

# HOUSE JOURNAL

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EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-SECOND DAY — FRIDAY, MAY 26, 2023

The house met at 12:41 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 2154).

Present — Mr. Speaker(C); Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hefner; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Absent, Excused — Ashby; Herrero; Jones, V.

Absent — Cole; Hayes; Hernandez; Hinojosa; Rosenthal; Turner; Wu.

The invocation was offered by the Reverend Fernando Ricaud, chaplain, as follows:

Almighty God, we acknowledge your power and praise you for your love. In the abundance of your generosity, we ask today for the gift of joy. Grant us the joy of knowing that you made us and sustain us in being; the joy of approaching you in prayer; the joy of trusting that your forgiveness is graciously available to us whenever we humbly repent; the joy of knowing that our lives are not our own. As we serve your people today, grant that we may do all things for you and with you, that we may taste the only joy that lasts and truly satisfies: the joy of knowing you, the one God, living and true. Amen.

The chair recognized Representative Bhojani 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:

Ashby on motion of Clardy.

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

V. Jones on motion of Davis.

**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).

**CAPITOL PHYSICIAN**

The chair presented Dr. Jessica Garcia of Houston as the "Doctor for the Day."

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

(Cole, Hinojosa, Rosenthal, and Wu now present)

**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. 33).

(Hayes now present)

**HR 2107 - ADOPTED**

**(by J. Jones)**

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 2107**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2107**, In memory of Etta Crockett of Houston.

**HR 2107** was unanimously adopted by a rising vote.

**HR 2253 - ADOPTED**

**(by Zwiener)**

Representative Zwiener moved to suspend all necessary rules to take up and consider at this time **HR 2253**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2253**, Paying tribute to the life and legacy of Shirley Harris, the first Black graduate of Texas State University in San Marcos.

**HR 2253** was adopted.

### **HR 1319 - INTRODUCTION OF GUESTS**

The chair recognized Representative Muñoz who introduced coaches and members of the Hidalgo Early College High School boys' soccer team.

(C.J. Harris in the chair)

### **HCR 122 - ADOPTED**

**(by Craddick)**

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 122**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 122**, Congratulating Don Ward on his retirement as executive director of the One-Call Board of Texas.

**HCR 122** was read and was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HCR 122** as signers thereof.

### **HR 2284 - ADOPTED**

**(by J. Lopez)**

Representative J. Lopez moved to suspend all necessary rules to take up and consider at this time **HR 2284**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2284**, Congratulating the Harlingen High School JROTC drill team on winning the Division 3 Unarmed Overall title at the 2023 National High School Drill Team Championship.

**HR 2284** was adopted.

### **HR 2281 - ADOPTED**

**(by J. Lopez)**

Representative J. Lopez moved to suspend all necessary rules to take up and consider at this time **HR 2281**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2281**, Congratulating Captain Gualberto Torres on his retirement from the Harlingen Fire Department.

**HR 2281** was adopted.

**HR 2279 - ADOPTED**  
**(by Oliverson)**

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 2279**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2279**, Recognizing the Civil Air Patrol and the Texas Wing for their service to the citizens of Texas.

**HR 2279** was adopted.

**HR 2373 - ADOPTED**  
**(by Goodwin)**

Representative Goodwin moved to suspend all necessary rules to take up and consider at this time **HR 2373**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2373**, Congratulating B. Holland Timmins on his retirement as the chief executive officer of the Texas Permanent School Fund Corporation.

**HR 2373** was adopted.

(Hernandez now present)

**LEAVE OF ABSENCE GRANTED**

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

Bernal on motion of R. Lopez.

**HR 2236 - ADOPTED**  
**(by Flores)**

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 2236**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2236**, Honoring Arte Texas for its work to preserve and create murals in East Austin.

**HR 2236** was adopted.

**HR 2304 - ADOPTED**  
**(by Bhojani)**

Representative Bhojani moved to suspend all necessary rules to take up and consider at this time **HR 2304**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2304**, Recognizing the significance of Vesak Day to people of the Buddhist faith.

**HR 2304** was adopted. (Dean recorded voting no.)

(Turner now present)

**HR 2233 - ADOPTED  
(by Davis)**

Representative Davis moved to suspend all necessary rules to take up and consider at this time **HR 2233**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2233**, Congratulating Brian Beck-Smith of DeSoto High School on being named the 2023 Secondary Teacher of the Year in the DeSoto Independent School District.

**HR 2233** was adopted.

**HR 2338 - ADOPTED  
(by Davis)**

Representative Davis moved to suspend all necessary rules to take up and consider at this time **HR 2338**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2338**, Congratulating Vanessa M. Urteaga of South Grand Prairie High School on her selection as the 2022-2023 Grand Prairie ISD Secondary Teacher of the Year.

**HR 2338** was adopted.

**HR 2252 - ADOPTED  
(by Davis)**

Representative Davis moved to suspend all necessary rules to take up and consider at this time **HR 2252**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2252**, Congratulating Jamesia Richardson on her selection as the 2022-2023 DeSoto ISD Elementary Teacher of the Year.

**HR 2252** was adopted.

**SB 7 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hunter, the house granted the request of the senate for the appointment of a Conference Committee on **SB 7**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 7**: Hunter, chair; Geren, Holland, Raymond, and Slawson.

**SB 17 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Kuempel, the house granted the request of the senate for the appointment of a Conference Committee on **SB 17**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 17**: Kuempel, chair; Burrows, Gervin-Hawkins, Meyer, and Shaheen.

**SB 29 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Lozano, the house granted the request of the senate for the appointment of a Conference Committee on **SB 29**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 29**: Lozano, chair; Guillen, Hull, Hunter, and Landgraf.

**SB 1418 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative J. Lopez, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1418**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1418**: J. Lopez, chair; Canales, Lujan, Ordaz, and Raney.

**SB 1727 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Canales, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1727**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1727**: Canales, chair; K. Bell, Clardy, Goldman, and Holland.

**SB 1933 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Smith, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1933**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1933**: Smith, chair; Bucy, DeAyala, Metcalf, and Schofield.

### **SJR 81 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Wilson, the house granted the request of the senate for the appointment of a Conference Committee on **SJR 81**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SJR 81**: Wilson, chair; Howard, Kuempel, Manuel, and VanDeaver.

### **LEAVES OF ABSENCE GRANTED**

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

Bhojani on motion of J.D. Johnson.

Wu on motion of Turner.

### **HB 3456 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 3456**, A bill to be entitled An Act relating to the continuation and operation of certain health care provider participation programs in this state.

Representative Clardy moved to concur in the senate amendments to **HB 3456**.

The motion to concur in the senate amendments to **HB 3456** prevailed by (Record 2155): 118 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dutton; Flores; Frank; Frazier; Gámez; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Cain; Dorazio; Harrison; Hayes; Hefner; Isaac; Leo-Wilson; Noble; Schaefer; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

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

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Campos; Garcia; Jetton; Leach; Oliverson; Rogers; Schatzline; Schofield.

### STATEMENTS OF VOTE

When Record No. 2155 was taken, I was in the house but away from my desk. I would have voted yes.

Jetton

When Record No. 2155 was taken, I was in the house but away from my desk. I would have voted yes.

Rogers

When Record No. 2155 was taken, I was in the house but away from my desk. I would have voted no.

Schatzline

### Senate Committee Substitute

**CSHB 3456**, A bill to be entitled An Act relating to the continuation of certain health care provider participation programs in this state.

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

SECTION 1. Section 292C.004, Health and Safety Code, is amended to read as follows:

Sec. 292C.004. EXPIRATION. The authority of a county to administer and operate a program under this chapter expires December 31, 2027 [~~2023~~].

SECTION 2. Section 298A.004, Health and Safety Code, is amended to read as follows:

Sec. 298A.004. EXPIRATION. (a) Subject to Section 298A.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, 2027 [~~2025~~].

(b) This chapter expires December 31, 2027 [~~2025~~].

SECTION 3. Section 298B.004, Health and Safety Code, is amended to read as follows:

Sec. 298B.004. EXPIRATION OF AUTHORITY. (a) Subject to Sections 298B.153(d) and 298B.154, the authority of the district to administer and operate a program under this chapter expires December 31, 2027 [~~2025~~].

(b) Subsection (a) does not affect the authority of the district to require and collect a mandatory payment under Section 298B.154 after December 31, 2027 [~~2025~~], if necessary.

SECTION 4. Section 298E.004, Health and Safety Code, is amended to read as follows:

Sec. 298E.004. EXPIRATION. (a) Subject to Section 298E.153(d), the authority of a district to administer and operate a program under this chapter expires December 31, 2027 [~~2023~~].

(b) This chapter expires December 31, 2027 [~~2023~~].

SECTION 5. Section 298F.004, Health and Safety Code, is amended to read as follows:



Sec. 298F.004. EXPIRATION. (a) Subject to Section 298F.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, 2027 [~~2023~~].

(b) This chapter expires December 31, 2027 [~~2023~~].

SECTION 6. Section 298G.004, Health and Safety Code, is amended to read as follows:

Sec. 298G.004. EXPIRATION. (a) Subject to Section 298G.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, 2027 [~~2023~~].

(b) This chapter expires December 31, 2027 [~~2023~~].

SECTION 7. Section 299.004, Health and Safety Code, is amended to read as follows:

Sec. 299.004. EXPIRATION. (a) Subject to Section 299.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, 2025 [~~2023~~].

(b) This chapter expires December 31, 2025 [~~2023~~].

SECTION 8. 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, 2023.

### **HB 18 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 18**, A bill to be entitled An Act relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services.

Representative Slawson 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 18**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 18**: Slawson, chair; Burrows, M. González, Hull, and Patterson.

### **HB 4183 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 4183**, A bill to be entitled An Act relating to a waiver of the waiting period for a marriage ceremony.

Representative Price moved to concur in the senate amendments to **HB 4183**.

The motion to concur in the senate amendments to **HB 4183** prevailed by (Record 2156): 126 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Turner; VanDeaver; Vo; Walle; Wilson; Zwiener.

Nays — Cain; Harrison; Hefner; Noble; Schaefer; Schatzline; Swanson; Toth; Troxclair; Vasut.

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

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Campos; Hull; Lopez, J.; Slawson; Thierry.

#### STATEMENTS OF VOTE

When Record No. 2156 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

When Record No. 2156 was taken, I was in the house but away from my desk. I would have voted yes.

J. Lopez

#### Senate Committee Substitute

**CSHB 4183**, A bill to be entitled An Act relating to a waiver of the waiting period for a marriage ceremony.

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

SECTION 1. Section 2.204(c), Family Code, is amended to read as follows:

(c) An applicant may request a judge of a court with jurisdiction in family law cases, a justice of the supreme court, a judge of the court of criminal appeals, a county judge, ~~or~~ a judge of a court of appeals, an associate judge appointed under Chapter 201, an associate judge appointed under Chapter 54A, Government Code, or a justice of the peace for a written waiver permitting the marriage ceremony to take place during the 72-hour period immediately following the issuance of the marriage license. If the judge, associate judge, or

justice finds that there is good cause for the marriage to take place during the period, the judge, associate judge, or justice shall sign the waiver. Notwithstanding any other provision of law, a judge, associate judge, or justice under this section has the authority to sign a waiver under this section.

SECTION 2. The change in law made by this Act applies only to a marriage ceremony for which a marriage license application is filed on or after the effective date of this Act. A marriage ceremony for which a marriage license application is filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2023.

### **HB 108 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 108.** A bill to be entitled An Act relating to privileged parking and the issuance of specialty license plates for certain classroom teachers and retired classroom teachers; imposing a fee.

Representative Cortez moved to concur in the senate amendments to **HB 108.**

The motion to concur in the senate amendments to **HB 108** prevailed by (Record 2157): 138 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harrison; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Nays — Morales Shaw; Thimesch.

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

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Hayes.

### STATEMENT OF VOTE

When Record No. 2157 was taken, I was shown voting yes. I intended to vote no.

Rosenthal

#### Senate Committee Substitute

**CSHB 108**, A bill to be entitled An Act relating to the issuance of specialty license plates for certain classroom teachers and retired classroom teachers; imposing fees.

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

SECTION 1. Subchapter F, Chapter 504, Transportation Code, is amended by adding Sections 504.517 and 504.518 to read as follows:

Sec. 504.517. CLASSROOM TEACHERS. (a) In this section, "classroom teacher" has the meaning assigned by Section 5.001, Education Code.

(b) The department shall issue specialty license plates for classroom teachers with at least 15 years of service teaching public school students. The license plates must include the words "Texas Teacher" and depict a Texas public education logo. The department shall design the license plates in consultation with the Texas Education Agency.

(c) The fee for issuance of the license plates is \$10.

Sec. 504.518. RETIRED CLASSROOM TEACHERS. (a) In this section, "retired classroom teacher" means a person who:

(1) was formerly employed as a classroom teacher, as that term is defined by Section 5.001, Education Code; and

(2) is a retiree of the Teacher Retirement System of Texas.

(b) The department shall issue specialty license plates for retired classroom teachers with at least 20 years of service teaching public school students. The license plates must include the words "Retired Texas Teacher" and depict a Texas public education logo. The department shall design the license plates in consultation with the Texas Education Agency.

(c) The fee for issuance of the license plates is \$5.

SECTION 2. This Act takes effect September 1, 2023.

#### **HB 4500 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative C.E. Harris called up with senate amendments for consideration at this time,

**HB 4500**, A bill to be entitled An Act relating to electronic verification of health benefits by health benefit plan issuers for certain physicians and health care providers.

Representative C.E. Harris moved to concur in the senate amendments to **HB 4500**.

The motion to concur in the senate amendments to **HB 4500** prevailed by (Record 2158): 137 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harrison; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Nays — Rosenthal.

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

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Darby; Geren; Hayes.

### Senate Committee Substitute

**CSHB 4500**, A bill to be entitled An Act relating to electronic verification of health benefits by health benefit plan issuers for certain physicians and health care providers.

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

SECTION 1. Subtitle A, Title 8, Insurance Code, is amended by adding Chapter 1223 to read as follows:

#### CHAPTER 1223. VERIFICATION OF HEALTH BENEFITS

Sec. 1223.001. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is issued by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a health maintenance organization operating under Chapter 843;
- (4) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844;
- (5) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;
- (6) a stipulated premium company operating under Chapter 884;
- (7) a Lloyd's plan operating under Chapter 941; or

(8) an exchange operating under Chapter 942.

(b) Notwithstanding any other law, this chapter applies to:

(1) a small employer health benefit plan subject to Chapter 1501, including coverage provided through a health group cooperative under Subchapter B of that chapter;

(2) a standard health benefit plan issued under Chapter 1507;

(3) a basic coverage plan under Chapter 1551;

(4) a basic plan under Chapter 1575;

(5) a primary care coverage plan under Chapter 1579;

(6) a plan providing basic coverage under Chapter 1601;

(7) alternative health benefit coverage offered by a subsidiary of the Texas Mutual Insurance Company under Subchapter M, Chapter 2054;

(8) group health coverage made available by a school district in accordance with Section 22.004, Education Code;

(9) a regional or local health care program operated under Section 75.104, Health and Safety Code; and

(10) a self-funded health benefit plan sponsored by a professional employer organization under Chapter 91, Labor Code.

(c) This chapter does not apply to the state Medicaid program, including the Medicaid managed care program operated under Chapter 533, Government Code, or the child health plan program operated under Chapter 62, Health and Safety Code.

Sec. 1223.002. INTERNET WEBSITE FOR VERIFICATION REQUIRED FOR EMERGENCY PHYSICIANS AND HEALTH CARE PROVIDERS. (a) A health benefit plan issuer shall maintain and make available a secure system on the issuer's Internet website that allows a physician or health care provider for a hospital or freestanding emergency medical care facility to determine at any time:

(1) whether the physician's or provider's patient is covered by the issuer's health benefit plan; and

(2) the deductible, copayment, or coinsurance for which the patient is responsible.

(b) A health benefit plan issuer may provide the information described by Subsection (a) through:

(1) an existing Internet portal that is available at all times; or

(2) an Internet portal that is:

(A) provided by a third party contracting with the issuer; and

(B) available at all times.

SECTION 2. This Act takes effect January 1, 2024.

### **HB 5180 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 5180**, A bill to be entitled An Act relating to the public inspection of election records.

Representative Wilson moved to concur in the senate amendments to **HB 5180**.

The motion to concur in the senate amendments to **HB 5180** prevailed by (Record 2159): 138 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Nays — Rosenthal.

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

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Anderson; Thompson, S.

### STATEMENTS OF VOTE

When Record No. 2159 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 2159 was taken, I was shown voting no. I intended to vote yes.

Rosenthal

### Senate Committee Substitute

**CSHB 5180**, A bill to be entitled An Act relating to the public inspection of election records.

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

SECTION 1. Section 1.012, Election Code, is amended by amending Subsection (e) and adding Subsections (f), (g), and (h) to read as follows:

(e) Except as provided by Subsections (f) and (g), an [Am] election record shall be available not later than the 15th day after election day in an electronic format for a fee of not more than \$50.

(f) Beginning on the first day after the date the final canvass of an election is completed, the general custodian of election records shall make available for public inspection election records that are:

(1) images of voted ballots, if a county maintains images of voted ballots; or

(2) cast vote records.

(g) Beginning on the 61st day after election day, the general custodian of election records shall make available for public inspection election records that are original voted ballots.

(h) The custodian shall adopt procedures to ensure the redaction of any personally identifiable information of the voter contained on a ballot before making the voted ballot available for public inspection.

SECTION 2. This Act takes effect September 1, 2023.

### **HB 2323 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2323**, A bill to be entitled An Act relating to the issuance of general-issue license plates commemorating the 100th anniversary of the writing of the state song.

Representative Hayes moved to concur in the senate amendments to **HB 2323**.

The motion to concur in the senate amendments to **HB 2323** prevailed by (Record 2160): 137 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Nays — Burns.

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



Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Burrows; Flores; Geren.

### Senate Committee Substitute

**CSHB 2323**, A bill to be entitled An Act relating to the issuance of specialty license plates commemorating the 100th anniversary of the writing of the state song.

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

SECTION 1. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.679 to read as follows:

Sec. 504.679. TEXAS, OUR TEXAS LICENSE PLATES. (a) The department shall issue specialty license plates designed to commemorate the 100th anniversary of the writing of the state song, "Texas, Our Texas," that include the words "Texas, Our Texas" and the dates "1924-2024."

(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of the general revenue fund.

SECTION 2. This Act takes effect January 1, 2024.

### HB 3466 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 3466**, A bill to be entitled An Act relating to the administration of a grant program for the establishment and expansion of community collaboratives.

Representative Campos moved to concur in the senate amendments to **HB 3466**.

The motion to concur in the senate amendments to **HB 3466** prevailed by (Record 2161): 108 Yeas, 29 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dorazio; Dutton; Frank; Frazier; Gámez; Garcia; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Ordaz; Orr; Ortega; Patterson; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Shaheen; Shine; Smith; Smithee; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Bumgarner; Burns; Cain; Dean; DeAyala; Gerdes; Goldman; Harris, C.E.; Harrison; Hayes; Hefner; Hull; Isaac; Leach; Leo-Wilson; Noble; Oliverson; Paul; Schaefer; Schatzline; Schofield; Slawson; Spiller; Swanson; Tinderholt; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker; Capriglione; Harris, C.J.(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Flores; Rogers; Sherman.

### STATEMENTS OF VOTE

When Record No. 2161 was taken, I was shown voting yes. I intended to vote no.

K. Bell

When Record No. 2161 was taken, I was shown voting present, not voting. I intended to vote yes.

Capriglione

When Record No. 2161 was taken, I was shown voting yes. I intended to vote no.

Frazier

When Record No. 2161 was taken, my vote failed to register. I would have voted no.

Rogers

### Senate Committee Substitute

**CSHB 3466**, A bill to be entitled An Act relating to the administration of a grant program for the establishment and expansion of community collaboratives.

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

SECTION 1. Sections 539.002(a) and (b), Government Code, are amended to read as follows:

(a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or mental illness. In awarding grants, the department shall give special consideration to entities:

- (1) establishing new collaboratives; ~~or~~
- (2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000; or
- (3) providing services to an average of at least 50 percent of persons experiencing homelessness in a geographic area served by a Continuum of Care Program funded by the United States Department of Housing and Urban Development according to the last three Point-in-Time surveys of homelessness conducted by that department.

(b) Except as provided by Subsection (c), the department shall require each entity awarded a grant under this section to:

(1) leverage additional funding or in-kind contributions from private contributors or local governments, excluding state or federal funds, in an amount that is at least equal to the amount of the grant awarded under this section;

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails, ~~or~~ other detention facilities, or mental health facilities operated by or under contract with the commission to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2. Chapter 539, Government Code, is amended by adding Section 539.010 to read as follows:

Sec. 539.010. BIENNIAL REPORT. (a) The department shall prepare a report that includes:

(1) the method by which the department chose entities to award grants to under this chapter;

(2) the amount of each grant awarded to an entity under this chapter;

(3) the number of individuals served by each community collaborative receiving grant funds under this chapter; and

(4) the results of the annual review of outcome measures required by Section 539.006.

(b) Not later than September 1 of each even-numbered year, the department shall submit a report described by Subsection (a) to:

(1) the lieutenant governor;

(2) the speaker of the house of representatives;

(3) the standing committees of the legislature having primary jurisdiction over the department and state finance; and

(4) the Legislative Budget Board.

SECTION 3. The changes in law made by this Act to Section 539.002, Government Code, apply only to a grant awarded on or after the effective date of this Act. A grant awarded before the effective date of this Act is governed by the law in effect on the date the award was made, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2023.

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

Amend **CSHB 3466** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.90725 to read as follows:

Sec. 29.90725. SURVEY ON HOLOCAUST REMEMBRANCE WEEK INSTRUCTION. (a) In this section, "advisory commission" means the Texas Holocaust, Genocide, and Antisemitism Advisory Commission.

(b) The advisory commission, with the assistance of the agency, shall conduct a survey of school districts to review the implementation at each district of Holocaust Remembrance Week instruction under Section 29.9072.

(c) The survey must request information from at least half of the campuses in a surveyed school district regarding Holocaust Remembrance Week instruction, including:

(1) the extent to which the campus participates in Holocaust Remembrance Week;

(2) the familiarity of the educators and administrators at each campus with the materials and resources available from the advisory commission and other local institutions dedicated to Holocaust education to support instruction during Holocaust Remembrance Week; and

(3) any additional materials or resources the campus would find useful to support instruction during Holocaust Remembrance Week, including professional development for educators, lessons plans, or other classroom resources.

(d) Not later than December 1, 2024, the advisory commission shall submit to the legislature a written report that includes the survey's findings and any recommendations for legislative or other action.

(e) This section expires September 1, 2025.

(Speaker in the chair)

### MESSAGE FROM THE SENATE

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

### HB 55 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative J.E. Johnson called up with senate amendments for consideration at this time,

**HB 55**, A bill to be entitled An Act relating to the punishment for the criminal offense of indecent assault; increasing a criminal penalty.

Representative J.E. Johnson moved to concur in the senate amendments to **HB 55**.

The motion to concur in the senate amendments to **HB 55** prevailed by (Record 2162): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.;

Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; Vasut; Vo; Walle; Wilson; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Burns; Harris, C.J.; VanDeaver.

### Senate Committee Substitute

**CSHB 55**, A bill to be entitled An Act relating to the punishment for the criminal offense of indecent assault; increasing a criminal penalty.

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

SECTION 1. Section 22.012, Penal Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that:

(A) the defendant has been previously convicted of an offense under this section, other than an offense punishable under Paragraph (B); or

(B) the defendant is a health care services provider or a mental health services provider and the act is:

(i) committed during the course of providing a treatment or service to the victim; and

(ii) beyond the scope of generally accepted practices for the treatment or service; or

(2) a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section that is punishable under Subdivision (1)(B).

(d) In this section, "health care services provider" and "mental health services provider" have the meanings assigned by Section 22.011.

SECTION 2. 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 3. This Act takes effect September 1, 2023.

**HB 2129 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2129**, A bill to be entitled An Act relating to a merchant allowing a person suspected of committing or attempting to commit theft to complete a theft education program.

**HB 2129 - REMARKS**

REPRESENTATIVE BURNS: The amendment changes the bill by including a new section that contains a short title to allow the act to be cited as the Kevin Kolbye Act and renumbers the subsequent sections accordingly. If you'll bear with me for just one moment.

Chief Kevin Kolbye was a graduate of Texas Tech University. He received his master's in criminal justice from Tarleton State University, and he served his country and community for over 40 years as a local law enforcement officer, FBI special agent assigned to a variety of different countries, and finally settling in as the assistant police chief in Arlington, Texas, where he served for the past seven years. He was a champion for this legislation every session.

Due to a terminal health diagnosis in January, Chief Kolbye's been unable to continue to support our efforts here at the Capitol. But citing this bill as the Kevin Kolbye Act is a way to honor his legacy of service and unwavering commitment to making communities safer across Texas.

Representative Burns moved to concur in the senate amendments to **HB 2129**.

The motion to concur in the senate amendments to **HB 2129** prevailed by (Record 2163): 117 Yeas, 23 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harrison; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Smith; Spiller; Stucky; Talarico; Thierry; Thimesch; Thompson, E.; Thompson, S.; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Buckley; Bumgarner; Cain; Cook; Craddick; Dean; Gerdes; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Isaac; Leo-Wilson; Noble; Price; Slawson; Smithee; Swanson; Tinderholt; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Rose; Tepper.

### STATEMENTS OF VOTE

When Record No. 2163 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 2163 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

When Record No. 2163 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 2163 was taken, I was shown voting yes. I intended to vote no.

Schatzline

When Record No. 2163 was taken, I was shown voting yes. I intended to vote no.

E. Thompson

### Senate Committee Substitute

**CSHB 2129**, A bill to be entitled An Act relating to a merchant allowing a person suspected of committing or attempting to commit theft to complete a theft education program.

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

SECTION 1. This Act may be cited as the Kevin Kolbye Act.

SECTION 2. Section 124.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 124.001. SUSPECTED THEFT OF PROPERTY OR ATTEMPTED THEFT OF PROPERTY [DETENTION]. (a) A person who reasonably believes that another has stolen or is attempting to steal property is privileged to detain that person in a reasonable manner and for a reasonable time to investigate ownership of the property.

(b) A person who is in the business of selling goods or services as a merchant is not precluded from offering a person who is suspected of stealing or attempting to steal property from the merchant an opportunity to complete a theft education program under Section 124.002 to deter theft and address criminal behavior instead of reporting the suspected offense to a law enforcement agency.

(c) A merchant who offers a person an opportunity to complete a theft education program shall:

(1) notify the person of that opportunity;  
(2) inform the person of the civil and criminal remedies available to the merchant and the state, including informing the person that the merchant retains the right to report the suspected offense to a law enforcement agency if the person does not successfully complete the program; and

(3) maintain records for a period of not less than two years of:  
(A) any criteria used by the merchant in determining whether to offer a person the opportunity to complete a theft education program;

(B) the terms of each offer made; and

(C) the name of each person to whom the merchant made an offer.

(d) A merchant shall make records maintained under Subsection (c)(3) available to a district attorney, criminal district attorney, or county attorney on request.

(e) Nothing in this section precludes a peace officer, district attorney, criminal district attorney, county attorney, or judge from offering a person a theft education program under Section 124.002 in compliance with this chapter.

SECTION 3. Chapter 124, Civil Practice and Remedies Code, is amended by adding Sections 124.002 and 124.003 to read as follows:

Sec. 124.002. THEFT EDUCATION PROGRAM. (a) A theft education program for a person who is suspected of stealing or attempting to steal property under Section 124.001 must:

(1) address the type of alleged criminal offense;  
(2) seek to modify the person's behavioral decision-making process;  
(3) engage the person with interactive exercises designed to instill appropriate societal behavior; and

(4) promote accountability and reconciliation between the person and the merchant.

(b) A provider of a theft education program may not discriminate against a person who is otherwise eligible to participate in the program based on:

(1) the person's race, color, religion, sex, familial status, or national origin; or

(2) the person's ability to pay.

(c) A program provider that charges a fee for participation in a theft education program:

(1) shall develop a plan to offer discounts, alternative payment schedules, or scholarship funds to a person who the provider has verified is indigent;

(2) may reduce or waive the fee for the program based on the ability to pay of a person described by Subdivision (1); and

(3) may not compensate a merchant who offers a person the opportunity to complete the program.

(d) A person may not be required to make an admission of guilt to participate in a theft education program.



(e) Notwithstanding any other law, a person who successfully completes a theft education program under this section may not be subject to any additional civil penalties under any other provision of law.

Sec. 124.003. IMMUNITY FROM CRIMINAL AND CIVIL LIABILITY. A person who offers or provides a theft education program in compliance with this chapter is not criminally or civilly liable for failure to notify a law enforcement agency of the suspected theft or attempted theft.

SECTION 4. This Act takes effect September 1, 2023.

### **HB 1287 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1287**, A bill to be entitled An Act relating to adjusting for inflation the maximum amount of a motor vehicle excluded in determining eligibility for the supplemental nutrition assistance program.

Representative Guillen moved to concur in the senate amendments to **HB 1287**.

The motion to concur in the senate amendments to **HB 1287** prevailed by (Record 2164): 108 Yeas, 28 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bowers; Bryant; Bucy; Burns; Button; Campos; Canales; Cole; Collier; Cook; Cortez; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harris, C.E.; Hernandez; Holland; Howard; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Lalani; Lambert; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Shaheen; Sherman; Shine; Smith; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Buckley; Bumgarner; Cain; Capriglione; Clardy; Craddick; Gerdes; Harless; Harris, C.J.; Harrison; Hayes; Hefner; Hinojosa; Isaac; Leo-Wilson; Oliverson; Price; Rogers; Schaefer; Schatzline; Schofield; Slawson; Smithee; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Bonnen; Burrows; Kuempel; Landgraf; Leach; Meyer.

## STATEMENT OF VOTE

When Record No. 2164 was taken, I was shown voting no. I intended to vote yes.

Hinojosa

### Senate Committee Substitute

**CSHB 1287**, A bill to be entitled An Act relating to the exclusion of certain resources in determining eligibility for the supplemental nutrition assistance program.

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

SECTION 1. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Section 33.021 to read as follows:

Sec. 33.021. EXCLUSION OF CERTAIN RESOURCES IN DETERMINING SNAP ELIGIBILITY. In determining the eligibility of an applicant for or recertifying the eligibility of a recipient of supplemental nutrition assistance program benefits, the commission may not consider as resources the value of a motor vehicle in which the applicant or recipient or a member of the applicant's or recipient's household has an ownership interest up to:

- (1) \$22,500 for the first vehicle; and
- (2) \$8,700 for each additional vehicle.

SECTION 2. The change in law made by this Act applies to a determination of eligibility, including an initial determination of eligibility, a determination of eligibility based on a reported change submitted to the Health and Human Services Commission, or a recertification of eligibility, of a person for the supplemental nutrition assistance program under Chapter 33, Human Resources Code, that is made on or after the effective date of this Act.

SECTION 3. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 4. This Act takes effect September 1, 2023.

### REMARKS ORDERED PRINTED

Representative Holland moved to print remarks by Representative Burns on **HB 2129**.

The motion prevailed.

### **HB 5183 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 5183**, A bill to be entitled An Act relating to the approval of equivalent educational programs for persons whose driver's license is suspended following conviction of certain drug offenses.

Representative Guillen moved to concur in the senate amendments to **HB 5183**.

The motion to concur in the senate amendments to **HB 5183** prevailed by (Record 2165): 133 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Frank; Frazier; Gámez; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hefner; Hernandez; Hinojosa; Holland; Howard; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Zwiener.

Nays — Cain; Hayes; Slawson; Toth; Wilson.

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

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Flores; Geren; Hull.

#### STATEMENTS OF VOTE

When Record No. 2165 was taken, I was in the house but away from my desk. I would have voted yes.

Flores

When Record No. 2165 was taken, I was shown voting no. I intended to vote yes.

Hayes

#### Senate Committee Substitute

**CSHB 5183**, A bill to be entitled An Act relating to educational programs for persons whose driver's license is suspended following conviction of certain drug offenses.

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

SECTION 1. Section 106.115(a), Alcoholic Beverage Code, as amended by Chapters 663 (**HB 1560**) and 948 (**SB 1480**), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to successfully complete one of the following programs:

(1) an alcohol awareness program under this section that is regulated under Chapter 171, Government Code; or

(2) a substance misuse [drug] education program under Section 521.374(a)(1), Transportation Code, that is regulated under Chapter 171, Government Code[; or

~~(3) a drug and alcohol driving awareness program under Section 4001.103, Education Code].~~

SECTION 2. Section 106.115(a-1), Alcoholic Beverage Code, is amended to read as follows:

(a-1) On conviction of a minor of an offense under Section 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court, in addition to assessing a fine as provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to successfully complete an alcohol awareness program or[;] a substance misuse [drug] education program[; or a drug and alcohol driving awareness program described by Subsection (a)]. If the defendant has been previously convicted once or more of an offense under one or more of those sections, the court may require the defendant to successfully complete an alcohol awareness program or[;] a substance misuse [drug] education program[; or a drug and alcohol driving awareness program described by Subsection (a)].

SECTION 3. Article 42A.514, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.514. COMMUNITY SUPERVISION FOR CERTAIN ALCOHOL OR DRUG RELATED OFFENSES. (a) If a judge grants community supervision to a defendant younger than 18 years of age convicted of an alcohol-related offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or an offense involving possession of a controlled substance or marihuana under Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety Code, the judge may require the defendant as a condition of community supervision to successfully complete, as appropriate:

(1) an alcohol awareness program under Section 106.115, Alcoholic Beverage Code, that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code; or

(2) a substance misuse [drug] education program that is designed to educate persons on the dangers of substance misuse [drug abuse] in accordance with Section 521.374(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code.

(b) If a judge requires a defendant as a condition of community supervision to attend an alcohol awareness program or substance misuse [drug] education program described by Subsection (a), unless the judge determines that the

defendant is indigent and unable to pay the cost, the judge shall require the defendant to pay the cost of attending the program. The judge may allow the defendant to pay the cost of attending the program in installments during the term of community supervision.

SECTION 4. Articles 45.051(b) and (g), Code of Criminal Procedure, are amended to read as follows:

(b) During the deferral period, the judge may require the defendant to:

(1) post a bond in the amount of the fine assessed as punishment for the offense to secure payment of the fine;

(2) pay restitution to the victim of the offense in an amount not to exceed the fine assessed as punishment for the offense;

(3) submit to professional counseling;

(4) submit to diagnostic testing for alcohol or a controlled substance or drug;

(5) submit to a psychosocial assessment;

(6) successfully complete an alcohol awareness or substance misuse ~~[drug abuse]~~ treatment or education program, such as:

(A) a substance misuse ~~[drug]~~ education program that is designed to educate persons on the dangers of substance misuse ~~[drug abuse]~~ in accordance with Section 521.374(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code; or

(B) an alcohol awareness program described by Section 106.115, Alcoholic Beverage Code, that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code;

(7) pay as reimbursement fees the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court costs;

(8) complete a driving safety course approved under Chapter 1001, Education Code, or another course as directed by the judge;

(9) present to the court satisfactory evidence that the defendant has complied with each requirement imposed by the judge under this article; and

(10) comply with any other reasonable condition.

(g) If a judge requires a defendant under Subsection (b) to successfully complete an alcohol awareness program or substance misuse ~~[drug]~~ education program as described by Subdivision (6) of that subsection, unless the judge determines that the defendant is indigent and unable to pay the cost, the judge shall require the defendant to pay a reimbursement fee for the cost of the program. The judge may allow the defendant to pay the fee in installments during the deferral period.

SECTION 5. Section 53.03(h-1), Family Code, is amended to read as follows:

(h-1) If the child is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision that violates Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety Code, deferred prosecution under this section may include a condition that the

child successfully complete a substance misuse ~~[drug]~~ education program that is designed to educate persons on the dangers of substance misuse ~~[drug abuse]~~ in accordance with Section 521.374(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code.

SECTION 6. Sections 54.047(a) and (f), Family Code, are amended to read as follows:

(a) If the court or jury finds at an adjudication hearing for a child that the child engaged in delinquent conduct or conduct indicating a need for supervision that constitutes a violation of Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety Code, the court may order that the child successfully complete a substance misuse ~~[drug]~~ education program that is designed to educate persons on the dangers of substance misuse ~~[drug abuse]~~ in accordance with Section 521.374(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code.

(f) If the court orders a child under Subsection (a) or (b) to successfully complete a substance misuse ~~[drug]~~ education program or alcohol awareness program, unless the court determines that the parent or guardian of the child is indigent and unable to pay the cost, the court shall require the child's parent or a guardian of the child to pay the cost of the program. The court shall allow the child's parent or guardian to pay the cost of the program in installments.

SECTION 7. Section 521.374, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A person whose license is suspended under Section 521.372 may:

(1) successfully complete an in-person or online educational program, approved by the Texas Department of Licensing and Regulation under Chapter 171, Government Code, that is designed to educate persons on the dangers of substance misuse ~~[drug abuse]~~; or

(2) successfully complete education on the dangers of substance misuse ~~[drug abuse approved by the Department of State Health Services as]~~ equivalent to the educational program described by Subdivision (1), while the person is a resident of a facility for the treatment of substance misuse ~~[drug abuse]~~ or chemical dependency, including:

(A) a substance abuse treatment facility or substance abuse felony punishment facility operated by the Texas Department of Criminal Justice under Section 493.009, Government Code;

(B) a community corrections facility, as defined by Section 509.001, Government Code; or

(C) a chemical dependency treatment facility licensed under Chapter 464, Health and Safety Code.

(a-1) The Texas Department of Criminal Justice shall approve the equivalent education in facilities described by Subsections (a)(2)(A) and (B). The Health and Human Services Commission shall approve the equivalent education in a facility described by Subsection (a)(2)(C).

SECTION 8. Section 521.375(c), Transportation Code, is amended to read as follows:

(c) The Health and Human [~~Department of State Health~~] Services Commission shall publish the jointly adopted rules under Subsection (a-1).

SECTION 9. The heading to Section 521.376, Transportation Code, is amended to read as follows:

Sec. 521.376. DUTIES OF TEXAS DEPARTMENT OF LICENSING AND REGULATION, HEALTH AND HUMAN [~~AND DEPARTMENT OF STATE HEALTH~~] SERVICES COMMISSION, AND TEXAS DEPARTMENT OF CRIMINAL JUSTICE; APPLICATION AND RENEWAL FEES.

SECTION 10. Section 521.376, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The Health and Human [~~Department of State Health~~] Services Commission:

(1) shall monitor a chemical dependency treatment facility's compliance with providing the approved educational program as [~~coordinate, and provide training to residential treatment facilities~~] described by Section 521.374(a)(2) providing equivalent education; and

(2) shall administer the approval of the equivalent education provided in a chemical dependency [~~residential~~] treatment facility described by Section 521.374(a)(2)(C).

(c) The Texas Department of Criminal Justice:

(1) shall monitor the compliance of a facility described by Section 521.374(a)(2)(A) or (B) with providing the approved educational program as described by Section 521.374(a)(2) providing equivalent education; and

(2) shall administer the approval of the equivalent educational program provided in a facility described by Section 521.374(a)(2)(A) or (B).

SECTION 11. 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, 2023.

### **HB 3550 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 3550**, A bill to be entitled An Act relating to standards for and services provided by prescribed pediatric extended care centers.

Representative Rose moved to concur in the senate amendments to **HB 3550**.

The motion to concur in the senate amendments to **HB 3550** prevailed by (Record 2166): 113 Yeas, 29 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bonnen; Bowers; Bryant; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis;

Dean; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hefner; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Ordaz; Orr; Ortega; Patterson; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Shaheen; Sherman; Shine; Smith; Smithee; Talarico; Thierry; Thimesch; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Bell, K.; Buckley; Cain; Clardy; DeAyala; Gerdes; Harris, C.J.; Harrison; Hayes; Hull; Isaac; Leach; Leo-Wilson; Oliverson; Paul; Rogers; Schaefer; Schatzline; Schofield; Slawson; Spiller; Stucky; Swanson; Tepper; Thompson, E.; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

### Senate Committee Substitute

**CSHB 3550**, A bill to be entitled An Act relating to standards for and services provided by prescribed pediatric extended care centers, including Medicaid reimbursement for those services.

