list of preapproved depositories in which members of the legislature may place records of their legislative offices; and

(2) by rule adopt policies and procedures to approve additional depositories.

(c) The director is responsible for the preservation of records described by Subsection (a) placed in a depository other than the library. Ownership and legal custody of the records remain with the legislature as provided by Section 324.0085. The records may not be intermingled with other holdings of the institution that serves as a depository.

SECTION 28. Subchapter L, Chapter 441, Government Code, is amended by adding Section 441.1821 to read as follows:

Sec. 441.1821. LEGISLATIVE RECORDS MANAGEMENT. (a) As used in this section, "legislative record" has the meaning assigned by Section 324.001.

(b) Upon receipt of a request from the Legislative Reference Library for the return of a legislative record in the custody of the commission, the commission shall immediately return the legislative record to the library, at no cost to the library.

(c) Notwithstanding any other law, the Legislative Reference Library shall manage legislative records under Chapter 324. To the extent of any conflict, Chapter 324 prevails over this chapter or any other state law relating to the management of state records that are legislative records.

SECTION 29. Section 602.002, Government Code, is amended to read as follows:

Sec. 602.002. OATH MADE IN TEXAS. An oath made in this state may be administered and a certificate of the fact given by:

- (1) a judge, retired judge, or clerk of a municipal court;
- (2) a judge, retired judge, senior judge, clerk, or commissioner of a court of record;
- (3) a justice of the peace or a clerk of a justice court;
- (4) an associate judge, magistrate, master, referee, or criminal law hearing officer;
- (5) a notary public;
- (6) a member of a board or commission created by a law of this state, in a matter pertaining to a duty of the board or commission;
- (7) a person employed by the Texas Ethics Commission who has a duty related to a report required by Title 15, Election Code, in a matter pertaining to that duty;
- (8) a county tax assessor-collector or an employee of the county tax assessor-collector if the oath relates to a document that is required or authorized to be filed in the office of the county tax assessor-collector;
- (9) the secretary of state or a former secretary of state;
- (10) an employee of a personal bond office, or an employee of a county, who is employed to obtain information required to be obtained under oath if the oath is required or authorized by Article 17.04 or by Article 26.04(n) or (o), Code of Criminal Procedure;
- (11) the lieutenant governor or a former lieutenant governor;
- (12) the speaker of the house of representatives or a former speaker of the house of representatives;
- (13) the governor or a former governor;
- (14) a legislator or retired legislator;
- (14-a) the secretary of the senate or the chief clerk of the house of representatives;
- (15) the attorney general or a former attorney general;
- (16) the secretary or clerk of a municipality in a matter pertaining to the official business of the municipality;
- (17) a peace officer described by Article 2.12, Code of Criminal Procedure, if:
  - (A) the oath is administered when the officer is engaged in the performance of the officer's duties; and

- (B) the administration of the oath relates to the officer's duties; or  
(18) a county treasurer.

SECTION 30. Records described by Section 301.041(b) or 301.043, Government Code, as added by this Act, or Section 323.018, Government Code, as amended by this Act, are not subject to request, inspection, or duplication under Chapter 552, Government Code. A governmental body may withhold the records without the necessity of requesting a decision from the attorney general under Subchapter G, Chapter 552, Government Code.

SECTION 31. 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.

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

Amend **CSHB 4181** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Subchapter F, Chapter 301, Government Code, as added by this Act, is amended by adding Section 301.072 to read as follows:

Sec. 301.072. STATE BUILDINGS OCCUPIED BY LEGISLATIVE OFFICES AND AGENCIES. (a) This section applies to a state building that is:

- (1) occupied by a legislative office or agency;
- (2) located in the Capitol complex, as defined by Section 443.0071; and
- (3) not described by Section 2165.007(b)(6).

(b) The presiding officers of each house of the legislature, in consultation with the legislative offices or agencies occupying a state building, shall jointly decide the following with respect to a state building to which this section applies, the building's facilities, and the grounds used by occupants of the building:

(1) the use of space by and allocation of space to a legislative office or agency;

(2) security and building access for a legislative office or agency;

(3) the manner in which a legislative office or agency contracts for a construction or remodeling project involving space allocated to the office or agency; and

(4) the timing and logistics of a maintenance or construction activity involving the building, facilities, or grounds that affects a legislative office or agency.

### **HB 410 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 410**, A bill to be entitled An Act relating to the regulation of certain low-volume livestock processing establishments.