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

SECTION 1. Section 248A.101(b), Health and Safety Code, is amended to read as follows:

(b) To protect the health and safety of the public and ensure the health, safety, and comfort of the minors served by a center, the rules must establish minimum center standards, including:

(1) standards relating to the issuance, renewal, denial, suspension, probation, and revocation of a license to operate a center;

(2) standards relating to the provision of family-centered basic services that include individualized medical, developmental, and family training services;

(3) based on the size of the building and the number of minors served, building construction and renovation standards, including standards for plumbing, electrical, glass, manufactured buildings, accessibility for persons with physical disabilities, and fire protection;

(4) based on the size of the building and the number of minors served, building maintenance conditions relating to plumbing, heating, lighting, ventilation, adequate space, fire protection, and other conditions;

(5) standards relating to the minimum number of and qualifications required for personnel who provide personal care or basic services to the minors served;

(6) standards relating to the sanitary conditions within a center and its surroundings, including water supply, sewage disposal, food handling, and general hygiene;



(7) standards relating to the programs offered by the center to promote and maintain the health and development of the minors served and to meet the training needs of the minors' parents or legal guardians;

(8) standards relating to physician-prescribed supportive services;

(9) standards relating to transportation services and as required by Section 248A.1015; and

(10) standards relating to maintenance of patient medical records and program records in accordance with other law and with accepted professional standards and practices.

SECTION 2. Subchapter C, Chapter 248A, Health and Safety Code, is amended by adding Sections 248A.1015 and 248A.105 to read as follows:

Sec. 248A.1015. TRANSPORTATION STANDARDS. The executive commissioner by rule shall establish minimum standards for transportation services as required under Section 248A.101(b)(9). In adopting rules under this section, the executive commissioner:

(1) shall authorize a center to determine:

(A) in coordination with a minor client's parent, guardian, or other legally authorized representative, the schedule of transportation services; and

(B) in coordination with the client's prescribing physician, the necessary type of provider who must be present during transportation;

(2) shall permit a minor client's parent, guardian, or other legally authorized representative to decline a center's transportation services entirely or only on a specific date; and

(3) may not:

(A) require a plan of care or physician's order to document a client's need for transportation services to access a center's services; or

(B) consider transportation services as nursing services included in a client's plan of care.

Sec. 248A.105. INTERFERENCE WITH RIGHTS TO DETERMINE TREATMENT. (a) Except as provided by Subsection (b), any rules the executive commissioner adopts under this subchapter may not interfere with the authority of a parent, guardian, or legally authorized representative of a minor client to make decisions regarding the treatment provided to the child.

(b) The executive commissioner, by rule, may limit the maximum amount of authorized services provided to a client.

SECTION 3. Section 248A.158, Health and Safety Code, is amended to read as follows:

Sec. 248A.158. RELATION TO NURSING SERVICES. (a) Subject to Subsection (b), nursing [Nursing] services provided to a client by a center must be a [one to one] replacement of private duty nursing or other skilled nursing services provided in a setting other than a center unless additional nursing services are medically necessary.

(b) A center may provide nursing services in a group setting, consistent with appropriate staffing ratios as the executive commissioner determines.

SECTION 4. Subchapter D, Chapter 248A, Health and Safety Code, is amended by adding Section 248A.159 to read as follows:

Sec. 248A.159. ADMISSION FORMS. (a) Before admission to a center, the center may obtain all required parent or legal guardian signatures for a patient on one consent document.

(b) The consent document must illustrate the involvement of the parent or legal guardian in developing and establishing the care and treatment to be provided to the patient in the center.

SECTION 5. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0287 to read as follows:

Sec. 32.0287. PRESCRIBED PEDIATRIC EXTENDED CARE CENTER REIMBURSEMENT. (a) In this section, "center" means a prescribed pediatric extended care center licensed under Chapter 248A, Health and Safety Code.

(b) In adopting rules governing the reimbursement of a center for services provided under the medical assistance program, the executive commissioner shall clearly identify the documentation a center must obtain and maintain to be eligible for reimbursement. The rules may not:

(1) authorize a center to combine documentation for transportation with documentation for other services provided by the center; or

(2) condition reimbursement of non-transportation services on:

(A) a recipient's decision to use transportation services on a specific date or on an ongoing basis; or

(B) a center's obtaining and maintaining transportation documentation.

SECTION 6. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall:

(1) adopt the rules necessary to implement the changes in law made by this Act; and

(2) update any relevant procedure manuals, including the Children's Services Handbook, to conform to the changes in law made by this Act.

SECTION 7. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 8. This Act takes effect September 1, 2023.

### **HB 3453 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 3453**, A bill to be entitled An Act relating to authorizing certain counties to impose a hotel occupancy tax, the applicability and rates of that tax in certain counties, and the use of revenue from that tax.

Representative Jetton moved to concur in the senate amendments to **HB 3453**.

The motion to concur in the senate amendments to **HB 3453** prevailed by (Record 2167): 116 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Oliverson; Ordaz; Orr; Ortega; Patterson; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Shaheen; Sherman; Shine; Smith; Stucky; Talarico; Thierry; Thimesch; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Buckley; Cain; Dean; Goldman; Harris, C.E.; Harris, C.J.; Harrison; Hefner; Hull; Isaac; Leo-Wilson; Noble; Paul; Ramos; Schaefer; Schatzline; Slawson; Smithee; Spiller; Swanson; Tepper; Thompson, E.; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

### STATEMENT OF VOTE

When Record No. 2167 was taken, I was shown voting yes. I intended to vote no.

Capriglione

### Senate Committee Substitute

**CSHB 3453**, A bill to be entitled An Act relating to authorizing certain counties to impose a hotel occupancy tax and the applicability and rates of that tax in certain counties.

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

SECTION 1. Section 352.002, Tax Code, is amended by adding Subsection (ee) to read as follows:

(e) The commissioners court of a county that has a population of 800,000 or more and is adjacent to a county with a population of four million or more may impose a tax as provided by Subsection (a).

SECTION 2. Section 352.003, Tax Code, is amended by adding Subsection (bb) to read as follows:

(bb) The tax rate in a county authorized to impose the tax under Section 352.002(ee) may not exceed seven percent of the price paid for a room in a hotel, except that the tax rate may not exceed two percent of the price paid for a room in a hotel if the hotel is located in:

(1) a municipality that imposes a tax under Chapter 351 applicable to the hotel; or

(2) the extraterritorial jurisdiction of a municipality that imposes a tax under Section 351.0025 applicable to the hotel.

SECTION 3. This Act takes effect September 1, 2023.

**HB 114 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 114**, A bill to be entitled An Act relating to the possession, use, or delivery of marihuana or e-cigarettes on or near public school property or at certain school events.

Representative E. Thompson moved to concur in the senate amendments to **HB 114**.

The motion to concur in the senate amendments to **HB 114** prevailed by (Record 2168): 136 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Nays — Anchia; Canales; González, M.; Morales, C.; Ramos; Turner.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

**STATEMENT OF VOTE**

When Record No. 2168 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

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

Amend **HB 114** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike the recital to amended Section 37.006, Education Code (page 1, lines 27 through 29) and substitute "Section 37.006(a), Education Code, is amended to read as follows:".

(2) In SECTION 1 of the bill, in amended Section 37.006(a), Education Code (page 1, line 30), strike "A" and substitute "Subject to the requirements of Section 37.009(a), a [A]".

(3) In SECTION 1 of the bill, in amended Section 37.006(a)(2), Education Code (page 1, lines 44 through 52), strike Paragraphs (C) and (C-1) and substitute the following:

(C) sells, gives, or delivers to another person or possesses or uses or is under the influence of:

(i) [~~marihuana or~~] a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq., excluding marihuana, as defined by Section 481.002, Health and Safety Code, or tetrahydrocannabinol, as defined by rule adopted under Section 481.003 of that code; or

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code;

(C-1) possesses, uses, or is under the influence of, or sells, gives, or delivers to another person marihuana, as defined by Section 481.002, Health and Safety Code, or tetrahydrocannabinol, as defined by rule adopted under Section 481.003 of that code;

(C-2) possesses, uses, sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code;

(4) In SECTION 1 of the bill, amending Section 37.006, Education Code (page 2, lines 6 through 17), strike Subsection (d-1).

(5) Strike SECTIONS 2 and 3 of the bill (page 2, lines 18 through 33), substitute the following appropriately numbered SECTIONS, and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 37.007(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (k) and subject to the requirements of Section 37.009(a), a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

(1) engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02, Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05, Penal Code;

(2) engages in conduct that contains the elements of the offense of:

(A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(B) arson under Section 28.02, Penal Code;

(C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;

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

(E) aggravated kidnapping under Section 20.04, Penal Code;

(F) aggravated robbery under Section 29.03, Penal Code;

(G) manslaughter under Section 19.04, Penal Code;

(H) criminally negligent homicide under Section 19.05, Penal Code; or

(I) continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code; or

(3) engages in conduct specified by Section 37.006(a)(2)(C) [~~or (D)~~], if the conduct is punishable as a felony.

SECTION \_\_\_\_\_. Section 37.008(k), Education Code, is amended to read as follows:

(k) A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs, e-cigarettes, or alcohol as specified under Section 37.006 or 37.007. A disciplinary alternative education program that provides chemical dependency treatment services must be licensed under Chapter 464, Health and Safety Code.

SECTION \_\_\_\_\_. Section 37.009, Education Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) If a disciplinary alternative education program is at capacity at the time a campus behavior coordinator is deciding placement under Subsection (a) for a student who engaged in conduct described under Section 37.006(a)(2)(C-1), (C-2), (D), or (E), the student shall be:

(1) placed in in-school suspension; and

(2) if a position becomes available in the program before the expiration of the period of the placement, transferred to the program for the remainder of the period.

(a-2) If a disciplinary alternative education program is at capacity at the time a campus behavior coordinator is deciding placement under Subsection (a) for a student who engaged in conduct described under Section 37.007 that constitutes violent conduct, as defined by commissioner rule, a student who has been placed in the program for conduct described under Section 37.006(a)(2)(C-1), (C-2), (D), or (E):

(1) may be removed from the program and placed in in-school suspension to make a position in the program available for the student who engaged in violent conduct; and

(2) if removed from the program under Subdivision (1) and a position in the program becomes available before the expiration of the period of the placement, shall be returned to the program for the remainder of the period.

**HB 1243 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1243**, A bill to be entitled An Act relating to the penalty for the offense of illegal voting; increasing a criminal penalty.

Representative Hefner 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 1243**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1243**: Hefner, chair; Bucy, Burrows, Manuel, and Smith.

**HB 4888 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 4888**, A bill to be entitled An Act relating to Medicaid coverage and reimbursement for non-opioid treatments.

Representative Hefner 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 4888**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4888**: Hefner, chair; Campos, Frank, Shaheen, and Thierry.

**HB 1771 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1771**, A bill to be entitled An Act relating to certain records of a health professional providing a telemedicine medical service, teledentistry dental service, or telehealth service.

Representative Price 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 1771**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1771**: Price, chair; K. King, Klick, Smith, and Thierry.

**HB 2815 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2815**, A bill to be entitled An Act relating to the powers, authorities, duties, and responsibilities of certain conservation and reclamation districts.

Representative Jetton moved to concur in the senate amendments to **HB 2815**.

The motion to concur in the senate amendments to **HB 2815** prevailed by (Record 2169): 129 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Cain; Craddick; Harrison; Schaefer; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Cortez; Hull; Schatzline; Troxclair.

**STATEMENTS OF VOTE**

When Record No. 2169 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

When Record No. 2169 was taken, I was in the house but away from my desk. I would have voted no.

Schatzline



**Senate Committee Substitute**

**CSHB 2815**, A bill to be entitled An Act relating to the powers, authorities, duties, and responsibilities of certain conservation and reclamation districts.

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

SECTION 1. Section 375.022, Local Government Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The petition may request that a succeeding board of directors be elected under Section 375.0645 instead of being appointed under Section 375.064.

(e) On receipt by the commission of a petition that complies with this section, the commission shall issue a notice indicating that the petition is administratively complete and may conduct a hearing on the petition in the manner provided by Section 49.011, Water Code, if the commission determines that a hearing is necessary.

SECTION 2. Section 375.025(c), Local Government Code, is amended to read as follows:

(c) If [~~after the hearing~~] the commission finds that the petition is sufficient and conforms to the requirements of Section 375.022(c) and that the district is feasible [~~and necessary~~] and would benefit the public, the commission by order shall make that finding and grant the petition. In determining if the project is feasible [~~and necessary~~] and would benefit the public, the commission shall consider:

(1) the availability of comparable services from other systems, including special districts, municipalities, and regional authorities; and

(2) the reasonableness of the proposed public purpose projects and services.

SECTION 3. Subchapter D, Chapter 375, Local Government Code, is amended by adding Section 375.0645 to read as follows:

Sec. 375.0645. ELECTION OF DIRECTORS. (a) This section applies only to a district created by order of the commission providing for an elected board of directors as requested in the petition requesting creation of the district as provided by Section 375.022(d).

(b) The commission shall appoint the initial directors under Section 375.026, and subsequent directors are elected in the manner provided by Subchapter D, Chapter 49, Water Code.

(c) An elected director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code.

(d) Sections 375.069 and 375.070 do not apply to an elected director.

(e) Section 49.052(f), Water Code, does not exempt an elected director from disqualification under that section.

(f) Sections 375.064, 375.161, and 375.243 do not apply to a district with an elected board.

SECTION 4. Section 375.065, Local Government Code, is amended to read as follows:

Sec. 375.065. REMOVAL OF DIRECTOR. The governing body of the municipality after notice and hearing may remove a director appointed by the municipality for misconduct or failure to carry out the director's duties on petition by a majority of the remaining directors.

SECTION 5. Section 375.067(a), Local Government Code, is amended to read as follows:

(a) As soon as practicable after a director is appointed or elected as provided by this subchapter, the director shall execute a \$10,000 bond payable to the district and conditioned on the faithful performance of the director's duties.

SECTION 6. Section 375.068, Local Government Code, is amended to read as follows:

Sec. 375.068. OFFICERS. After directors are appointed or elected as provided by this subchapter and have qualified by executing a bond and taking the oath, they shall organize by electing a president, a vice-president, a secretary, and any other officers the board considers necessary.

SECTION 7. Section 375.071, Local Government Code, is amended to read as follows:

Sec. 375.071. QUORUM. (a) One-half of the serving directors constitutes a quorum, and a concurrence of a majority of a quorum of directors is required for any official action of the district.

(b) If at least two-thirds of the directors execute a written consent at any time, a majority of a quorum at a board meeting may ~~[The written consent of at least two-thirds of the directors is required to]~~ authorize the levy of assessments, the levy of taxes, the imposition of impact fees, or the issuance of bonds. A director may execute a written consent outside of a board meeting.

SECTION 8. Section 375.161(b), Local Government Code, is amended to read as follows:

(b) This section does not apply to a tax or assessment, if a tax is authorized or approved by the voters of the district, or to a required payment for a service provided by the district, including water and sewer services.

SECTION 9. Section 375.208, Local Government Code, is amended to read as follows:

Sec. 375.208. COMMISSION APPROVAL. A district must obtain approval of the commission as provided by Section 49.181 ~~[Chapter 54]~~, Water Code, only if the ~~[it issues]~~ bonds are to provide water, sewage, or drainage facilities. ~~[Except as expressly provided by this section and Sections 375.062 and 375.064, a district is not subject to the jurisdiction of the commission.]~~

SECTION 10. Section 49.011(a), Water Code, is amended to read as follows:

(a) On receipt by the commission of all required documentation associated with an application for creation of a district by the commission under Chapter 36, 50, 51, 54, 55, 58, 65, or 66 of this code or Chapter 375, Local Government Code, the commission shall issue a notice indicating that the application is administratively complete.

SECTION 11. Section 49.060, Water Code, is amended by amending Subsection (a) and adding Subsection (a-2) to read as follows:

(a) A director is entitled to receive fees of office [~~of not more than \$150 a day~~] for each day the director actually spends performing the duties of a director. The board by resolution shall set the fees of office. The board may not set the fees of office at an amount greater than the amount of the per diem set by the Texas Ethics Commission for members of the legislature under Section 24a, Article III, Texas Constitution. In this subsection, "performing the duties of a director" means substantive performance of the management or business of the district, including participation in board and committee meetings and other activities involving the substantive deliberation of district business and in pertinent educational programs. The phrase does not include routine or ministerial activities such as the execution of documents, self-preparation for meetings, or other activities requiring a minimal amount of time.

(a-2) Notwithstanding Subsection (a-1), an authority created by special law, by resolution of the board, may not set the annual limit on the fees of office described by that subsection at an amount greater than the amount a director would receive for 60 days of service a year at the maximum daily rate authorized by Subsection (a).

SECTION 12. Section 49.065, Water Code, is amended by adding Subsection (d) to read as follows:

(d) Subsection (b) applies to a personal e-mail address of a director only if the district does not make available to the public an official e-mail address for the director or the district. In this subsection, "personal e-mail address" means an e-mail address that is not paid for by district money and is not used primarily for the transaction of official business of the district.

SECTION 13. Section 49.102, Water Code, is amended by amending Subsection (j) and adding Subsections (k) and (l) to read as follows:

(j) The provisions of this section requiring a confirmation election do not apply to a [~~shall not be applicable to any~~] district exercising the powers of Chapter 375, Local Government Code, or any district created by a special Act of the legislature that does not require a confirmation election.

(k) Notwithstanding any other law, if the board determines that it is in the best interest of the district and the voters of the district for the district to administer an election under this section, the district shall establish precincts and designate polling locations inside the boundaries of the district.

(l) Section 43.075, Local Government Code, does not apply to a district until the board declares the district is created under Subsection (e) of this section.

SECTION 14. Section 49.106, Water Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) A district's authorization to issue bonds resulting from an election held under this section, or any other law that allows for the qualified voters of a district to authorize the issuance of bonds by a district, remains in effect after the election unless the district is dissolved [~~or is annexed by another district~~].

(f) The board may submit new bond authorization and refunding bond authorization in a single proposition at an election.

SECTION 15. Section 49.181, Water Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) For the purposes of evaluating the financial feasibility of a project financed by a bond, the commission shall consider:

(1) a district located wholly or partly in Austin, Brazos, Chambers, Grimes, Liberty, Walker, or Wharton County as if the district were located in Harris County; and

(2) a district located wholly or partly in Bastrop, Bell, Blanco, Burnet, Caldwell, Gillespie, Kendall, Lee, or Milam County as if the district were located in Travis County.

SECTION 16. Section 49.23602(c), Water Code, is amended to read as follows:

(c) If the board of a district adopts a combined debt service, contract, and operation and maintenance tax rate that exceeds the district's mandatory tax election rate, an election must be held in accordance with the procedures provided by Sections 26.07(c)-(g), Tax Code, to determine whether to approve the adopted tax rate. If the adopted tax rate is not approved at the election, the district's tax rate is the voter-approval tax rate. An election is not required if the adopted tax rate is less than or equal to the voter-approval tax rate.

SECTION 17. Section 49.271, Water Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) A ~~[district]~~ contract for construction work may include economic incentives for early completion of the work or economic disincentives for late completion of the work.

(f) The provisions of this section apply to a contract for construction work entered into by a third party on behalf of a district.

SECTION 18. Subchapter J, Chapter 49, Water Code, is amended by adding Section 49.316 to read as follows:

Sec. 49.316. DIVISION OF DISTRICT. (a) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(b) An order dividing a district may create one or more new districts and may provide for the continuation of the district.

(c) An order dividing the district shall:

(1) name any new district;

(2) include the metes and bounds description of the territory of each of the districts;

(3) appoint temporary directors for any new district; and

(4) provide for the division of assets and liabilities between the districts.

(d) The board may adopt an order dividing the district before or after the date the board holds an election to confirm the district's creation.

(e) The district may be divided only if the district:

(1) has never issued any bonds; and

(2) is not imposing ad valorem taxes.

(f) A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area of the district at the time of creation.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

(h) A new district created by the division of the district shall hold a confirmation and directors' election.

(i) If the creation of a new district is confirmed, the new district shall provide the election date and results to the commission.

(j) A new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

(k) Municipal consent to the creation of the district and to the inclusion of land in the district acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

(l) The district may continue to rely on confirmation, directors', bond, and tax elections held before the division.

SECTION 19. Subchapter O, Chapter 51, Water Code, is amended by adding Section 51.7131 to read as follows:

Sec. 51.7131. ALTERNATIVE SUBSTITUTION PROCEDURES. Notwithstanding this subchapter, a district may substitute land in the manner provided by Sections 54.739-54.747.

SECTION 20. Section 53.029(e), Water Code, is amended to read as follows:

(e) A district that has adopted the rights, authority, privileges, and functions of a road district in the manner provided by Subsection (c) may, following approval of a construction contract by the district's governing body, reimburse expenditures as provided by Sections 257.003(a), ~~and~~ (b), and (d), Transportation Code, without any additional approval or determination under Section 257.003, Transportation Code.

SECTION 21. Section 54.016, Water Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) An agreement between a municipality and a municipal utility district is an allocation agreement only if:

(1) the agreement strictly complies with the requirements of Subsection (f); and

(2) the agreement is specifically designated by the parties to the agreement as an "allocation agreement" under Subsection (f).

SECTION 22. Sections 54.234(d) and (e), Water Code, are amended to read as follows:

(d) If the commission issues an order approving the petition, the district may undertake a road project if:

(1) the municipality or county with plating jurisdiction [~~that will operate and maintain the road~~] has approved the plans and specifications of the road project; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state is to operate and maintain the road.

(e) Notwithstanding any other law and except [~~Except~~] as provided by Subsection (d), a district is not required to obtain approval from the Texas Transportation Commission to acquire, construct, convey, or finance the road project.

SECTION 23. Section 57.053, Water Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) A vacancy on an appointed board is filled by the appointment of a director by a majority vote of the commissioners court. [~~A director appointed to fill a vacancy must be a person qualified for election as a director under Section 57.059.~~] The commissioners court shall appoint directors so that the board will always have full membership.

(d) A director appointed to fill a vacancy must be a person qualified to serve as a director under Section 57.059.

SECTION 24. Section 57.059, Water Code, is amended to read as follows:

Sec. 57.059. QUALIFICATIONS FOR [~~ELECTED~~] DIRECTORS. To be qualified to serve [~~for election~~] as a director, a person must:

(1) be at least 18 years old;

(2) own land subject to taxation in the district or be a qualified voter in the district; [~~property taxpaying elector of the precinct and county from which he is elected~~] and

(3) if the director is elected, be a qualified voter of the precinct in the district established by the commissioners court under Section 57.058 from which the director is elected [~~be eligible under the constitution and laws of this state to hold the office to which he is elected~~].

SECTION 25. The following provisions are repealed:

(1) Sections 375.023 and 375.024, Local Government Code;

(2) Sections 375.025(a) and (b), Local Government Code;

(3) Section 54.030(b), Water Code, as amended by Chapter 539 (**HB 2914**), Acts of the 86th Legislature, Regular Session, 2019;

(4) Section 54.032(a), Water Code, as amended by Chapter 539 (**HB 2914**), Acts of the 86th Legislature, Regular Session, 2019;

(5) Section 54.033(a), Water Code, as amended by Chapter 539 (**HB 2914**), Acts of the 86th Legislature, Regular Session, 2019; and

(6) Section 54.103, Water Code.

SECTION 26. 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, 2023.

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

Amend **CSHB 2815** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 54.728, Water Code, is amended to read as follows:

Sec. 54.728. CONSOLIDATION OF DISTRICTS. (a) Two or more districts governed by the provisions of this chapter may consolidate into one district as provided by Sections 54.729-54.733 of this code.

(b) One or more districts governed by the provisions of this chapter and one or more districts governed by the provisions of Chapter 375, Local Government Code, may consolidate into one district as provided by this subsection and Sections 54.729-54.733 of this code. The initial directors of the consolidated district shall be elected and serve terms as provided by Section 49.103 of this code. The consolidation agreement under this subsection may provide that the consolidated district continue operating with the powers, authorities, duties, responsibilities, and board of directors of one of the original districts before consolidation.

(c) After the initial election of directors, a district consolidated under Subsection (b) is governed as agreed by either:

(1) an elected board of directors, who must be elected at a general election in the manner and for the terms provided by Section 49.103; or

(2) an appointed board of directors, who must be appointed as provided under Chapter 375, Local Government Code.

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

Amend **CSHB 2815** (senate committee report) by inserting the appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 49.063, Water Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) A district that is required by law to post notice of a meeting on an Internet website may instead provide the notice to the county clerk of each county in which the district is located to post the notice on the county clerk's or county's Internet website.

(e) Failure to timely or properly post a notice of a meeting on an Internet website does not prohibit a district from conducting the meeting if the notice required by Section 551.054(a)(1), Government Code, is posted timely and properly.

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

Amend **CSHB 2815** (senate committee report) as follows:

(1) In SECTION 25 of the bill, in the repealer, insert the following appropriately numbered subdivisions:

(\_\_\_\_) Sections 49.452(b), (c), (d), and (e), Water Code;

(\_\_\_\_) Sections 49.455(f) and (h), Water Code;

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

SECTION \_\_\_\_\_. Section 49.452, Water Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) In this section, "district" means a district:

(1) governed by Chapter 375, Local Government Code; or

(2) ~~[(1) Any person who proposes to sell or convey real property located in a district]~~ created under this title or by a special Act of the legislature that:

(A) is providing or proposing to provide, as the district's principal function, water, sanitary sewer, drainage, and flood control or protection facilities or services, or any of these facilities or services that have been financed or are proposed to be financed with bonds of the district payable in whole or part from taxes of the district, or by imposition of a standby fee, if any, to household or commercial users, other than agricultural, irrigation, or industrial users;[5] and

(B) ~~[which district]~~ includes less than all the territory in at least one county and which, if located within the corporate area of a city, includes less than 75 percent of the incorporated area of the city or which is located outside the corporate area of a city in whole or in substantial part[5, must first give to the purchaser the written notice provided in this section].

(a-1) A person who proposes to sell or convey real property located in a district must give to the purchaser the written notice as provided by this section and Section 49.4521.

(a-2) ~~[(2)]~~ The provisions of this section are ~~[shall]~~ not ~~[be]~~ applicable to:

(1) ~~[(A)]~~ transfers of title under any type of lien foreclosure;

(2) ~~[(B)]~~ transfers of title by deed in cancellation of indebtedness secured by a lien upon the property conveyed;

(3) ~~[(C)]~~ transfers of title by reason of a will or probate proceedings;

(4) ~~[(D)]~~ transfers of title to a governmental entity; or

(5) transfers of title for the purpose of qualifying a director.

SECTION \_\_\_\_\_. Subchapter M, Chapter 49, Water Code, is amended by adding Section 49.4521 to read as follows:

Sec. 49.4521. PRESCRIBED NOTICE TO PURCHASERS. (a) A notice to a purchaser provided under Section 49.452 must include:

(1) a title caption in at least a 24-point, bold font stating "NOTICE TO PURCHASER OF SPECIAL TAXING OR ASSESSMENT DISTRICT"; and

(2) the following statements, as applicable to the district:

(A) "The real property that you are about to purchase is located in the (insert name of district) and may be subject to district taxes or assessments.";

(B) "The district may, subject to voter approval, impose taxes and issue bonds. The district may impose an unlimited rate of tax in payment of such bonds.";

(C) one of the following, as applicable:

(i) "The current rate of the district property tax is (insert current property tax rate) on each \$100 of assessed valuation."; or



(ii) "The district has not yet imposed taxes. The projected rate of the district property tax is (insert projected property tax rate) on each \$100 of assessed valuation.";

(D) "The district may impose assessments and issue bonds and impose an assessment in payment of such bonds.";

(E) one of the following, as applicable:

(i) "The rate of the district assessment is (insert current assessment amount) on each \$100 of assessed valuation.";

(ii) "The amount of the district assessment on the real property that you are about to purchase is (insert current assessment amount)."; or

(iii) "The district has not yet imposed an assessment, but the projected (insert "rate" or "amount", as applicable) of the assessment is (insert projected assessment rate or amount, as applicable).";

(F) "The total amounts of bonds payable wholly or partly from (insert "property taxes" or "assessments", as applicable) (insert ", excluding refunding bonds that are separately approved by the voters" or ", excluding any bonds or any portions of bonds issued that are payable solely from revenues received or expected to be received under a contract with a governmental entity", as applicable), approved by the voters are:

(i) \$(insert amount) for water, sewer, and drainage facilities;

(ii) \$(insert amount) for road facilities;

(iii) \$(insert amount) for parks and recreational facilities; and

(iv) \$(insert amount) for (description of additional facilities, as applicable).";

(G) "The aggregate initial principal amounts of all such bonds issued are:

(i) \$(insert amount) for water, sewer, and drainage facilities;

(ii) \$(insert amount) for road facilities;

(iii) \$(insert amount) for parks and recreational facilities; and

(iv) \$(insert amount) for (description of additional facilities, as applicable).";

(H) "The district sought and obtained approval of the Texas Commission on Environmental Quality to adopt and impose a standby fee. The amount of the standby fee is \$(insert amount of standby fee). An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the district stating the amount, if any, of unpaid standby fees on a tract of property in the district.";

(I) if applicable, one of the following:

(i) "The district is located wholly or partly in the extraterritorial jurisdiction of the City of (insert name of the municipality). Texas law governs the ability of a municipality to annex property in the municipality's extraterritorial jurisdiction and whether a district that is annexed by the municipality is dissolved."; or

(ii) "The district is located wholly or partly within the corporate boundaries of the City of (insert name of the municipality). The municipality and the district overlap, but may not provide duplicate services or improvements. Property located in the municipality and the district is subject to taxation by the municipality and the district.";

(J) "The district has entered into a strategic partnership agreement with the City of (insert name of the municipality). This agreement may address the timeframe, process, and procedures for the municipal annexation of the area of the district located in the municipality's extraterritorial jurisdiction.";

(K) "The purpose of the district is to provide (insert water, sewer, drainage, flood control, firefighting, road, parks and recreational, or other type of facilities or services, as applicable) facilities and services. The cost of district facilities is not included in the purchase price of your property.";

(L) "PURCHASER IS ADVISED THAT THE INFORMATION SHOWN ON THIS FORM IS SUBJECT TO CHANGE BY THE DISTRICT AT ANY TIME. THE DISTRICT ANNUALLY ESTABLISHES TAX RATES. PURCHASER IS ADVISED TO CONTACT THE DISTRICT TO DETERMINE THE STATUS OF ANY CURRENT OR PROPOSED CHANGES TO THE INFORMATION SHOWN ON THIS FORM."; and

(M) "The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or before the execution of a binding contract for the purchase of the real property or at closing of purchase of the real property.".

(b) The district shall omit or edit for accuracy statements not applicable to the district, as determined by the district.

(c) The notice must be dated and executed by the seller and the purchaser.

(d) If the law is amended and causes inaccuracies in the content of the notice, the district shall revise the content of the notice to accurately reflect current law.

SECTION \_\_\_\_\_. Section 49.453, Water Code, is amended by adding Subsection (e) to read as follows:

(e) A district required to maintain an Internet website or have access to a generally accessible Internet website under Section 26.18, Tax Code, shall post or create a process for posting the district's notice to purchasers under Section 49.4521 on the applicable Internet website.

SECTION \_\_\_\_\_. Section 49.455(c), Water Code, is amended to read as follows:

(c) The information form [~~and map or plat~~] required by this section shall be signed by a majority of the members of the board and by each such officer affirmed and acknowledged before it is filed with the county clerk, and each amendment made to an information form [~~or map~~] shall also be signed by the members of the board and by each such officer affirmed and acknowledged before it is filed with the county clerk.

SECTION \_\_\_\_\_. Section 3919.205(d), Special District Local Laws Code, is amended to read as follows:

(d) The district shall generate and implement a program to provide notice modeled on the notice described by Section 49.4521 [~~49.452(e)~~], Water Code, to a prospective purchaser of property in the district of the assessments that have been approved and are imposed by the district.

SECTION \_\_\_\_\_. (a) Section 49.452, Water Code, as amended by this Act, and Section 49.4521, Water Code, as added by this Act, apply only to notice given to a purchaser of real property within a water district on or after the effective date of this Act. Notice given to a purchaser before the effective date is governed by the law in effect at the time the notice was given, and that law is continued in effect for that purpose.

(b) Section 49.455, Water Code, as amended by this Act, applies only to an information form filed on or after the effective date of this Act. An information form filed before the effective date of this Act is governed by the law in effect on the date the form was filed, and that law is continued in effect for that purpose.

### **HB 5105 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 5105**, A bill to be entitled An Act relating to authorizing certain counties to impose a hotel occupancy tax and the use of revenue from that tax.

Representative Stucky moved to concur in the senate amendments to **HB 5105**.

The motion to concur in the senate amendments to **HB 5105** prevailed by (Record 2170): 113 Yeas, 29 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Bailes; Bell, C.; Bonnen; Bowers; Bryant; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Oliverson; Ordaz; Orr; Ortega; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, S.; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Anderson; Bell, K.; Buckley; Cain; Capriglione; Dean; Gerdes; Goldman; Harris, C.J.; Harrison; Hefner; Isaac; Leo-Wilson; Metcalf; Noble; Patterson; Paul; Ramos; Schaefer; Schatzline; Shaheen; Slawson; Swanson; Thompson, E.; Tinderholt; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

### STATEMENTS OF VOTE

When Record No. 2170 was taken, I was shown voting no. I intended to vote yes.

Anderson

When Record No. 2170 was taken, I was shown voting no. I intended to vote yes.

K. Bell

When Record No. 2170 was taken, I was shown voting yes. I intended to vote no.

Holland

### Senate Committee Substitute

**CSHB 5105**, A bill to be entitled An Act relating to authorizing certain counties to impose a hotel occupancy tax and the use of revenue from that tax.

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

SECTION 1. Section 352.002, Tax Code, is amended by adding Subsection (v) to read as follows:

(v) The commissioners court of a county with a population of more than 650,000 that is adjacent to two counties, each having a population of more than 1.8 million, may impose a tax as provided by Subsection (a). A tax imposed under this subsection does not apply to a hotel that is located on contiguous property in more than one county.

SECTION 2. Section 352.003, Tax Code, is amended by adding Subsection (bb) to read as follows:

(bb) The tax rate in a county authorized to impose the tax under Section 352.002(v) may not exceed two percent of the price paid for a room in a hotel.

SECTION 3. Subchapter B, Chapter 352, Tax Code, is amended by adding Section 352.115 to read as follows:

Sec. 352.115. USE OF REVENUE: CERTAIN COUNTIES ADJACENT TO POPULOUS COUNTIES. In addition to the purposes authorized by this chapter, the revenue from a tax imposed under this chapter by a county authorized to impose the tax under Section 352.002(v) may be used for the purposes described by Section 352.112.

SECTION 4. This Act takes effect September 1, 2023.

### HB 2727 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 2727**, A bill to be entitled An Act relating to the provision of home telemonitoring services under Medicaid.

Representative Price moved to concur in the senate amendments to **HB 2727**.

The motion to concur in the senate amendments to **HB 2727** prevailed by (Record 2171): 120 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smith; Smithee; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Cain; Dorazio; Harrison; Hefner; Hull; Isaac; Leach; Leo-Wilson; Patterson; Schaefer; Schatzline; Shaheen; Slawson; Spiller; Stucky; Swanson; Tinderholt; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Bucy.

### Senate Committee Substitute

**CSHB 2727**, A bill to be entitled An Act relating to the provision of home telemonitoring services under Medicaid.

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

SECTION 1. Section 531.001(4-a), Government Code, is amended to read as follows:

(4-a) "Home telemonitoring service" means a health service that requires scheduled remote monitoring of data related to a patient's health and transmission of the data to a licensed home and community support services agency, a federally qualified health center, a rural health clinic, or a hospital, as those terms are defined by Section 531.02164(a). The term is synonymous with "remote patient monitoring."

SECTION 2. Section 531.02164, Government Code, is amended by amending Subsections (a), (b), (c), (c-1), (d), and (f) and adding Subsections (c-2) and (c-3) to read as follows:

(a) In this section:

(1) "Federally qualified health center" has the meaning assigned by 42 U.S.C. Section 1396d(1)(2)(B).

(1-a) "Home and community support services agency" means a person licensed under Chapter 142, Health and Safety Code, to provide home health, hospice, or personal assistance services as defined by Section 142.001, Health and Safety Code.

(2) "Hospital" means a hospital licensed under Chapter 241, Health and Safety Code.

(3) "Rural health clinic" has the meaning assigned by 42 U.S.C. Section 1396d(1)(1).

(b) ~~The [If the commission determines that establishing a statewide program that permits reimbursement under Medicaid for home telemonitoring services would be cost effective and feasible, the] executive commissioner [by rule] shall adopt rules for the provision and reimbursement of home telemonitoring services under Medicaid [establish the program] as provided under this section.~~

(c) For purposes of adopting rules ~~[The program required]~~ under this section, ~~the commission shall [must]:~~

(1) identify and provide home telemonitoring services to persons diagnosed with conditions for which the commission determines the provision of home telemonitoring services would be cost-effective and clinically effective;

~~(2) consider providing home telemonitoring services under Subdivision (1) [provide that home telemonitoring services are available only] to Medicaid recipients [persons] who:~~

(A) are diagnosed with one or more of the following conditions:

- (i) pregnancy;
- (ii) diabetes;
- (iii) heart disease;
- (iv) cancer;
- (v) chronic obstructive pulmonary disease;
- (vi) hypertension;
- (vii) congestive heart failure;
- (viii) mental illness or serious emotional disturbance;
- (ix) asthma;
- (x) myocardial infarction; ~~or~~
- (xi) stroke;
- (xii) end stage renal disease; or
- (xiii) a condition that requires renal dialysis treatment; and

(B) exhibit at least one ~~[two or more]~~ of the following risk factors:

- (i) two or more hospitalizations in the prior 12-month period;
- (ii) frequent or recurrent emergency room admissions;
- (iii) a documented history of poor adherence to ordered medication regimens;

(iv) a documented risk [history] of falls ~~[in the prior six month period]; and~~

(v) ~~[limited or absent informal support systems;~~  
~~[(vi) living alone or being home alone for extended periods of time; and~~

~~[(vii)]~~ a documented history of care access challenges;

(3) ~~[(2)]~~ ensure that clinical information gathered by the following providers while providing home telemonitoring services is shared with the recipient's physician:

(A) a home and community support services agency;

(B) a federally qualified health center;

(C) a rural health clinic; or

(D) a hospital ~~[while providing home telemonitoring services is shared with the patient's physician]; [and]~~

(4) ~~[(3)]~~ ensure that the home telemonitoring services provided under this section do ~~[program does]~~ not duplicate disease management program services provided under Section 32.057, Human Resources Code; and

(5) require a provider to:

(A) establish a plan of care that includes outcome measures for each recipient who receives home telemonitoring services under this section; and

(B) share the plan and outcome measures with the recipient's physician.

(c-1) Notwithstanding any other provision of this section ~~[Subsection ~~(e)(1)~~], the commission shall ensure ~~[the program required under this section must also provide]~~ that home telemonitoring services are available to pediatric persons who:~~

(1) are diagnosed with end-stage solid organ disease;

(2) have received an organ transplant; or

(3) require mechanical ventilation.

(c-2) In addition to determining whether to provide home telemonitoring services to Medicaid recipients with the conditions described under Subsection (c)(2), the commission shall determine whether high-risk pregnancy is a condition for which the provision of home telemonitoring services is cost-effective and clinically effective. If the commission determines that high-risk pregnancy is a condition for which the provision of home telemonitoring services is cost-effective and clinically effective:

(1) the commission shall, to the extent permitted by state and federal law, provide recipients experiencing a high-risk pregnancy with clinically appropriate home telemonitoring services equipment for temporary use in the recipient's home; and

(2) the executive commissioner by rule shall:

(A) establish criteria to identify recipients experiencing a high-risk pregnancy who would benefit from access to home telemonitoring services equipment;

(B) ensure that, if cost-effective, feasible, and clinically appropriate, the home telemonitoring services equipment provided includes uterine remote monitoring services equipment and pregnancy-induced hypertension remote monitoring services equipment;

(C) subject to Subsection (c-3), require that a provider obtain:

(i) prior authorization from the commission before providing home telemonitoring services equipment to a recipient during the first month the equipment is provided to the recipient; and

(ii) an extension of the authorization under Subparagraph (i) from the commission before providing the equipment in a subsequent month based on the ongoing medical need of the recipient; and

(D) prohibit payment or reimbursement for home telemonitoring services equipment during any period that the equipment was not in use because the recipient was hospitalized or away from the recipient's home regardless of whether the equipment remained in the recipient's home while the recipient was hospitalized or away.

(c-3) For purposes of Subsection (c-2), the commission shall require that:

(1) a request for prior authorization under Subsection (c-2)(2)(C)(i) be based on an in-person assessment of the recipient; and

(2) documentation of the recipient's ongoing medical need for the equipment is provided to the commission before the commission grants an extension under Subsection (c-2)(2)(C)(ii).

(d) If, after implementation, the commission determines that a condition for which the commission has authorized the provision and reimbursement of home telemonitoring services under Medicaid [the program established] under this section is not cost-effective and clinically effective, the commission may discontinue the availability of home telemonitoring services for that condition [program] and stop providing reimbursement under Medicaid for home telemonitoring services for that condition, notwithstanding Section 531.0216 or any other law.

(f) To comply with state and federal requirements to provide access to medically necessary services under Medicaid, including the Medicaid managed care program, and if the commission determines it is cost-effective and clinically effective, the commission or a Medicaid managed care organization, as applicable, may reimburse providers for home telemonitoring services provided to persons who have conditions and exhibit risk factors other than those expressly authorized by this section. [In determining whether the managed care organization should provide reimbursement for services under this subsection, the organization shall consider whether reimbursement for the service is cost-effective and providing the service is clinically effective.]

SECTION 3. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

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, 2023.



**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).

**HB 3672 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3672**, A bill to be entitled An Act relating to the designation of portions of the state highway system as memorial highways for certain deceased peace officers.

Representative Canales moved to concur in the senate amendments to **HB 3672**.

The motion to concur in the senate amendments to **HB 3672** prevailed by (Record 2172): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

**Senate Committee Substitute**

**CSHB 3672**, A bill to be entitled An Act relating to the designation of portions of the state highway system as memorial highways for certain deceased peace officers.

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

SECTION 1. Section 225.092(a), Transportation Code, is amended to read as follows:

(a) Notwithstanding Section 225.001(c), the portion of Business U.S. Highway 281-S in the municipal limits of Premont [281 in Jim Wells County between its intersection with Farm to Market Road 716 and its intersection with County Road 422] is designated as the Lt. General Marc Cisneros Highway. The designation is in addition to any other designation.

SECTION 2. Subchapter B, Chapter 225, Transportation Code, is amended by adding Sections 225.217, 225.218, 225.219, 225.220, 225.221, 225.222, 225.223, 225.224, and 225.225 to read as follows:

Sec. 225.217. TROOPER RUSSELL LYNN BOYD MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 290 in Waller County between its intersection with the Waller-Harris county line and its intersection with State Highway 6 is designated as the Trooper Russell Lynn Boyd Memorial Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Trooper Russell Lynn Boyd Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.218. RANGER STANLEY K. GUFFEY MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 87 in the municipal limits of Brady is designated as the Ranger Stanley K. Guffey Memorial Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Ranger Stanley K. Guffey Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.219. TROOPER MILTON ALEXANDER MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 35 in the municipal limits of Hillsboro is designated as the Trooper Milton Alexander Memorial Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Trooper Milton Alexander Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.220. TROOPER ERNESTO ALANIS MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 2 in the municipal limits of McAllen is designated as the Trooper Ernesto Alanis Memorial Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Trooper Ernesto Alanis Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.221. TROOPER HOLLIS S. LACY MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 377 in the municipal limits of Denton is designated as the Trooper Hollis S. Lacy Memorial Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Trooper Hollis S. Lacy Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.222. TROOPER HOWARD JORDAN MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 67 in the municipal limits of Texarkana is designated as the Trooper Howard Jordan Memorial Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Trooper Howard Jordan Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.223. TROOPER MARK FREDERICK MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 10 in Austin County between its intersection with the Austin-Waller county line and its intersection with State Highway 36 is designated as the Trooper Mark Frederick Memorial Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Trooper Mark Frederick Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.224. TROOPER WILLIAM KOHLLEPPEL III MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 10 in Austin County between its intersection with State Highway 36 and its intersection with the Austin-Colorado county line is designated as the Trooper William Kohlleppele III Memorial Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Trooper William Kohlleppele III Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.225. TROOPER BILLY D. HOWRY MEMORIAL HIGHWAY.

(a) The portion of Interstate Highway 35 in Williamson County between mile marker 268 and mile marker 272 is designated as the Trooper Billy D. Howry Memorial Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Trooper Billy D. Howry Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

SECTION 3. This Act takes effect September 1, 2023.

### **HB 1361 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1361**, A bill to be entitled An Act relating to the designation of liaison officers to assist certain students at public institutions of higher education who are parents.

Representative Morales Shaw moved to concur in the senate amendments to **HB 1361**.

The motion to concur in the senate amendments to **HB 1361** prevailed by (Record 2173): 116 Yeas, 25 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bonnen; Bowers; Bryant; Bucy; Bungarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Cole; Collier; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Bell, K.; Buckley; Cain; Clardy; Cook; Craddick; Cunningham; Dean; Frank; Harris, C.J.; Harrison; Hull; Patterson; Price; Rogers; Schaefer; Schatzline; Shaheen; Slawson; Smith; Spiller; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Cortez.

### STATEMENTS OF VOTE

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

K. Bell

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Buckley

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Clardy

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Cook

When Record No. 2173 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Cunningham

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Dean

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Frank

When Record No. 2173 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Price

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Rogers

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Smith

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Troxclair

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Vasut

When Record No. 2173 was taken, I was shown voting no. I intended to vote yes.

Wilson

### Senate Committee Substitute

**CSHB 1361**, A bill to be entitled An Act relating to the designation of liaison officers to assist certain students at public institutions of higher education who are parents.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9357 to read as follows:

Sec. 51.9357. DESIGNATION OF LIAISON OFFICER TO ASSIST CERTAIN STUDENTS WHO ARE PARENTS; REPORT. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

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

(b) Each institution of higher education shall designate at least one employee of the institution to act as a liaison officer for current or incoming students at the institution who are the parent or guardian of a child younger than 18 years of age. The liaison officer shall provide to the students information regarding support services and other resources available to the students at the institution, including:

(1) resources to access:

(A) medical and behavioral health coverage and services; and

(B) public benefit programs, including programs related to food security, affordable housing, and housing subsidies;

(2) parenting and child care resources;

(3) employment assistance;

(4) transportation assistance;

(5) student academic success strategies; and

(6) any other resources developed by the institution to assist the students.

(c) Not later than May 1 of each academic year, an institution of higher education shall submit to the coordinating board a report that contains the following information regarding students enrolled at the institution for the current academic year who are the parent or guardian of a child younger than 18 years of age:

(1) the number of those students;

(2) demographic data, including age, race, sex, and ethnicity;

(3) academic data, including full-time or part-time enrollment status and graduation, transfer, and withdrawal rates; and

(4) other data as prescribed by coordinating board rule.

(d) The coordinating board shall adopt rules to administer this section, including rules to ensure compliance 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.), 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. (a) As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules to implement Section 51.9357, Education Code, as added by this Act.

(b) This Act applies beginning with the 2023-2024 academic 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, 2023.

## **HB 3424 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 3424**, A bill to be entitled An Act relating to the training requirements for commissioned security officers and personal protection officers.

Representative Frazier moved to concur in the senate amendments to **HB 3424**.

The motion to concur in the senate amendments to **HB 3424** prevailed by (Record 2174): 133 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal;

King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Stucky; Talarico; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vo; Walle; Wilson; Zwiener.

Nays — Cain; Harrison; Patterson; Spiller; Swanson; Tepper; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Leo-Wilson; Oliverson.

### STATEMENTS OF VOTE

When Record No. 2174 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 2174 was taken, I was shown voting yes. I intended to vote no.

Schatzline

When Record No. 2174 was taken, I was shown voting yes. I intended to vote no.

Toth

### Senate Committee Substitute

**CSHB 3424**, A bill to be entitled An Act relating to the eligibility and training requirements for commissioned security officers and personal protection officers.

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

SECTION 1. Section 1702.163, Occupations Code, is amended by amending Subsection (a) and adding Subsection (h) to read as follows:

(a) An applicant employed by a company license holder is not eligible for a security officer commission unless the applicant submits as part of the application satisfactory evidence that the applicant has:

(1) completed the basic training course at a school or under an instructor approved by the department;

(2) met each qualification established by this chapter and administrative rule;

(3) achieved the score required by the department on the examination under Section 1702.1685; ~~and~~

(4) demonstrated to the satisfaction of the firearm training instructor that the applicant has complied with other department standards for minimum marksmanship competency with a handgun; and



(5) provided proof of completion by and the results of the Minnesota Multiphasic Personality Inventory test for the applicant.

(h) The commission by rule shall require an applicant for a security officer commission to complete the Minnesota Multiphasic Personality Inventory test. The department may use the results of the test to evaluate the applicant's psychological fitness.

SECTION 2. Sections 1702.1675(a) and (g), Occupations Code, are amended to read as follows:

(a) The commission shall establish a basic training course for commissioned security officers. The course must include, at a minimum:

- (1) general security officer training issues;
- (2) classroom instruction on handgun proficiency and self-defense tactics; and
- (3) range instruction on handgun proficiency.

(g) The handgun proficiency and self-defense course must include at least 10 hours and not more than 15 hours of in-person instruction with an on-site instructor approved by the department on:

- (1) the laws that relate to weapons and to the use of deadly force;
- (2) handgun use, proficiency, and safety;
- (3) nonviolent dispute resolution; ~~and~~
- (4) proper storage practices for handguns, with an emphasis on storage practices that eliminate the possibility of accidental injury to a child; and
- (5) self-defense tactics.

SECTION 3. Section 1702.1685(a), Occupations Code, is amended to read as follows:

(a) The proficiency examination required to obtain or renew a security officer commission must include:

- (1) a written section on the subjects listed in Sections 1702.1675(g)(1)-(4) [~~Section 1702.1675(g)~~]; and
- (2) a physical demonstration of handgun proficiency that meets the minimum standards established under Section 1702.1675(h) or (i).

SECTION 4. Section 1702.205(b), Occupations Code, is amended to read as follows:

(b) The training required by this section:

- (1) must be provided in-person; and
- (2) is in addition to the basic training course for security officers.

SECTION 5. A person who holds a security officer commission issued under Chapter 1702, Occupations Code, on January 1, 2024, and applies to renew the commission on or after January 1, 2024, shall provide to Department of Public Safety, at the time of the person's first renewal of the commission on or after that date, proof of completion and the results of the Minnesota Multiphasic Personality Inventory psychological test taken by the person. The department may use the results of the test to evaluate the applicant's psychological fitness.

SECTION 6. Section 1702.163(a), Occupations Code, as amended by this Act, applies only to an application for a security officer commission submitted on or after January 1, 2024. An application for a security officer commission

submitted before January 1, 2024, 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.

SECTION 7. (a) Section 1702.1675, Occupations Code, as amended by this Act, applies only to a basic training course for commissioned security officers that begins on or after January 1, 2024. A basic training course for commissioned security officers that begins before January 1, 2024, 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.

(b) Not later than January 1, 2024, the Public Safety Commission shall update the basic training course for commissioned security officers to comply with Section 1702.1675, Occupations Code, as amended by this Act.

SECTION 8. Section 1702.205, Occupations Code, as amended by this Act, applies only to a personal protection officer training course that begins on or after January 1, 2024. A personal protection officer training course that begins before January 1, 2024, 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.

SECTION 9. This Act takes effect September 1, 2023.

**HB 915 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 915**, A bill to be entitled An Act relating to a requirement that employers post notice of certain information regarding reporting instances of workplace violence or suspicious activity.

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 915**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 915**: Craddick, chair; Capriglione, Frank, Price, and Rose.

**HB 4696 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 4696**, A bill to be entitled An Act relating to the reporting and investigation of certain allegations of abuse, neglect, and exploitation, the making and investigation of complaints alleging violations of certain health facility licensing requirements, and the content of the employee misconduct registry.

Representative Noble moved to concur in the senate amendments to **HB 4696**.

The motion to concur in the senate amendments to **HB 4696** prevailed by (Record 2175): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Goldman; Jones, J.; Leach; Plesa.

### STATEMENTS OF VOTE

When Record No. 2175 was taken, I was in the house but away from my desk. I would have voted yes.

J. Jones

When Record No. 2175 was taken, I was in the house but away from my desk. I would have voted yes.

Plesa

### Senate Committee Substitute

**CSHB 4696**, A bill to be entitled An Act relating to the reporting and investigation of certain allegations of abuse, neglect, and exploitation, the making and investigation of complaints alleging violations of certain health facility licensing requirements, and the content of the employee misconduct registry.

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

SECTION 1. Section 261.005, Family Code, is amended to read as follows:

Sec. 261.005. REFERENCE TO EXECUTIVE COMMISSIONER OR COMMISSION. Unless otherwise provided by a provision of this chapter, in [§] this chapter:

(1) a reference to the executive commissioner or the executive commissioner of the Health and Human Services Commission means the commissioner of the department; and

(2) a reference to the Health and Human Services Commission means the department.

SECTION 2. Section 261.105(c-1), Family Code, is amended to read as follows:

(c-1) Notwithstanding Subsections (b) and (c), if a report under this section relates to a child with an intellectual disability receiving services in a state supported living center as defined by Section 531.002, Health and Safety Code, or the ICF-IID component of the Rio Grande State Center, the department shall immediately notify the commission and the commission shall proceed with the investigation of the report as provided by Section 261.404. Notwithstanding Section 261.005, in this subsection, "commission" means the Health and Human Services Commission.

SECTION 3. Section 261.404, Family Code, is amended by amending Subsections (a), (a-1), (a-2), (a-3), (b), (c), and (d) and adding Subsection (a-4) to read as follows:

(a) Notwithstanding Section 261.005, in this section:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(a-1) The commission [~~department~~] shall investigate a report of abuse, neglect, or exploitation of a child receiving services from a provider, as those terms are defined by Section 48.251, Human Resources Code, or as otherwise defined by rule. The commission [~~department~~] shall also investigate, under Subchapter F, Chapter 48, Human Resources Code, a report of abuse, neglect, or exploitation of a child receiving services from an officer, employee, agent, contractor, or subcontractor of a home and community support services agency licensed under Chapter 142, Health and Safety Code, if the officer, employee, agent, contractor, or subcontractor is or may be the person alleged to have committed the abuse, neglect, or exploitation.

(a-2) [~~(a-1)~~] For an investigation of a child living in a residence owned, operated, or controlled by a provider of services under the home and community-based services waiver program described by Section 534.001(11)(B), Government Code, the department, in accordance with Subchapter E, Chapter 48, Human Resources Code, may provide emergency protective services necessary to immediately protect the child from serious physical harm or death and, if necessary, obtain an emergency order for protective services under Section 48.208, Human Resources Code.

(a-3) [~~(a-2)~~] For an investigation of a child living in a residence owned, operated, or controlled by a provider of services under the home and community-based services waiver program described by Section 534.001(11)(B), Government Code, regardless of whether the child is receiving services under that waiver program from the provider, the department shall provide protective services to the child in accordance with Subchapter E, Chapter 48, Human Resources Code.

(a-4) [~~(a-3)~~] For purposes of this section, Subchapters E and F, Chapter 48, Human Resources Code, apply to an investigation of a child and to the provision of protective services to that child in the same manner those subchapters apply to an investigation of an elderly person or person with a disability and the provision of protective services to that person.

(b) The commission [~~department~~] shall investigate a [the] report under this section under rules developed by the executive commissioner.

(c) If a report under this section relates to a child with an intellectual disability receiving services in a state supported living center or the ICF-IID component of the Rio Grande State Center, the commission [~~department~~] shall, within 24 hours [~~one hour~~] of receiving the report, notify the facility in which the child is receiving services of the allegations in the report.

(d) If, during the course of the commission's [~~department's~~] investigation of reported abuse, neglect, or exploitation, a caseworker of the commission [~~department~~] or the caseworker's supervisor has cause to believe that a child with an intellectual disability described by Subsection (c) has been abused, neglected, or exploited by another person in a manner that constitutes a criminal offense under any law, including Section 22.04, Penal Code, the caseworker shall immediately notify the commission's [~~Health and Human Services Commission's~~] office of inspector general and promptly provide the commission's office of inspector general with a copy of the commission's [~~department's~~] investigation report.

SECTION 4. Section 142.009(j), Health and Safety Code, is amended to read as follows:

(j) Except as provided by Subsections (h) and (l), a [an on-site] survey may [~~must~~] be conducted within 18 months after a survey for an initial license. After that time, an on-site survey must be conducted at least every 36 months.

SECTION 5. Section 142.018(b), Health and Safety Code, is amended to read as follows:

(b) A home and community support services agency that has cause to believe that a person receiving services from the agency has been abused, exploited, or neglected by an employee of the agency shall report the information to[±

~~[(1) the commission [department, and  
(2) the Department of Family and Protective Services or other appropriate state agency as required by Section 48.051, Human Resources Code].~~

SECTION 6. Section 252.039, Health and Safety Code, is amended to read as follows:

Sec. 252.039. POSTING. Each facility shall prominently and conspicuously post for display in a public area of the facility that is readily available to residents, employees, and visitors:

(1) the license issued under this chapter;

(2) a sign prescribed by the commission [~~department~~] that specifies complaint procedures established under this chapter or rules adopted under this chapter and that specifies how complaints may be registered with the commission [~~department~~];

(3) a notice in a form prescribed by the commission [~~department~~] stating that inspection and related reports are available at the facility for public inspection and providing the commission's [~~department's~~] toll-free telephone number that may be used to obtain information concerning the facility;

(4) a concise summary of the most recent inspection report relating to the facility;

(5) a notice providing instructions for reporting an allegation of abuse, neglect, or exploitation to the commission [~~Department of Family and Protective Services~~]; and

(6) a notice that employees, other staff, residents, volunteers, and family members and guardians of residents are protected from discrimination or retaliation as provided by Sections 252.132 and 252.133.

SECTION 7. Section 252.121(a), Health and Safety Code, is amended to read as follows:

(a) A person, including an owner or employee of a facility, who has cause to believe that a resident is being or has been subjected to abuse, neglect, or exploitation shall report the suspected abuse, neglect, or exploitation to the commission [~~Department of Family and Protective Services, as required by Chapter 48, Human Resources Code, or Chapter 261, Family Code, as appropriate~~]. The commission [~~Department of Family and Protective Services~~] shall investigate the allegation of abuse, neglect, or exploitation in the manner prescribed by the commission [~~provided by Chapter 48, Human Resources Code, or Section 261.404, Family Code, as applicable~~].

SECTION 8. Section 252.125, Health and Safety Code, is amended to read as follows:

Sec. 252.125. IMMEDIATE REMOVAL TO PROTECT RESIDENT. Before the completion of the investigation by the commission [~~Department of Family and Protective Services~~], the commission [~~department~~] shall file a petition for temporary care and protection of a resident if the commission [~~department~~] determines [~~based on information provided to the department by the Department of Family and Protective Services,~~] that immediate removal is necessary to protect the resident from further abuse, neglect, or exploitation.

SECTION 9. Sections 253.001(1) and (4), Health and Safety Code, are amended to read as follows:

(1) "Commission" means the Health and Human Services Commission [~~"Commissioner" means the commissioner of aging and disability services~~].

(4) "Facility" means:

(A) a nursing facility [+

[~~(+)~~] licensed by the commission under Chapter 242 [~~department~~]; [~~or~~

(B) an intermediate care facility for individuals with an intellectual disability [~~(+)~~] licensed by the commission under Chapter 252;

(C) [~~(B)~~] an adult foster care provider that contracts with the commission [~~department~~];

(D) [~~(C)~~] a home and community support services agency licensed by the commission [~~department~~] under Chapter 142; [~~or~~

(E) [(D)] a prescribed pediatric extended care center licensed by the commission under Chapter 248A;

(F) an assisted living facility licensed by the commission under Chapter 247;

(G) a day activity and health services facility licensed by the commission under Chapter 103, Human Resources Code;

(H) a residential child-care facility as defined by Section 42.002, Human Resources Code, at which an elderly person or an adult with a disability resides or is in the facility's care;

(I) a provider who provides home and community-based services under the home and community-based services (HCS) waiver program or the Texas home living (TxHmL) waiver program; or

(J) a facility that is exempt from licensure under Section 252.003.

SECTION 10. Section 260A.001, Health and Safety Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Commission" means the Health and Human Services Commission.

SECTION 11. Section 260A.002, Health and Safety Code, is amended by amending Subsections (a-1) and (c) and adding Subsection (d) to read as follows:

(a-1) Notwithstanding any other provision of this chapter, a report made under this section that a provider is or may be alleged to have committed abuse, neglect, or exploitation of a resident of a facility other than a prescribed pediatric extended care center shall be investigated by the commission [~~Department of Family and Protective Services~~] in accordance with Subchapter F, Chapter 48, Human Resources Code, and this chapter does not apply to that investigation. In this subsection, "facility" and "provider" have the meanings assigned by Section 48.251, Human Resources Code.

(c) A person shall make an oral or electronic report immediately on learning of the abuse, neglect, or exploitation [~~and shall make a written report to the department not later than the fifth day after the oral report is made~~].

(d) A facility or provider shall submit a provider investigation report to the commission not later than the fifth day after the date the facility or provider makes the oral or electronic report under Subsection (c).

SECTION 12. Section 260A.007, Health and Safety Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) In investigating the report of abuse, neglect, exploitation, or other complaint, the investigator for the commission [~~department~~] shall:

(1) conduct [~~make~~] an unannounced investigation [~~visit to the facility~~] to determine the nature and cause of the alleged abuse, neglect, or exploitation of the resident;

(2) interview each available witness, including the resident who suffered the alleged abuse, neglect, or exploitation if the resident is able to communicate or another resident or other witness identified by any source as having personal knowledge relevant to the report of abuse, neglect, exploitation, or other complaint;

(3) ~~personally~~ inspect any physical circumstance that is relevant and material to the report of abuse, neglect, exploitation, or other complaint and that may be objectively observed;

(4) if an on-site investigation is conducted, make a photographic record of any injury to a resident, subject to Subsection (n);

(5) write an investigation report that includes:

(A) the investigator's personal observations;

(B) a review of relevant documents and records;

(C) a summary of each witness statement, including the statement of the resident that suffered the alleged abuse, neglect, or exploitation and any other resident interviewed in the investigation; and

(D) a statement of the factual basis for the findings for each incident or problem alleged in the report or other allegation; and

(6) for a resident of an institution or assisted living facility, inspect any court order appointing a guardian of the resident who was the subject of the alleged abuse, neglect, or exploitation that is maintained in the resident's medical records under Section 242.019 or 247.070.

(e-1) In addition to the requirements under Subsection (e), the commission shall make an unannounced visit to a facility to conduct an investigation of abuse or neglect.

SECTION 13. Section 48.0021, Human Resources Code, is amended to read as follows:

Sec. 48.0021. REFERENCE TO COMMISSION OR EXECUTIVE COMMISSIONER. Unless otherwise provided by a provision of this chapter, in [tn] this chapter:

(1) a reference to the Health and Human Services Commission means the Department of Family and Protective Services; and

(2) a reference to the executive commissioner means the commissioner of the Department of Family and Protective Services.

SECTION 14. Section 48.051, Human Resources Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) This subsection applies only to a provider under the home and community-based services (HCS) waiver program or the Texas home living (TxHmL) waiver program, an intermediate care facility licensed under Chapter 252, Health and Safety Code, a state supported living center as defined by Section 531.002, Health and Safety Code, or a home and community support services agency licensed under Chapter 142, Health and Safety Code. Except as provided by Subsections (a) and (b), a person, including an officer, employee, agent, contractor, or subcontractor of a facility or provider subject to this subsection, having cause to believe that an individual receiving services from the facility or provider is in the state of abuse, neglect, or exploitation shall immediately report to the commission the information required by Subsection (d). Notwithstanding Section 48.0021, in this subsection "commission" means the Health and Human Services Commission.



(c) The duty imposed by Subsections (a), (b), and (b-1) ~~[(b)]~~ applies without exception to a person whose knowledge concerning possible abuse, neglect, or exploitation is obtained during the scope of the person's employment or whose professional communications are generally confidential, including an attorney, clergy member, medical practitioner, social worker, employee or member of a board that licenses or certifies a professional, and mental health professional.

SECTION 15. Section 48.251(a), Human Resources Code, is amended by adding Subdivisions (1-a) and (2-a) and amending Subdivision (3) to read as follows:

(1-a) "Commission" means the Health and Human Services Commission, notwithstanding Section 48.0021.

(2-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission, notwithstanding Section 48.0021.

(3) "Facility" means:

(A) a facility listed in Section 532.001(b) or 532A.001(b), Health and Safety Code, ~~[including community services operated by the Department of State Health Services or Department of Aging and Disability Services,]~~ as described by those sections, or a person contracting with a health and human services agency to provide inpatient mental health services; ~~and~~

(B) a facility licensed under Chapter 252, Health and Safety Code;

(C) a residential child-care facility as defined by Section 42.002 at which an elderly person or an adult with a disability resides or is in the facility's care; and

(D) a home and community support services agency licensed under Chapter 142, Health and Safety Code.

SECTION 16. Sections 48.252(b) and (c), Human Resources Code, are amended to read as follows:

(b) The department may not investigate under this subchapter reports of abuse, neglect, or exploitation alleged or suspected to have been committed by a provider that is operated, licensed, certified, or registered by a state agency that has authority under this chapter or other law to investigate reports of abuse, neglect, or exploitation of an individual by the provider. The department shall forward any report of abuse, neglect, or exploitation alleged or suspected to have been committed by a provider described by this subsection to the commission ~~[appropriate state agency]~~ for investigation.

(c) The commission ~~[department]~~ shall receive and investigate under this subchapter reports of abuse, neglect, or exploitation of:

(1) an individual who lives in a residence that is owned, operated, or controlled by a provider who provides home and community-based services under the home and community-based services waiver program described by Section 534.001(11)(B), Government Code, regardless of whether the individual is receiving services under that waiver program from the provider; and

(2) an elderly person or an adult with a disability who lives in or is in the care of a residential child-care facility as defined by Section 42.002.

SECTION 17. Sections 48.253(a), (b), and (c), Human Resources Code, are amended to read as follows:

(a) On receipt by the commission [~~department~~] of a report of alleged abuse, neglect, or exploitation under this subchapter, the commission [~~department~~] shall initiate a prompt and thorough investigation as needed to evaluate the accuracy of the report and to assess the need for emergency protective services, unless the commission [~~department~~], in accordance with rules adopted under this subchapter, determines that the report:

- (1) is frivolous or patently without a factual basis; or
- (2) does not concern abuse, neglect, or exploitation.

(b) After receiving a report that alleges that a provider is or may be the person who committed the alleged abuse, neglect, or exploitation, the commission [~~department~~] shall notify the provider [~~and the appropriate health and human services agency~~] in accordance with rules adopted by the executive commissioner.

(c) The provider identified under Subsection (b) shall:

- (1) cooperate completely with an investigation conducted under this subchapter; and
- (2) provide the commission [~~department~~] complete access during an investigation to:
  - (A) all sites owned, operated, or controlled by the provider; and
  - (B) clients and client records.

SECTION 18. Sections 48.254(a) and (c), Human Resources Code, are amended to read as follows:

(a) The executive commissioner by rule shall establish procedures for the commission [~~department~~] to use to forward a copy of the initial intake report and a copy of the completed provider investigation report relating to alleged or suspected abuse, neglect, or exploitation to the appropriate provider [~~and health and human services agency~~].

(c) A provider that receives the findings of an [~~a completed~~] investigation from the commission report under Subsection (a) shall forward the findings [~~report~~] to the managed care organization with which the provider contracts for services for the alleged victim.

SECTION 19. Sections 48.255(a) and (b), Human Resources Code, are amended to read as follows:

(a) The executive commissioner shall adopt rules to:

- (1) prioritize investigations conducted under this subchapter with the primary criterion being whether there is a risk that a delay in the investigation will impede the collection of evidence in that investigation; and
- (2) [~~establish procedures for resolving disagreements between the department and health and human services agencies concerning the department's investigation findings; and~~

[~~3~~] provide for an appeals process by the commission [~~department~~] for the alleged victim of abuse, neglect, or exploitation.

(b) A confirmed investigation finding by the commission [~~department~~] may not be changed by the administrator of a facility, a community center, a local mental health authority, or a local intellectual and developmental disability authority.

SECTION 20. Sections 48.256(a), (b), and (c), Human Resources Code, are amended to read as follows:

(a) The executive commissioner shall adopt rules that prescribe the appropriate manner in which [~~health and human services agencies and~~] managed care organizations provide the commission [~~department~~] with information necessary to facilitate the:

- (1) identification of individuals receiving services from providers; and
- (2) [~~to facilitate~~] notification of providers by the commission [~~department~~].

(b) The executive commissioner shall adopt rules requiring a provider to provide information [~~to the administering health and human services agency~~] necessary to facilitate the:

- (1) identification by the commission [~~department~~] of individuals receiving services from providers; and
- (2) [~~to facilitate~~] notification of providers by the commission [~~department~~].

(c) A provider of home and community-based services under the home and community-based services waiver program described by Section 534.001(11)(B), Government Code, shall post in a conspicuous location inside any residence owned, operated, or controlled by the provider in which home and community-based waiver services are provided, a sign that states:

- (1) the name, address, and telephone number of the provider;
- (2) the effective date of the provider's contract with the commission [~~applicable health and human services agency~~] to provide home and community-based services; and
- (3) the name of the legal entity that contracted with the commission [~~applicable health and human services agency~~] to provide those services.

SECTION 21. Sections 48.258(a) and (b), Human Resources Code, are amended to read as follows:

(a) The commission [~~health and human services agencies~~] shall, [~~at the direction of the executive commissioner, jointly~~] develop and implement a system to track reports and investigations under this subchapter.

(b) To facilitate implementation of the system, the commission [~~health and human services agencies~~] shall use appropriate methods of measuring the number and outcome of reports and investigations under this subchapter.

SECTION 22. Section 103.008(b), Human Resources Code, is amended to read as follows:

(b) Any person may request an inspection of a facility by notifying the commission in writing of an alleged violation of a licensing requirement. The complaint shall be as detailed as possible and signed by the complainant. The commission shall:

(1) if the complaint alleges abuse, neglect, or exploitation, perform an [on-site] inspection as soon as feasible but not [no] later than the 14th day [30 days] after the date the commission receives [receiving] the complaint, unless after an investigation the complaint is found to be frivolous; [~~The commission shall respond to a complainant in writing.~~]

(2) if the complaint does not allege abuse, neglect, or exploitation, investigate the complaint not later than the 45th day after the date the commission receives the complaint;

(3) respond to a complainant in writing; and

(4) [~~The commission shall also~~] receive and investigate anonymous complaints.

SECTION 23. The following provisions are repealed:

- (1) Section 252.121(b), Health and Safety Code;
- (2) Section 252.126(b), Health and Safety Code;
- (3) Section 48.252(a), Human Resources Code; and
- (4) Section 48.254(b), Human Resources Code.

SECTION 24. (a) As soon as practicable after the effective date of this Act, but not later than December 1, 2024, the commissioner of the Department of Family and Protective Services shall transfer any department funds and resources, including information technology, documents, and personnel allocated for the investigation of reports under Subchapter F, Chapter 48, Human Resources Code, to the Health and Human Services Commission to allow the commission to perform the functions described under Subchapter F, Chapter 48, Human Resources Code, as amended by this Act.

(b) Notwithstanding the effective date of this Act, the Health and Human Services Commission is not required to comply with changes in law made by this Act until the transfer required by Subsection (a) of this section is completed.

SECTION 25. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 26. This Act takes effect September 1, 2023.

## **HB 2190 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2190**, A bill to be entitled An Act relating to the terminology used to describe transportation-related accidents.

Representative Canales moved to concur in the senate amendments to **HB 2190**.

The motion to concur in the senate amendments to **HB 2190** prevailed by (Record 2176): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Bryant; Jones, J.; Leach; Manuel.

#### STATEMENTS OF VOTE

When Record No. 2176 was taken, I was in the house but away from my desk. I would have voted yes.

Bryant

When Record No. 2176 was taken, I was in the house but away from my desk. I would have voted yes.

J. Jones

When Record No. 2176 was taken, I was in the house but away from my desk. I would have voted yes.

Manuel

#### Senate Committee Substitute

**CSHB 2190**, A bill to be entitled An Act relating to the terminology used to describe transportation-related accidents.

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

SECTION 1. Section 22.085(b), Transportation Code, is amended to read as follows:

(b) A joint board may use contracts and rating plans and may implement risk management programs designed to prevent collisions [~~accidents~~]. In developing its insurance program, a joint board may consider the peculiar hazards, indemnity standards, and past prospective loss and expense experience of the joint board and of its contractors and subcontractors.

SECTION 2. Sections 112.103(b) and (c), Transportation Code, are amended to read as follows:

(b) An operator who is involved, while operating a locomotive, in a collision [~~an accident~~] resulting in injury to or death of a person or damage to a vehicle that is driven or attended by a person shall immediately stop the locomotive at the scene of the collision [~~accident~~].

(c) The operator shall render to a person injured in the collision [~~accident~~] reasonable assistance, including transporting, or the making of arrangements for transporting, the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the injured person requests transportation.

SECTION 3. Section 192.005, Transportation Code, is amended to read as follows:

Sec. 192.005. RECORD OF COLLISION [~~ACCIDENT~~] OR VIOLATION. If a person operating a railroad locomotive or train is involved in a collision [~~an accident~~] with another train or a motor vehicle or is arrested for violation of a law relating to the person's operation of a railroad locomotive or train:

(1) the number of or other identifying information on the person's driver's license or commercial driver's license may not be included in any report of the collision [~~accident~~] or violation; and

(2) the person's involvement in the collision [~~accident~~] or violation may not be recorded in the person's individual driving record maintained by the Department of Public Safety.

SECTION 4. Section 201.806, Transportation Code, is amended to read as follows:

Sec. 201.806. COLLISION [~~ACCIDENT~~] REPORTS. (a) The department shall:

(1) tabulate and analyze the vehicle collision [~~accident~~] reports it receives; and

(2) annually or more frequently publish on the department's Internet website statistical information derived from the collision [~~accident~~] reports as to the number, cause, and location of highway collisions [~~accidents~~], including information regarding the number of:

(A) collisions [~~accidents~~] involving injury to, death of, or property damage to a bicyclist or pedestrian; and

(B) fatalities caused by a bridge collapse, as defined by Section 550.081.

(b) The department shall provide electronic access to the system containing the collision [~~accident~~] reports so that the Department of Public Safety can perform its duties, including the duty to make timely entries on driver records.

SECTION 5. Sections 201.909(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) In this section, "victim" means a person killed in a highway collision [~~accident~~] involving alcohol or a controlled substance, excluding an operator who was under the influence of alcohol or a controlled substance.

(b) The commission by rule shall establish and administer a memorial sign program to publicly memorialize the victims of alcohol or controlled substance-related vehicle collisions [~~accidents~~].

(c) A sign designed and posted under this section shall include:

- (1) the phrase "Please Don't Drink and Drive";
- (2) the phrase "In Memory Of" and the name of one or more victims in accordance with the commission rule; and
- (3) the date of the collision [~~accident~~] that resulted in the victim's death.

SECTION 6. Sections 201.911(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) In this section, "victim" means a person killed in a highway collision [~~accident~~] while operating or riding on a motorcycle.

(b) The commission by rule shall establish and administer a memorial sign program to publicly memorialize the victims of motorcycle collisions [~~accidents~~].

(c) A sign designed and posted under this section shall include:

- (1) a red cross;
- (2) the phrase "In Memory Of" and the name of one or more victims in accordance with the commission rule; and
- (3) the date of the collision [~~accident~~] that resulted in the victim's death.

SECTION 7. Section 222.003(d), Transportation Code, is amended to read as follows:

(d) Of the aggregate principal amount of bonds and other public securities that may be issued under this section, the commission shall issue bonds or other public securities in an aggregate principal amount of \$1.2 billion to fund projects that reduce collisions [~~accidents~~] or correct or improve hazardous locations on the state highway system. The commission by rule shall prescribe criteria for selecting projects eligible for funding under this section. In establishing criteria for the projects, the commission shall consider collision [~~accident~~] data, traffic volume, pavement geometry, and other conditions that can create or exacerbate hazardous roadway conditions.

SECTION 8. Section 391.038(c-2), Transportation Code, is amended to read as follows:

(c-2) Subsection (c-1) does not apply to the rebuilding of a sign under Subsection (c) if the person who holds the permit for the sign rebuilds because of damage to the sign caused by:

- (1) wind or a natural disaster;
- (2) a motor vehicle collision [~~accident~~]; or
- (3) an act of God.

SECTION 9. Section 451.108(c), Transportation Code, is amended to read as follows:

(c) A peace officer commissioned under this section, except as provided by Subsections (d) and (e), or a peace officer contracted for employment by an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000, may:

(1) make an arrest in any county in which the transit authority system is located as necessary to prevent or abate the commission of an offense against the law of this state or a political subdivision of this state if the offense or threatened offense occurs on or involves the transit authority system;

(2) make an arrest for an offense involving injury or detriment to the transit authority system;

(3) enforce traffic laws and investigate traffic collisions [~~accidents~~] that involve or occur in the transit authority system; and

(4) provide emergency and public safety services to the transit authority system or users of the transit authority system.

SECTION 10. Section 451.454(c), Transportation Code, is amended to read as follows:

(c) Each audit must include an examination of:

(1) one or more of the following:

(A) the administration and management of the authority;

(B) transit operations; or

(C) transit authority system maintenance;

(2) the authority's compliance with applicable state law, including this chapter; and

(3) the following performance indicators:

(A) operating cost per passenger, per revenue mile, and per revenue hour;

(B) sales and use tax receipts per passenger;

(C) fare recovery rate;

(D) average vehicle occupancy;

(E) on-time performance;

(F) number of collisions [~~accidents~~] per 100,000 miles; and

(G) number of miles between mechanical road calls.

SECTION 11. Section 451.455(h), Transportation Code, is amended to read as follows:

(h) The number of collisions [~~accidents~~] per 100,000 miles is computed by multiplying the annual number of collisions [~~accidents~~] by 100,000 and dividing the product by the number of miles for all service, including charter and nonrevenue service, directly operated by the authority for the same period. In this subsection, "collision [~~accident~~]" includes:

(1) a collision that involves an authority's revenue vehicle, other than a lawfully parked revenue vehicle, and that results in property damage, injury, or death; and

(2) an incident that results in the injury or death of a person on board or boarding or alighting from an authority's revenue vehicle.

SECTION 12. Section 452.062(b), Transportation Code, is amended to read as follows:

(b) An authority may use contracts, rating plans, and risk management programs designed to encourage collision [~~accident~~] prevention.

SECTION 13. Section 452.454(c), Transportation Code, is amended to read as follows:



- (c) Each audit must include an examination of:
- (1) one or more of the following:
    - (A) the administration and management of the authority;
    - (B) transit operations; or
    - (C) transit authority system maintenance;
  - (2) the authority's compliance with applicable state law, including this chapter; and
  - (3) the following performance indicators:
    - (A) subsidy per passenger, operating cost per revenue mile, and operating cost per revenue hour;
    - (B) sales and use tax receipts per passenger;
    - (C) fare recovery rate;
    - (D) number of passengers per hour;
    - (E) on-time performance;
    - (F) number of collisions ~~[accidents]~~ per 100,000 miles; and
    - (G) number of miles between mechanical service calls.

SECTION 14. Section 452.455(i), Transportation Code, is amended to read as follows:

(i) The number of collisions ~~[accidents]~~ per 100,000 miles is computed by multiplying the annual number of collisions ~~[accidents]~~ by 100,000 and dividing the product by the number of miles for all service, including charter and nonrevenue service for the same period. In this subsection, "collision ~~[accident]~~" includes:

- (1) a collision that involves an authority's revenue vehicle, other than a lawfully parked revenue vehicle, and results in property damage, injury, or death; and
- (2) an operating incident resulting in the injury or death of a person on board or boarding or alighting from an authority's revenue vehicle.

SECTION 15. Section 460.110(b), Transportation Code, is amended to read as follows:

(b) An authority may use contracts, rating plans, and risk management programs designed to encourage collision ~~[accident]~~ prevention.

SECTION 16. Section 463.065(b), Transportation Code, is amended to read as follows:

(b) An authority may use contracts, rating plans, and risk management programs designed to encourage collision ~~[accident]~~ prevention.

SECTION 17. Section 521.025(c), Transportation Code, is amended to read as follows:

(c) A person who violates this section commits an offense. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$200, except that:

- (1) for a second conviction within one year after the date of the first conviction, the offense is a misdemeanor punishable by a fine of not less than \$25 or more than \$200;
- (2) for a third or subsequent conviction within one year after the date of the second conviction the offense is a misdemeanor punishable by:

- (A) a fine of not less than \$25 or more than \$500;
  - (B) confinement in the county jail for not less than 72 hours or more than six months; or
  - (C) both the fine and confinement; and
- (3) if it is shown on the trial of the offense that at the time of the offense the person was operating the motor vehicle in violation of Section 601.191 and caused or was at fault in a motor vehicle collision [~~accident~~] that resulted in serious bodily injury to or the death of another person, an offense under this section is a Class A misdemeanor.