Representative White moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 410**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 410**: White, chair; Price, Sheffield, Sherman, and Zedler.

**HB 2747 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2747**, A bill to be entitled An Act relating to the licensing and regulation of massage therapy.

Representative Ortega moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2747**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2747**: Ortega, chair; Goldman, Guillen, Landgraf, and S. Thompson.

**HB 3193 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3193**, A bill to be entitled An Act relating to the licensing of a home and community support services agency; increasing fees.

Representative Hinojosa moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3193**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3193**: Hinojosa, chair; Klick, Rose, Frank, and Noble.

**HB 1053 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1053**, A bill to be entitled An Act relating to the disposition of real property interests by the Willacy County Navigation District.

Representative Guillen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1053**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1053**: Guillen, chair; Leman, Martinez, Burns, and Meza.

**HB 2911 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2911**, A bill to be entitled An Act relating to voter registration.

**HB 2911 - POINT OF ORDER**

Representative Moody raised a point of order against further consideration of **HB 2911** under Rule 11, Section 2, of the House Rules on the grounds that the senate amendments are not germane to the bill.

**MESSAGE FROM THE SENATE**

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

**HB 2911 - (consideration continued)**

The point of order was withdrawn.

Representative Klick moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2911**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2911**: Klick, chair; Bucy, Cortez, Goldman, and Israel.

**HB 2858 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2858**, A bill to be entitled An Act relating to adoption of a uniform swimming pool and spa code for use in municipalities in this state.

Representative Toth moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2858**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2858**: Toth, chair; Middleton, Capriglione, Goodwin, and Patterson.

**HB 4542 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 4542**, A bill to be entitled An Act relating to reports by persons involved in the manufacture and distribution of alcoholic beverages for purposes of sales and use taxes.

Representative Guillen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 4542**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4542**: Guillen, chair; Burrows, Murphy, Rodriguez, and Wray.

**HB 492 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 492**, A bill to be entitled An Act relating to a temporary local option exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster.

Representative Shine moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 492**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 492**: Shine, chair; Burrows, Darby, Murphy, and Martinez Fischer.

**SB 11 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative G. Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 11**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 11**: G. Bonnen, chair; Bernal, Metcalf, Oliverson, and Zerwas.

**SB 20 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative S. Thompson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 20**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 20**: S. Thompson, chair; Geren, Hunter, T. King, and Moody.

**SB 568 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative G. Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 568**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 568**: G. Bonnen, chair; Frank, Goldman, Longoria, and Miller.

**SB 616 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Leach, the house granted the request of the senate for the appointment of a Conference Committee on **SB 616**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 616**: Paddie, chair; Flynn, Lambert, Nevárez, and S. Thompson.

**SB 619 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Paddie, the house granted the request of the senate for the appointment of a Conference Committee on **SB 619**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 619**: Paddie, chair; Flynn, Lambert, Nevárez, and S. Thompson.

**SB 1207 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Krause, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1207**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1207**: Krause, chair; J.E. Johnson, Leach, Oliverson, and Parker.

**SB 2182 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Parker, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2182**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2182**: Parker, chair; Collier, Cyrier, Frullo, and Moody.

**SB 2342 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Leach, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2342**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2342**: Leach, chair; Geren, Meyer, Pacheco, and Smith.

**SB 2432 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Sanford, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2432**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2432**: Sanford, chair; K. Bell, Harris, Huberty, and Talarico.

**SB 2551 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Sanford, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2551**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2551**: Burrows, chair; P. King, Martinez Fischer, Meyer, and Phelan.

**SB 911 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Nevárez, the house granted the request of the senate for the appointment of a Conference Committee on **SB 911**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 911**: Nevárez, chair; Canales, Larson, Morrison, and Price.



**HB 496 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

Representative Gervin-Hawkins called up with senate amendments for consideration at this time,

**HB 496**, A bill to be entitled An Act relating to the placement of bleeding control stations in public schools and to required training of public school personnel and students.

Representative Gervin-Hawkins moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 496**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 496**: Gervin-Hawkins, chair; G. Bonnen, Oliverson, Allison, and Cortez.

**SB 1412 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Sanford, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1412**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1412**: Burrows, chair; Craddick, Rodriguez, Tinderholt, and VanDeaver.

**SB 916 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Zerwas, the house granted the request of the senate for the appointment of a Conference Committee on **SB 916**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 916**: Zerwas, chair; Burrows, Capriglione, Howard, and Oliverson.