SECTION 18. Section 521.042, Transportation Code, is amended to read as follows:

Sec. 521.042. COLLISION [~~ACCIDENT~~] AND CONVICTION REPORTS; INDIVIDUAL RECORDS. (a) Except as provided by this section, the department shall record each collision [~~accident~~] report and abstract of the court record of a conviction received by the department under a law of this state.

(b) The records must enable the department to consider, on receipt of a renewal application and at other suitable times, the record of each license holder that shows any:

- (1) conviction of that license holder; and
- (2) traffic collision [~~accident~~] in which the license holder has been involved.

(c) The record of a license holder who is employed as a peace officer, fire fighter, or emergency medical services employee of this state, a political subdivision of this state, or a special purpose district may not include information relating to a traffic collision [~~accident~~] that occurs while the peace officer, fire fighter, or emergency medical services employee is driving an official vehicle in the course and scope of the license holder's official duties if:

- (1) the traffic collision [~~accident~~] resulted in damages to property of less than \$1,000; or
- (2) an investigation of the collision [~~accident~~] by a peace officer, other than a peace officer involved in the collision [~~accident~~], determines that the peace officer, fire fighter, or emergency medical services employee involved in the collision [~~accident~~] was not at fault.

(d) Before issuing or renewing a license, the department shall examine the record of the applicant for information relating to a conviction of a traffic violation or involvement in a traffic collision [~~accident~~]. The department may not issue or renew a license if the department determines that the issuance or renewal of the license would be inimical to the public safety.

(e) The director may maintain records required under this subchapter on microfilm or computer.

SECTION 19. The heading to Section 521.046, Transportation Code, is amended to read as follows:

Sec. 521.046. DISCLOSURE OF COLLISION [~~ACCIDENT~~] AND CONVICTION INFORMATION.

SECTION 20. Section 521.046(a), Transportation Code, is amended to read as follows:

(a) In addition to the information authorized to be released under Section 521.045, on receipt of a written request and payment of a \$6 fee, the department may disclose that information and information regarding each reported motor vehicle moving violation, as defined by department rule, resulting in a traffic law conviction and each motor vehicle collision [~~accident~~] in which the individual received a citation, by date and location, within the three years preceding the date of the request, to a person who:

(1) is eligible to receive the information under Chapter 730; and

(2) submits to the department the individual's driver's license number or the individual's full name and date of birth.

SECTION 21. Section 521.047(b), Transportation Code, is amended to read as follows:

(b) The department may disclose information as recorded in department records that relates to:

(1) the individual's date of birth;

(2) the current license status of the individual;

(3) the individual's most recent address;

(4) the completion of an approved driver education course by the individual;

(5) the fact of, but not the reason for, completion of a driver safety course by the individual; and

(6) each of the individual's reported traffic law violations and motor vehicle collisions [~~accidents~~], by date and location.

SECTION 22. Section 521.049(e), Transportation Code, is amended to read as follows:

(e) A driver's license record or personal identification certificate record provided under Subsection (d)(1) may not include information relating to an individual's social security number or any collision [~~accident~~] or conviction information about an individual.

SECTION 23. Section 521.060(a), Transportation Code, is amended to read as follows:

(a) The department shall maintain in its files a record of the name, address, and telephone number of each individual identified by the holder of a driver's license or personal identification certificate as an individual the holder authorizes to be contacted in the event that the holder is injured or dies in or as a result of a vehicular collision [~~accident~~] or another emergency situation. In addition, the department shall maintain in its files a record of any medical information described by Section 521.125(a) that is provided to the department under Subsection (c) or any health condition information that is voluntarily provided to the department under Section 521.142(h).

SECTION 24. Section 521.292(a), Transportation Code, is amended to read as follows:

(a) The department shall suspend the person's license if the department determines that the person:

(1) has operated a motor vehicle on a highway while the person's license was suspended, canceled, disqualified, or revoked, or without a license after an application for a license was denied;

(2) is a habitually reckless or negligent operator of a motor vehicle;

(3) is a habitual violator of the traffic laws;

(4) has permitted the unlawful or fraudulent use of the person's license;

(5) has committed an offense in another state or Canadian province that, if committed in this state, would be grounds for suspension;

(6) has been convicted of two or more separate offenses of a violation of a restriction imposed on the use of the license;

(7) has been responsible as a driver for any collision [~~accident~~] resulting in serious personal injury or serious property damage;

(8) is under 18 years of age and has been convicted of two or more moving violations committed within a 12-month period; or

(9) has committed an offense under Section 545.421.

SECTION 25. Section 521.457(f-2), Transportation Code, is amended to read as follows:

(f-2) An offense under this section is a Class A misdemeanor if it is shown on the trial of the offense that at the time of the offense the person was operating the motor vehicle in violation of Section 601.191 and caused or was at fault in a motor vehicle collision [~~accident~~] that resulted in serious bodily injury to or the death of another person.

SECTION 26. Section 522.003(25), Transportation Code, is amended to read as follows:

(25) "Serious traffic violation" means:

(A) a conviction arising from the driving of a motor vehicle, other than a parking, vehicle weight, or vehicle defect violation, for:

(i) excessive speeding, involving a single charge of driving 15 miles per hour or more above the posted speed limit;

(ii) reckless driving, as defined by state or local law;

(iii) a violation of a state or local law related to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, arising in connection with a fatal collision [~~accident~~];

(iv) improper or erratic traffic lane change;

(v) following the vehicle ahead too closely; or

(vi) a violation of Sections 522.011 or 522.042; or

(B) a violation of Section 522.015.

SECTION 27. Section 522.081(b), Transportation Code, is amended to read as follows:

(b) Except as provided by this subsection, this subsection applies to a violation committed while operating any type of motor vehicle, including a commercial motor vehicle. A person who holds a commercial driver's license or commercial learner's permit is disqualified from driving a commercial motor vehicle for one year:

(1) if convicted of three violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period;

(2) on first conviction of:

(A) driving a motor vehicle under the influence of alcohol or a controlled substance, including a violation of Section 49.04, 49.045, or 49.07, Penal Code;

(B) leaving the scene of a collision [~~an accident~~] involving a motor vehicle driven by the person;

(C) using a motor vehicle in the commission of a felony, other than a felony described by Subsection (d)(2);

(D) causing the death of another person through the negligent or criminal operation of a motor vehicle; or

(E) driving a commercial motor vehicle while the person's commercial driver's license or commercial learner's permit is revoked, suspended, or canceled, or while the person is disqualified from driving a commercial motor vehicle, for an action or conduct that occurred while operating a commercial motor vehicle;

(3) for refusing to submit to a test under Chapter 724 to determine the person's alcohol concentration or the presence in the person's body of a controlled substance or drug while operating a motor vehicle in a public place; or

(4) if an analysis of the person's blood, breath, or urine under Chapter 522, 524, or 724 determines that the person:

(A) had an alcohol concentration of 0.04 or more, or that a controlled substance or drug was present in the person's body, while operating a commercial motor vehicle in a public place; or

(B) had an alcohol concentration of 0.08 or more while operating a motor vehicle, other than a commercial motor vehicle, in a public place.

SECTION 28. Section 523.005(a), Transportation Code, is amended to read as follows:

(a) The licensing authority in the home state, for the purpose of suspension, revocation, cancellation, denial, disqualification, or limitation of the privilege to operate a motor vehicle, shall give the same effect to the conduct reported pursuant to Section 523.004 as it would if such conduct had occurred in the home state in the case of conviction for:

(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) driving a motor vehicle while under the influence of alcoholic beverages or a narcotic to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) any felony in the commission of which a motor vehicle is used; or

(4) failure to stop and render aid or information in the event of a motor vehicle collision [~~accident~~] resulting in the death or personal injury of another.

SECTION 29. Section 542.206, Transportation Code, is amended to read as follows:

Sec. 542.206. EFFECT OF SPEED LIMITS IN A CIVIL ACTION. A provision of this subtitle declaring a maximum or minimum speed limit does not relieve the plaintiff in a civil action from the burden of proving negligence of the defendant as the proximate cause of a collision [~~an accident~~].

SECTION 30. Section 542.4045, Transportation Code, is amended to read as follows:

Sec. 542.4045. PENALTIES FOR FAILURE TO YIELD RIGHT-OF-WAY OFFENSE RESULTING IN COLLISION [~~ACCIDENT~~]. If it is shown on the trial of an offense under this subtitle in which an element is the failure by the operator of a vehicle to yield the right-of-way to another vehicle that a collision [~~an accident~~] resulted from the operator's failure to yield the right-of-way:

(1) the offense is punishable by a fine of not less than \$500 or more than \$2,000, if a person other than the operator of the vehicle suffered bodily injury, as defined by Section 1.07, Penal Code, in the collision [~~accident~~]; and

(2) the offense is punishable by a fine of not less than \$1,000 or more than \$4,000, if a person other than the operator of the vehicle suffered serious bodily injury, as defined by Section 1.07, Penal Code, in the collision [~~accident~~].

SECTION 31. Section 543.002(a), Transportation Code, is amended to read as follows:

(a) A person arrested for a violation of this subtitle punishable as a misdemeanor shall be immediately taken before a magistrate if:

(1) the person is arrested on a charge of failure to stop in the event of a collision [~~an accident~~] causing damage to property; or

(2) the person demands an immediate appearance before a magistrate or refuses to make a written promise to appear in court as provided by this subchapter.

SECTION 32. Section 543.011(c), Transportation Code, is amended to read as follows:

(c) The law enforcement agency shall:

(1) as soon as practicable contact the United States Department of State to verify the person's status and immunity, if any; and

(2) not later than the fifth working day after the date of the stop or issuance of the notice to appear, send to the Bureau of Diplomatic Security and the Office of Foreign Missions of the United States Department of State the following:

(A) a copy of any notice to appear issued to the person and any collision [~~accident~~] report prepared; or

(B) if a notice to appear was not issued and a collision [~~an accident~~] report was not prepared, a written report of the incident.

SECTION 33. Section 545.356(d), Transportation Code, is amended to read as follows:

(d) The governing body of a municipality that declares a lower speed limit on a highway or part of a highway under Subsection (b-1) or (b-3), not later than February 1 of each year, shall publish on its Internet website and submit to the department a report that compares for each of the two previous calendar years:

(1) the number of traffic citations issued by peace officers of the municipality and the alleged speed of the vehicles, for speed limit violations on the highway or part of the highway;

(2) the number of warning citations issued by peace officers of the municipality on the highway or part of the highway; and

(3) the number of vehicular collisions [~~accidents~~] that resulted in injury or death and were attributable to speed limit violations on the highway or part of the highway.

SECTION 34. Section 545.3561, Transportation Code, is amended to read as follows:

Sec. 545.3561. AUTHORITY OF MUNICIPALITY OR COUNTY TO TEMPORARILY LOWER SPEED LIMIT AT VEHICULAR COLLISION [~~ACCIDENT~~] RECONSTRUCTION SITE. (a) The governing body of a municipality by ordinance may give a designated official with transportation engineering experience establishing speed limits discretion to temporarily lower a prima facie speed limit for a highway or part of a highway in the municipality, including a highway of the state highway system, at the site of an investigation using vehicular collision [~~accident~~] reconstruction.

(b) A county commissioners court by order may give a designated official with transportation engineering experience establishing speed limits discretion to temporarily lower prima facie speed limits for a county road or highway outside the boundaries of a municipality at the site of an investigation using vehicular collision [~~accident~~] reconstruction. The authority granted under this subsection does not include a road or highway in the state highway system.

(c) The Texas Department of Transportation shall develop safety guidelines for the use of vehicular collision [~~accident~~] reconstruction in investigations. A municipality, county, or designated official shall comply with the guidelines.

(d) A designated official may temporarily lower prima facie speed limits without the approval of or permission from the Texas Department of Transportation. A designated official who intends to temporarily lower a prima facie speed limit at the site of an investigation using vehicular collision [~~accident~~] reconstruction shall, at least 48 hours before temporary speed limit signs are posted for the vehicular collision [~~accident~~] reconstruction site, provide to the Texas Department of Transportation notice that includes:

(1) the date and time of the collision [~~accident~~] reconstruction;

(2) the location of the collision [~~accident~~] reconstruction site;

(3) the entities involved at the site;

(4) the general size of the area affected by the site; and

(5) an estimate of how long the site will be used for the collision [~~accident~~] reconstruction.

(e) A temporary speed limit established under this section:

(1) is a prima facie prudent and reasonable speed limit enforceable in the same manner as other prima facie speed limits established under other provisions of this subchapter; and

(2) supersedes any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed.

(f) A designated official who temporarily lowers a speed limit shall:

(1) place and maintain at the vehicular collision [~~accident~~] reconstruction site temporary speed limit signs that conform to the manual and specifications adopted under Section 544.001;

(2) temporarily conceal all other signs on the highway segment affected by the vehicular collision [~~accident~~] reconstruction site that give notice of a speed limit that would permit a person to operate a motor vehicle at a higher rate of speed; and

(3) remove all temporary speed limit signs placed under Subdivision (1) and concealments of other signs placed under Subdivision (2) when the official finds that the vehicular collision [~~accident~~] reconstruction is complete and all equipment is removed from the vehicular collision [~~accident~~] reconstruction site.

(g) A temporary speed limit established under this section is effective when a designated official places temporary speed limit signs and conceals other signs that would permit a person to operate a motor vehicle at a higher rate of speed as required under Subsection (f).

(h) A temporary speed limit established under this section is effective until the designated official under Subsection (a) or (b):

(1) finds that the vehicular collision [~~accident~~] reconstruction is complete; and

(2) removes all temporary signs, concealments, and equipment used at the vehicular collision [~~accident~~] reconstruction site.

(i) If a designated official does not comply with the requirements of Subsection (f)(3) for a vehicular collision [~~accident~~] reconstruction on a state highway associated with the reconstruction, the Texas Department of Transportation may remove signs and concealments.

SECTION 35. Section 545.4121(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 a collision [~~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(a).

SECTION 36. Section 545.420(i), Transportation Code, is amended to read as follows:

(i) This subsection applies only to a motor vehicle used in the commission of an offense under this section that results in a collision [~~an accident~~] with property damage or personal injury. A peace officer shall require the vehicle to



be taken to the nearest licensed vehicle storage facility unless the vehicle is seized as evidence, in which case the vehicle may be taken to a storage facility as designated by the peace officer involved. Notwithstanding Article 18.23, Code of Criminal Procedure, the owner of a motor vehicle that is removed or stored under this subsection is liable for all removal and storage fees incurred and is not entitled to take possession of the vehicle until those fees are paid.

SECTION 37. The heading to Section 545.428, Transportation Code, is amended to read as follows:

Sec. 545.428. MOTOR VEHICLE COLLISION [~~ACCIDENT~~] INVOLVING PEDESTRIAN OR OTHER VULNERABLE ROAD USER WITHIN AREA OF CROSSWALK; OFFENSE.

SECTION 38. Section 545.455, Transportation Code, is amended to read as follows:

Sec. 545.455. DUTIES FOLLOWING COLLISION [~~ACCIDENT~~] INVOLVING AUTOMATED MOTOR VEHICLE. In the event of a collision [~~an accident~~] involving an automated motor vehicle, the automated motor vehicle or any human operator of the automated motor vehicle shall comply with Chapter 550.

SECTION 39. Section 547.305(d), Transportation Code, is amended to read as follows:

(d) A vehicle may be equipped with alternately flashing lighting equipment described by Section 547.701 or 547.702 only if the vehicle is:

- (1) a school bus;
- (2) an authorized emergency vehicle;
- (3) a church bus that has the words "church bus" printed on the front and rear of the bus so as to be clearly discernable to other vehicle operators;
- (4) a tow truck while under the direction of a law enforcement officer at the scene of a collision [~~an accident~~] or while hooking up to a disabled vehicle on a roadway; or
- (5) a tow truck with a mounted light bar which has turn signals and stop lamps in addition to those required by Sections 547.322, 547.323, and 547.324, Transportation Code.

SECTION 40. Section 547.615(a)(2), Transportation Code, is amended to read as follows:

(2) "Recording device" means a feature that is installed by the manufacturer in a motor vehicle and that does any of the following for the purpose of retrieving information from the vehicle after a collision [~~an accident~~] in which the vehicle has been involved:

- (A) records the speed and direction the vehicle is traveling;
- (B) records vehicle location data;
- (C) records steering performance;
- (D) records brake performance, including information on whether brakes were applied before a collision [~~an accident~~];
- (E) records the driver's safety belt status; or
- (F) transmits information concerning the collision [~~accident~~] to a central communications system when the collision [~~accident~~] occurs.

SECTION 41. Section 547.615(c), Transportation Code, is amended to read as follows:

(c) Information recorded or transmitted by a recording device may not be retrieved by a person other than the owner of the motor vehicle in which the recording device is installed except:

- (1) on court order;
- (2) with the consent of the owner for any purpose, including for the purpose of diagnosing, servicing, or repairing the motor vehicle;
- (3) for the purpose of improving motor vehicle safety, including for medical research on the human body's reaction to motor vehicle collisions [~~accidents~~], if the identity of the owner or driver of the vehicle is not disclosed in connection with the retrieved information; or
- (4) for the purpose of determining the need for or facilitating emergency medical response in the event of a motor vehicle collision [~~accident~~].

SECTION 42. Section 548.053(b), Transportation Code, is amended to read as follows:

(b) A vehicle that is inspected and is subsequently involved in a collision or other incident [~~an accident~~] affecting the safe operation of an item of inspection must be reinspected following repair. The reinspection must be at an inspection station and shall be treated and charged as an initial inspection.

SECTION 43. The heading to Chapter 550, Transportation Code, is amended to read as follows:

CHAPTER 550. COLLISIONS [~~ACCIDENTS~~] AND COLLISION  
[ACCIDENT] REPORTS

SECTION 44. The heading to Subchapter B, Chapter 550, Transportation Code, is amended to read as follows:

SUBCHAPTER B. DUTIES FOLLOWING COLLISION [~~ACCIDENT~~]

SECTION 45. Section 550.021, Transportation Code, is amended to read as follows:

Sec. 550.021. COLLISION [~~ACCIDENT~~] INVOLVING PERSONAL INJURY OR DEATH. (a) The operator of a vehicle involved in a collision [~~an accident~~] that results or is reasonably likely to result in injury to or death of a person shall:

- (1) immediately stop the vehicle at the scene of the collision [~~accident~~] or as close to the scene as possible;
- (2) immediately return to the scene of the collision [~~accident~~] if the vehicle is not stopped at the scene of the collision [~~accident~~];
- (3) immediately determine whether a person is involved in the collision [~~accident~~], and if a person is involved in the collision [~~accident~~], whether that person requires aid; and
- (4) remain at the scene of the collision [~~accident~~] until the operator complies with the requirements of Section ~~550.023~~.

(b) An operator of a vehicle required to stop the vehicle by Subsection (a) shall do so without obstructing traffic more than is necessary.

(c) A person commits an offense if the person does not stop or does not comply with the requirements of this section. An offense under this section:

- (1) involving a collision [~~an accident~~] resulting in:
  - (A) death of a person is a felony of the second degree; or
  - (B) serious bodily injury, as defined by Section 1.07, Penal Code, to a person is a felony of the third degree; and
- (2) involving a collision [~~an accident~~] resulting in injury to which Subdivision (1) does not apply is punishable by:
  - (A) imprisonment in the Texas Department of Criminal Justice for not more than five years or confinement in the county jail for not more than one year;
  - (B) a fine not to exceed \$5,000; or
  - (C) both the fine and the imprisonment or confinement.

SECTION 46. The heading to Section 550.022, Transportation Code, is amended to read as follows:

Sec. 550.022. COLLISION [~~ACCIDENT~~] INVOLVING DAMAGE TO VEHICLE.

SECTION 47. Sections 550.022(a) and (b), Transportation Code, are amended to read as follows:

(a) Except as provided by Subsection (b), the operator of a vehicle involved in a collision [~~an accident~~] resulting only in damage to a vehicle that is driven or attended by a person shall:

- (1) immediately stop the vehicle at the scene of the collision [~~accident~~] or as close as possible to the scene of the collision [~~accident~~] without obstructing traffic more than is necessary;

- (2) immediately return to the scene of the collision [~~accident~~] if the vehicle is not stopped at the scene of the collision [~~accident~~]; and

- (3) remain at the scene of the collision [~~accident~~] until the operator complies with the requirements of Section 550.023.

(b) If a collision [~~an accident~~] occurs on a main lane, ramp, shoulder, median, or adjacent area of a freeway in a metropolitan area and each vehicle involved can be normally and safely driven, each operator shall move the operator's vehicle as soon as possible to a designated collision [~~accident~~] investigation site, if available, a location on the frontage road, the nearest suitable cross street, or other suitable location to complete the requirements of Section 550.023 and minimize interference with freeway traffic.

SECTION 48. Section 550.023, Transportation Code, is amended to read as follows:

Sec. 550.023. DUTY TO GIVE INFORMATION AND RENDER AID. The operator of a vehicle involved in a collision [~~an accident~~] resulting in the injury or death of a person or damage to a vehicle that is driven or attended by a person shall:

- (1) give the operator's name and address, the registration number of the vehicle the operator was driving, and the name of the operator's motor vehicle liability insurer to any person injured or the operator or occupant of or person attending a vehicle involved in the collision;

- (2) if requested and available, show the operator's driver's license to a person described by Subdivision (1); and

(3) provide any person injured in the collision [~~accident~~] reasonable assistance, including transporting or making arrangements for transporting the person to a physician or hospital for medical treatment if it is apparent that treatment is necessary, or if the injured person requests the transportation.

SECTION 49. Section 550.025(a), Transportation Code, is amended to read as follows:

(a) The operator of a vehicle involved in a collision [~~an accident~~] resulting only in damage to a structure adjacent to a highway or a fixture or landscaping legally on or adjacent to a highway shall:

(1) take reasonable steps to locate and notify the owner or person in charge of the property of the collision [~~accident~~] and of the operator's name and address and the registration number of the vehicle the operator was driving; and

(2) if requested and available, show the operator's driver's license to the owner or person in charge of the property.

SECTION 50. Section 550.026, Transportation Code, is amended to read as follows:

Sec. 550.026. IMMEDIATE REPORT OF COLLISION [~~ACCIDENT~~]. (a) The operator of a vehicle involved in a collision [~~an accident~~] resulting in injury to or death of a person or damage to a vehicle to the extent that it cannot be normally and safely driven shall immediately by the quickest means of communication give notice of the collision [~~accident~~] to the:

(1) local police department if the collision [~~accident~~] occurred in a municipality;

(2) local police department or the sheriff's office if the collision [~~accident~~] occurred not more than 100 feet outside the limits of a municipality; or

(3) sheriff's office or the nearest office of the department if the collision [~~accident~~] is not required to be reported under Subdivision (1) or (2).

(b) If a section of road is within 100 feet of the limits of more than one municipality, the municipalities may agree regarding the maintenance of reports made under Subsection (a)(2). A county may agree with municipalities in the county regarding the maintenance of reports made under Subsection (a)(2). An agreement under this subsection does not affect the duty to report a collision [~~an accident~~] under Subsection (a).

SECTION 51. The heading to Subchapter C, Chapter 550, Transportation Code, is amended to read as follows:

#### SUBCHAPTER C. INVESTIGATION OF COLLISION [~~ACCIDENT~~]

SECTION 52. Section 550.041(a), Transportation Code, is amended to read as follows:

(a) A peace officer who is notified of a motor vehicle collision [~~accident~~] resulting in injury to or death of a person or property damage to an apparent extent of at least \$1,000 may investigate the collision [~~accident~~] and file justifiable charges relating to the collision [~~accident~~] without regard to whether the collision [~~accident~~] occurred on property to which this chapter applies.

SECTION 53. The heading to Subchapter D, Chapter 550, Transportation Code, is amended to read as follows:

SUBCHAPTER D. WRITTEN COLLISION [~~ACCIDENT~~] REPORT

SECTION 54. Section 550.062, Transportation Code, is amended to read as follows:

Sec. 550.062. OFFICER'S COLLISION [~~ACCIDENT~~] REPORT. (a) A law enforcement officer who in the regular course of duty investigates a motor vehicle collision [~~accident~~] shall make a written report of the collision [~~accident~~] if the collision [~~accident~~] resulted in injury to or the death of a person or damage to the property of any one person to the apparent extent of \$1,000 or more.

(b) The report required by Subsection (a) must be filed electronically with the department not later than the 10th day after the date of the collision [~~accident~~].

(b-1) If the motor vehicle collision [~~accident~~] involved a combination of vehicles operating under a permit issued under Section 623.402, the report required by Subsection (a) must include the weight and the number of axles of the vehicle combination.

(c) This section applies without regard to whether the officer investigates the collision [~~accident~~] at the location of the collision [~~accident~~] and immediately after the collision [~~accident~~] or afterwards by interviewing those involved in the collision [~~accident~~] or witnesses to the collision [~~accident~~].

SECTION 55. Section 550.063, Transportation Code, is amended to read as follows:

Sec. 550.063. REPORT ON APPROPRIATE FORM. The form of all written collision [~~accident~~] reports must be approved by the department and the Department of Public Safety. A person who is required to file a written collision [~~accident~~] report shall report on the appropriate form and shall disclose all information required by the form unless the information is not available.

SECTION 56. Section 550.064, Transportation Code, is amended to read as follows:

Sec. 550.064. COLLISION [~~ACCIDENT~~] REPORT FORMS. (a) The department shall prepare and when requested supply to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals the collision [~~accident~~] report forms appropriate for the persons required to make a report and appropriate for the purposes to be served by those reports.

(b) A collision [~~An accident~~] report form prepared by the department must:

- (1) require sufficiently detailed information to disclose the cause and conditions of and the persons and vehicles involved in a collision [~~an accident~~] if the form is for the report to be made by a person investigating the collision [~~accident~~];

- (2) include a way to designate and identify a peace officer, firefighter, or emergency medical services employee who is involved in a collision [~~an accident~~] while driving a law enforcement vehicle, fire department vehicle, or emergency medical services vehicle while performing the person's duties;

- (3) require a statement by a person described by Subdivision (2) as to the nature of the collision [~~accident~~]; and

(4) include a way to designate whether an individual involved in a collision [~~an accident~~] wants to be contacted by a person seeking to obtain employment as a professional described by Section 38.01(12), Penal Code.

SECTION 57. Section 550.065, Transportation Code, is amended to read as follows:

Sec. 550.065. RELEASE OF CERTAIN INFORMATION RELATING TO COLLISIONS [ACCIDENTS]. (a) This section applies only to the following information that is held by the department or another governmental entity:

- (1) a written report of a collision [~~an accident~~] required under:
  - (A) Section 550.062; or
  - (B) former Section 550.061 or 601.004 before September 1, 2017;

or

(2) collision [~~accident~~] report information compiled under Section 201.806.

(b) Except as provided by Subsection (c), (c-1), or (e), the information is privileged and for the confidential use of:

- (1) the department; and
- (2) an agency of the United States, this state, or a local government of this state that has use for the information for collision [~~accident~~] prevention purposes.

(c) On written request and payment of any required fee, the department or the governmental entity shall release the information to:

- (1) an entity described by Subsection (b);
- (2) the law enforcement agency that employs the peace officer who investigated the collision [~~accident~~] and sent the information to the department, including an agent of the law enforcement agency authorized by contract to obtain the information;
- (3) the court in which a case involving a person involved in the collision [~~accident~~] is pending if the report is subpoenaed; or
- (4) any person directly concerned in the collision [~~accident~~] or having a proper interest therein, including:
  - (A) any person involved in the collision [~~accident~~];
  - (B) the authorized representative of any person involved in the collision [~~accident~~];
  - (C) a driver involved in the collision [~~accident~~];
  - (D) an employer, parent, or legal guardian of a driver involved in the collision [~~accident~~];
  - (E) the owner of a vehicle or property damaged in the collision [~~accident~~];

(F) a person who has established financial responsibility for a vehicle involved in the collision [~~accident~~] in a manner described by Section 601.051, including a policyholder of a motor vehicle liability insurance policy covering the vehicle;

(G) an insurance company that issued an insurance policy covering a vehicle involved in the collision [~~accident~~];

(H) an insurance company that issued a policy covering any person involved in the collision ~~[an accident]~~;

(I) a person under contract to provide claims or underwriting information to a person described by Paragraph (F), (G), or (H);

(J) a radio or television station that holds a license issued by the Federal Communications Commission;

(K) a newspaper that is:

(i) a free newspaper of general circulation or qualified under Section 2051.044, Government Code, to publish legal notices;

(ii) published at least once a week; and

(iii) available and of interest to the general public in connection with the dissemination of news; or

(L) any person who may sue because of death resulting from the collision ~~[an accident]~~.

(c-1) On receiving information to which this section applies, the department or the governmental entity that receives the information shall create a redacted collision ~~[an accident]~~ report that may be requested by any person. The redacted collision ~~[an accident]~~ report may not include the items of information described by Subsection (f)(2). A report released under this subsection is not considered personal information under Section 730.003.

(d) The fee for a copy of the collision ~~[an accident]~~ report is \$6. The copy may be certified by the department or the governmental entity for an additional fee of \$2. The department or the governmental entity may issue a certification that no report or information is on file for a fee of \$6.

(e) In addition to the information required to be released under Subsection (c), the department may release:

(1) collision ~~[an accident]~~ report information compiled under Section 201.806; or

(2) a vehicle identification number and specific collision ~~[an accident]~~ information relating to that vehicle.

(f) The department when releasing information under Subsection (c-1) or (e):

(1) may not release personal information, as defined by Section 730.003; and

(2) shall withhold or redact the following items:

(A) the first, middle, and last name of any person listed in a collision ~~[an accident]~~ report, including a vehicle driver, occupant, owner, or lessee, a bicyclist, a pedestrian, or a property owner;

(B) the number of any driver's license, commercial driver's license, or personal identification certificate issued to any person listed in a collision ~~[an accident]~~ report;

(C) the date of birth, other than the year, of any person listed in a collision ~~[an accident]~~ report;

(D) the address, other than zip code, and telephone number of any person listed in a collision ~~[an accident]~~ report;

(E) the license plate number of any vehicle listed in a collision [~~an accident~~] report;

(F) the name of any insurance company listed as a provider of financial responsibility for a vehicle listed in a collision [~~an accident~~] report;

(G) the number of any insurance policy issued by an insurance company listed as a provider of financial responsibility;

(H) the date the peace officer who investigated the collision [~~accident~~] was notified of the collision [~~accident~~];

(I) the date the investigating peace officer arrived at the collision [~~accident~~] site;

(J) the badge number or identification number of the investigating officer;

(K) the date on which any person who died as a result of the collision [~~accident~~] died;

(L) the date of any commercial motor vehicle report; and

(M) the place where any person injured or killed in a collision [~~an accident~~] was taken and the person or entity that provided the transportation.

(g) The amount that may be charged for information provided under Subsection (e) shall be calculated in the manner specified by Chapter 552, Government Code, for public information provided by a governmental body under that chapter.

SECTION 58. Section 550.066, Transportation Code, is amended to read as follows:

Sec. 550.066. ADMISSIBILITY OF CERTAIN COLLISION [~~ACCIDENT~~] REPORT INFORMATION. An individual's response to the information requested on a collision [~~an accident~~] report form as provided by Section 550.064(b)(4) is not admissible evidence in a civil trial.

SECTION 59. Section 550.067, Transportation Code, is amended to read as follows:

Sec. 550.067. MUNICIPAL AUTHORITY TO REQUIRE COLLISION [~~ACCIDENT~~] REPORTS. (a) A municipality by ordinance may require the operator of a vehicle involved in a collision [~~an accident~~] to file with a designated municipal department:

(1) a report of the collision [~~accident~~], if the collision [~~accident~~] results in injury to or the death of a person or the apparent total property damage is \$25 or more; or

(2) a copy of a report required by this chapter to be filed with the department.

(b) A report filed under Subsection (a) is for the confidential use of the municipal department and subject to the provisions of Section 550.065.

(c) A municipality by ordinance may require the person in charge of a garage or repair shop where a motor vehicle is brought if the vehicle shows evidence of having been involved in a collision [~~an accident~~] described by Section 550.062(a) or shows evidence of having been struck by a bullet to report



to a department of the municipality within 24 hours after the garage or repair shop receives the motor vehicle, giving the engine number, registration number, and the name and address of the owner or operator of the vehicle.

SECTION 60. Section 550.068, Transportation Code, is amended to read as follows:

Sec. 550.068. CHANGING COLLISION [~~ACCIDENT~~] REPORT.

(a) Except as provided by Subsection (b), a change in or a modification of a written report of a motor vehicle collision [~~accident~~] prepared by a peace officer that alters a material fact in the report may be made only by the peace officer who prepared the report.

(b) A change in or a modification of the written report of the collision [~~accident~~] may be made by a person other than the peace officer if:

- (1) the change is made by a written supplement to the report; and
- (2) the written supplement clearly indicates the name of the person who originated the change.

SECTION 61. Sections 550.081(b) and (c), Transportation Code, are amended to read as follows:

(b) A medical examiner or justice of the peace acting as coroner in a county that does not have a medical examiner's office or that is not part of a medical examiner's district shall submit a report in writing to the department of the death of a person that was the result of a traffic collision [~~accident~~] or bridge collapse:

- (1) to which this chapter applies; and
- (2) that occurred within the jurisdiction of the medical examiner or justice of the peace in the preceding calendar quarter.

(c) The report must be submitted before the 11th day of each calendar month and include:

(1) the name of the deceased and a statement as to whether the deceased was:

(A) the operator of or a passenger in a vehicle [~~involved in the accident~~]; or

(B) a pedestrian or other nonoccupant of a vehicle;

(2) the date of the collision [~~accident~~] and the name of the county in which the collision [~~accident~~] occurred, and, if a bridge collapse, the location of the bridge in that county;

(3) the name of any laboratory, medical examiner's office, or other facility that conducted toxicological testing relative to the deceased; and

(4) the results of any toxicological testing that was conducted.

SECTION 62. Section 601.002(3), Transportation Code, is amended to read as follows:

(3) "Financial responsibility" means the ability to respond in damages for liability for a collision [~~an accident~~] that:

(A) occurs after the effective date of the document evidencing the establishment of the financial responsibility; and

(B) arises out of the ownership, maintenance, or use of a motor vehicle.

SECTION 63. Section 601.003(b), Transportation Code, is amended to read as follows:

(b) For purposes of this chapter, a judgment is considered to be satisfied as to the appropriate part of the judgment set out by this subsection if:

(1) the total amount credited on one or more judgments for bodily injury to or death of one person resulting from one collision [~~accident~~] equals or exceeds the amount required under Section 601.072(a-1)(1) [~~601.072(a)(1)~~] to establish financial responsibility;

(2) the total amount credited on one or more judgments for bodily injury to or death of two or more persons resulting from one collision [~~accident~~] equals or exceeds the amount required under Section 601.072(a-1)(2) [~~601.072(a)(2)~~] to establish financial responsibility; or

(3) the total amount credited on one or more judgments for damage to or destruction of property of another resulting from one collision [~~accident~~] equals or exceeds the amount required under Section 601.072(a-1)(3) [~~601.072(a)(3)~~] to establish financial responsibility.

SECTION 64. Section 601.006, Transportation Code, is amended to read as follows:

Sec. 601.006. **APPLICABILITY TO CERTAIN OWNERS AND OPERATORS.** If an owner or operator of a motor vehicle involved in a collision [~~an accident~~] in this state does not have a driver's license or vehicle registration or is a nonresident, the person may not be issued a driver's license or registration until the person has complied with this chapter to the same extent that would be necessary if, at the time of the collision [~~accident~~], the person had a driver's license or registration.

SECTION 65. Sections 601.009(b) and (c), Transportation Code, are amended to read as follows:

(b) Except as provided by Subsection (c), the department shall suspend the resident's driver's license and vehicle registrations if the evidence shows that the resident's operating privilege was suspended in the other state or the province for violation of a financial responsibility law under circumstances that would require the department to suspend a nonresident's operating privilege had the collision [~~accident~~] occurred in this state.

(c) The department may not suspend the resident's driver's license and registration if the alleged failure to comply is based on the failure of the resident's insurance company or surety company to:

(1) obtain authorization to write motor vehicle liability insurance in the other state or the province; or

(2) execute a power of attorney directing the appropriate official in the other state or the province to accept on the company's behalf service of notice or process in an action under the policy arising out of a collision [~~an accident~~].

SECTION 66. Section 601.053(a), Transportation Code, is amended to read as follows:

(a) As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in a collision [~~an accident~~] with the operator evidence of financial responsibility by exhibiting:

(1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;

(2) a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;

(2-a) an image displayed on a wireless communication device that includes the information required by Section 601.081 as provided by a liability insurer;

(3) an insurance binder that confirms the operator is in compliance with this chapter;

(4) a surety bond certificate issued under Section 601.121;

(5) a certificate of a deposit with the comptroller covering the vehicle issued under Section 601.122;

(6) a copy of a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section 601.123; or

(7) a certificate of self-insurance covering the vehicle issued under Section 601.124 or a photocopy of the certificate.

SECTION 67. Section 601.056(e), Transportation Code, is amended to read as follows:

(e) The department may not act under Subsection (a)(1) or (2) if:

(1) an action for damages on a liability covered by the evidence of financial responsibility is pending;

(2) a judgment for damages on a liability covered by the evidence of financial responsibility is not satisfied; or

(3) the person for whom the bond has been filed or for whom money or securities have been deposited has, within the two years preceding the request for cancellation or return of the evidence of financial responsibility, been involved as an operator or owner in a motor vehicle collision [~~accident~~] resulting in bodily injury to, or property damage to the property of, another person.

SECTION 68. Sections 601.072(a-1) and (b), Transportation Code, are amended to read as follows:

(a-1) Effective January 1, 2011, the minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility under this chapter are:

(1) \$30,000 for bodily injury to or death of one person in one collision [~~accident~~];

(2) \$60,000 for bodily injury to or death of two or more persons in one collision [~~accident~~], subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and

(3) \$25,000 for damage to or destruction of property of others in one collision [~~accident~~].

(b) The coverage required under this section may exclude, with respect to one collision [~~accident~~]:

- (1) the first \$250 of liability for bodily injury to or death of one person;
- (2) the first \$500 of liability for bodily injury to or death of two or more persons, subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and
- (3) the first \$250 of liability for property damage to or destruction of property of others.

SECTION 69. Section 601.084(c), Transportation Code, is amended to read as follows:

(c) The department shall accept the certificate of an insurer not authorized to transact business in this state if the certificate otherwise complies with this chapter and the insurance company:

- (1) executes a power of attorney authorizing the department to accept on its behalf service of notice or process in an action arising out of a motor vehicle collision [~~accident~~] in this state; and
- (2) agrees in writing that its policies will be treated as conforming to the laws of this state relating to the terms of a motor vehicle liability insurance policy.

SECTION 70. Section 601.086, Transportation Code, is amended to read as follows:

Sec. 601.086. RESPONSE OF INSURANCE COMPANY IF POLICY NOT IN EFFECT. An insurance company that is notified by the department of a collision [~~an accident~~] in connection with which an owner or operator has reported a motor vehicle liability insurance policy with the company shall advise the department if a policy is not in effect as reported.

SECTION 71. Section 601.124(c), Transportation Code, is amended to read as follows:

(c) The self-insurer must supplement the certificate with an agreement that, for collisions [~~accidents~~] occurring while the certificate is in force, the self-insurer will pay the same judgments in the same amounts as an insurer would be obligated to pay under an owner's motor vehicle liability insurance policy issued to the self-insurer if such policy were issued.

SECTION 72. The heading to Subchapter F, Chapter 601, Transportation Code, is amended to read as follows:

SUBCHAPTER F. SECURITY FOLLOWING COLLISION [~~ACCIDENT~~]

SECTION 73. Section 601.151, Transportation Code, is amended to read as follows:

Sec. 601.151. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a motor vehicle collision [~~accident~~] in this state that results in bodily injury or death or in damage to the property of one person of at least \$1,000.

(b) This subchapter does not apply to:

- (1) an owner or operator who has in effect at the time of the collision [~~accident~~] a motor vehicle liability insurance policy that covers the motor vehicle involved in the collision [~~accident~~];

(2) an operator who is not the owner of the motor vehicle, if a motor vehicle liability insurance policy or bond for the operation of a motor vehicle the person does not own is in effect at the time of the collision [~~accident~~];

(3) an owner or operator whose liability for damages resulting from the collision [~~accident~~], in the judgment of the department, is covered by another liability insurance policy or bond;

(4) an owner or operator, if there was not bodily injury to or damage of the property of a person other than the owner or operator;

(5) the owner or operator of a motor vehicle that at the time of the collision [~~accident~~] was legally parked or legally stopped at a traffic signal;

(6) the owner of a motor vehicle that at the time of the collision [~~accident~~] was being operated without the owner's express or implied permission or was parked by a person who had been operating the vehicle without that permission; or

(7) a person qualifying as a self-insurer under Section 601.124 or a person operating a motor vehicle for a self-insurer.