**SB 562 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Price, the house granted the request of the senate for the appointment of a Conference Committee on **SB 562**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 562**: Price, chair; Larson, Minjarez, Moody, and Paddie.

**SB 815 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Moody, the house granted the request of the senate for the appointment of a Conference Committee on **SB 815**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 815**: Moody, chair; Collier, P. King, Krause, and White.

**SB 2138 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Moody, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2138**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2138**: S. Davis, chair; Raymond, Sheffield, S. Thompson, and Zerwas.

**SB 583 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Moody, the house granted the request of the senate for the appointment of a Conference Committee on **SB 583**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 583**: Rose, chair; Collier, J. González, Murr, and Smith.

**SB 132 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Longoria, the house granted the request of the senate for the appointment of a Conference Committee on **SB 132**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 132**: Longoria, chair; Anchia, Lambert, Paddie, and Rose.

**SB 1151 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Longoria, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1151**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1151**: Longoria, chair; Anchia, Ashby, Schaefer, and Wu.

**HB 1550 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1550**, A bill to be entitled An Act relating to certain governmental entities subject to the sunset review process.

Representative Paddie moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1550**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1550**: Paddie, chair; Frullo, Huberty, Larson, and Price.

**HB 3745 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

Representative C. Bell called up with senate amendments for consideration at this time,

**HB 3745**, A bill to be entitled An Act relating to the Texas emissions reduction plan fund and account.

Representative C. Bell moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3745**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3745**: C. Bell, chair; Capriglione, M. González, Longoria, and Zerwas.

**MESSAGES FROM THE SENATE**

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 3 and 4).

**SB 30 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Phelan, the house granted the request of the senate for the appointment of a Conference Committee on **SB 30**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 30**: Phelan, chair; Leach, Longoria, Meyer, and Stephenson.

**SB 355 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Phelan, the house granted the request of the senate for the appointment of a Conference Committee on **SB 355**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 355**: Klick, chair; Frank, Hinojosa, Minjarez, and Noble.

**SB 1991 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Phelan, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1991**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1991**: Klick, chair; Deshotel, Hinojosa, Miller, and Noble.

**HB 1313 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1313**, A bill to be entitled An Act relating to the authority of the chief appraiser of an appraisal district to increase the appraised value of property in the tax year following the year in which the appraised value of the property is lowered as a result of a protest or appeal.

Representative P. King moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1313**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1313**: P. King, chair; Calanni, Guillen, Murphy, and Sanford.

**SB 1572 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Button, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1572**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1572**: Button, chair; Canales, Holland, Middleton, and Morrison.

**HB 1973 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1973**, A bill to be entitled An Act relating to the system by which an application for a low income housing tax credit is scored.

Representative Button moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1973**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1973**: Button, chair; Goodwin, Rodriguez, Shaheen, and Swanson.

**SB 799 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Murphy, the house granted the request of the senate for the appointment of a Conference Committee on **SB 799**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 799**: Murphy, chair; G. Bonnen, Morrison, Murr, and Phelan.

**SB 1105 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Frank, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1105**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1105**: Frank, chair; Cortez, Klick, Oliverson, and Parker.

**PROVIDING FOR ADJOURNMENT**

At 7:53 p.m., Representative Goodwin moved that, at the conclusion of the receipt of messages from the senate and referral of resolutions to committee, the house adjourn until 10 a.m. tomorrow in memory of Christopher Todd Askew of The Hills.

The motion prevailed.

**ADJOURNMENT**

In accordance with a previous motion, the house, at 9:48 a.m. Friday, May 24, adjourned until 10 a.m. today.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

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

**House List No. 36**

**HB 88, HB 293, HB 294, HB 511, HB 692, HB 1099, HB 1262, HB 1885, HB 1894, HB 2164, HB 2188, HB 2775, HB 2805, HB 2868, HB 3041, HB 3384, HB 3490, HB 3496, HB 3511, HB 4157, HB 4428, HB 4765, HCR 133, HCR 140**

**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 23, 2019 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 177**                                Bonnen, Dennis                                SPONSOR: Kolkhorst  
In memory of former House Speaker Pro Tempore D. R. "Tom" Uher of Bay City.

**HCR 180**                                Parker    SPONSOR: Perry  
Congratulating Representative Tom Craddick and Nadine Craddick on their 50th wedding anniversary.