SECTION 74. Section 601.152(a), Transportation Code, is amended to read as follows:

(a) Subject to Section 601.153, the department shall suspend the driver's license and vehicle registrations of the owner and operator of a motor vehicle if:

(1) the vehicle is involved in any manner in a collision [~~an accident~~]; and

(2) the department finds that there is a reasonable probability that a judgment will be rendered against the person as a result of the collision [~~accident~~].

SECTION 75. Sections 601.154(a), (c), and (d), Transportation Code, are amended to read as follows:

(a) Subject to Subsection (d), if the department finds that there is a reasonable probability that a judgment will be rendered against an owner or operator as a result of a collision [~~an accident~~], the department shall determine the amount of security sufficient to satisfy any judgment for damages resulting from the collision [~~accident~~] that may be recovered from the owner or operator.

(c) In determining whether there is a reasonable probability that a judgment will be rendered against the person as a result of a collision [~~an accident~~] and the amount of security that is sufficient under Subsection (a), the department may consider:

(1) a report of an investigating officer; and

(2) an affidavit of a person who has knowledge of the facts.

(d) The department shall make the determination required by Subsection (a) only if the department has not received, before the 21st day after the date the department receives a report of a motor vehicle collision [~~accident~~], satisfactory evidence that the owner or operator has:

(1) been released from liability;

(2) been finally adjudicated not to be liable; or

(3) executed an acknowledged written agreement providing for the payment of an agreed amount in installments for all claims for injuries or damages resulting from the collision [~~accident~~].

SECTION 76. Section 601.155(b), Transportation Code, is amended to read as follows:

(b) The notice must state that:

(1) the person's driver's license and vehicle registration or the person's nonresident's operating privilege will be suspended unless the person, not later than the 20th day after the date the notice was personally served or sent, establishes that:

(A) this subchapter does not apply to the person, and the person has previously provided this information to the department; or

(B) there is no reasonable probability that a judgment will be rendered against the person as a result of the collision [~~accident~~]; and

(2) the person is entitled to a hearing under this subchapter if a written request for a hearing is delivered or mailed to the department not later than the 20th day after the date the notice was personally served or sent.

SECTION 77. Section 601.157(b), Transportation Code, is amended to read as follows:

(b) The judge at the hearing shall determine:

(1) whether there is a reasonable probability that a judgment will be rendered against the person requesting the hearing as a result of the collision [~~accident~~]; and

(2) if there is a reasonable probability that a judgment will be rendered, the amount of security sufficient to satisfy any judgment for damages resulting from the collision [~~accident~~].

SECTION 78. Section 601.158(a), Transportation Code, is amended to read as follows:

(a) If, after a hearing under this subchapter, the judge determines that there is a reasonable probability that a judgment will be rendered against the person requesting the hearing as a result of the collision [~~accident~~], the person may appeal the determination.

SECTION 79. Section 601.162(a), Transportation Code, is amended to read as follows:

(a) The suspension of a driver's license, vehicle registration, or nonresident's operating privilege under this subchapter remains in effect, the license, registration, or privilege may not be renewed, and a license or vehicle registration may not be issued to the holder of the suspended license, registration, or privilege, until:

(1) the date the person, or a person acting on the person's behalf, deposits security and files evidence of financial responsibility under Section 601.153;

(2) the second anniversary of the date of the collision [~~accident~~], if evidence satisfactory to the department is filed with the department that, during the two-year period, an action for damages arising out of the collision [~~accident~~] has not been instituted; or

(3) the date evidence satisfactory to the department is filed with the department of:

(A) a release from liability for claims arising out of the collision [~~accident~~];

(B) a final adjudication that the person is not liable for claims arising out of the collision [~~accident~~]; or

(C) an installment agreement described by Section 601.154(d)(3).

SECTION 80. Section 601.163(b), Transportation Code, is amended to read as follows:

(b) A person depositing security shall specify in writing the person on whose behalf the deposit is made. A single deposit of security is applicable only on behalf of persons required to provide security because of the same collision [~~accident~~] and the same motor vehicle.

SECTION 81. Section 601.164(a), Transportation Code, is amended to read as follows:

(a) The department may reduce the amount of security ordered in a case within six months after the date of the collision [~~accident~~] if, in the department's judgment, the amount is excessive.

SECTION 82. Section 601.166, Transportation Code, is amended to read as follows:

Sec. 601.166. PAYMENT OF CASH SECURITY. (a) Cash security may be applied only to the payment of:

(1) a judgment rendered against the person on whose behalf the deposit is made for damages arising out of the collision [~~accident~~]; or

(2) a settlement, agreed to by the depositor, of a claim arising out of the collision [~~accident~~].

(b) For payment under Subsection (a), the action under which the judgment was rendered must have been instituted before the second anniversary of the later of:

(1) the date of the collision [~~accident~~]; or

(2) the date of the deposit, in the case of a deposit of security under Section 601.162(b).

SECTION 83. Section 601.167, Transportation Code, is amended to read as follows:

Sec. 601.167. RETURN OF CASH SECURITY. Cash security or any balance of the security shall be returned to the depositor or the depositor's personal representative when:

(1) evidence satisfactory to the department is filed with the department that there has been:

(A) a release of liability;

(B) a final adjudication that the person on whose behalf the deposit is made is not liable; or

(C) an agreement as described by Section 601.154(d)(3);

(2) reasonable evidence is provided to the department after the second anniversary of the date of the collision [~~accident~~] that no action arising out of the collision [~~accident~~] is pending and no judgment rendered in such an action is unpaid; or

(3) in the case of a deposit of security under Section 601.162(b), reasonable evidence is provided to the department after the second anniversary of the date of the deposit that no action arising out of the collision [~~accident~~] is pending and no unpaid judgment rendered in such an action is unpaid.

SECTION 84. Section 601.168(b), Transportation Code, is amended to read as follows:

(b) A bond or motor vehicle liability insurance policy issued by a surety company or insurance company that is not authorized to do business in this state is effective under this subchapter only if:

(1) the bond or policy is issued for a motor vehicle that:

(A) is not registered in this state; or

(B) was not registered in this state on the effective date of the most recent renewal of the policy; and

(2) the surety company or insurance company executes a power of attorney authorizing the department to accept on the company's behalf service of notice or process in an action arising out of the collision [~~accident~~] on the bond or policy.

SECTION 85. Section 601.169, Transportation Code, is amended to read as follows:

Sec. 601.169. REASONABLE PROBABILITY NOT ADMISSIBLE IN CIVIL SUIT. A determination under Section 601.154 or 601.157 that there is a reasonable probability that a judgment will be rendered against a person as a result of a collision [~~an accident~~] may not be introduced in evidence in a suit for damages arising from that collision [~~accident~~].

SECTION 86. Section 601.291, Transportation Code, is amended to read as follows:

Sec. 601.291. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the owner or operator of a motor vehicle that:

(1) is not registered in this state; and

(2) is involved in a motor vehicle collision [~~accident~~] in this state that results in bodily injury, death, or damage to the property of one person to an apparent extent of at least \$500.

SECTION 87. Section 601.292, Transportation Code, is amended to read as follows:

Sec. 601.292. DUTY TO PROVIDE EVIDENCE OF FINANCIAL RESPONSIBILITY TO INVESTIGATING OFFICER. A person to whom this subchapter applies shall provide evidence of financial responsibility to a law enforcement officer of this state or a political subdivision of this state who is conducting an investigation of the collision [~~accident~~].

SECTION 88. Sections 601.293(b), (c), and (d), Transportation Code, are amended to read as follows:



(b) The magistrate shall conduct an inquiry on the issues of negligence and liability for bodily injury, death, or property damage sustained in the collision [~~accident~~].

(c) If the magistrate determines that there is a reasonable possibility that a judgment will be rendered against the person for bodily injury, death, or property damage sustained in the collision [~~accident~~], the magistrate shall order the person to provide:

(1) evidence of financial responsibility for the bodily injury, death, or property damage; or

(2) evidence that the person is exempt from the requirement of Section 601.051.

(d) A determination of negligence or liability under Subsection (c) does not act as collateral estoppel on an issue in a criminal or civil adjudication arising from the collision [~~accident~~].

SECTION 89. Section 601.294, Transportation Code, is amended to read as follows:

Sec. 601.294. IMPOUNDMENT OF MOTOR VEHICLE. If a person to whom this subchapter applies does not provide evidence required under Section 601.293(c), the magistrate shall enter an order directing the sheriff of the county or the chief of police of the municipality to impound the motor vehicle owned or operated by the person that was involved in the collision [~~accident~~].

SECTION 90. Section 601.296(a), Transportation Code, is amended to read as follows:

(a) The department shall issue a certificate of release of an impounded motor vehicle to the owner, operator, or person authorized by the owner on submission to the department of:

(1) evidence of financial responsibility under Section 601.053 that shows that at the time of the collision [~~accident~~] the vehicle was in compliance with Section 601.051 or was exempt from the requirement of Section 601.051;

(2) a release executed by each person damaged in the collision [~~accident~~] other than the operator of the vehicle for which the certificate of release is requested; or

(3) security in a form and amount determined by the department to secure the payment of damages for which the operator may be liable.

SECTION 91. Section 601.333, Transportation Code, is amended to read as follows:

Sec. 601.333. RELIEF FROM SUSPENSION: MOTOR VEHICLE LIABILITY INSURANCE. (a) A person whose driver's license, vehicle registrations, or nonresident's operating privilege has been suspended or is subject to suspension under Section 601.332 may file with the department:

(1) evidence that there was a motor vehicle liability insurance policy covering the motor vehicle involved in the collision [~~accident~~] out of which the judgment arose in effect at the time of the collision [~~accident~~];

(2) an affidavit stating that the person was insured at the time of the collision [~~accident~~], that the insurance company is liable to pay the judgment, and the reason, if known, that the insurance company has not paid the judgment;

(3) the original policy of insurance or a certified copy of the policy, if available; and

(4) any other documents required by the department to show that the loss, injury, or damage for which the judgment was rendered was covered by the insurance.

(b) The department may not suspend the driver's license, vehicle registrations, or nonresident's operating privilege, and shall reinstate a license, registration, or privilege that has been suspended, if it is satisfied from the documents filed under Subsection (a) that:

(1) there was a motor vehicle liability insurance policy in effect for the vehicle at the time of the collision [~~accident~~];

(2) the insurance company that issued the policy was authorized to issue the policy in this state at the time the policy was issued; and

(3) the insurance company is liable to pay the judgment to the extent and for the amounts required by this chapter.

SECTION 92. Section 622.954(a), Transportation Code, is amended to read as follows:

(a) A permit is not required to exceed the weight limitations of Section 621.101 by a combination of a tow truck and another vehicle or vehicle combination if:

(1) the nature of the service provided by the tow truck is needed to remove disabled, abandoned, or collision-damaged [~~accident-damaged~~] vehicles; and

(2) the tow truck is towing the other vehicle or vehicle combination directly to the nearest authorized place of repair, terminal, or vehicle storage facility.

SECTION 93. Section 623.0172(l), Transportation Code, is amended to read as follows:

(l) Beginning in 2022, not later than September 1 of each even-numbered year, the Texas Department of Transportation shall conduct a study concerning vehicles operating under a permit issued under this section and publish the results of the study. In conducting the study, the Texas Department of Transportation shall collect and examine the following information:

(1) the weight and configuration of vehicles operating under a permit under this section that are involved in a motor vehicle collision [~~accident~~];

(2) the types of vehicles operating under a permit issued under this section;

(3) traffic volumes and variations of vehicles operating under a permit issued under this section;

(4) weigh-in-motion data for highways located in and around the area described by Subsection (c);

(5) impacts to state and local bridges, including long-term bridge performance, for bridges located in and around the area described by Subsection (c); and

(6) impacts to state and local roads, including changes in pavement design standards, construction specification details, maintenance frequency and types, and properties of pavement and underlying soils resulting from or necessitated by vehicles operating under a permit issued under this section.

SECTION 94. Section 623.410, Transportation Code, is amended to read as follows:

Sec. 623.410. STUDY. Beginning in 2022, not later than September 1 of each even-numbered year, the Texas Department of Transportation shall conduct a study concerning vehicles operating under a permit issued under this subchapter and publish the results of the study. In conducting the study, the Texas Department of Transportation shall collect and examine the following information:

(1) the weight and configuration of vehicles operating under a permit issued under this subchapter that are involved in a motor vehicle collision [~~accident~~];

(2) the types of vehicles operating under a permit issued under this subchapter;

(3) traffic volumes and variations of vehicles operating under a permit issued under this subchapter;

(4) weigh-in-motion data for highways and roads located in and around the area described by Section 623.405(b);

(5) impacts to state and local bridges, including long-term bridge performance, for bridges located in and around the area described by Section 623.405(b); and

(6) impacts to state and local roads, including changes in pavement design standards, construction specification details, maintenance frequency and types, and properties of pavement and underlying soils resulting from or necessitated by vehicles operating under a permit issued under this subchapter.

SECTION 95. Section 643.105, Transportation Code, is amended to read as follows:

Sec. 643.105. INSOLVENCY OF INSURER. If an insurer for a motor carrier becomes insolvent, is placed in receivership, or has its certificate of authority suspended or revoked and if the carrier no longer has insurance coverage as required by this subchapter, the carrier shall file with the department, not later than the 10th day after the date the coverage lapses:

(1) evidence of insurance as required by Section 643.103; and

(2) an affidavit that:

(A) indicates that a collision [~~an accident~~] from which the carrier may incur liability did not occur while the coverage was not in effect; or

(B) contains a plan acceptable to the department indicating how the carrier will satisfy claims of liability against the carrier for a collision [~~an accident~~] that occurred while the coverage was not in effect.

SECTION 96. Section 644.151(b-1), Transportation Code, is amended to read as follows:

(b-1) An offense under Subsection (a)(3) is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle collision [~~accident~~] that resulted in bodily injury; or

(2) a felony of the second degree if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle collision [~~accident~~] that resulted in the death of a person.

SECTION 97. Sections 661.003(c) and (i), Transportation Code, are amended to read as follows:

(c) It is an exception to the application of Subsection (a) or (b) that at the time the offense was committed, the person required to wear protective headgear was at least 21 years old and had successfully completed a motorcycle operator training and safety course under Chapter 662 or was covered by a health insurance plan providing the person with medical benefits for injuries incurred as a result of a collision [~~an accident~~] while operating or riding on a motorcycle. A peace officer may not arrest a person or issue a citation to a person for a violation of Subsection (a) or (b) if the person required to wear protective headgear is at least 21 years of age and presents evidence sufficient to show that the person required to wear protective headgear has successfully completed a motorcycle operator training and safety course or is covered by a health insurance plan as described by this subsection.

(i) In this section, "health insurance plan" means an individual, group, blanket, or franchise insurance policy, insurance agreement, evidence of coverage, group hospital services contract, health maintenance organization membership, or employee benefit plan that provides benefits for health care services or for medical or surgical expenses incurred as a result of a collision [~~an accident~~].

SECTION 98. Section 686.001(1), Transportation Code, is amended to read as follows:

(1) "Financial responsibility" means the ability to respond in damages for liability for a collision [~~an accident~~] that:

(A) occurs after the effective date of the document evidencing the establishment of the financial responsibility; and

(B) arises out of the operation of a motor vehicle by an employee of a valet parking service.

SECTION 99. Section 686.004(a), Transportation Code, is amended to read as follows:

(a) The minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility under this chapter are:

(1) \$100,000 for bodily injury to or death of one person in one collision [~~accident~~];

(2) \$300,000 for bodily injury to or death of two or more persons in one collision [~~accident~~], subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and

(3) \$50,000 for damage to or destruction of property of others in one collision [~~accident~~].

SECTION 100. Section 686.005, Transportation Code, is amended to read as follows:

Sec. 686.005. COMMON LAW DEFENSES. In an action against an owner or operator of a valet parking service that has not established financial responsibility as required by this chapter to recover damages for personal injuries, death, or property damage sustained in a motor vehicle collision [~~accident~~] arising out of the operation of a valet parking service, it is not a defense that the party who brings the action:

- (1) was guilty of contributory negligence; or
- (2) assumed the risk of injury, death, or property damage.

SECTION 101. Section 709.002(e), Transportation Code, is amended to read as follows:

(e) Of the money received by the comptroller under this section, the comptroller shall deposit:

- (1) 80 percent to the credit of the undedicated portion of the general revenue fund, to be used only for criminal justice purposes; and
- (2) 20 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code, to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of collisions [~~accidents~~] resulting from traffic offenses.

SECTION 102. Section 723.011(a), Transportation Code, is amended to read as follows:

(a) The governor shall:

- (1) prepare and administer a statewide traffic safety program designed to reduce traffic collisions [~~accidents~~] and the death, injury, and property damage that result from traffic collisions [~~accidents~~];
- (2) adopt rules for the administration of this chapter, including rules, procedures, and policy statements governing grants-in-aid and contractual relations;
- (3) receive on the state's behalf for the implementation of this chapter money made available by the United States under federal law; and
- (4) allocate money appropriated by the legislature in the General Appropriations Act to implement this chapter.

SECTION 103. Section 723.012, Transportation Code, is amended to read as follows:

Sec. 723.012. TRAFFIC SAFETY PROGRAM. The statewide traffic safety program must include:

- (1) a driver education and training program administered by the governor through appropriate agencies that complies with Section 723.013;
- (2) plans for improving:
  - (A) driver licensing;
  - (B) collision [~~accident~~] records;
  - (C) vehicle inspection, registration, and titling;
  - (D) traffic engineering;

- (E) personnel;
- (F) police traffic supervision;
- (G) traffic courts;
- (H) highway design; and
- (I) uniform traffic laws; and

(3) plans for local traffic safety programs by legal and political subdivisions of this state that may be implemented if the programs:

(A) are approved by the governor; and

(B) conform with uniform standards adopted under the Highway Safety Act of 1966 (23 U.S.C. Sec. 401 et seq.).

SECTION 104. Section 723.013(a), Transportation Code, is amended to read as follows:

(a) The statewide driver education and training program required by Section 723.012 shall provide for:

(1) rules that permit controlled innovation and experimentation and that set minimum standards for:

- (A) classroom instruction;
- (B) driving skills training;
- (C) instructor qualifications;
- (D) program content; and
- (E) supplementary materials and equipment;

(2) a method for continuing evaluation of approved driver education and training programs to identify the practices most effective in preventing traffic collisions ~~accidents~~; and

(3) contracts between the governing bodies of centrally located independent school districts or other appropriate public or private agencies and the state to provide approved driver education and training programs.

SECTION 105. Sections 724.012(a-1) and (b), Transportation Code, are amended to read as follows:

(a-1) A peace officer shall require the taking of a specimen of the person's blood if:

(1) the officer arrests the person for an offense under Chapter 49, Penal Code, involving the operation of a motor vehicle or a watercraft;

(2) the person refuses the officer's request to submit to the taking of a specimen voluntarily;

(3) the person was the operator of a motor vehicle or a watercraft involved in a collision ~~[an accident]~~ that the officer reasonably believes occurred as a result of the offense; and

(4) at the time of the arrest, the officer reasonably believes that as a direct result of the collision ~~[accident]~~ any individual has died, will die, or has suffered serious bodily injury.

(b) Subject to Subsection (a-1), a peace officer shall require the taking of a specimen of the person's breath or blood under any of the following circumstances if the officer arrests the person for an offense under Chapter 49,

Penal Code, involving the operation of a motor vehicle or a watercraft and the person refuses the officer's request to submit to the taking of a specimen voluntarily:

(1) the person was the operator of a motor vehicle or a watercraft involved in a collision [~~an accident~~] that the officer reasonably believes occurred as a result of the offense and, at the time of the arrest, the officer reasonably believes that as a direct result of the collision [~~accident~~] an individual other than the person has suffered bodily injury and been transported to a hospital or other medical facility for medical treatment;

(2) the offense for which the officer arrests the person is an offense under Section 49.045, Penal Code; or

(3) at the time of the arrest, the officer possesses or receives reliable information from a credible source that the person:

(A) has been previously convicted of or placed on community supervision for an offense under Section 49.045, 49.07, or 49.08, Penal Code, or an offense under the laws of another state containing elements substantially similar to the elements of an offense under those sections; or

(B) on two or more occasions, has been previously convicted of or placed on community supervision for an offense under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or an offense under the laws of another state containing elements substantially similar to the elements of an offense under those sections.

SECTION 106. Section 726.002, Transportation Code, is amended to read as follows:

Sec. 726.002. TESTING AND INSPECTION OF MOTOR VEHICLES. A municipality may adopt an ordinance:

(1) requiring each resident of the municipality, including a corporation having its principal office or place of business in the municipality, who owns a motor vehicle used for the transportation of persons or property and each person operating a motor vehicle on the public thoroughfares of the municipality to have each motor vehicle owned or operated, as appropriate, tested and inspected not more than four times in each calendar year;

(2) requiring each motor vehicle involved in a collision [~~an accident~~] to be tested and inspected before it may be operated on the public thoroughfares of the municipality; or

(3) requiring that a motor vehicle operated on the public thoroughfares of the municipality be tested, inspected, and approved by the testing and inspecting authority.

SECTION 107. Sections 730.003(4) and (6), Transportation Code, are amended to read as follows:

(4) "Motor vehicle record" means a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state or a local agency authorized to issue an identification document. The term does not include:

(A) a record that pertains to a motor carrier; or

(B) a collision [~~an accident~~] report prepared under:

- (i) Chapter 550; or
- (ii) former Section 601.004 before September 1, 2017.

(6) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, date of birth, driver identification number, name, address, but not the zip code, e-mail address, telephone number, and medical or disability information. The term does not include:

(A) information on vehicle collisions [~~accidents~~], driving or equipment-related violations, or driver's license or registration status; or

(B) information contained in a collision [~~an accident~~] report prepared under:

- (i) Chapter 550; or
- (ii) former Section 601.004 before September 1, 2017.

SECTION 108. Section 1006.153(e), Transportation Code, is amended to read as follows:

(e) Out of each fee collected under Subsection (b) or an amount collected under Subsection (b-1):

(1) 20 percent shall be appropriated to the authority for the purposes of this chapter;

(2) 20 percent shall be deposited to the credit of the general revenue fund, to be used only for criminal justice purposes; and

(3) 60 percent shall be deposited to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code, to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of collisions [~~accidents~~] resulting from traffic offenses.

SECTION 109. The heading to Chapter 504, Business & Commerce Code, is amended to read as follows:

CHAPTER 504. PROHIBITED USE OF CRIME VICTIM OR MOTOR  
VEHICLE COLLISION [~~ACCIDENT~~] INFORMATION

SECTION 110. Section 504.001(2), Business & Commerce Code, is amended to read as follows:

(2) "Motor vehicle collision [~~accident~~] information" means information that:

(A) is collected or prepared by a law enforcement agency; and

(B) identifies or serves to identify a person who, according to a record of the agency, may have been involved in a motor vehicle collision [~~accident~~].

SECTION 111. Section 504.002(a), Business & Commerce Code, is amended to read as follows:

(a) A person who possesses crime victim or motor vehicle collision [~~accident~~] information that the person obtained or knows was obtained from a law enforcement agency may not:



(1) use the information to contact directly any of the following persons for the purpose of soliciting business from the person:

(A) a crime victim;

(B) a person who was involved in a motor vehicle collision [~~accident~~]; or

(C) a member of the family of a person described by Paragraph (A) or (B); or

(2) sell the information to another person for financial gain.

SECTION 112. Section 17.062(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) The chairman of the Texas Transportation Commission is an agent for service of process on a person who is a nonresident or an agent of a nonresident in any suit against the person or agent that grows out of a collision [~~or accident~~] in which the person or the person's [~~his~~] agent is involved while operating a motor vehicle in this state.

SECTION 113. Section 30.006(e), Civil Practice and Remedies Code, is amended to read as follows:

(e) This section does not apply to:

(1) a report of a collision [~~an accident~~] under Chapter 550, Transportation Code; and

(2) photographs, field measurements, scene drawings, and collision [~~accident~~] reconstruction done in conjunction with the investigation of the underlying collision [~~accident~~].

SECTION 114. Section 72.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 72.001. LIMITED LIABILITY. A person who is related to the owner or operator of a motor vehicle within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, and who is being transported in the motor vehicle over a public highway of this state as a guest without payment for the transportation has a cause of action against the owner or operator of the motor vehicle for injury, death, or loss in a collision [~~an accident~~] only if the collision [~~accident~~] was intentional on the part of the owner or operator or was caused by the owner's or operator's [~~his~~] heedlessness or reckless disregard of the rights of others.

SECTION 115. Section 72.051, Civil Practice and Remedies Code, is amended by amending Subdivisions (2) and (4) and adding Subdivision (3-a) to read as follows:

(2) "Civil action" means an action in which:

(A) a claimant seeks recovery of damages for bodily injury or death caused in a collision [~~an accident~~]; and

(B) a defendant:

(i) operated a commercial motor vehicle involved in the collision [~~accident~~]; or

(ii) owned, leased, or otherwise held or exercised legal control over a commercial motor vehicle or operator of a commercial motor vehicle involved in the collision [~~accident~~].

(3-a) "Collision" means an event in which operating a commercial motor vehicle causes bodily injury or death.

(4) "Commercial motor vehicle" means a motor vehicle being used for commercial purposes in interstate or intrastate commerce to transport property or passengers, deliver or transport goods, or provide services. The term does not include a motor vehicle being used at the time of the collision [~~accident~~] for personal, family, or household purposes.

SECTION 116. The heading to Section 72.052, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 72.052. BIFURCATED TRIAL IN CERTAIN COMMERCIAL MOTOR VEHICLE COLLISION [~~ACCIDENT~~] ACTIONS.

SECTION 117. Sections 72.054(a), (c), (d), and (f), Civil Practice and Remedies Code, are amended to read as follows:

(a) Except as provided by Subsection (d), in a civil action under this subchapter, an employer defendant's liability for damages caused by the ordinary negligence of a person operating the defendant's commercial motor vehicle shall be based only on respondeat superior if the defendant stipulates, within the time provided by Section 72.052 for filing a motion to bifurcate, that, at the time of the collision [~~accident~~], the person operating the vehicle was:

- (1) the defendant's employee; and
- (2) acting within the scope of employment.

(c) In a civil action under this subchapter in which an employer defendant is regulated by the Motor Carrier Safety Improvement Act of 1999 (Pub. L. No. 106-159) or Chapter 644, Transportation Code, a party may present any of the following evidence in the first phase of a trial that is bifurcated under Section 72.052 if applicable to a defendant in the action:

(1) whether the employee who was operating the employer defendant's commercial motor vehicle at the time of the collision [~~accident~~] that is the subject of the civil action:

(A) was licensed to drive the vehicle at the time of the collision [~~accident~~];

(B) was disqualified from driving the vehicle under 49 C.F.R. Section 383.51, 383.52, or 391.15 at the time of the collision [~~accident~~];

(C) was subject to an out-of-service order, as defined by 49 C.F.R. Section 390.5, at the time of the collision [~~accident~~];

(D) was driving the vehicle in violation of a license restriction imposed under 49 C.F.R. Section 383.95 or Section 522.043, Transportation Code, at the time of the collision [~~accident~~];

(E) had received a certificate of driver's road test from the employer defendant as required by 49 C.F.R. Section 391.31 or had an equivalent certificate or license as provided by 49 C.F.R. Section 391.33;

(F) had been medically certified as physically qualified to operate the vehicle under 49 C.F.R. Section 391.41;

(G) was operating the vehicle when prohibited from doing so under 49 C.F.R. Section 382.201, 382.205, 382.207, 382.215, 395.3, or 395.5 or 37 T.A.C. Section 4.12, as applicable, on the day of the collision [~~accident~~];

(H) was texting or using a handheld mobile telephone while driving the vehicle in violation of 49 C.F.R. Section 392.80 or 392.82 at the time of the collision [accident];

(I) provided the employer defendant with an application for employment as required by 49 C.F.R. Section 391.21(a) if the collision [accident] occurred on or before the first anniversary of the date the employee began employment with the employer defendant; and

(J) refused to submit to a controlled substance test as required by 49 C.F.R. Section 382.303, 382.305, 382.307, 382.309, or 382.311 during the two years preceding the date of the collision [accident]; and

(2) whether the employer defendant:

(A) allowed the employee to operate the employer's commercial motor vehicle on the day of the collision [accident] in violation of 49 C.F.R. Section 382.201, 382.205, 382.207, 382.215, 382.701(d), 395.3, or 395.5 or 37 T.A.C. Section 4.12, as applicable;

(B) had complied with 49 C.F.R. Section 382.301 in regard to controlled-substance testing of the employee driver if:

(i) the employee driver was impaired because of the use of a controlled substance at the time of the collision [accident]; and

(ii) the collision [accident] occurred on or before the 180th day after the date the employee driver began employment with the employer defendant;

(C) had made the investigations and inquiries as provided by 49 C.F.R. Section 391.23(a) in regard to the employee driver if the collision [accident] occurred on or before the first anniversary of the date the employee driver began employment with the employer defendant; and

(D) was subject to an out-of-service order, as defined by 49 C.F.R. Section 390.5, at the time of the collision [accident].

(d) If a civil action is bifurcated under Section 72.052, evidence admissible under Subsection (c) is:

(1) admissible in the first phase of the trial only to prove ordinary negligent entrustment by the employer defendant to the employee who was driving the employer defendant's commercial motor vehicle at the time of the collision [accident] that is the subject of the action; and

(2) the only evidence that may be presented by the claimant in the first phase of the trial on the negligent entrustment claim.

(f) Nothing in this section prevents a claimant from pursuing:

(1) an ordinary negligence claim against an employer defendant for a claim, such as negligent maintenance, that does not require a finding of negligence by an employee as a prerequisite to an employer defendant being found negligent for its conduct or omission, or from presenting evidence on that claim in the first phase of a bifurcated trial; or

(2) a claim for exemplary damages under Chapter 41 for an employer defendant's conduct or omissions in relation to the collision [accident] that is the subject of the action, or from presenting evidence on that claim in the second phase of a bifurcated trial.

SECTION 118. Section 72.055, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 72.055. ADMISSIBILITY OF VISUAL DEPICTIONS OF COLLISION [~~ACCIDENT~~]. (a) In a civil action under this subchapter, a court may not require expert testimony for admission into evidence of a photograph or video of a vehicle or object involved in a collision [~~an accident~~] that is the subject of the action except as necessary to authenticate the photograph or video.

(b) If properly authenticated under the Texas Rules of Evidence, a photograph or video of a vehicle or object involved in a collision [~~an accident~~] that is the subject of a civil action under this subchapter is presumed admissible, even if the photograph or video tends to support or refute an assertion regarding the severity of damages or injury to an object or person involved in the collision [~~accident~~].

SECTION 119. 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 offense against five or more victims;

(D) continuous sexual abuse of young child or disabled individual 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 a collision [~~an accident~~] under Section 550.021, Transportation Code, if the collision [~~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 the public servant exercises control in the public servant's 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) or (7);
  - (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) fraudulent securing of document execution;
  - (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) health care 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;

(7) two years from the date the offense was discovered: sexual assault punishable as a state jail felony under Section 22.011(f)(2), Penal Code; or

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

SECTION 120. The heading to Article 42A.516, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.516. COMMUNITY SUPERVISION FOR LEAVING SCENE OF MOTOR VEHICLE COLLISION [~~ACCIDENT~~] RESULTING IN DEATH OF PERSON.

SECTION 121. Article 49.10(j), Code of Criminal Procedure, is amended to read as follows:

(j) A justice of the peace may order a physician, qualified technician, paramedic, chemist, registered professional nurse, or licensed vocational nurse to take a specimen of blood from the body of a person who died as the result of a motor vehicle collision [~~accident~~] if the justice determines that circumstances indicate that the person may have been driving while intoxicated.

SECTION 122. Article 59.01(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Crime of violence" means:

(A) any criminal offense defined in the Penal Code or in a federal criminal law that results in a personal injury to a victim; or

(B) an act that is not an offense under the Penal Code involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death sustained in a collision [~~an accident~~] caused by a driver in violation of Section 550.021, Transportation Code.

SECTION 123. The heading to Section 34.015, Education Code, is amended to read as follows:

Sec. 34.015. REPORTING OF BUS COLLISIONS [~~ACCIDENTS~~].

SECTION 124. Section 34.015(b), Education Code, is amended to read as follows:

(b) A school district shall report annually to the Texas Education Agency the number of collisions [~~accidents~~] in which the district's buses are involved. The agency by rule shall determine the information to be reported, including:

(1) the type of bus involved in the collision [~~accident~~];

(2) whether the bus was equipped with seat belts;

(3) the number of students and adults involved in the collision [~~accident~~];

(4) the number and types of injuries sustained by bus passengers in the collision [~~accident~~]; and

(5) whether the injured passengers were wearing seat belts at the time of the collision [~~accident~~].

SECTION 125. Section 54.352(g), Education Code, is amended to read as follows:

(g) For the purpose of this section, an injury is suffered during the performance of a duty as a peace officer if the injury occurs as a result of the peace officer's performance of any of the following law enforcement duties:

(1) traffic enforcement or traffic control duties, including enforcement of traffic laws, investigation of vehicle collisions [~~accidents~~], or directing traffic;

(2) pursuit, arrest, or search of a person reasonably believed to have violated a law;

(3) investigation, including undercover investigation, of a criminal act;

(4) patrol duties, including automobile, bicycle, foot, air, or horse patrol;

(5) duties related to the transfer of prisoners; or

(6) training duties, including participation in any training required by the officer's employer or supervisor or by the Texas Commission on Law Enforcement.

SECTION 126. Section 1001.1015(b), Education Code, is amended to read as follows:

(b) A driver education course under Subsection (a) must:

(1) provide at least the minimum number of hours of classroom instruction required by commission rule; and

(2) include instruction in:

(A) alcohol and drug awareness;

(B) the traffic laws of this state;

(C) highway signs, signals, and markings that regulate, warn, or direct traffic; and

(D) the issues commonly associated with motor vehicle collisions [~~accidents~~], including poor decision-making, risk taking, impaired driving, distraction, speed, failure to use a safety belt, driving at night, failure to yield the right-of-way, and using a wireless communication device while operating a vehicle.

SECTION 127. Section 1001.112(b), Education Code, is amended to read as follows:

(b) A person is eligible to conduct a driver education course for another person as provided by Subsection (a) if the person:

(1) is either:

(A) a parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent of the other person; or

(B) an individual who:

(i) has been designated on a form prescribed by the department for purposes of this section by a parent or legal guardian of the other person or by a judge of a court with jurisdiction over the other person;

- (ii) is at least 25 years of age;
  - (iii) does not charge a fee for conducting the course; and
  - (iv) has at least seven years of driving experience;
- (2) has possessed a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle;
- (3) has not been convicted of:
- (A) criminally negligent homicide; or
  - (B) driving while intoxicated in the past seven years; and
- (4) has not been convicted during the preceding three years of:
- (A) three or more moving violations described by Section 542.304, Transportation Code, including violations that resulted in a collision [~~an accident~~]; or
  - (B) two or more moving violations described by Section 542.304, Transportation Code, that resulted in a collision [~~an accident~~].

SECTION 128. Section 203.007(b), Family Code, is amended to read as follows:

(b) A domestic relations office is entitled to obtain from the Department of Public Safety records that relate to:

- (1) a person's date of birth;
- (2) a person's most recent address;
- (3) a person's current driver's license status;
- (4) motor vehicle collisions [~~accidents~~] involving a person;
- (5) reported traffic-law violations of which a person has been convicted; and
- (6) a person's criminal history record information.

SECTION 129. Section 264.513(c), Family Code, is amended to read as follows:

(c) A person is not required to report a death under this section that is the result of a motor vehicle collision [~~accident~~]. This subsection does not affect a duty imposed by another law to report a death that is the result of a motor vehicle collision [~~accident~~].

SECTION 130. Section 411.019(a), Government Code, is amended to read as follows:

(a) The department shall provide a 24-hour toll-free telephone number for use by the public in reporting traffic offenses, including driving while intoxicated, suspected criminal activity, and traffic collisions [~~accidents~~] and other emergencies.

SECTION 131. Section 411.0726(e), Government Code, is amended to read as follows:

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle collision [~~accident~~] involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.



SECTION 132. Section 411.0731(e), Government Code, is amended to read as follows:

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle collision [~~accident~~] involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

SECTION 133. Section 411.0736(e), Government Code, is amended to read as follows:

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle collision [~~accident~~] involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

SECTION 134. Section 423.002(a), Government Code, is amended to read as follows:

(a) It is lawful to capture an image using an unmanned aircraft in this state:

(1) for the purpose of professional or scholarly research and development or for another academic purpose by a person acting on behalf of an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code, including a person who:

(A) is a professor, employee, or student of the institution; or

(B) is under contract with or otherwise acting under the direction or on behalf of the institution;

(2) in airspace designated as a test site or range authorized by the Federal Aviation Administration for the purpose of integrating unmanned aircraft systems into the national airspace;

(3) as part of an operation, exercise, or mission of any branch of the United States military;

(4) if the image is captured by a satellite for the purposes of mapping;

(5) if the image is captured by or for an electric or natural gas utility or a telecommunications provider:

(A) for operations and maintenance of utility or telecommunications facilities for the purpose of maintaining utility or telecommunications system reliability and integrity;

(B) for inspecting utility or telecommunications facilities to determine repair, maintenance, or replacement needs during and after construction of such facilities;

(C) for assessing vegetation growth for the purpose of maintaining clearances on utility or telecommunications easements; and

(D) for utility or telecommunications facility routing and siting for the purpose of providing utility or telecommunications service;

(6) with the consent of the individual who owns or lawfully occupies the real property captured in the image;

(7) pursuant to a valid search or arrest warrant;

(8) if the image is captured by a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority:

(A) in immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed an offense, not including misdemeanors or offenses punishable by a fine only;

(B) for the purpose of documenting a crime scene where an offense, not including misdemeanors or offenses punishable by a fine only, has been committed;

(C) for the purpose of investigating the scene of:

(i) a human fatality;

(ii) a motor vehicle collision [~~accident~~] causing death or serious bodily injury to a person; or

(iii) any motor vehicle collision [~~accident~~] on a state highway or federal interstate or highway;

(D) in connection with the search for a missing person;

(E) for the purpose of conducting a high-risk tactical operation that poses a threat to human life;

(F) of private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities; or

(G) of real property or a person on real property that is within 25 miles of the United States border for the sole purpose of ensuring border security;

(9) if the image is captured by state or local law enforcement authorities, or a person who is under contract with or otherwise acting under the direction or on behalf of state authorities, for the purpose of:

(A) surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared;

(B) preserving public safety, protecting property, or surveying damage or contamination during a lawfully declared state of emergency; or

(C) conducting routine air quality sampling and monitoring, as provided by state or local law;

(10) at the scene of a spill, or a suspected spill, of hazardous materials;

(11) for the purpose of fire suppression;

(12) for the purpose of rescuing a person whose life or well-being is in imminent danger;

(13) if the image is captured by a Texas licensed real estate broker in connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image;

(14) from a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception;

(15) of public real property or a person on that property;

(16) if the image is captured by the owner or operator of an oil, gas, water, or other pipeline for the purpose of inspecting, maintaining, or repairing pipelines or other related facilities, and is captured without the intent to conduct surveillance on an individual or real property located in this state;

(17) in connection with oil pipeline safety and rig protection;

(18) in connection with port authority surveillance and security;

(19) if the image is captured by a registered professional land surveyor in connection with the practice of professional surveying, as those terms are defined by Section 1071.002, Occupations Code, provided that no individual is identifiable in the image;

(20) if the image is captured by a professional engineer licensed under Subchapter G, Chapter 1001, Occupations Code, in connection with the practice of engineering, as defined by Section 1001.003, Occupations Code, provided that no individual is identifiable in the image; or

(21) if:

(A) the image is captured by an employee of an insurance company or of an affiliate of the company in connection with the underwriting of an insurance policy, or the rating or adjusting of an insurance claim, regarding real property or a structure on real property; and

(B) the operator of the unmanned aircraft is authorized by the Federal Aviation Administration to conduct operations within the airspace from which the image is captured.

SECTION 135. Section 1952.155, Insurance Code, is amended to read as follows:

Sec. 1952.155. BENEFITS PAYABLE WITHOUT REGARD TO FAULT OR COLLATERAL SOURCE; EFFECT ON SUBROGATION. (a) The benefits under coverage required by this subchapter are payable without regard to:

(1) the fault or nonfault of the named insured or recipient in causing or contributing to the collision [~~accident~~]; and

(2) any collateral source of medical, hospital, or wage continuation benefits.

(b) Except as provided by Subsection (c), an insurer paying benefits under coverage required by this subchapter does not have a right of subrogation or claim against any other person or insurer to recover any benefits by reason of the alleged fault of the other person in causing or contributing to the collision [~~accident~~].

(c) An insurer paying benefits pursuant to this subchapter, including a county mutual insurance company, shall have a right of subrogation and a claim against a person causing or contributing to the collision [~~accident~~] if, on the date of loss, financial responsibility as required by Chapter 601, Transportation Code, has not been established for a motor vehicle involved in the collision [~~accident~~] and operated by that person.

SECTION 136. Section 1954.056(b), Insurance Code, is amended to read as follows:

(b) A transportation network company driver shall carry proof of insurance that satisfies Sections 1954.052 and 1954.053 with the driver when the driver uses a vehicle in connection with a transportation network company's digital network. In the event of a collision [~~an accident~~], a driver shall provide the proof of insurance to a directly interested person, automobile insurer, and investigating peace officer on request under Section 601.053, Transportation Code. On request, a driver shall also disclose to a directly interested person, automobile insurer, and investigating peace officer whether, at the time of the collision [~~accident~~], the driver was:

- (1) logged on to the company's digital network; or
- (2) engaged in a prearranged ride.

SECTION 137. Section 2308.002(5-a), Occupations Code, is amended to read as follows:

(5-a) "Incident management tow" means any tow of a vehicle in which the tow truck is summoned to the scene of a traffic collision [~~accident~~] or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from a collision [~~an accident~~] or incident scene.

SECTION 138. Sections 2308.209(c), (d), and (h), Occupations Code, are amended to read as follows:

(c) The sheriff's office may maintain a list of towing companies to perform nonconsent tows of motor vehicles initiated by a peace officer investigating a traffic collision [~~accident~~] or a traffic incident. The towing companies must operate in a county to which this section applies.

(d) A peace officer initiating a nonconsent tow of a motor vehicle involved in a traffic collision [~~accident~~] or traffic incident that the officer is investigating shall notify the sheriff's office that the tow is being initiated. The sheriff's office shall contact successive towing companies on the tow rotation list until a company agrees to carry out the tow.

(h) In a county in which a list is maintained under Subsection (c), a person commits an offense if:

(1) the person arrives at the scene of a traffic collision [~~accident~~] or traffic incident to perform a nonconsent tow of a motor vehicle without first being contacted by the sheriff's office;

(2) the person directly or indirectly solicits, on streets located in the county, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in a collision [~~an accident~~] to the extent that it cannot be normally and safely driven; or

(3) the person enters the scene of a traffic collision [~~accident~~], traffic incident, or other area under the control of a peace officer without the permission of the peace officer.

SECTION 139. The heading to Section 38.18, Penal Code, is amended to read as follows:

Sec. 38.18. USE OF COLLISION [~~ACCIDENT~~] REPORT INFORMATION AND OTHER INFORMATION FOR PECUNIARY GAIN.

SECTION 140. Section 2(4-a), Article 6243g-4, Revised Statutes, is amended to read as follows:

(4-a) "Catastrophic injury" means a sudden, violent, life-threatening, duty-related injury sustained by an active member that is due to an externally caused motor vehicle collision [~~accident~~], gunshot wound, aggravated assault, or other external event or events and results, as supported by evidence, in one of the following conditions:

(A) total, complete, and permanent loss of sight in one or both eyes;

(B) total, complete, and permanent loss of the use of one or both feet at or above the ankle;

(C) total, complete, and permanent loss of the use of one or both hands at or above the wrist;

(D) injury to the spine that results in a total, permanent, and complete paralysis of both arms, both legs, or one arm and one leg; or

(E) an externally caused physical traumatic injury to the brain rendering the member physically or mentally unable to perform the member's duties as a police officer.

SECTION 141. Section 72.051(1), Civil Practice and Remedies Code, is repealed.

SECTION 142. The changes in law made by this Act are nonsubstantive and are intended to clarify rather than change existing law.

SECTION 143. To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 144. This Act takes effect September 1, 2023.

### **HB 3058 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative A. Johnson called up with senate amendments for consideration at this time,

**HB 3058**, A bill to be entitled An Act relating to the operation of the physician-patient relationship with respect to certain medically necessary services.

Representative A. Johnson moved to concur in the senate amendments to **HB 3058**.

The motion to concur in the senate amendments to **HB 3058** prevailed by (Record 2177): 128 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton;

Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Cain; Dean; Harrison; Hefner; Patterson; Schatzline; Shaheen; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Ramos; Schofield.

### STATEMENTS OF VOTE

When Record No. 2177 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 2177 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

When Record No. 2177 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 2177 was taken, I was shown voting no. I intended to vote yes.

Vasut

### Senate Committee Substitute

**CSHB 3058**, A bill to be entitled An Act relating to the provision of certain medical treatment to a pregnant woman by a physician or health care provider.

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

SECTION 1. Chapter 74, Civil Practice and Remedies Code, is amended by adding Subchapter L to read as follows:

#### SUBCHAPTER L. ACTIONS ARISING FROM PREGNANCY COMPLICATIONS

Sec. 74.551. APPLICATION. An action to which Section 74.552 applies is a health care liability claim for purposes of this chapter and is subject to the same requirements as any other health care liability claim.

Sec. 74.552. AFFIRMATIVE DEFENSE IN CERTAIN ACTIONS ARISING FROM CERTAIN PREGNANCY COMPLICATIONS. (a) It is an affirmative defense to liability in a civil action brought against a physician or

health care provider for a violation of Section 170A.002, Health and Safety Code, including an action to recover a civil penalty under Section 170A.005, Health and Safety Code, that the physician or health care provider exercised reasonable medical judgment in providing medical treatment to a pregnant woman in response to:

(1) an ectopic pregnancy at any location; or

(2) a previable premature rupture of membranes.

(b) A pharmacist or pharmacy that receives, processes, or dispenses a prescription drug or medication order written by a physician or health care provider to whom Subsection (a) applies is entitled to the affirmative defense provided by Subsection (a).

(c) This section does not create a civil cause of action.

SECTION 2. Section 164.055, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), the board may not take disciplinary action against a physician who exercised reasonable medical judgment in providing medical treatment to a pregnant woman as described by Section 74.552, Civil Practice and Remedies Code.

SECTION 3. Subchapter C, Chapter 9, Penal Code, is amended by adding Section 9.35 to read as follows:

Sec. 9.35. CERTAIN MEDICAL TREATMENT PROVIDED TO PREGNANT WOMAN. A physician or health care provider is justified in exercising reasonable medical judgment in providing medical treatment to a pregnant woman as described by Section 74.552, Civil Practice and Remedies Code.

SECTION 4. This Act takes effect September 1, 2023.

## **HB 4123 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 4123**, A bill to be entitled An Act relating to access to and use of certain criminal history record information.

Representative Guillen moved to concur in the senate amendments to **HB 4123**.

The motion to concur in the senate amendments to **HB 4123** prevailed by (Record 2178): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal;

King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Bell, C.; Hayes.

### Senate Committee Substitute

**CSHB 4123**, A bill to be entitled An Act relating to access to and use of certain criminal history record information.

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

SECTION 1. Section 22.0834, Education Code, is amended by amending Subsections (a), (a-1), (b), (c), (d), (e), (f), (h), (l), (o), and (p) and adding Subsections (b-1), (d-1), (d-2), and (q) to read as follows:

(a) Except as provided by Subsection (a-1), this subsection applies to a person who is not an applicant for or holder of a certificate under Subchapter B, Chapter 21, and who ~~[on or after January 1, 2008,]~~ is offered employment by an entity or a subcontractor of an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement to provide services, if:

(1) the employee or applicant has or will have continuing duties related to the contracted services; and

(2) the employee or applicant has or will have direct contact with students.

(a-1) This section does not apply to an employee or applicant of a public works contractor if:

(1) the public work does not involve the construction, alteration, or repair of an instructional facility as defined by Section 46.001;

(2) for public work that involves construction of a new instructional facility, the person's duties related to the contracted services will be completed not later than the seventh day before the first date the facility will be used for instructional purposes; or

(3) for a public work that involves an existing instructional facility:

(A) the public work area contains sanitary facilities and is separated from all areas used by students by a secure barrier fence that is not less than six feet in height; and



(B) the contracting entity adopts a policy prohibiting employees, including subcontracting entity employees, from interacting with students or entering areas used by students, informs employees of the policy, and enforces the policy at the public work area [a contracting entity, subcontracting entity, or other person subject to Section 22.08341].

(b) If the contracting entity is a qualified school contractor, a ~~[A]~~ person to whom Subsection (a) applies must submit to a national criminal history record information review by the qualified school contractor [under this section] before being employed or serving in a capacity described by that subsection.

(b-1) If the contracting entity or subcontracting entity is not a qualified school contractor, a person to whom Subsection (a) applies must submit to a national criminal history record information review by the school district, charter school, regional education service center, commercial transportation company, or education shared services arrangement.

(c) Before or immediately after employing or securing the services of a person to whom Subsection (a) applies, the qualified school contractor or [entity contracting with a] school district, open-enrollment charter school, or shared services arrangement shall send or ensure that the person sends to the department information that is required by the department for obtaining national criminal history record information, which may include fingerprints and photographs. The department shall obtain the person's national criminal history record information and report the results through the criminal history clearinghouse as provided by Section 411.0845, Government Code.

(d) A qualified school contractor or [An entity contracting with] a school district, open-enrollment charter school, or shared services arrangement shall obtain all criminal history record information that relates to a person to whom Subsection (a) applies through the criminal history clearinghouse as provided by Section 411.0845, Government Code. ~~[The entity shall certify to the school district that the entity has received all criminal history record information relating to a person to whom Subsection (a) applies.]~~

(d-1) A qualified school contractor acting as a contracting entity shall require that any of its subcontracting entities obtain all criminal history record information that relates to an employee to whom Subsection (a) applies if the subcontracting entity is also a qualified school contractor.

(d-2) A qualified school contractor shall require that any of its subcontracting entities that are not qualified school contractors comply with Subsection (b-1) as it relates to an employee to whom Subsection (a) applies.

(e) The requirements of Subsections (b), (d-1), and (d-2) do not apply to a qualified school contractor if a [A] school district, open-enrollment charter school, or shared services arrangement obtains [may obtain] the criminal history record information of a person to whom this section applies through the criminal history clearinghouse as provided by Section 411.0845, Government Code.

(f) In the event of an emergency, a school district may allow a person to whom Subsection (a) ~~[or (g)]~~ applies to enter school district property if the person is accompanied by a district employee. A school district may adopt rules regarding an emergency situation under this subsection.

(h) A school district, open-enrollment charter school, ~~[or]~~ shared services arrangement, or qualified school contractor may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person to whom this section ~~[Subsection (g)]~~ applies.

(l) ~~[A contracting entity shall require that a subcontracting entity obtain all criminal history record information that relates to an employee to whom Subsection (a) applies.]~~ If a contracting or subcontracting entity determines that Subsection (a) does not apply to an employee, the contracting or subcontracting entity shall make a reasonable effort to ensure that the conditions or precautions that resulted in the determination that Subsection (a) did not apply to the employee continue to exist throughout the time that the contracted services are provided.

(o) A school district, charter school, regional education service center, commercial transportation company, education shared services arrangement, or qualified school contractor, contracting entity, or subcontracting entity may not permit an employee to whom Subsection (a) applies to provide services at a school if the employee has been convicted of a felony or misdemeanor offense that would prevent a person from being employed under Section 22.085(a).

(p) In this section:

(1) "Contracting entity" means an entity that contracts directly with a school district, open-enrollment charter school, or shared services arrangement to provide services to the school district, open-enrollment charter school, or shared services arrangement.

(2) "Public works contractor" means an entity that contracts directly or subcontracts with an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement to provide services to the school district, open-enrollment charter school, or shared services arrangement.

(3) "Qualified school contractor" has the meaning assigned by Section 411.12505, Government Code.

(4) "Subcontracting entity" means an entity that contracts with another entity that is not a school district, open-enrollment charter school, or shared services arrangement to provide services to a school district, open-enrollment charter school, or shared services arrangement.

(q) A qualified school contractor shall certify to the school district, open-enrollment charter school, or shared services arrangement that the entity has received all criminal history record information relating to a person who is employed by or under a current offer of employment by the qualified school contractor.

SECTION 2. Section 22.0835(f), Education Code, is amended to read as follows:

(f) A school district, open-enrollment charter school, or shared services arrangement may obtain from the department or any law enforcement or criminal justice agency all criminal history record information that relates to a person to whom Subsection (e) applies.

SECTION 3. Section 22.085(c), Education Code, is amended to read as follows:

(c) A school district, open-enrollment charter school, or shared services arrangement may not allow a person who is an employee of or applicant for employment by a qualified school contractor or an entity that contracts with the district, school, or shared services arrangement to serve at the district or school or for the shared services arrangement if the district, school, or shared services arrangement obtains information described by Subsection (a) through a criminal history record information review concerning the employee or applicant. A school district, open-enrollment charter school, or shared services arrangement must ensure that an entity that the district, school, or shared services arrangement contracts with for services has obtained all criminal history record information as required by Section 22.0834 ~~[or 22.0834]~~.

SECTION 4. Section 1104.402(a), Estates Code, is amended to read as follows:

(a) Except as provided by Section ~~[1104.403]~~ 1104.404~~[5]~~ or 1104.406(a), the clerk of the county having venue of the proceeding for the appointment of a guardian shall obtain criminal history record information that is maintained by the Department of Public Safety or the Federal Bureau of Investigation identification division relating to~~[-~~

~~[(1) a private professional guardian;~~

~~[(2) each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;~~

~~[(3) each person employed by a private professional guardian who will:~~

~~[(A) have personal contact with a ward or proposed ward;~~

~~[(B) exercise control over and manage a ward's estate; or~~

~~[(C) perform any duties with respect to the management of a ward's estate;~~

~~[(4) each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; or~~

~~[(5)] any [other] person proposed to serve as a guardian under this title, including a proposed temporary guardian, [and] a proposed successor guardian, or any person who will have contact with the proposed ward or the proposed ward's estate on behalf of the proposed guardian, other than an attorney or a person who is a certified guardian.~~

SECTION 5. Section 1104.404, Estates Code, is amended to read as follows:

Sec. 1104.404. EXCEPTION FOR INFORMATION CONCERNING CERTAIN PERSONS. (a) The clerk described by Section 1104.402 is not required to obtain criminal history record information from the Department of Public Safety for a person if the Judicial Branch Certification Commission conducted a criminal history check on the person under Sections 155.203 and 155.207 ~~[Chapter 155]~~, Government Code. However, the clerk shall obtain criminal history record information from the Federal Bureau of Investigation identification division relating to each person described by Section 1104.402.

(b) The commission [board] shall provide to the clerk [at the court's request] the criminal history record information that was obtained from the Department of Public Safety [or the Federal Bureau of Investigation]. The commission is prohibited from disseminating criminal history record information that was obtained from the Federal Bureau of Investigation under Section 411.1408, Government Code, for purposes of determining whether an applicant is ineligible for certification as a guardian.

SECTION 6. Section 1104.405(a), Estates Code, is amended to read as follows:

(a) Criminal history record information obtained or provided under Section 1104.402~~[, 1104.403,]~~ or 1104.404 is privileged and confidential and is for the exclusive use of the court. The criminal history record information may not be released or otherwise disclosed to any person or agency except on court order [or consent of the person being investigated]. The court may use the criminal history record information only to determine whether to:

(1) appoint, remove, or continue the appointment of a private professional guardian, a guardianship program, or the Health and Human Services Commission; or

(2) appoint any person proposed to serve as a guardian under this title, including a proposed temporary guardian, a proposed successor guardian, or any person who will have contact with the proposed ward or the proposed ward's estate on behalf of the proposed guardian, other than an attorney or a certified guardian.

SECTION 7. Section 14.151(a), Finance Code, is amended to read as follows:

(a) The commissioner or an assistant commissioner, examiner, or other employee of the office shall obtain criminal history record information maintained by the Department of Public Safety, the Federal Bureau of Investigation Identification Division, or another law enforcement agency relating to a person described by Section 411.095(a) ~~[411.095(a)(1)]~~, Government Code.

SECTION 8. Section 152.203, Government Code, is amended to read as follows:

Sec. 152.203. RULES ON INELIGIBILITY. The supreme court shall by order adopt rules on an applicant's [applicants'] ineligibility for certification, registration, or licensing under this subtitle based on the applicant's [person's] criminal history or other information that indicates the applicant [person] lacks the honesty, trustworthiness, or integrity to hold the certification, registration, or license. The commission shall, in accordance with this section and rules adopted by order of the United States Supreme Court, obtain criminal history record information that is maintained by the Department of Public Safety or the Federal Bureau of Investigation identification division on each applicant for certification, registration, or licensing under this subtitle to be used only for the determination of each applicant's ineligibility under rules adopted by United States Supreme Court order under this section. The commission may not use criminal history record information obtained from the Federal Bureau of Investigation identification division under this section for any other purpose. The commission

may not transfer criminal history record information obtained from the Federal Bureau of Investigation identification division under this section to any other state agency, entity, or person. The commission shall destroy criminal history record information immediately after each determination of ineligibility is made.

SECTION 9. Section 155.205, Government Code, is amended to read as follows:

Sec. 155.205. DUTY TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION. (a) In accordance with Subsection (c) and the rules adopted by the supreme court under Section 155.203, the commission shall obtain criminal history record information that is maintained by the Department of Public Safety. The clerk shall obtain in accordance with Subsection (b) criminal history record information from ~~or~~ the Federal Bureau of Investigation identification division relating to an individual seeking appointment as a guardian or temporary guardian.

(b) The clerk ~~[commission]~~ shall obtain[~~;~~

~~(1)]~~ (1) fingerprint-based criminal history record information of a proposed guardian if:

~~(1) [(A)]~~ the liquid assets of the estate of a ward exceed \$50,000; or

~~(2) [(B)]~~ the proposed guardian is not a resident of this state.

(c) The commission shall obtain[~~;~~

~~(2)]~~ (2) name-based criminal history record information of a proposed guardian, including any criminal history record information under the current name and all former names of the proposed guardian, if:

~~(1) [(A)]~~ the liquid assets of the estate of a ward are \$50,000 or less;

and

~~(2) [(B)]~~ the proposed guardian is a resident of this state.

(d) Each proposed guardian described by Subsection (b) shall file with the commission proof of having submitted to a fingerprint-based criminal history search.

SECTION 10. Section 155.207(a), Government Code, is amended to read as follows:

(a) The commission shall use the criminal history record information obtained under this subchapter only for a purpose authorized by this subchapter ~~[or to maintain the registration of a guardianship under Subchapter D].~~

SECTION 11. Section 411.082, Government Code, is amended by adding Subdivisions (1-a) and (1-b) to read as follows:

(1-a) "Applicant" means an individual who submits an application for employment, licensure, certification, or registration that requires the department to conduct a background check using criminal history record information.

(1-b) "Application" means an application submitted by hard copy or electronically for employment, licensure, certification, or registration that requires the department to conduct a background check using criminal history record information.

SECTION 12. Section 411.084, Government Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Notwithstanding Subsection (a) or any other provision in this subchapter relating to the release or disclosure of such information, criminal history record information obtained from the Federal Bureau of Investigation may be released or disclosed only to a governmental entity or as authorized by federal law and regulations, federal executive orders, and federal policy.

(d) Notwithstanding any other provision of this subchapter, a private entity that purchases information from the department is not required to provide proof of cyber-threat insurance coverage or post a performance bond if that entity:

(1) provides proof of an audit by a certified public accountant certifying that the requestor has implemented internal controls and security protocols that are consistent with the National Institute of Standards and Technology standards for cybersecurity and approved by the Department of Information Resources or an IT cybersecurity professional certified by the National Institute of Standards and Technology or a similar organization;

(2) provides proof of Payment Card Industry Data Security Standard (PCI DSS) certification or certification by a similar organization recognized by the Department of Information Resources; or

(3) provides proof of compliance with voluntary compliance standards for cybersecurity developed by a national organization of certified public accountants for the management of customer data, including SOC 1, SOC 2, or SOC.

SECTION 13. Section 411.0891, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (a-1) and (e) to read as follows:

(a) The [Subject to Section 411.087, the] department may [is authorized to] obtain as provided by Subsection (a-1) [and use] criminal history record information [maintained by the Federal Bureau of Investigation or the department] that relates to a person who:

(1) is an applicant for or holds a registration issued by the director under Subchapter C, Chapter 481, Health and Safety Code, that authorizes the person to manufacture, distribute, analyze, or conduct research with a controlled substance;

(2) is an applicant for or holds a registration issued by the department under Chapter 487, Health and Safety Code, to be a director, manager, or employee of a dispensing organization, as defined by Section 487.001, Health and Safety Code;

(3) is an applicant for or holds an authorization issued by the department under Section 521.2476, Transportation Code, to do business in this state as a vendor of ignition interlock devices;

(4) is an applicant for or holds certification by the department as an inspection station or an inspector under Subchapter G, Chapter 548, Transportation Code, holds an inspection station or inspector certificate issued under that subchapter, or is the owner of an inspection station operating under that chapter; ~~[or]~~

(5) is an applicant for or holds a certificate of registration issued by the department under Chapter 1956, Occupations Code, to act as a metal recycling entity;

(6) is an applicant for or holds a license to carry a handgun issued by the department under Subchapter H, or is an applicant for or holds a certification as an instructor issued by the department under this chapter;

(7) is an applicant for or holds a Capitol access pass issued by the department under Section 411.0625; or

(8) is an applicant for or holds a license or commission issued by the department under Chapter 1702, Occupations Code.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the department is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from any other criminal justice agency in this state criminal history record information maintained by that criminal justice agency that relates to a person described by Subsection (a).

(b) The department may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). The department may release or disclose criminal history record information obtained ~~[or used]~~ by the department under Subsection (a-1)(2) for a purpose described by Subsection (a) to another person or agency only:

(1) in a criminal proceeding;

(2) in a hearing conducted by the department;

(3) under an order from a court; or

(4) with the consent of the person who is the subject of the criminal history record information.

(d) The department may require any person for whom the department is authorized to obtain ~~[and use]~~ criminal history record information ~~[maintained by the Federal Bureau of Investigation or the department]~~ under Subsections ~~[Subsection]~~ (a) and (a-1) to submit a complete and legible set of fingerprints to the department on a form prescribed by the department for the purpose of obtaining criminal history record information.

(e) The department shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 14. Section 411.090, Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1), (d), and (e) to read as follows:

(a) The State Board for Educator Certification is entitled to obtain ~~[from the department]~~ any criminal history record information as provided by Subsection (a-1) ~~[maintained by the department]~~ about a person who has applied to the board for or who currently holds a certificate under Subchapter B, Chapter 21, Education Code.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the State Board for Educator Certification is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The State Board for Educator Certification may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the board under Subsection (a-1)(2) in the original form or any subsequent form:

(1) may be used only for a purpose related to the issuance, denial, reprimand, suspension, revocation, or cancellation of a certificate issued by the board;

(2) may not be released to any person except:

(A) to the person who is the subject of the information;

(B) to the Texas Education Agency;

(C) to a local or regional educational entity as provided by Section 411.097; or

(D) by court order; and

(3) is not subject to disclosure as provided by Chapter 552~~;~~ and

~~(4) shall be destroyed by the board after the information is used for the authorized purposes.~~

(d) The State Board for Educator Certification is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Education Agency or the State Board for Educator Certification.

(e) The State Board for Educator Certification shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 15. Section 411.0901, Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1), (c), and (d) to read as follows:

(a) The Texas Education Agency is entitled to obtain criminal history record information as provided by Subsection (a-1) ~~[maintained by the department]~~ about a person who:

(1) is employed or is an applicant for employment by a school district or open-enrollment charter school;

(2) is employed or is an applicant for employment by a shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present; ~~or~~

(3) is employed or is an applicant for employment by an entity that contracts or subcontracts with a school district, open-enrollment charter school, or shared services arrangement, if the applicant or employee has or will have:



(A) continuing duties related to the contracted or subcontracted services; and

(B) direct contact with students;

(4) is employed or is an applicant for employment by the Texas Education Agency; or

(5) provides services as a tutor on behalf of a service provider that offers accelerated or supplemental instruction under Section 28.0211, Education Code, if the tutor has or will have continuing duties related to the services provided and has or will have direct contact with students [if:

(A) the employee or applicant has or will have continuing duties relating to the contracted services; and

(B) the employee or applicant has or will have direct contact with students].

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Education Agency is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The Texas Education Agency may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the agency under Subsection (a-1)(2) in the original form or any subsequent form:

(1) may be used only for a purpose authorized by the Education Code;

(2) may not be released to any person except:

(A) the person who is the subject of the information;

(B) the State Board for Educator Certification;

(C) a local or regional educational entity as provided by Section 411.097; [or]

(D) by court order; or

(E) as provided by Subsection (c); and

(3) is not subject to disclosure as provided by Chapter 552[; and

(4) shall be destroyed by the agency after the information is used for the authorized purposes].

(c) The Texas Education Agency is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Education Agency or the State Board for Educator Certification.

(d) The Texas Education Agency shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 16. Section 411.093, Government Code, is amended to read as follows:

Sec. 411.093. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The Texas Department of Licensing and Regulation is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (b) ~~[maintained the department]~~ that relates to ~~[a person who is]~~:

(1) an applicant for or the holder of:

(A) a driver education instructor license under Chapter 1001, Education Code;

(B) a license under Chapter 202, Occupations Code;

(C) a license under Chapter 401, Occupations Code;

(D) a license under Chapter 402, Occupations Code ~~[a license, certificate, registration, title, or permit issued by the department]~~; or

(E) an instructor license or motorcycle school license under Chapter 662, Transportation Code;

(2) a person who is:

(A) an applicant for or the holder of a license under Chapter 91, Labor Code; or

(B) a controlling person, as defined by Chapter 91, Labor Code, of an entity described by Paragraph (A); or

(3) a person who:

(A) is an applicant for or the holder of a license under Chapter 455, Occupations Code; or

(B) has an interest described under Section 455.1525(e), Occupations Code, in an entity described by Paragraph (A) ~~[certificate, registration, title, or permit issued by the department]~~.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Department of Licensing and Regulation is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Department of Licensing and Regulation may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Department of Licensing and Regulation under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Department of Licensing and Regulation is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Department of Licensing and Regulation or the State Office of Administrative Hearings.

(e) The Texas Department of Licensing and Regulation shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 17. Section 411.095, Government Code, is amended to read as follows:

Sec. 411.095. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CONSUMER CREDIT COMMISSIONER. (a) The consumer credit commissioner is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (a-1) that relates to a person who is:

- (1) an applicant for or holder of a license or registration under Chapter 180, 342, 347, 348, 351, 353, 371, 393, or 394, Finance Code;
- (2) an employee of or volunteer with the Office of Consumer Credit Commissioner;
- (3) an applicant for employment with the Office of Consumer Credit Commissioner; ~~[or]~~
- (4) a contractor or subcontractor of the Office of Consumer Credit Commissioner; or
- (5) an officer, director, owner, or employee of a person described by Subdivision (1) or another person having a substantial relationship with that person under Chapter 180, 342, 347, 348, 351, 353, 371, 393, or 394, Finance Code.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the consumer credit commissioner is entitled to:

- (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and
- (2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The consumer credit commissioner may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). The consumer credit commissioner may not release or disclose criminal history record information obtained under Subsection (a-1)(2) except ~~[this section unless]~~:

- (1) ~~[the information is obtained from a fingerprint based search; and~~
- (2) ~~[the information is released or disclosed:~~
  - (A) on court order;
  - (2) ~~[(B)]~~ to the person who is the subject of the criminal history record information; ~~[or]~~
  - (3) ~~[(C)]~~ with the consent of the person who is the subject of the criminal history record information; or
  - (4) in a hearing where the Office of Consumer Credit Commissioner is a party.

(c) The consumer credit commissioner shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 18. Section 411.096, Government Code, is amended to read as follows:

Sec. 411.096. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS RACING COMMISSION. (a) The Texas Racing Commission is entitled to obtain as provided by Subsection (a-1) ~~[from the department]~~ criminal history record information ~~[maintained by the department]~~ that relates ~~[pertains]~~ to ~~[a person who is]~~:

(1) a person who:

(A) is an applicant for or the holder of a license or certificate under Chapter 2025, Occupations Code;

(B) is an owner or manager of an applicant or license holder described by Paragraph (A); or

(C) has an interest described under Chapter 2025, Occupations Code, in an entity described by that chapter;

(2) an applicant for employment at or current employee of:

(A) the Texas Racing Commission; or

(B) a place of employment within the racing industry of this state;

or

(3) an applicant for employment at, current employee of, or person who contracts or may contract to provide goods or services with the Texas Racing Commission ~~[appointed to the commission];~~

~~[(2) an applicant for employment by the commission; or~~

~~[(3) an applicant for a license under Subtitle A 1, Title 13, Occupations Code (Texas Racing Act)].~~

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Racing Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The Texas Racing Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Texas Racing Commission ~~[commission]~~ under Subsection (a-1)(2) ~~[(a)]~~ may not be released or disclosed to any person except ~~[in a criminal proceeding, in a hearing conducted by the commission,]~~ on court order, [or] with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (c) ~~[applicant].~~

(c) The Texas Racing Commission is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Racing Commission or the State Office of Administrative Hearings.

(d) The Texas Racing Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 19. Section 411.097, Government Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsections (c-1), (g), and (h) to read as follows:

(a) A school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement, or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (c-1) ~~[maintained by the department]~~ that the district, school, service center, shared services arrangement, or entity is required or authorized to obtain under Subchapter C, Chapter 22, Education Code, that relates to a person who is:

(1) an applicant for employment by the district, school, service center, or shared services arrangement;

(2) an employee of or an applicant for employment with a public or commercial transportation company that contracts with the district, school, service center, or shared services arrangement to provide transportation services if the employee drives or the applicant will drive a bus in which students are transported or is employed or is seeking employment as a bus monitor or bus aide on a bus in which students are transported; ~~[or]~~

(3) an employee of or applicant for employment by an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by Section 22.0834 ~~[or 22.08341]~~, Education Code;

(4) an employee of or applicant for employment by a subcontractor of an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by Section 22.0834, Education Code; or

(5) a tutor who provides services on behalf of a service provider that offers accelerated or supplemental instruction under Section 28.0211, Education Code.

(b) A school district, charter school, private school, regional education service center, or education shared services arrangement is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (c-1) ~~[maintained by the department]~~ that the district, school, service center, or shared services arrangement is required or authorized to obtain under Subchapter C, Chapter 22, Education Code, that relates to a person who is a volunteer, student teacher, or employee of the district, school, service center, or shared services arrangement.

(c) An open-enrollment charter school is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (c-1) ~~[maintained by the department]~~ that relates to a person who:

(1) is a member of the governing body of the school, as defined by Section 12.1012, Education Code; or

(2) has agreed to serve as a member of the governing body of the school.

(c-1) Subject to Section 411.087 and consistent with the public policy of this state:

(1) a school district, charter school, regional education service center, or education shared services arrangement is entitled to obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a), (b), or (c), as applicable; and

(2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement, or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, is entitled to obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a), (b), or (c), as applicable.

(d) A school district, charter school, regional education service center, or education shared services arrangement may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (c-1)(1). Criminal history record information obtained by a school district, charter school, private school, service center, commercial transportation company, or shared services arrangement, or obtained by an entity that contracts to provide services to a school district, charter school, or shared services arrangement, under Subsection (c-1)(2) in the original form or any subsequent form:

(1) may not be released to any person except:

(A) the individual who is the subject of the information;

(B) the Texas Education Agency;

(C) the State Board for Educator Certification;

(D) the chief personnel officer of the transportation company, if the information is obtained under Subsection (a)(2); or

(E) by court order; and

(2) is not subject to disclosure as provided by Chapter 552~~;~~ and

~~[(3) shall be destroyed by the school district, charter school, private school, service center, commercial transportation company, or shared services arrangement on the earlier of:~~

~~[(A) the first anniversary of the date the information was originally obtained; or~~

~~[(B) the date the information is used for the authorized purpose].~~

(g) A school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, as applicable, is not prohibited from disclosing criminal history record information obtained under Subsection (c-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Education Agency or the State Board for Educator Certification.

(h) A school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, as applicable, shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 20. Section 411.0995, Government Code, is amended to read as follows:

Sec. 411.0995. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BOARD OF VETERINARY MEDICAL EXAMINERS. (a) The State Board of Veterinary Medical Examiners is entitled to obtain ~~from the department~~ criminal history record information as provided by Subsection (b) ~~maintained by the department~~ that relates to a license under Chapter 801, Occupations Code, for a person who is:

(1) an applicant for:

(A) a license, temporary license, or special license to practice veterinary medicine;

(B) a veterinary technician license; or

(C) an equine dental provider license; or

(2) a holder of a license described by Subdivision (1)(A), (B), or (C)

~~(1) an applicant for a license to practice equine dentistry under Chapter 801, Occupations Code; or~~

~~(2) the holder of a license under that chapter].~~

(b) Subject to Section 411.087 and consistent with the public policy of this state, the State Board of Veterinary Medical Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The State Board of Veterinary Medical Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the State Board of Veterinary Medical Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The State Board of Veterinary Medical Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the State Board of Veterinary Medical Examiners.

(e) The State Board of Veterinary Medical Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 21. Section 411.105, Government Code, is amended to read as follows:

Sec. 411.105. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. (a) The Texas State Board of Public Accountancy is entitled to obtain [from the department] criminal history record information as provided by Subsection (b) [maintained by the department] that relates to [a person who is]:

(1) an applicant for a license or certification as a certified public accountant under Chapter 901, Occupations Code; [or]

(2) an applicant to take the uniform certified public accountant [CPA] examination under Chapter 901, Occupations Code;

(3) an applicant for reinstatement of a license or certificate under Chapter 901, Occupations Code;

(4) an applicant for a license or certification renewal under Chapter 901, Occupations Code; or

(5) an owner or an individual who seeks to become an owner of a certified public accountancy firm if the owner or prospective owner is not a license holder under Chapter 901, Occupations Code [that Act].

(b) Subject to Section 411.087 of this code and Section 901.169, Occupations Code, and consistent with the public policy of this state, the Texas State Board of Public Accountancy is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas State Board of Public Accountancy may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the board under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The board is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by or on behalf of the board.



(e) The board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 22. Section 411.106, Government Code, is amended to read as follows:

Sec. 411.106. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF INSURANCE. (a) The Texas Department of Insurance [~~for good cause shown~~] is entitled to obtain [~~from the department~~] criminal history record information as provided by Subsection (a-1) [~~maintained by the department~~] that relates to a person who is:

(1) an applicant for a license, permit, certificate of authority, certificate of registration, or other authorization issued by the Texas Department [State Board] of Insurance to engage in an activity regulated under the Insurance Code; or

(2) a corporate officer or director of an insurance company regulated by the Texas Department of Insurance.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Department of Insurance is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The Texas Department of Insurance may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Texas Department of Insurance under Subsection (a-1)(2) [~~(a)~~] may not be disclosed or released to any person except on court order, [~~or~~] with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (b-1).

(b-1) The Texas Department of Insurance is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Department of Insurance.

(c) The [~~After the~~] Texas Department of Insurance [~~makes a determination as to the issuance of a license or certificate of authority to an applicant, the Texas Department of Insurance~~] shall destroy [~~seal the~~] criminal history record information that is obtained under this section after the information is used for its authorized purpose [~~regarding the applicant and shall deliver the information to the commissioner of insurance or the commissioner's designee, who shall maintain the information as provided by State Board of Insurance rule~~].

SECTION 23. Section 411.107, Government Code, is amended to read as follows:

Sec. 411.107. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: RECEIVER. (a) In this section, "receiver" has the meaning assigned by Section 443.004 [Article 21.28], Insurance Code.

(b) A receiver is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (b-1) [maintained by the department] that relates to a person:

- (1) who is a creditor or claimant of the receivership estate; or
- (2) against whom the receivership estate has a claim [the receiver believes is necessary for the investigation of any matter relating to a receivership estate].

(b-1) A receiver is entitled to obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) Criminal history record information obtained by a receiver under Subsection (b-1) [(b)] may not be released or disclosed to any person except on court order or with the written consent of the person who is the subject of the criminal history record information.

(d) A receiver shall [may] destroy criminal history record information obtained by the receiver under this section [Subsection (b)] after the purpose for which the information was obtained is accomplished.

SECTION 24. Section 411.108, Government Code, is amended to read as follows:

Sec. 411.108. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS LOTTERY COMMISSION. (a) The Texas Lottery Commission is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (a-2) [maintained by the department] that relates to a person who, under Section 466.201 [under Chapter 466], is:

- (1) a sales agent or an applicant for a sales agent license;
- (2) a person required to be named in a license application;
- (3) a lottery operator or prospective lottery operator who has submitted a written proposal to the commission in connection with the procurement of lottery operations and services by the commission;
- (4) an employee of a lottery operator or prospective lottery operator, if the employee is or will be directly involved in lottery operations;
- (5) a person who manufactures or distributes lottery equipment or supplies or a representative of a person who manufactures or distributes lottery equipment or supplies offered to the lottery;
- (6) a person who has submitted a written bid or proposal to the commission in connection with the procurement of goods or services by the commission, if the amount of the bid or proposal exceeds \$500;
- (7) an employee or other person who works for or will work for a sales agent or an applicant for a sales agent license;
- (8) a person who proposes to enter into or who has a contract with the commission to supply goods or services to the commission;

(9) if a person described in Subdivisions (1) through (8) of this section is not an individual, an individual who:

(A) is an officer or director of the person;

(B) holds more than 10 percent of the stock in the person;

(C) holds an equitable interest greater than 10 percent in the person;

(D) is a creditor of the person who holds more than 10 percent of the person's outstanding debt;

(E) is the owner or lessee of a business that the person conducts or through which the person will conduct lottery-related activities;

(F) shares or will share in the profits, other than stock dividends, of the person;

(G) participates in managing the affairs of the person; or

(H) is an employee of the person who is or will be involved in:

(i) selling tickets; or

(ii) handling money from the sale of tickets;

(10) the executive director or a prospective executive director of the commission;

(11) an employee or prospective employee of the commission; or

(12) a sales agent whose license is renewed under Section 466.158.

(a-1) The Texas Lottery Commission is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (a-2) [maintained by the department] that relates to a person licensed under Chapter 2001, Occupations Code, or described by Section 2001.3025, Occupations Code.

(a-2) Subject to Sections 411.087, 466.201, and 467.036(b) of this code and Section 2001.3025, Occupations Code, and consistent with the public policy of this state, the Texas Lottery Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a) or (a-1); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a) or (a-1).

(b) The Texas Lottery Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-2)(1). Criminal history record information obtained by the commission under Subsection (a-2)(2) [(a) or (a-1)] may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (c) or (d).

(c) The Texas Lottery Commission [commission] is not prohibited from disclosing to the person who is the subject of the criminal history record information obtained under Subsection (a-2)(2) the dates and places of arrests, offenses, and dispositions contained in the [criminal history record] information.

(d) The Texas Lottery Commission is not prohibited from disclosing criminal history record information obtained under Subsection (a-2)(2) in a criminal proceeding or in a hearing conducted by the State Office of Administrative Hearings.

(e) The Texas Lottery Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 25. Section 411.109, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (c), (f), and (g) to read as follows:

(a) The comptroller is entitled to obtain [~~from the department~~] criminal history record information as provided by Subsection (c) [maintained by the department] that the comptroller believes is necessary for the enforcement or administration of Chapter 103, Civil Practice and Remedies Code, or Chapter 151, 152, 154, 155, or 162, Tax Code, including criminal history record information that relates to a person who is:

- (1) an applicant for a permit under any of those chapters;
- (2) a permit holder under any of those chapters;
- (3) an officer, director, stockholder owning 10 percent or more of the outstanding stock, partner, owner, or managing employee of an applicant or permit holder under any of those chapters that is a corporation, association, joint venture, syndicate, partnership, or proprietorship;
- (4) believed to have violated any of those chapters;
- (5) being considered by the comptroller for employment as a peace officer; or
- (6) receiving, scheduled to receive, or applying to receive compensation under Chapter 103, Civil Practice and Remedies Code.