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

<b>SB 38</b>	(30 Yeas, 1 Nay)
<b>SB 68</b>	(31 Yeas, 0 Nays)
<b>SB 289</b>	(31 Yeas, 0 Nays)
<b>SB 479</b>	(31 Yeas, 0 Nays)
<b>SB 708</b>	(31 Yeas, 0 Nays)
<b>SB 709</b>	(31 Yeas, 0 Nays)
<b>SB 747</b>	(31 Yeas, 0 Nays)
<b>SB 748</b>	(31 Yeas, 0 Nays)
<b>SB 810</b>	(30 Yeas, 1 Nay)
<b>SB 943</b>	(31 Yeas, 0 Nays)
<b>SB 952</b>	(29 Yeas, 2 Nays)
<b>SB 1164</b>	(31 Yeas, 0 Nays)

<b>SB 1283</b>	(31 Yeas, 0 Nays)
<b>SB 1494</b>	(31 Yeas, 0 Nays)
<b>SB 1640</b>	(31 Yeas, 0 Nays)
<b>SB 1823</b>	(31 Yeas, 0 Nays)
<b>SB 1827</b>	(31 Yeas, 0 Nays)
<b>SB 1852</b>	(31 Yeas, 0 Nays)
<b>SB 1887</b>	(31 Yeas, 0 Nays)
<b>SB 1928</b>	(31 Yeas, 0 Nays)
<b>SB 2119</b>	(28 Yeas, 3 Nays)
<b>SB 2223</b>	(29 Yeas, 2 Nays)
<b>SB 2315</b>	(31 Yeas, 0 Nays)
<b>SB 2535</b>	(31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 11**

Senate Conferees: Taylor - Chair/Campbell/Lucio/Nelson/Watson

**SB 20**

Senate Conferees: Huffman - Chair/Hughes/Nelson/Paxton/Zaffirini

**SB 583**

Senate Conferees: Hinojosa - Chair/Flores/Huffman/Perry/Whitmire

**SB 616**

Senate Conferees: Birdwell - Chair/Campbell/Hall/Nichols/Watson

**SB 619**

Senate Conferees: Birdwell - Chair/Buckingham/Hall/Nichols/Watson

**SB 1151**

Senate Conferees: Huffman - Chair/Creighton/Nelson/Nichols/Zaffirini

**SB 1207**

Senate Conferees: Perry - Chair/Flores/Kolkhorst/Nelson/Watson

**SB 2182**

Senate Conferees: Nelson - Chair/Birdwell/Campbell/Hinojosa/Nichols

**SB 2342**

Senate Conferees: Creighton - Chair/Fallon/Flores/Huffman/Lucio

**SB 2432**

Senate Conferees: Taylor - Chair/Bettencourt/Campbell/Hall/Hughes

**SB 2551**

Senate Conferees: Hinojosa - Chair/Campbell/Hancock/Nichols/Whitmire

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 234**

Senate Conferees: Nelson - Chair/Campbell/Huffman/Nichols/Whitmire

**HB 684**

Senate Conferees: Hughes - Chair/Bettencourt/Campbell/Lucio/Paxton

**HB 812**

Senate Conferees: Whitmire - Chair/Buckingham/Huffman/Miles/Perry

**HB 1504**

Senate Conferees: Nichols - Chair/Birdwell/Buckingham/Hall/Watson

**HB 2402**

Senate Conferees: Fallon - Chair/Alvarado/Flores/Hancock/Paxton

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 23, 2019 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

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

**SB 346** (30 Yeas, 1 Nay)

**SB 667** (31 Yeas, 0 Nays)

**SB 1091** (30 Yeas, 1 Nay)

**SB 1210** (31 Yeas, 0 Nays)

**SB 1319** (30 Yeas, 1 Nay)

**SB 1414** (27 Yeas, 4 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 132**



Senate Conferees: Hinojosa - Chair/Creighton/Hancock/Nelson/Zaffirini

**SB 355**

Senate Conferees: West - Chair/Johnson/Kolkhorst/Perry/Seliger

**SB 562**

Senate Conferees: Zaffirini - Chair/Flores/Huffman/Perry/Rodríguez

**SB 568**

Senate Conferees: Huffman - Chair/Campbell/Kolkhorst/Powell/Schwertner

**SB 815**

Senate Conferees: Rodríguez - Chair/Flores/Huffman/Perry/Whitmire

**SB 911**

Senate Conferees: Hinojosa - Chair/Flores/Perry/Rodríguez/Taylor

**SB 916**

Senate Conferees: Johnson - Chair/Buckingham/Flores/Hughes/Miles

**SB 1412**

Senate Conferees: Perry - Chair/Bettencourt/Hall/Taylor/Watson

**SB 1991**

Senate Conferees:

**SB 2138**

Senate Conferees: Hinojosa - Chair/Campbell/Johnson/Kolkhorst/Nelson

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 23, 2019 - 5

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

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

**SB 572** (31 Yeas, 0 Nays)

**SB 632** (31 Yeas, 0 Nays)

**SB 719** (31 Yeas, 0 Nays)

**SB 749** (31 Yeas, 0 Nays)

**SB 750** (31 Yeas, 0 Nays)

**SB 1238** (31 Yeas, 0 Nays)

**SB 1978** (19 Yeas, 12 Nays)

**SB 2293** (25 Yeas, 6 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 30**

Senate Conferees: Birdwell - Chair/Bettencourt/Fallon/Paxton/Rodríguez

**SB 421**

Senate Conferees: Kolkhorst - Chair/Birdwell/Hinojosa/Huffman/Perry

**SB 449**

Senate Conferees: Creighton - Chair/Bettencourt/Hancock/Hinojosa/Paxton

**SB 799**

Senate Conferees: Alvarado - Chair/Creighton/Hancock/Kolkhorst/Whitmire

**SB 1105**

Senate Conferees: Kolkhorst - Chair/Buckingham/Flores/Perry/Powell

**SB 1572**

Senate Conferees: Alvarado - Chair/Campbell/Fallon/Menéndez/Taylor

**SB 2150**

Senate Conferees: Kolkhorst - Chair/Buckingham/Campbell/Flores/Perry

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 1177**

Senate Conferees: Creighton - Chair/Fallon/Hall/Huffman/Lucio

**HB 1523**

Senate Conferees: Buckingham - Chair/Birdwell/Menéndez/Nichols/Watson

**HB 1734**

Senate Conferees: Lucio - Chair/Creighton/Huffman/Powell/Taylor

**HB 2847**

Senate Conferees: Hancock - Chair/Buckingham/Creighton/Seliger/Whitmire

**HB 3148**

Senate Conferees: Bettencourt - Chair/Kolkhorst/Lucio/Menéndez/Perry

**HB 3557**

Senate Conferees: Birdwell - Chair/Fallon/Flores/Hinojosa/Hughes

**HB 4749**

Senate Conferees: Hughes - Chair/Fallon/Nichols/Rodríguez/Schwertner

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 4****MESSAGE FROM THE SENATE  
SENATE CHAMBER**

Austin, Texas

Thursday, May 23, 2019 - 6

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

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

**SB 25** (31 Yeas, 0 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE  
APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING  
MEASURES:

**HB 1711**

Senate Conferees: Paxton - Chair/Alvarado/Hancock/Hinojosa/Nichols

**HB 3582**

Senate Conferees: Menéndez - Chair/Buckingham/Flores/Perry/Zaffirini

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**ENGROSSED****May 22 - HCR 168****ENROLLED**

**May 22 - HB 88, HB 293, HB 294, HB 511, HB 692, HB 1099, HB 1262,  
HB 1885, HB 1894, HB 2164, HB 2188, HB 2775, HB 2805, HB 2868,  
HB 3041, HB 3384, HB 3490, HB 3496, HB 3511, HB 4157, HB 4428,  
HB 4765, HCR 133, HCR 140**

**SENT TO THE GOVERNOR**

**May 22 - HB 98, HB 295, HB 714, HB 823, HB 866, HB 961, HB 1002,  
HB 1130, HB 1351, HB 1386, HB 1435, HB 1455, HB 1526, HB 1633,  
HB 1694, HB 1743, HB 1884, HB 2299, HB 2441, HB 2699, HB 2755,**

**HB 2778, HB 2859, HB 3100, HB 3233, HB 3365, HB 3753, HB 4071,  
HB 4548, HB 4611, HB 4723**

**SENT TO THE SECRETARY OF THE STATE**

**May 22 - HJR 72, HJR 151**

**RECOMMENDATIONS FILED WITH THE SPEAKER**

**May 22 - HB 4744, HB 4746, HB 4747, HB 4748, HB 4749, HB 4752**

**VETOED BY THE GOVERNOR**

**May 22 - HB 1476**