(b) The comptroller is entitled to obtain [~~from the department~~] criminal history record information as provided by Subsection (c) [maintained by the department] that relates to a person who is an employee, intern, learner, trainee, contractor, subcontractor, apprentice, or volunteer of, or who is an applicant for employment or service in one of those capacities with, the comptroller's office in a position that involves:

- (1) handling currency, checks, or other funds;
- (2) having access to taxpayer account information;
- (3) working in a location designated by the comptroller as a security-sensitive area; ~~(or)~~
- (4) performing financial management duties designated by the comptroller as security sensitive;
- (5) performing work on a computer system; or
- (6) having remote access to comptroller computer systems, information technology, or information technology resources.

(c) Subject to Section 411.087 and consistent with the public policy of this state, the comptroller is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a) or (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a) or (b).

(d) The comptroller may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (c)(1). Criminal history record information obtained by the comptroller under Subsection (c)(2) [Subsections (a), (b), and (c)] may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (e) or (f).

(f) The comptroller is not prohibited from disclosing criminal history record information obtained under Subsection (c)(2) in a criminal proceeding or in a hearing conducted by the comptroller.

(g) The comptroller shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 26. Section 411.110, Government Code, is amended by amending Subsections (a), (b), (c), and (e) and adding Subsection (a-1) to read as follows:

(a) The Department of State Health Services and the Health and Human Services Commission are entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (a-1) [maintained by the department] that relates to a person who is:

(1) ~~a person who is:~~

~~[(A)] an applicant for a license or certificate under Chapter 773, Health and Safety Code, [the Emergency Health Care Act (Chapter 773, Health and Safety Code)];~~

~~[(B)] an owner or manager of an applicant for an emergency medical services provider license under that chapter, [Act];~~ or

~~[(C)] the holder of a license or certificate under that chapter [Act];~~

(2) an applicant for a license or a license holder under Subchapter I, L, or [Subchapter] N, Chapter 431, Health and Safety Code;

(3) an applicant for employment at or current employee of:

(A) a public health hospital as defined by Section 13.033, Health and Safety Code; or

(B) the South Texas Health Care System;

(4) an applicant for employment at, current employee of, or person who contracts or may contract to provide goods or services with the Council on Sex Offender Treatment or other division or component of the Health and Human Services Commission that monitors sexually violent predators as described by Section 841.003(a), Health and Safety Code; ~~[or]~~

(5) ~~a person~~ authorized to access vital records or the vital records electronic registration system under Chapter 191, Health and Safety Code, including an employee of or contractor for the Department of State Health Services, a local registrar, a medical professional, or a funeral director; or

(6) an applicant for a license or a license holder under Subchapter C, Chapter 443, Health and Safety Code.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Department of State Health Services and the Health and Human Services Commission are entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The Department of State Health Services or the Health and Human Services Commission, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Department of State Health Services or the Health and Human Services Commission under Subsection (a-1)(2) ~~(a)~~ may not be released or disclosed to any person except:

(1) on court order;

(2) [;] with the written consent of the person who ~~[or entity that]~~ is the subject of the criminal history record information;

(3) between the Department of State Health Services and the Health and Human Services Commission to share with the other agency information obtained under this section for the purposes authorized by this section; or

(4) ~~[;or]~~ as provided by Subsection (e).

(c) ~~The [After an entity is licensed or certified, the] Department of State Health Services or the Health and Human Services Commission, as applicable, shall destroy the criminal history record information that is obtained under this section after the information is used for its authorized purpose [relates to that entity. The Department of State Health Services or the Health and Human Services Commission, as applicable, shall destroy the criminal history record information that relates to:~~

~~(1) an applicant for employment after that applicant is employed or, for an applicant who is not employed, after the check of the criminal history record information on that applicant is completed; or~~

~~(2) an employee or contractor after the check of the criminal history record information on that employee or contractor is completed].~~

(e) The Department of State Health Services or the Health and Human Services Commission, as applicable, is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) ~~(a)~~ in a criminal proceeding or in a hearing conducted by that agency ~~[the Department of State Health Services or the Health and Human Services Commission, as applicable].~~

SECTION 27. Section 411.1103, Government Code, is amended to read as follows:

Sec. 411.1103. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: ~~[DEPARTMENT OF STATE HEALTH SERVICES AND]~~ HEALTH AND HUMAN SERVICES COMMISSION. (a) The ~~[Department of State Health Services and the]~~ Health and Human Services Commission is ~~[are]~~ entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (d) [maintained by the department] that relates to a person:

(1) who is:

(A) an applicant for employment at a state hospital established under Chapter 552, Health and Safety Code;

(B) an employee of a state hospital established under Chapter 552, Health and Safety Code;

(C) a person who contracts or may contract to provide goods or services to the ~~[Department of State Health Services or the]~~ Health and Human Services Commission, as applicable, at a state hospital established under Chapter 552, Health and Safety Code, or an employee of or applicant for employment with that person;

(D) a volunteer with a state hospital established under Chapter 552, Health and Safety Code; or

(E) an applicant for a volunteer position with a state hospital established under Chapter 552, Health and Safety Code; and

(2) who would be placed in direct contact with a patient at a state hospital established under Chapter 552, Health and Safety Code.

(b) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (d)(1). Criminal history record information obtained by the [Department of State Health Services or the] Health and Human Services Commission under Subsection (d)(2) [this section] may not be released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information;

(3) for purposes of an administrative hearing held by the ~~[Department of State Health Services or the]~~ Health and Human Services Commission ~~[, as applicable,]~~ concerning the person who is the subject of the criminal history record information; or

(4) as provided by Subsection (c).

(c) The ~~[Department of State Health Services or the]~~ Health and Human Services Commission is not prohibited from releasing criminal history record information obtained under Subsection (d)(2) [this section] to the person who is the subject of the criminal history record information.

(d) Subject to Section 411.087 and consistent with the public policy of this state, the ~~[Department of State Health Services and the]~~ Health and Human Services Commission is [are] entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(e) This section does not prohibit the ~~[Department of State Health Services or the]~~ Health and Human Services Commission from obtaining and using criminal history record information as provided by other law.

(f) The Health and Human Services Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 28. Section 411.1105, Government Code, is amended to read as follows:

Sec. 411.1105. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: ~~[DEPARTMENT OF STATE HEALTH SERVICES AND]~~ HEALTH AND HUMAN SERVICES COMMISSION. (a) The ~~[Department of State Health Services and the]~~ Health and Human Services Commission is [are] entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsections (a-1) and (b) [maintained by the department] that relates to a person who is:

(1) an applicant for a chemical dependency counselor's license, a counselor intern's registration, or a clinical supervisor certification under Chapter 504, Occupations Code; or

(2) the holder of a license, registration, or certification under that chapter.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) In addition to information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1) and Section 411.087, the ~~[Department of State Health Services and the]~~ Health and Human Services Commission is [are] entitled to obtain information relating to the wanted persons status of an individual listed in Subsection (a).

(c) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1) or (b). Criminal history record information obtained by the ~~[Department of State Health Services or the]~~ Health and Human Services Commission under Subsection (a-1)(2) [~~(a)~~] may not be released or disclosed to any person except:

(1) on court order;



(2) [7] with the consent of the person who is the subject of the criminal history record information; [7] or

(3) as provided by Subsection (d).

(d) The [~~Department of State Health Services or the~~] Health and Human Services Commission[~~, as applicable,~~] may provide the applicant or licensee with a copy of the person's criminal history record information obtained from the Department of Public Safety [~~, Federal Bureau of Investigation identification division,~~] or another law enforcement agency under Subsection (a-1)(2).

(e) This section does not prohibit the Health and Human Services Commission from obtaining and using criminal history record information as provided by other law.

(f) The Health and Human Services Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 29. Section 411.1106, Government Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsections (b-1) and (f) to read as follows:

(b) The executive commissioner of the commission, or the executive commissioner's designee, is entitled to obtain [~~from the department~~] criminal history record information as provided by Subsection (b-1) [maintained by the department] that relates to a person who is:

(1) an applicant [~~for employment~~] for a position in which the person, as an employee, contractor, or volunteer, would have access to sensitive personal or financial information, as determined by the executive commissioner, in:

(A) the eligibility services division of the commission as established under Section 531.008; [or]

(B) the commission's office of inspector general as established by Section 531.008 and Subchapter C, Chapter 531; or

(C) the regulatory division of the commission as established under Section 531.008; or

(2) an employee of or a contractor or volunteer for the commission who has access to sensitive personal or financial information, as determined by the executive commissioner.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, the commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) The commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). Criminal history record information obtained by the

executive commissioner of the commission, or by the executive commissioner's designee, under Subsection (b-1)(2) ~~[(b)]~~ may not be released or disclosed, except:

- (1) if the information is in a public record at the time the information is obtained;
- (2) on court order;
- (3) to a criminal justice agency, upon request;
- (4) with the consent of the person who is the subject of the criminal history record information; or
- (5) as provided by Subsection (d).

(d) The commission is not prohibited from disclosing criminal history record information obtained under Subsection (b-1)(2) ~~[(b)]~~ in a criminal proceeding or in a hearing conducted by the commission.

(e) The executive commissioner shall destroy ~~[all]~~ criminal history record information obtained under this section ~~[Subsection (b)]~~ as soon as practicable after the information is used for its authorized purpose.

(f) This section does not prohibit the commission from obtaining and using criminal history record information as provided by other law.

SECTION 30. Section 411.1131, Government Code, is amended to read as follows:

Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The Health and Human Services Commission is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (a-1) [maintained by the department] that relates to a person who is an applicant for a staff position at an outdoor training program for children who are deaf or hard of hearing conducted by a private entity through a contract with the Health and Human Services Commission in accordance with Section 81.013, Human Resources Code.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) Criminal history record information obtained by the Health and Human Services Commission under Subsection (a-1) ~~[(a)]~~ may be used only to evaluate an applicant for a staff position at an outdoor training program for children who are deaf or hard of hearing. The Health and Human Services Commission may release or disclose the information obtained under Subsection (a-1)(2) to a private entity described by Subsection (a) ~~for that purpose.~~

(c) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). The Health and

Human Services Commission may not release or disclose information obtained under Subsection (a-1)(2) ~~[(a)]~~, except as described by Subsection (b), on court order, or with the consent of the person who is the subject of the criminal history record information.

(d) The Health and Human Services Commission ~~[, and]~~ shall destroy ~~[all]~~ criminal history record information obtained under Subsection (a-1) ~~[(a)]~~ after the information is used for its authorized purpose.

(e) This section does not prohibit the Health and Human Services Commission from obtaining and using criminal history record information as provided by other law.

SECTION 31. Section 411.114(a), Government Code, is amended by amending Subdivisions (2), (3), (4), (6), and (7) and adding Subdivision (4-a) to read as follows:

(2) The Department of Family and Protective Services or the Health and Human Services Commission, as applicable, shall obtain ~~[from the department]~~ criminal history record information as provided by Subdivision (4) [maintained by the department] that relates to a person who is:

(A) an applicant for a license, registration, certification, or listing under Chapter 42, Human Resources Code;

(B) an owner, operator, or employee of or an applicant for employment by a child-care facility, child-placing agency, or family home licensed, registered, certified, or listed under Chapter 42, Human Resources Code;

(C) a person 14 years of age or older who will be regularly or frequently working or staying in a facility or family home, other than a child in the care of the home or facility;

(D) an applicant selected for a position with the Department of Family and Protective Services or the Health and Human Services Commission, the duties of which include direct delivery of protective services to children, elderly persons, or persons with a disability;

(E) an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with a business entity or person who [that] contracts with the Department of Family and Protective Services or the Health and Human Services Commission to provide direct delivery of protective services to children, elderly persons, or persons with a disability, if the person's duties or responsibilities include direct contact with children, elderly persons, or persons with a disability;

(F) a registered volunteer with the Department of Family and Protective Services or the Health and Human Services Commission;

(G) a person providing or applying to provide in-home, adoptive, or foster care for children in the care of the Department of Family and Protective Services or the Health and Human Services Commission and other persons living in the residence in which the child will reside;

(H) a Department of Family and Protective Services employee or a Health and Human Services Commission employee who is engaged in the direct delivery of protective services to children, elderly persons, or persons with a disability;

(I) an alleged perpetrator in a report the Department of Family and Protective Services or the Health and Human Services Commission receives alleging that the person has abused, neglected, or exploited a child, an elderly person, or a person with a disability, provided that:

(i) the report alleges the person has engaged in conduct that meets the applicable definition of abuse, neglect, or exploitation under Chapter 261, Family Code, or Chapter 48, Human Resources Code; and

(ii) the person is not also the victim of the alleged conduct;

(J) a person providing child care for a child who is in the care of the Department of Family and Protective Services or the Health and Human Services Commission and who is or will be receiving adoptive, foster, or in-home care;

(K) through a contract with a nonprofit management center, an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with a nonprofit, tax-exempt organization that provides any service that involves the care of or access to a child, an elderly person, or a person with a disability; or

(L) an applicant for a child-care administrator or child-placing agency administrator license under Chapter 43, Human Resources Code.

(3) In addition to the criminal history record information the Department of Family and Protective Services or the Health and Human Services Commission is required to obtain under Subdivision (2), the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subdivision (4) ~~[maintained by the department]~~ that relates to a person who is:

(A) an applicant for a position with the Department of Family and Protective Services or the Health and Human Services Commission regardless of the duties of the position, including a position described by Subdivision (2)(D);

(B) a Department of Family and Protective Services employee or a Health and Human Services Commission employee regardless of the duties of the employee's position, including an employee described by Subdivision (2)(H);

(C) a volunteer or applicant volunteer with the Department of Family and Protective Services or the Health and Human Services Commission regardless of the duties to be performed, including a registered volunteer;

(D) an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with an entity or person who ~~[that]~~ contracts with the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, and has access to confidential information in that department's or commission's records, if the employee, applicant, volunteer, or applicant volunteer has or will have access to that confidential information;

(E) a person living in the residence in which the alleged victim of the report resides, including an alleged perpetrator in a report described by Subdivision (2)(I);

(F) a person providing, at the request of the child's parent, in-home care for a child who is the subject of a report alleging the child has been abused or neglected;

(G) a person providing, at the request of the child's parent, in-home care for a child only if the person gives written consent to the release and disclosure of the information;

(H) a child who is related to the caretaker, as determined under Section 42.002, Human Resources Code, or any other person who resides in, is present in, or has unsupervised access to a child in the care of a facility or family home;

(I) a relative of a child in the care of the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, to the extent necessary to comply with Section 162.007, Family Code;

(J) a person providing or applying to provide in-home, adoptive, or foster care for children to the extent necessary to comply with Subchapter B, Chapter 162, Family Code;

(K) a person who volunteers to supervise visitation under Subchapter B, Chapter 263, Family Code;

(L) an employee of or volunteer at, or an applicant for employment with or to be a volunteer at, an entity that provides supervised independent living services to a young adult receiving extended foster care services from the Department of Family and Protective Services or the Health and Human Services Commission, as applicable;

(M) a person 14 years of age or older who will be regularly or frequently working or staying in a host home that is providing supervised independent living services to a young adult receiving extended foster care services from the Department of Family and Protective Services or the Health and Human Services Commission, as applicable;

(N) a volunteer or applicant volunteer with a local affiliate in this state of Big Brothers Big Sisters of America;

(O) a volunteer or applicant volunteer with an organization that provides court-appointed volunteer advocates for abused or neglected children; or

(P) an employee, volunteer, or applicant volunteer of a children's advocacy center under Subchapter E, Chapter 264, Family Code, including a member of the governing board of a center.

(4) Subject to Section 411.087 and consistent with the public policy of this state, the Department of Family and Protective Services and the Health and Human Services Commission are entitled to:

(A) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subdivision (2) or (3); and

(B) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subdivision (2) or (3).

(4-a) Law enforcement entities shall expedite the furnishing of criminal history record ~~[such]~~ information obtained under Subdivision (4)(B) to Department of Family and Protective Services workers or Health and Human Services Commission workers, as applicable, to ensure prompt criminal background checks for the safety of alleged victims and Department of Family and Protective Services workers or Health and Human Services Commission workers, as applicable.

(6) The Department of Family and Protective Services or the Health and Human Services Commission, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subdivision (4)(A). Criminal history record information obtained by the Department of Family and Protective Services or the Health and Human Services Commission under Subdivision (4)(B) ~~[this subsection]~~ may not be released to any person except:

(A) on court order;

(B) with the consent of the person who is the subject of the criminal history record information;

(C) for purposes of an administrative hearing held by the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, concerning the person who is the subject of the criminal history record information; or

(D) as provided by Subdivision (7).

(7) Subject to Subdivision (8), the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, is not prohibited from releasing criminal history record information obtained under Subdivision (4)(B) ~~[this subsection]~~ to:

(A) the person who is the subject of the criminal history record information;

(B) a child-placing agency listed in Subdivision (2) that is seeking to verify or approve a foster or adoptive home under procedures authorized by federal law;

(C) an adult who resides with an alleged victim of abuse, neglect, or exploitation of a child, elderly person, or person with a disability and who also resides with the alleged perpetrator of that abuse, neglect, or exploitation if:

(i) the alleged perpetrator is the subject of the criminal history record information; and

(ii) the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, determines that the release of information to the adult is necessary to ensure the safety or welfare of the alleged victim or the adult; or

(D) an elderly person or a person with a disability who is an alleged victim of abuse, neglect, or exploitation and who resides with the alleged perpetrator of that abuse, neglect, or exploitation if:

(i) the alleged perpetrator is the subject of the criminal history record information; and

(ii) the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, determines that the release of information to the person is necessary to ensure the safety or welfare of the person.

SECTION 32. Section 411.114, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The Department of Family and Protective Services and the Health and Human Services Commission, as applicable, shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 33. Section 411.1142, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (a-1) and (f) to read as follows:

(a) The Early Childhood Intervention program within the Health and Human Services Commission, as established by Chapter 73, Human Resources Code, is entitled to obtain criminal history record information as provided by Subsection (a-1) ~~[maintained by the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency]~~ that relates to a person:

(1) who is an employee or an applicant for permanent, temporary, or consultative employment or for a volunteer position; and

(2) [positions] whose employment or potential employment or volunteer position with the program or a local provider involves the delivery of early childhood intervention services or involves direct interactions with or the opportunity to interact and associate with children.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person who is described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Health and Human Services Commission under Subsection (a-1)(2) [↔] may not be released or disclosed to any person except:

(1) on court order;

(2) [7] with the consent of the person who is the subject of the criminal history record information; [7] or

(3) as provided by Subsection (d).

(d) The Health and Human Services Commission may provide the applicant, employee, professional consultant, or volunteer with a copy of the person's criminal history record information obtained from the Department of Public Safety [~~Federal Bureau of Investigation identification division,~~] or another law enforcement agency under Subsection (a-1)(2).

(f) The Health and Human Services Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 34. Section 411.1143, Government Code, is amended to read as follows:

Sec. 411.1143. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION; AGENCIES OPERATING PART OF MEDICAL ASSISTANCE PROGRAM. (a) The Health and Human Services Commission, an agency operating part of the medical assistance program under Chapter 32, Human Resources Code, or the office of inspector general established under Chapter 531, Government Code, is entitled to obtain [~~from the department the~~] criminal history record information as provided by Subsection (a-2) [maintained by the department] that relates to a provider under the medical assistance program or a person applying to enroll as a provider under the medical assistance program.

(a-1) Criminal history record information the Health and Human Services Commission [an agency] or the office of inspector general is authorized to obtain under Subsection (a) includes criminal history record information relating to:

(1) a person with a direct or indirect ownership or control interest, as defined by 42 C.F.R. Section 455.101, in a provider of five percent or more; and

(2) a person whose information is required to be disclosed in accordance with 42 C.F.R. Part 1001.

(a-2) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission and the office of inspector general are entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person who is described by Subsection (a) or (a-1); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a) or (a-1).

(b) The Health and Human Services Commission or the office of inspector general, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-2)(1). Criminal history record information obtained by the Health and Human Services Commission or the office of inspector general [commission



~~or an agency~~] under Subsection (a-2)(2) [~~(a)~~] may not be released or disclosed to any person except in a criminal proceeding, in an administrative proceeding, on court order, or with the consent of the provider or applicant.

(c) This section does not prohibit the Health and Human Services Commission or the office of inspector general from obtaining and using criminal history record information as provided by other law.

(d) The Health and Human Services Commission and the office of inspector general shall destroy criminal history record information obtained under this section after the information is used for its authorized purpose.

SECTION 35. Section 411.1144, Government Code, is amended to read as follows:

Sec. 411.1144. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND ~~[AGENCIES WITH]~~ EMPLOYEES, CONTRACTORS, OR VOLUNTEERS AT STATE SUPPORTED LIVING CENTERS. (a) The ~~[Department of State Health Services and the]~~ Health and Human Services Commission is ~~[are]~~ entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (d) [maintained by the department] that relates to a person:

(1) who is:

(A) an applicant for employment with the Health and Human Services Commission [agency];

(B) an employee of the Health and Human Services Commission [agency];

(C) a volunteer with the Health and Human Services Commission [agency];

(D) an applicant for a volunteer position with the Health and Human Services Commission [agency];

(E) an applicant for a contract with the Health and Human Services Commission [agency]; or

(F) a contractor of the Health and Human Services Commission [agency]; and

(2) who would be placed in direct contact with a resident or client of a state supported living center, as defined by Section 555.001, Health and Safety Code.

(b) The commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (d)(1). Criminal history record information obtained by the Health and Human Services Commission [an agency] under Subsection (d)(2) [~~(a)~~] may not be released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information;

(3) for purposes of an administrative hearing held by the agency concerning the person who is the subject of the criminal history record information; or

(4) as provided by Subsection (c).

(c) The Health and Human Services Commission is prohibited from releasing criminal history record information obtained under Subsection (d)(1) to the person who is the subject of the criminal history record information. The Health and Human Services Commission [An agency] is not prohibited from releasing criminal history record information obtained under Subsection (d)(2) [(a) or (d)] to the person who is the subject of the criminal history record information.

(d) Subject to Section 411.087 and consistent with the public policy of this state, the [Department of State Health Services and the] Health and Human Services Commission is [are] entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(e) This section does not prohibit the Health and Human Services Commission [an agency] from obtaining and using criminal history record information as provided by other law.

(f) The Health and Human Services Commission shall destroy criminal history record information obtained under this section after the information is used for its authorized purpose.

SECTION 36. Section 411.115, Government Code, is amended by amending Subsections (b), (d), and (e) and adding Subsections (c) and (f) to read as follows:

(b) The Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, is entitled to obtain [from the department] criminal history record information as provided by Subsection (c) [maintained by the department] that relates to a person:

(1) who is:

(A) an applicant for employment with the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center;

(B) an employee of the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center;

(C) an applicant for employment with or an employee of a business or person who ~~that~~ contracts with the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center to provide residential services to patients with mental illness or clients with an intellectual or developmental disability who were furloughed or discharged from a Department of State Health Services facility, a Health and Human Services Commission facility, or a community center, as applicable;

(D) a volunteer with the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center; or

(E) a volunteer applicant; and

(2) who would be placed in direct contact with patients with mental illness or clients with an intellectual or developmental disability.

(c) Subject to Section 411.087 and consistent with the public policy of this state, the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person who is described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(d) The Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (c)(1). Criminal history record information obtained by the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, under Subsection (c)(2) ~~[(4)]~~ may not be released or disclosed to a person, other than the contractor that employs the person who is the subject of the criminal history record information, except on court order or with the consent of the person who is the subject of the criminal history record information.

(e) The Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, shall ~~collect and~~ destroy criminal history record information obtained under this section after the information is used for its authorized purpose ~~[that relates to a person immediately after making an employment decision or taking a personnel action relating to the person who is the subject of the criminal history record information].~~

(f) This section does not prohibit the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, from obtaining and using criminal history record information as provided by other law.

SECTION 37. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1161 to read as follows:

Sec. 411.1161. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND NURSE AIDE CERTIFICATION, MEDICATION AIDE PERMIT, AND

NURSING FACILITY ADMINISTRATOR LICENSE. (a) The Health and Human Services Commission is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is an initial or renewal applicant for:

(1) a nurse aide certification with inclusion in the nurse aide registry established under Chapter 250, Health and Safety Code;

(2) a medication aide permit issued under Chapter 142, Health and Safety Code; or

(3) a nursing facility administrator license issued under Chapter 242, Health and Safety Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Health and Human Services Commission under Subsection (b)(2) may not be released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information;

(3) for purposes of an administrative hearing held by the Health and Human Services Commission concerning the person who is the subject of the criminal history record information; or

(4) as provided by Subsection (d).

(d) The Health and Human Services Commission is not prohibited from releasing criminal history record information obtained under Subsection (b)(2) to the person who is the subject of the criminal history record information.

(e) This section does not prohibit the Health and Human Services Commission from obtaining and using criminal history record information as provided by other law.

(f) The Health and Human Services Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 38. Section 411.122(d), Government Code, as amended by Chapters 684 (**SB 2200**), 768 (**HB 1501**), and 1232 (**HB 1523**), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(d) The following state agencies are subject to this section:

(1) Texas Appraiser Licensing and Certification Board;

(2) Texas Board of Architectural Examiners;

(3) Texas Board of Chiropractic Examiners;

- (4) State Board of Dental Examiners;
- (5) Texas Board of Professional Engineers and Land Surveyors;
- (6) Texas Funeral Service Commission;
- (7) Texas Board of Professional Geoscientists;
- (8) Health and Human Services Commission, except as provided by Section 411.110, and agencies attached to the commission;
- (9) Texas Department of Licensing and Regulation~~[except as provided by Section 411.093]~~;
- (10) Texas Commission on Environmental Quality;
- (11) Executive Council ~~[Texas Board]~~ of Physical Therapy and Occupational Therapy Examiners;
- (12) Texas Optometry Board;
- (13) Texas State Board of Pharmacy;
- (14) ~~[Texas Board of Physical Therapy Examiners;~~
- ~~[(15)]~~ Texas State Board of Plumbing Examiners;
- ~~[(16)]~~ ~~[(17)]~~ Texas State Board of Examiners of Psychologists;
- ~~[(18)]~~ ~~[(19)]~~ Texas Real Estate Commission;
- ~~[(20)]~~ ~~[(21)]~~ Texas Department of Transportation;
- ~~[(22)]~~ ~~[(23)]~~ State Board of Veterinary Medical Examiners;
- ~~[(24)]~~ ~~[(25)]~~ Texas Department of Housing and Community Affairs;
- ~~[(26)]~~ ~~[(27)]~~ secretary of state;
- ~~[(28)]~~ ~~[(29)]~~ state fire marshal;
- ~~[(30)]~~ ~~[(31)]~~ Texas Education Agency;
- ~~[(32)]~~ ~~[(33)]~~ Department of Agriculture; and
- ~~[(34)]~~ ~~[(35)]~~ Texas Department of Motor Vehicles.

SECTION 39. Section 411.125, Government Code, is amended to read as follows:

Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF NURSING. (a) The Texas Board of Nursing is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (b) ~~[maintained by the department]~~ that relates to a person who:

- (1) is an applicant for vocational, registered, or advanced practice registered nurse licensure, or the holder of a license issued by the board;
- (2) has requested a determination of eligibility for a license from the board; ~~[or]~~
- (3) is subject to investigation by the board in connection with a complaint or formal charge against the person; or
- (4) is accepted for enrollment in a nursing education program that prepares the person for licensure as a vocational, registered, or advanced practice registered nurse.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Board of Nursing is entitled to:

- (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Board of Nursing may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Nursing under Subsection (b)(2) may not be released or disclosed to any person except:

(1) as required under a court order;

(2) to a nursing board that is a member of the nurse licensure compact under Chapter 304, Occupations Code;

(3) with the written consent of the person who is the subject of the criminal history record information; or

(4) as provided by Subsection (d).

(d) The Texas Board of Nursing is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding, in a contested case proceeding conducted by the State Office of Administrative Hearings, or as part of an appeal of a contested case proceeding.

(e) Criminal history record information obtained by the Texas Board of Nursing shall be destroyed by the agency after a final determination is made and all appeals are concluded in the matter for which the information was obtained.

SECTION 40. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12501 to read as follows:

Sec. 411.12501. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION OF FEDERAL BUREAU OF INVESTIGATION: TEXAS ALCOHOLIC BEVERAGE COMMISSION. (a) Subject to Section 411.087 and Public Law 92-544, the Texas Alcoholic Beverage Commission is authorized to obtain and use criminal history record information maintained or indexed by the Federal Bureau of Investigation that relates to a person who is an applicant for or holds a license, permit, or certificate under the Texas Alcoholic Beverage Code.

(b) This section does not limit the commission's ability to obtain criminal history record information for criminal justice purposes or as authorized by other law.

(c) The commission may require any person for whom the commission is authorized to obtain and use criminal history record information under Subsection (a) to submit a complete and legible set of fingerprints to the commission on a form prescribed by the commission for the purpose of obtaining criminal history record information.

SECTION 41. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12502 to read as follows:

Sec. 411.12502. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL.

(a) The Texas Behavioral Health Executive Council is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is an applicant for or licensed as:

(1) a licensed psychologist, licensed psychological associate, or licensed specialist in school psychology under Chapter 501, Occupations Code;

(2) a licensed marriage and family therapist or licensed marriage and family therapist associate under Chapter 502, Occupations Code;

(3) a licensed professional counselor or licensed professional counselor associate under Chapter 503, Occupations Code; or

(4) a licensed baccalaureate social worker, licensed master social worker, or licensed clinical social worker under Chapter 505, Occupations Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Behavioral Health Executive Council is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Behavioral Health Executive Council may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the executive council under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Behavioral Health Executive Council is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the executive council or the State Office of Administrative Hearings.

(e) The Texas Behavioral Health Executive Council shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 42. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12503 to read as follows:

Sec. 411.12503. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF CHIROPRACTIC EXAMINERS. (a) The Texas Board of Chiropractic Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to:

(1) a person who is an applicant for a license or registration under Chapter 201, Occupations Code; or

(2) the holder of a license or registration under Chapter 201, Occupations Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Board of Chiropractic Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Board of Chiropractic Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Chiropractic Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Board of Chiropractic Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted under the authority of the Texas Board of Chiropractic Examiners.

(e) The Texas Board of Chiropractic Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 43. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12504 to read as follows:

Sec. 411.12504. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BOARD OF DENTAL EXAMINERS. (a) The State Board of Dental Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

(1) is an applicant for a license, certificate, registration, permit, or other authorization under Subtitle D, Title 3, Occupations Code;

(2) is the holder of a license, certificate, registration, permit, or other authorization under that subtitle;

(3) requests a determination of eligibility for a license, certificate, registration, permit, or other authorization from the State Board of Dental Examiners; or

(4) is an applicant for employment at or current employee of the State Board of Dental Examiners.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the State Board of Dental Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The State Board of Dental Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the State Board of Dental Examiners under Subsection (b)(2) may



not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The State Board of Dental Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the State Board of Dental Examiners or the State Office of Administrative Hearings.

(e) The State Board of Dental Examiners shall destroy criminal history record information obtained under this section after a final determination is made in the matter for which the information was obtained.

SECTION 44. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12505 to read as follows:

Sec. 411.12505. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: QUALIFIED SCHOOL CONTRACTORS. (a) In this section, "qualified school contractor" means an entity that:

(1) contracts or subcontracts to provide services to a school district, charter school, or shared services arrangement; and

(2) is determined eligible by the department to obtain criminal history record information under the National Child Protection Act of 1993 (34 U.S.C. Section 40101 et seq.) for an employee, applicant for employment, or volunteer of the qualified school contractor.

(b) A qualified school contractor is entitled to obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a)(2).

(c) Criminal history record information obtained by a qualified school contractor under Subsection (b) in the original form or any subsequent form:

(1) may not be released to any person except:

(A) to the person who is the subject of the information;

(B) with the consent of the person who is the subject of the information;

(C) by court order; or

(D) except as provided by Subsection (d); and

(2) is not subject to disclosure as provided by Chapter 552.

(d) A qualified school contractor may provide a fitness determination based on criminal history record information obtained under this section to a school district, charter school, or shared services arrangement.

(e) A qualified school contractor shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

(f) The department in coordination with the commissioner of education may adopt rules necessary to implement this section.

SECTION 45. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12506 to read as follows:

Sec. 411.12506. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.

(a) The Texas Commission on Environmental Quality is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

(1) is an applicant for a license, permit, or registration under:

(A) Chapters 341, 361, and 366, Health and Safety Code;

(B) Chapter 1903, Occupations Code; or

(C) Chapters 26 and 37, Water Code;

(2) is the holder of a license, permit, or registration under a provision listed in Subdivision (1); or

(3) requests a determination of eligibility for a license, permit, or registration from the agency under a provision listed in Subdivision (1).

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Commission on Environmental Quality is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Commission on Environmental Quality may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Commission on Environmental Quality under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Commission on Environmental Quality is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in an administrative proceeding conducted by the Texas Commission on Environmental Quality or the State Office of Administrative Hearings.

(e) The Texas Commission on Environmental Quality shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 46. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12507 to read as follows:

Sec. 411.12507. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS FUNERAL SERVICE COMMISSION. (a) The Texas Funeral Service Commission is entitled to obtain criminal history record information as provided by Subsection (b) that relates to:

(1) a person who is:

(A) an applicant for a license or certificate under Sections 651.259 and 651.302, Occupations Code; or

(B) the holder of a license or certificate under Chapter 651, Occupations Code;

(2) an applicant for a license or a license holder under Chapter 651, Occupations Code;

(3) an applicant for employment at or current employee of the Texas Funeral Service Commission; or

(4) a person authorized to access vital records or the vital records electronic registration system under Chapter 191, Health and Safety Code, or a funeral director.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Funeral Service Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Funeral Service Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Funeral Service Commission under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Funeral Service Commission is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Funeral Service Commission.

(e) The Texas Funeral Service Commission may not consider offenses described by Section 542.304, Transportation Code, to determine whether to hire or retain an employee or to contract with a person on whom criminal history record information is obtained under this section.

(f) The Texas Funeral Service Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 47. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12508 to read as follows:

Sec. 411.12508. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: MANUFACTURED HOUSING DIVISION. (a) The manufactured housing division of the Texas Department of Housing and Community Affairs is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) an applicant for or holder of a license under Chapter 1201, Occupations Code; or

(2) an owner, officer, or related person or manager of a person described by Subdivision (1).

(b) Subject to Section 411.087 of this code and Chapter 1201, Occupations Code, and consistent with the public policy of this state, the manufactured housing division is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The manufactured housing division may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the manufactured housing division under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The manufactured housing division is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the manufactured housing division. Certified public documents that contain criminal history record information described by Subsection (b)(2) but that the division does not obtain under that subdivision may be used in a criminal or civil proceeding or in a hearing conducted by the manufactured housing division.

(e) The manufactured housing division shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 48. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12509 to read as follows:

Sec. 411.12509. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE FIRE MARSHAL. (a) The state fire marshal is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is an applicant for a license issued by the state fire marshal.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the state fire marshal is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The state fire marshal may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the state fire marshal under Subsection (b)(2) may not be disclosed or released to any

person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The state fire marshal is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the state fire marshal.

(e) The state fire marshal shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 49. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12510 to read as follows:

Sec. 411.12510. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS MEDICAL BOARD. (a) The Texas Medical Board is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) an applicant for or holder of a license to practice medicine;  
(2) an applicant for or holder of a license to practice as a physician assistant;

(3) an applicant for or holder of a license to practice as an acupuncturist;

(4) an applicant for or holder of a certificate to practice as an acudetox specialist;

(5) an applicant for or holder of a license to practice as a surgical assistant;

(6) an applicant for or holder of a general certificate to perform radiologic procedures, limited certificate to perform radiologic procedures only on specific parts of the body, or radiologist assistant certificate;

(7) an applicant for or holder of a placement on the registry of noncertified technicians;

(8) an employee of an applicant for a hardship exemption;

(9) an applicant for or holder of a license to practice as a medical physicist;

(10) an applicant for or holder of a license to practice as a perfusionist;

(11) an applicant for or holder of a license to practice as a respiratory care practitioner; and

(12) an applicant for or holder of a pain management clinic certificate.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Medical Board is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Medical Board may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Medical Board under Subsection (b)(2) may not be released or disclosed to any person, except as provided by Subsection (d).

(d) The Texas Medical Board is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a hearing conducted by the Texas Medical Board or its advisory boards.

(e) The Texas Medical Board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 50. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12511 to read as follows:

Sec. 411.12511. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF MOTOR VEHICLES. (a) The Texas Department of Motor Vehicles is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person:

(1) who is an applicant for or holds a general distinguishing number under Chapter 503, Transportation Code;

(2) who is an applicant for or holds a license under Chapter 2301 or 2302, Occupations Code; or

(3) who is an officer, director, member, manager, principal, partner, trustee, or other person acting in a representative capacity for an applicant, general distinguishing number holder, or license holder and whose act or omission would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Chapter 503, Transportation Code, or Chapter 2301 or 2302, Occupations Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Department of Motor Vehicles is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Department of Motor Vehicles may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Department of Motor Vehicles under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Department of Motor Vehicles is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing in which the Texas Department of Motor Vehicles is a party.

(e) The Texas Department of Motor Vehicles shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 51. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12512 to read as follows:

Sec. 411.12512. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS OPTOMETRY BOARD. (a) The Texas Optometry Board is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) an applicant for a license under Section 351.251, Occupations Code; or

(2) the holder of a license under Section 351.302, Occupations Code.

(b) Subject to Section 411.087 of this code and Sections 351.2525 and 351.3045, Occupations Code, and consistent with the public policy of this state, the Texas Optometry Board is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Optometry Board may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Optometry Board under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Optometry Board is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Optometry Board.

(e) The Texas Optometry Board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 52. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12513 to read as follows:

Sec. 411.12513. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS. (a) The Executive Council of Physical Therapy and Occupational Therapy Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) an applicant for or the holder of a physical therapist or physical therapist assistant license under Chapter 453, Occupations Code; or

(2) an applicant for or the holder of an occupational therapist or occupational therapy assistant license under Chapter 454, Occupations Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Executive Council of Physical Therapy and Occupational Therapy Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Executive Council of Physical Therapy and Occupational Therapy Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Executive Council of Physical Therapy and Occupational Therapy Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Executive Council of Physical Therapy and Occupational Therapy Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Executive Council of Physical Therapy and Occupational Therapy Examiners.

(e) The Executive Council of Physical Therapy and Occupational Therapy Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 53. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12514 to read as follows:

Sec. 411.12514. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PLUMBING EXAMINERS. (a) The Texas State Board of Plumbing Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to an applicant for a license, registration, endorsement, or certificate under Chapter 1301, Occupations Code, including a license, registration, endorsement, or certificate, as applicable, for any of the following functions: master plumber, journeyman plumber, plumbing inspector, tradesman-plumber limited, plumber's apprentice, multipurpose residential fire protection sprinkler specialist, water supply protection specialist, and medical gas piping installation.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas State Board of Plumbing Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).



(c) The Texas State Board of Plumbing Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas State Board of Plumbing Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person or entity that is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas State Board of Plumbing Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas State Board of Plumbing Examiners.

(e) The Texas State Board of Plumbing Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 54. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12515 to read as follows:

Sec. 411.12515. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS REAL ESTATE COMMISSION AND TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD. (a) In this section:

(1) "Board" means the Texas Appraiser Licensing and Certification Board.

(2) "Commission" means the Texas Real Estate Commission.

(b) The commission is entitled to obtain criminal history record information as provided by Subsection (d) that relates to:

(1) an applicant for an initial broker or sales agent license or renewal of a broker or sales agent license under Chapter 1101, Occupations Code;

(2) an applicant for an original certificate of registration as an easement or right-of-way agent or renewal of a certificate of registration as an easement or right-of-way agent under Chapter 1101, Occupations Code; or

(3) an applicant for an apprentice inspector license, a real estate inspector license, or a professional inspector license or renewal of an apprentice inspector license, a real estate inspector license, or a professional inspector license under Chapter 1102, Occupations Code.

(c) The board is entitled to obtain criminal history record information as provided by Subsection (d) that relates to:

(1) an applicant for an appraiser trainee license, a residential appraiser license, a residential appraiser certificate, or a general appraiser certificate or renewal of an appraiser trainee license, a residential appraiser license, a residential appraiser certificate, or a general appraiser certificate under Chapter 1103, Occupations Code; or

(2) an applicant for registration or renewal of a registration as an appraisal management company under Chapter 1104, Occupations Code.

(d) Subject to Section 411.087 of this code and Sections 1101.3521, 1101.4521, 1101.5041, 1102.1051, and 1103.2031, Occupations Code, and consistent with the public policy of this state, the commission and the board are entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b) or (c); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b) or (c).

(e) The commission or the board, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (d)(1). The commission or the board, as applicable, is not prohibited from disclosing criminal history record information obtained under Subsection (d)(2) in a criminal proceeding or in a hearing conducted by the State Office of Administrative Hearings on behalf of that agency.

(f) The commission or board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 55. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12516 to read as follows:

Sec. 411.12516. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS. (a) The Texas Board of Professional Engineers and Land Surveyors is entitled to obtain criminal history record information as provided by Subsection (b) that relates to an applicant for or holder of a license under Chapters 1001 and 1071, Occupations Code.

(b) Subject to Section 411.087 of this code and Section 1001.272, Occupations Code, and consistent with the public policy of this state, the Texas Board of Professional Engineers and Land Surveyors is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Board of Professional Engineers and Land Surveyors may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Professional Engineers and Land Surveyors under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Board of Professional Engineers and Land Surveyors is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Board of Professional Engineers and Land Surveyors.

(e) The Texas Board of Professional Engineers and Land Surveyors shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 56. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12517 to read as follows:

Sec. 411.12517. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PHARMACY. (a) The Texas State Board of Pharmacy is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

(1) is an applicant for or holder of a license, certificate, registration, permit, or other authorization under Chapters 557, 558, 559, and 568, Occupations Code;

(2) is an applicant for or holder of a Class A, Class B, Class C, Class D, or Class E pharmacy license under Chapters 560 and 561, Occupations Code;

(3) requests a determination of eligibility for a license, certificate, registration, permit, or other authorization from the Texas State Board of Pharmacy; or

(4) is an applicant for employment at or current employee of the Texas State Board of Pharmacy.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas State Board of Pharmacy is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas State Board of Pharmacy may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas State Board of Pharmacy under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas State Board of Pharmacy is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas State Board of Pharmacy or the State Office of Administrative Hearings.

(e) The Texas State Board of Pharmacy shall destroy criminal history record information obtained under this section after a final determination is made in the matter for which the information was obtained.

SECTION 57. The heading to Section 411.1296, Government Code, is amended to read as follows:

Sec. 411.1296. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYMENT BY APPRAISAL DISTRICT, ~~[AND]~~ APPOINTMENT TO APPRAISAL REVIEW BOARD FOR APPRAISAL DISTRICT, AND APPLICANT TO TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD.

SECTION 58. Section 411.1296, Government Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1), (d), (e), and (f) to read as follows:

(a) Except as provided by Subsection (b), an appraisal district established by Section 6.01, Tax Code, and the Texas Appraiser Licensing and Certification Board are ~~[is]~~ entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (a-1) ~~[maintained by the department]~~ that relates to a person who is an applicant for employment by the appraisal district, ~~[or]~~ for appointment to the appraisal review board for the appraisal district, for a license or certification as an appraiser trainee, licensed residential appraiser, certified residential appraiser, or certified general appraiser, or for an appraisal management company regulated by the Texas Appraiser Licensing and Certification Board.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, an appraisal district and the Texas Appraiser Licensing and Certification Board are entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The appraisal district may provide criminal history record information obtained under Subsection (a-1)(2) ~~[this section]~~ to the local administrative district judge or to the appraisal review board commissioners appointed by the local administrative district judge.

(d) An appraisal district or the Texas Appraiser Licensing and Certification Board, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by an appraisal district or the Texas Appraiser Licensing and Certification Board under Subsection (a-1)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsections (c) and (e).

(e) An appraisal district or the Texas Appraiser Licensing and Certification Board is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by an appraisal district or the Texas Appraiser Licensing and Certification Board.

(f) An appraisal district or the Texas Appraiser Licensing and Certification Board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 59. Section 411.1386, Government Code, is amended by amending Subsections (a), (a-6), (b), (c), (g), and (h) and adding Subsections (a-7) and (c-1) to read as follows:

(a) Except as provided by Subsections (a-1)[~~;(a-5)~~] and (a-6), the clerk of the county having venue over a proceeding for the appointment of a guardian under Title 3, Estates Code, shall obtain from the department criminal history record information as provided by Subsection (a-7) [~~maintained by the department~~] that relates to[+]

~~[(1) a private professional guardian;~~

~~[(2) each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;~~

~~[(3) each person employed by a private professional guardian who will:~~

~~[(A) have personal contact with a ward or proposed ward;~~

~~[(B) exercise control over and manage a ward's estate; or~~

~~[(C) perform any duties with respect to the management of a ward's estate;~~

~~[(4) each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; or~~

~~[(5)] any [other] person proposed to serve as a guardian under Title 3, Estates Code, including a proposed temporary guardian, [and] a proposed successor guardian, or any person who will have contact with the proposed ward or the proposed ward's estate on behalf of the proposed guardian, other than an attorney or a certified guardian.~~

(a-6) The clerk described by Subsection (a) is not required to obtain criminal history record information from the department for a person if the Judicial Branch Certification Commission conducted a criminal history check on the person under Sections 155.203 and 155.207 [Chapter 155]. The commission shall provide to the clerk [at the court's request] the criminal history record information that was obtained from the department [or the Federal Bureau of Investigation]. The clerk shall, in accordance with Subsection (a-7)(1), obtain criminal history record information from the Federal Bureau of Investigation identification division relating to any person described by Subsection (a).

(a-7) Subject to Section 411.087 and consistent with the public policy of this state, the clerk described by Subsection (a) is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) Criminal history record information obtained by or provided to a clerk under this section [~~Subsection (a), (a-5), or (a-6)~~] is for the exclusive use of the court and is privileged and confidential.

(c) A clerk may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-7)(1). Criminal history record information obtained by or provided to a clerk under Subsection (a-7)(2) [~~(a), (a-5),~~] or (a-6) may not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c-1) The clerk shall ~~may~~ destroy the criminal history record information after the information is used for the purposes authorized by this section.

(g) A person commits an offense if the person releases or discloses any information received under this section without the authorization prescribed by Subsection (c) [~~or (d)~~]. An offense under this subsection is a Class A misdemeanor.

(h) The county clerk may charge a \$10 fee to recover the costs of obtaining criminal history record information [~~records~~] authorized by Subsection (a-7) [~~(a)~~].

SECTION 60. Section 411.13861, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (c-1) to read as follows:

(a) The Health and Human Services Commission is entitled to obtain [~~from the Department of Public Safety~~] criminal history record information as provided by Subsection (a-1) [~~maintained by the Department of Public Safety~~] that relates to a person:

(1) who is required to undergo a background and criminal history check under Chapter 248A, Health and Safety Code;

(2) who seeks unsupervised visits with a ward of the Health and Human Services Commission, including a relative of the ward;

(3) who is an applicant for employment with the Health and Human Services Commission for a position in which the person, as an employee, would have direct access to residents or clients of a facility regulated by the Health and Human Services Commission, as determined by the executive commissioner of that commission; or

(4) who is an employee of the Health and Human Services Commission and who has direct access to residents or clients of a facility regulated by that commission, as determined by the executive commissioner of that commission.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person who is described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) Criminal history record information obtained under Subsection (a-1) ~~[(a)]~~ is for the exclusive use of the Health and Human Services Commission and is privileged and confidential.

(c) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Health and Human Services Commission under Subsection (a-1)(2) ~~[(a)]~~ may not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c-1) The Health and Human Services Commission shall ~~may~~ destroy the criminal history record information after the information is used for the purposes authorized by this section.

SECTION 61. Section 411.1405, Government Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (b-1) and (g) to read as follows:

(b) To the extent consistent with Subsection (e), a state agency is entitled to obtain ~~[from the department the]~~ criminal history record information as provided by Subsection (b-1) [maintained by the department] that relates to a person who:

(1) is an employee, applicant for employment, contractor, subcontractor, or intern or other volunteer with the state agency or with a contractor or subcontractor for the state agency; and

(2) has access to information resources or information resources technologies, other than a desktop computer or telephone station assigned to that person.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, a state agency is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) A state agency may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). A state agency that obtains criminal history record information under this section may not release or disclose the information obtained under Subsection (b-1)(2) or any documents or other records derived from the information except:

(1) by court order;

(2) with the consent of the person who is the subject of the information;

~~or~~

(3) to the affected contractor or subcontractor; or

(4) as described by Subsection (g) [— unless the information was obtained by the department from the Federal Bureau of Investigation].

(d) A state agency and the affected contractor or subcontractor shall destroy criminal history record information obtained under this section after the information is used for the purposes authorized by this section ~~[that relates to a person after the information is used to make an employment decision or to take a personnel action relating to the person who is the subject of the information].~~

(g) A state agency is not prohibited from disclosing criminal history record information obtained under Subsection (b-1)(2) in a criminal proceeding.

SECTION 62. Section 411.1408, Government Code, is amended by amending Subsections (b) and (c) and adding Subsections (b-1) and (d) to read as follows:

(b) The commission is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (b-1) ~~[maintained by the department]~~ that relates to a person who is an applicant for or the holder of a certificate, registration, or license issued by the commission or otherwise under Subtitle L, Title 2.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, the commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) The commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). Criminal history record information obtained by the commission under Subsection (b-1)(2) ~~[(b)]~~:

(1) may be used by the commission for any purpose related to the issuance, denial, suspension, revocation, or renewal of a certificate, registration, or license issued by the commission or otherwise under Subtitle L, Title 2; and

(2) may not be released or disclosed to any person except:

(A) on court order; or

(B) ~~[with the consent of the person who is the subject of the information; or~~

~~[(c)]~~ as authorized by Section 411.1386(a-6) of this code or Section 1104.404, Estates Code, if applicable~~[-and~~

~~[(3) shall be destroyed by the commission after the information is used for the authorized purposes].~~

(d) The commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 63. Section 411.1409, Government Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsection (b-1) to read as follows:



(b) An appellate court is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (b-1) ~~[maintained by the department]~~ that relates to a person who is an applicant for:

- (1) employment with the court;
- (2) a volunteer position with the court; or
- (3) an appointment made by the court.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, the court is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) Criminal history record information obtained by the court under this section [Subsection (b)] may be used only to evaluate an applicant.

(d) The court may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). The court may not release or disclose information obtained under Subsection (b-1)(2) [del(b)] except on order of a district court [or with the consent of the person who is the subject of the criminal history record information].

(e) The [After the expiration of any probationary term of the person's employment, volunteer status, or appointment, the] court shall destroy [all] criminal history record information obtained under this section after the information is used for its authorized purpose [Subsection (b)].

SECTION 64. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.14101 to read as follows:

Sec. 411.14101. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) In this section, "office" means the State Office of Administrative Hearings.

(b) The office is entitled to obtain criminal history record information as provided by Subsection (c) that relates to a person who is:

- (1) an employee of, or an applicant for employment with, the office; or
- (2) a contractor, subcontractor, volunteer, or intern of the office, or an applicant to serve in one of those capacities.

(c) Subject to Section 411.087 and consistent with the public policy of this state, the office is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(d) The office may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (c)(1). Criminal history record information obtained by the office under Subsection (c)(2) may not be released or disclosed to any person except by court order or with the written consent of the person who is the subject of the criminal history record information.

(e) The office shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 65. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.14102 to read as follows:

Sec. 411.14102. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (a) The Texas Board of Architectural Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to:

(1) a person who is:

(A) an applicant for an architectural registration under Chapter 1051, Occupations Code; or

(B) the holder of an architectural registration under that chapter;

(2) a person who is:

(A) an applicant for a landscape architectural registration under Chapter 1052, Occupations Code; or

(B) the holder of a landscape architectural registration under that chapter; or

(3) a person who is:

(A) an applicant for an interior design registration under Chapter 1053, Occupations Code; or

(B) the holder of an interior design registration under that chapter.

(b) Subject to Section 411.087 of this code and Section 1051.3041, Occupations Code, and consistent with the public policy of this state, the Texas Board of Architectural Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Board of Architectural Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Architectural Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order or as provided by Subsection (d).

(d) The Texas Board of Architectural Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Board of Architectural Examiners or the State Office of Administrative Hearings.

(e) The Texas Board of Architectural Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 66. Sections 301.2511(a) and (c), Occupations Code, are amended to read as follows:

(a) An applicant for a vocational, registered, or advanced practice registered nurse license must submit to the board, in addition to satisfying the other requirements of this subchapter, a complete and legible set of fingerprints, on a form prescribed by the board, for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(c) The board by rule shall develop a system for obtaining criminal history record information for a person accepted for enrollment in a nursing educational program that prepares the person for ~~[initial]~~ licensure as a vocational, registered, or advanced practice registered ~~[or vocational]~~ nurse by requiring the person to submit to the board a set of fingerprints that meets the requirements of Subsection (a). The board may develop a similar system for an applicant for enrollment in a nursing educational program. The board may require payment of a fee by a person who is required to submit a set of fingerprints under this subsection.

SECTION 67. Section 1101.002, Occupations Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Easement or right-of-way agent" means a person who sells, buys, leases, or transfers an easement or right-of-way for another, for compensation or with the expectation of receiving compensation, for use in connection with telecommunication, utility, railroad, or pipeline service.

SECTION 68. Section 1101.501, Occupations Code, is amended to read as follows:

Sec. 1101.501. CERTIFICATE REQUIRED. A person may not act as an easement or right-of-way agent ~~[sell, buy, lease, or transfer an easement or right of way for another, for compensation or with the expectation of receiving compensation, for use in connection with telecommunication, utility, railroad, or pipeline service]~~ unless the person:

- (1) holds a license issued under this chapter; or
- (2) holds a certificate of registration issued under this subchapter.

SECTION 69. Section 1101.5041, Occupations Code, is amended to read as follows:

Sec. 1101.5041. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR CERTIFICATE. An applicant for an original certificate of registration as an easement or right-of-way agent or renewal of a certificate of registration as an easement or right-of-way agent must comply with the criminal history record check requirements of Section 1101.3521.

SECTION 70. Section 2025.251, Occupations Code, is amended to read as follows:

Sec. 2025.251. OCCUPATIONAL LICENSE REQUIRED. (a) Except as provided by this section, a person, other than as a spectator or as a person placing a wager, may not participate in ~~rac[ing with]~~ pari-mutuel racing activities or wagering without first obtaining a license from the commission. A person may not engage in any occupation for which commission rules require a license under this subtitle without first obtaining a license from the commission.

(b) The commission ~~[by rule]~~ shall ~~[categorize the occupations of racetrack employees and]~~ determine the occupations that afford ~~[the employee]~~ an opportunity to influence racing with pari-mutuel wagering, including individuals who~~[-. The rules must require an employee to be licensed under this subtitle if the employee]~~:

(1) work ~~[works]~~ in an occupation as an employee, contractor, or volunteer ~~[determined by the commission]~~ to afford the individual ~~[employee]~~ an opportunity to influence racing with pari-mutuel wagering; or

(2) will likely have significant access to the backside of a racetrack or to restricted areas of the frontside of a racetrack.

(c) Notwithstanding Subsection (b), the following individuals require a criminal history background check before an occupational license is issued: commissioners, regulatory employees and contractors hired by the commission, racetrack association employees, training facility employees, and employees of either a recognized horseman's organization or licensed racehorse owners.

SECTION 71. The following provisions are repealed:

(1) Sections 22.0834(g), (i), (k), (m), and (n), Education Code;

(2) Section 22.08341, Education Code;

(3) Sections 1104.403, 1104.407, 1104.408, and 1104.410, Estates Code;

(4) Section 411.110(d), Government Code;

(5) Section 411.122(c), Government Code;

(6) Sections 411.1386(a-4), (a-5), (d), (f), and (i), Government Code; and

(7) Section 411.13861(f), Government Code.

SECTION 72. 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, 2023.

### **HB 5405 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 5405**, A bill to be entitled An Act relating to the conversion of the Legacy Water Control and Improvement District to the Legacy Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Raymond moved to concur in the senate amendments to **HB 5405**.

The motion to concur in the senate amendments to **HB 5405** prevailed by (Record 2179): 104 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bowers; Bryant; Bucy; Burns; Burrows; Button; Campos; Canales; Cole; Collier; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gerwin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Oliverson; Ordaz; Orr; Ortega; Perez; Plesa; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Stucky; Talarico; Tepper; Thierry; Thimesch; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Bonnen; Buckley; Bumgarner; Cain; Capriglione; Clardy; Dean; Dorazio; Gates; Gerdess; Geren; Goldman; Harris, C.J.; Harrison; Hayes; Isaac; Lambert; Leo-Wilson; Noble; Patterson; Paul; Price; Schaefer; Schatzline; Shaheen; Slawson; Smith; Smithee; Spiller; Swanson; Thompson, E.; Tindholt; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Cook; Thompson, S.

### STATEMENTS OF VOTE

When Record No. 2179 was taken, I was temporarily out of the house chamber. I would have voted no.

Cook

When Record No. 2179 was taken, I was shown voting yes. I intended to vote no.

Stucky

### Senate Committee Substitute

**CSHB 5405**, A bill to be entitled An Act relating to the conversion of the Legacy Water Control and Improvement District to the Legacy Municipal Management District; 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. The Legacy Water Control and Improvement District is converted to the Legacy Municipal Management District and is governed by Chapter 4008, Special District Local Laws Code, as added by this Act.

SECTION 2. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 4008 to read as follows:

CHAPTER 4008. LEGACY MUNICIPAL MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 4008.0101. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "County" means Webb County.
- (3) "Director" means a board member.
- (4) "District" means the Legacy Municipal Management District, formerly the Legacy Water Control and Improvement District.

Sec. 4008.0102. NATURE OF DISTRICT; CONVERSION. The Legacy Municipal Management District is a special district created under Section 59, Article XVI, Texas Constitution, as the Legacy Water Control and Improvement District. The district is converted to a municipal management district known as the Legacy Municipal Management District under the same constitutional authority.

Sec. 4008.0103. PURPOSE; DECLARATION OF INTENT. (a) The conversion and operation of the district are 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 converting the district to a municipal management district and in authorizing the county 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 conversion and operation of the district are 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 conversion or operation of the district may not be interpreted to relieve the county 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 services provided in the district.

Sec. 4008.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is converted to a municipal management district 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 conversion and operation 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 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, drainage, road, and recreational 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. 4008.0105. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 3 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 3 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. 4008.0106. 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; or

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code.

Sec. 4008.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 4008.0108. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 4008.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

Sec. 4008.0202. RECOMMENDATIONS FOR SUCCEEDING BOARD.

(a) The initial and each succeeding board of directors shall, and the owners of a majority of the assessed value of property subject to assessment by the district may, recommend to the governing body of the county persons to serve on the succeeding board.

(b) After reviewing the recommendations, the governing body shall approve or disapprove the directors recommended under Subsection (a).

(c) If the governing body is not satisfied with the recommendations submitted under Subsection (a), the board, on the request of the governing body, shall submit to the governing body additional recommendations.

(d) Board members may serve successive terms.

Sec. 4008.0203. REMOVAL OF DIRECTOR. The governing body of the county after notice and hearing may remove a director for misconduct or failure to carry out the director's duties on petition by a majority of the remaining directors.

Sec. 4008.0204. QUORUM. For purposes of determining the requirements for a quorum of the board, the following are not counted:

(1) a board position vacant for any reason, including death, resignation, or disqualification; or

(2) a director who is abstaining from participation in a vote because of a conflict of interest.

Sec. 4008.0205. 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. 4008.0206. INITIAL DIRECTORS ON CONVERSION TO MANAGEMENT DISTRICT. (a) On the conversion of the district to a management district the initial board consists of the following directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1.</u>	<u>Richard Jones</u>
<u>2.</u>	<u>Michael Olson</u>
<u>3.</u>	<u>Melissa Johnson</u>
<u>4.</u>	<u>Kathleen Walker</u>
<u>5.</u>	<u>William Baize</u>

(b) Notwithstanding Section 4008.0201, of the initial directors, the terms of directors appointed for positions one, two, and three expire June 1, 2024, and the terms of directors appointed for positions four and five expire June 1, 2026.

(c) This section expires September 1, 2026.

### SUBCHAPTER C. POWERS AND DUTIES

Sec. 4008.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.



Sec. 4008.0302. 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. 4008.0303. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county, to provide law enforcement services in the district for a fee.

Sec. 4008.0304. 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. 4008.0305. 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 provided to municipalities by:

- (1) Chapter 380, Local Government Code; and
- (2) Subchapter A, Chapter 1509, Government Code.

Sec. 4008.0306. 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. 4008.0307. ADDING OR EXCLUDING LAND. The district may add or exclude land in the manner provided by Subchapter J, Chapter 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

Sec. 4008.0308. 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. 4008.0309. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

#### SUBCHAPTER D. ASSESSMENTS

Sec. 4008.0401. 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. 4008.0402. 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. 4008.0501. TAX ELECTION REQUIRED. (a) 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.

(b) Section 375.243, Local Government Code, does not apply to the district.

Sec. 4008.0502. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under or in accordance with Section 4008.0501, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by or in accordance with 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 district may impose an operation and maintenance tax previously approved by a majority of the voters of the former Legacy Water Control and Improvement District.

(c) The board shall determine the operation and maintenance tax rate. The rate may not exceed:

(1) if the district has not held an election under Subsection (a), the rate approved at an election described by Subsection (b); or

(2) if the district has held an election under Subsection (a), the rate approved at that election.

Sec. 4008.0503. 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 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.

Sec. 4008.0504. OBLIGATIONS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds, notes, and other obligations 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. 4008.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 4008.0501, the district may issue bonds payable from ad valorem taxes.

(b) 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.

(c) 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. 4008.0506. CONSENT OF COUNTY REQUIRED. (a) The board may not issue bonds until the county has consented by resolution to the conversion of the Legacy Water Control and Improvement District to a municipal management 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 I. DISSOLUTION AND MUNICIPAL ANNEXATION

Sec. 4008.0901. DISSOLUTION. (a) The board shall dissolve the district on written petition filed with the board by the owners of:

(1) at least two-thirds 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) at least two-thirds 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.

Sec. 4008.0902. MUNICIPAL ANNEXATION. The district is a "water or sewer district" under Section 43.071, Local Government Code.

SECTION 3. The Legacy Municipal Management District initially includes all territory contained in the following area:

Pilas Tract: Being a tract or parcel containing 3,971.307 acres (172,990,131 square feet) of land situated in Webb County, Texas and being all of a called 1,613.545 acre tract described in deed to Huisache Cattle Company, Ltd. recorded in Volume 645, Page, 72 of the Webb County Deed Records (having 9.217 acres (401,478 square feet) within the right-of-way of U.S. Highway 83 per right-of-way map of State Highway No.(4) U.S. 83, File Number SP718F - Control 37-10-1 and being combined with all of a called 2,357.64 acres described in deed to Huisache Cattle Company, Ltd. recorded in Volume 87, Page 876 of the Webb County Deed Records, said 3,971.307 acres tract being more particularly described by metes and bounds as follows: (Bearings cited herein are based on the Texas State Plane Coordinate System, South Zone, NAD 83, are surface and may be converted to grid applying a combined scale factor of 1.00003144444054)

BEGINNING at a point in the centerline of U.S. Highway 83, north line of Section 1712 and the south line of Section 1932 for the northwest corner of the herein described tract;

THENCE, North 89°57'16" East, along the north line of Section 1712 and the south line of Section 1932, at a distance of 50.21 feet passing a fence on the east right-of-way line of said U.S. Highway 83, continuing for a total distance of 1,520.63 feet to a point for corner;

THENCE, North 89°53'33" East, a distance of 10,741.46 feet to a point in the west line of Section Number 161 for the southeast corner of Section Number 1864, the northwest corner of said called 2,357.64 acre tract, the northeast corner of Section Number 1711 and said called 1,613.545 acre tract and an angle corner of the herein described tract;

THENCE, North  $65^{\circ}39'04''$  East, a distance of 30.49 feet to a point for corner;

THENCE, North  $89^{\circ}33'48''$  East, a distance of 4,238.72 feet to a found 1/2-inch iron rod marking an angle corner of the herein described tract;

THENCE, South  $01^{\circ}13'56''$  West, a distance of 218.76 feet to a point for corner;

THENCE, South  $16^{\circ}54'50''$  East, a distance of 1,161.67 feet to a found 1/2-inch iron rod marking an angle corner of the herein described tract;

THENCE, South  $88^{\circ}10'20''$  East, a distance of 5,602.88 feet to a fence corner in the west line of the Missouri Railroad right-of-way line marking the northeast corner of said called 2,357.64 acre tract and of the herein described tract;

THENCE, South  $04^{\circ}24'06''$  West, a distance of 1,545.87 feet to a point for corner;

THENCE, South  $06^{\circ}21'24''$  West, a distance of 401.86 feet to a point for corner;

THENCE, South  $10^{\circ}41'28''$  West, a distance of 415.71 feet to a point for corner;

THENCE, South  $13^{\circ}24'58''$  West, a distance of 258.75 feet to a point for corner;

THENCE, South  $15^{\circ}19'45''$  West, a distance of 8,091.98 feet to a found magnail in fence line marking the southeast corner of said called 2,357.64 acre tract and of the herein described tract;

THENCE, South  $89^{\circ}57'45''$  West, a distance of 2,483.67 feet to a 1/2-inch iron rod in the east line of Section Number 1321 marking the northwest corner of Section Number 302, the southwest corner of Section Number 301 and an angle corner of the herein described tract;

THENCE, South  $00^{\circ}31'20''$  East, along the east line of Section Number 1321 and the west line of Section Number 302, a distance of 1,202.46 feet to a fence corner marking the northeast corner of Section Number 1322, the southeast corner of Section Number 1321 and an angle corner of the herein described tract;

THENCE, South  $89^{\circ}32'30''$  West, along the north line of Section Number 1322, the south line of Section Number 1321, a distance of 4,733.14 feet to a fence corner marking the most southeasterly northeast corner of Section Number 2311, the southwest corner of Section Number 1321 and an angle corner of the herein described tract;

THENCE, North  $00^{\circ}15'07''$  West, along the east line of Section Number 2311 and the west line of Section Number 1321, a distance of 762.70 feet to a found 2-inch iron pipe marking the northeast corner of Section Number 2311, the southeast corner of Section Number 739 and an angle corner of the herein described tract;

THENCE, North  $09^{\circ}40'01''$  East, along the east line of Section Number 739 and the west line of Section Number 132,1 a distance of 5,475.68 feet to a fence corner in the south line of Section Number 162 marking the northeast corner of Section Number 739, the northwest corner of Section Number 1321 and an angle corner of the herein described tract;

THENCE, South 89°47'03" West, along the south line of Section Number 162 and the north line of Section Number 739, a distance of 1,428.41 feet to a fence corner marking the southwest corner of Section Number 162 and an angle corner of the herein described tract;

THENCE, North 00°10'20" West, a distance of 71.90 feet to a fence corner marking the southeast corner of Section Number 1711 and an angle corner of the herein described tract;

THENCE, North 80°11'08" West, along the south line of Section Numbers 1711 and 1712, along the north line of Section Numbers 739, 1711 and 430, a distance of 11,354.62 feet to a found 5/8-inch iron rod with plastic cap stamped "Howland Survey" marking the northwest corner of Section Number 430, the northeast corner of Section Number 429 and an angle corner of the herein described tract;

THENCE, North 80°01'11" West, along the north line of Section Number 429 and the south line of Section Number 1712, a distance of 693.31 feet to a point in the centerline of U.S. Highway 83 for the southwest corner of the herein described tract;

THENCE, North 05°09'04" West, along the centerline of U.S. Highway 83, a distance of 4,835.30 feet to the POINT OF BEGINNING and containing 3,971.307 acres (172,990,131 square feet) of land.

Colorados Tract: Being a tract or parcel containing 2809.853 acres (122,397,204 square feet) of land situated in Webb County, Texas and being the remainder of a called 6,354.8676 acre tract described in deed to Huisache Cattle Company, Ltd. Recorded in Volume 1109, Page, 632 of the Webb County Deed Records (having 7.474 acres (325,559 square feet) within the right-of-way of U.S. Highway 83 per right-of-way map of State Highway No.(4) U.S. 83, File Number SP718F - Control 37-10-1), said 2809.853 acres tract being more particularly described by metes and bounds as follows: (Bearings cited herein are based on the Texas State Plane Coordinate System, South Zone, NAD 83, are surface and may be converted to grid applying a combined scale factor of 1.00003144444054)

BEGINNING at a fence corner in the west line of Section Number 429, the northeast corner of Section Number 431, the southeast corner of Section Number 432, the southwest corner of a 60 foot wide access lane connecting with U.S. Highway 83, an angle corner and POINT OF BEGINNING of the herein described tract;

THENCE, North 09°59'17" East, along the east line of Section Number 432 and the west line of Section Number 429, a distance of 30.00 feet to a point for corner;

THENCE, South 79°48'51" East, along the center of said 60 foot wide access lane, a distance of 5,442.91 feet to a point in the west right-of-way line of U.S. Highway 83 for the northeast corner of the herein described tract;

THENCE with the west right-of-way line of U.S. Highway 83 the following seven (7) courses and distances:

South 05°07'37" East, a distance of 130.69 feet to a point for corner;

South 84°52'23" West, a distance of 100.00 feet to a point for corner;

South  $05^{\circ}07'37''$  East, a distance of 700.00 feet to a point for corner;  
North  $84^{\circ}52'23''$  East, a distance of 100.00 feet to a point of corner;  
South  $05^{\circ}07'37''$  East, a distance of 300.00 feet to a point for corner;  
South  $84^{\circ}52'23''$  West, a distance of 10.00 feet to a point for corner;  
South  $05^{\circ}07'37''$  East, a distance of 857.39 feet to a point in the south line of Section 430 and the north line of Section Number 427 for corner;

THENCE, South  $80^{\circ}03'43''$  East, along the south line of Section 430 and the north line of Section Number 427, a distance of 113.92 feet to a point in the east right-of-way line of U.S. Highway 83 for corner;

THENCE with the east right-of-way line of U.S. Highway 83 the following five (5) courses and distances:

South  $05^{\circ}07'37''$  East, a distance of 1,213.00 feet to a point for corner;  
North  $84^{\circ}52'23''$  East, a distance of 100.00 feet to a point for corner;  
South  $05^{\circ}07'37''$  East, a distance of 600.00 feet to a point for corner;  
South  $84^{\circ}52'23''$  West, a distance of 100.00 feet to a point for corner;  
South  $05^{\circ}07'37''$  East, a distance of 509.15 feet to a point of intersection with the east line of Section Number 427 and the west line of Section Number 428 for corner;

THENCE, South  $09^{\circ}56'17''$  West, crossing U.S. Highway 83 with the east line of Section Number 427 and the west line of Section Number 428, a distance of 384.74 feet to a point in the west right-of-way line of U.S. Highway 83 for corner;

THENCE with the west right-of-way line of U.S. Highway 83 the following five (5) courses and distances:

South  $05^{\circ}07'37''$  East, a distance of 3,709.34 feet to a point for corner;  
South  $84^{\circ}52'23''$  West, a distance of 200.00 feet to a point for corner;  
South  $05^{\circ}07'37''$  East, a distance of 20.00 feet to a point for corner;  
North  $84^{\circ}52'23''$  East, a distance of 200.00 feet to a point for corner;  
South  $05^{\circ}14'13''$  East, a distance of 1,851.67 feet to a point in the north right-of-way line of State Highway 255 (Camino Colombia Toll Road) for the southeast corner of the herein described tract;

THENCE with the north right-of-way line of State Highway 255 (Camino Colombia Toll Road) the following three (3) courses and distances:

South  $66^{\circ}09'45''$  West, a distance of 1,170.41 feet to a point for corner;  
South  $69^{\circ}13'50''$  West, a distance of 5,500.00 feet to a point for corner;  
South  $73^{\circ}38'56''$  West, a distance of 1009.82 feet to a point in the west right-of-way line of Jefferies Road (40 foot wide) for the southwest corner of the herein described tract;

THENCE, North  $21^{\circ}46'40''$  West, along the west right-of-way line of Jefferies Road, a distance of 2,101.65 feet to a point for corner;

THENCE, North  $21^{\circ}46'40''$  West, continuing along the west right-of-way line of Jefferies Road, a distance of 5,282.14 feet to a point for corner;

THENCE, North  $21^{\circ}44'42''$  West, a distance of 39.79 feet to a point for corner;

THENCE, North  $68^{\circ}10'39''$  East, a distance of 41.03 feet to a point for corner;

THENCE, North 21°15'49" West, a distance of 5,690.77 feet to a fence corner in the west line of Section 431 and for the southeast corner of Section Number 433, the northeast corner of Section Number 437, the most southerly corner of Section Number 2148, and an angle corner of the herein described tract;

THENCE, North 10°08'29" East, along the east line of Section Number 2148 and the west line of Section Number 431, a distance of 2,654.82 feet to a point for corner;

THENCE, South 79°44'21" East, along the south line of Section Number 432 and the north line of Section Number 431, a distance of 2,670.37 feet to a point for corner;

THENCE, South 79°55'39" East, continuing along the south line of Section Number 432 and the north line of Section Number 431, a distance of 2,621.70 feet to the POINT OF BEGINNING and containing 2809.853 acres (122,397,204 square feet) of land.

Mary Kay Tract: Being a tract or parcel containing 2,828.368 acres (123,203,717 square feet) of land situated in Webb County, Texas and being all of a called 2,827.868 acre tract described in deed to Simeon Escondido, LLC recorded in Volume 5058, Page, 145 of the Official Public Records of Webb County (having 8.764 acres (381,751 square feet) within the right-of-way of U.S. Highway 83 per right-of-way map of State Highway No.(4) U.S. 83, File Number SP718F - Control 37-10-1), said 2,828.37 acres tract being more particularly described by metes and bounds as follows: (Bearings cited herein are based on the Texas State Plane Coordinate System, South Zone, NAD 83, are surface and may be converted to grid applying a combined scale factor of 1.00003144444054)

BEGINNING at a fence corner marking the northwest corner of a called 2,079.865 acre tract described in deed to Huisache Cattle Company, Ltd. recorded in Volume 166, Page 832 of the Webb County Deed Records and the northwest corner of Section Number 365;

THENCE, North 89°46'52" East, a distance of 4,226.45 feet to a fence corner marking the northeast corner of Section Number 365;

THENCE, North 00°15'28" West, a distance of 1,766.62 feet to a found 1/2-inch iron rod marking the northwest corner of Section Number 364;

THENCE, North 89°49'03" East, a distance of 6,325.20 feet to a found 1/2-inch iron rod in the west right-of-way line of Missouri Pacific Railway and marking the northwest corner of Section Number 364 and the northeast corner of said called 2,079.865 acre tract;

THENCE along said west right-of-way line of Missouri Pacific Railway the following three (3) courses and distances:

South 15°15'10" West, a distance of 975.41 feet to a fence corner;

South 15°22'36" West, a distance of 5,850.97 feet to a fence corner;

South 15°14'37" West, a distance of 4,422.42 feet to a found 1/2-inch iron rod marking the intersection of said west right-of-way line of Missouri Pacific Railway and the north right-of-way line of Webb Road (variable width) marking the southeast corner of said called 2,079.865 acre tract;



THENCE along said north right-of-way line of Webb Road the following sixteen (16) courses and distances:

South 89°09'29" West, a distance of 1,193.75 feet to a point for corner;

North 58°07'19" West, a distance of 103.62 feet to a point for corner;

South 89°39'12" West, a distance of 2,146.38 feet to a point for corner;

North 50°14'54" West, a distance of 17.15 feet to a point for corner;

North 66°50'21" West, a distance of 190.16 feet to a point for corner;

North 61°02'47" West, a distance of 784.40 feet to a point for corner;

North 59°54'12" West, a distance of 852.49 feet to a point for corner;

North 55°19'56" West, a distance of 298.30 feet to a point for corner;

North 85°28'43" West, a distance of 130.46 feet to a point for corner;

South 82°11'14" West, a distance of 370.50 feet to a point for corner;

North 86°09'22" West, a distance of 93.50 feet to a point for corner;

North 78°36'04" West, a distance of 493.77 feet to a point for corner;

North 71°50'14" West, a distance of 76.42 feet to a point for corner;

North 61°10'29" West, a distance of 446.90 feet to a point for corner;

North 47°43'13" West, a distance of 623.92 feet to a fence corner;

North 86°18'49" West, a distance of 1,355.92 feet to a point in an east line of a called 748.003 acre tract described in deed to Huisache Cattle Company, Ltd. recorded in Volume 166, Page 832 of the Webb County Deed Records and the southwest corner of said called 2,079.865 acre tract;

THENCE, South 02°36'57" West, over and across said Webb Road, a distance of 47.72 feet to a point in the south right-of-way line of said Webb Road;

THENCE along said south right-of-way line of Webb Road the following three (3) courses and distances:

North 80°08'21" West, a distance of 1,032.58 feet;

North 80°13'29" West, a distance of 32.50 feet;

North 73°38'40" West, a distance of 3,821.11 feet to a point for the intersection of said Webb Road and the centerline of U.S. Highway 83 (variable width) for the southwest corner of said called 748.003 acre tract;

THENCE, North 05°10'00" West, along said centerline of U.S. Highway 83, a distance of 5,896.54 feet to a point for the northwest corner of said called 748.003 acre tract;

THENCE, South 80°01'13" East, a distance of 6,230.95 feet to a fence corner;

THENCE, North 08°49'51" East, a distance of 1,159.98 feet to the POINT OF BEGINNING and containing 2,828.368 acres (123,203,717 square feet) of land.

Webb Tract: Being a tract or parcel containing 1,696.848 acres (73,914,677 square feet) of land situated in Webb County, Texas and being out of and a part of a called 1,822.50 acre tract described in deed to Huisache Cattle Company, Ltd. recorded in Volume 841, Page, 814 of the Webb County Deed Records, said 1,696.848 acres tract being more particularly described by metes and bounds as follows: (Bearings cited herein are based on the Texas State Plane Coordinate System, South Zone, NAD 83, are surface and may be converted to grid applying a combined scale factor of 1.00003144444054)

BEGINNING at a fence corner marking the common corners of Section Number 362, 363, 1606, 1593 and an angle corner of the herein described tract;

THENCE, North  $89^{\circ}25'08''$  West, a distance of 1,318.28 feet to a found 1/2-inch iron rod in the east right-of-way line of Interstate Highway 35 (variable width) marking the southwest corner of the herein described tract;

THENCE with said east right-of-way line of Interstate Highway 35 the following nine (9) courses and distances:

North  $12^{\circ}32'12''$  East, a distance of 1,260.55 feet to a fence post for corner and beginning of a curve to the left;

Northeasterly, along a non-tangent curve to the left, having a radius of 1,948.57 feet, with an arc length of 422.06 feet, a chord bearing and distance of North  $06^{\circ}18'36''$  East, 421.24 feet to a fence post for corner;

North  $00^{\circ}00'40''$  East, a distance of 296.40 feet to a fence post for corner;

North  $66^{\circ}59'21''$  East, a distance of 40.19 feet to a fence post for corner;

North  $12^{\circ}08'53''$  East, a distance of 70.85 feet to a fence post for corner;

North  $48^{\circ}56'46''$  West, a distance of 64.62 feet to a fence post for corner and the beginning of a curve to the right;

Northeasterly, along a non-tangent curve to the right, having a radius of 1,888.99 feet, with an arc length of 374.29 feet, a chord bearing and distance of North  $09^{\circ}43'00''$  East, 373.68 feet to a fence post for corner;

North  $15^{\circ}17'07''$  East, a distance of 610.18 feet to a fence post for corner;

North  $15^{\circ}18'24''$  East, a distance of 495.69 feet to a fence post for the northwest corner of the herein described tract;

THENCE, North  $89^{\circ}29'54''$  East, a distance of 15,726.16 feet to a fence post for the northeast corner of the herein described tract;

THENCE, South  $00^{\circ}32'58''$  East, a distance of 1,914.30 feet to a fence post for corner;

THENCE, South  $89^{\circ}29'51''$  West, a distance of 6,231.04 feet to a fence post for corner;

THENCE, South  $00^{\circ}12'48''$  East, a distance of 5,187.59 feet to a fence post for the southeast corner of Section Number 1963 and the herein described tract;

THENCE, North  $89^{\circ}46'59''$  West, a distance of 1,927.01 feet to a fence post for corner;

THENCE, South  $00^{\circ}26'24''$  East, a distance of 187.62 feet to a fence post for corner;

THENCE, North  $89^{\circ}57'49''$  West, a distance of 1,596.00 feet to a fence post for corner;

THENCE, North  $69^{\circ}14'50''$  West, a distance of 5,746.17 feet to a fence post for corner;

THENCE, North  $00^{\circ}05'46''$  East, a distance of 1,640.56 feet to the POINT OF BEGINNING and containing 1,696.848 acres (73,914,677 square feet) of land.

SECTION 4. The Legacy Municipal Management District retains all rights, powers, privileges, authority, duties, and functions that the Legacy Water Control and Improvement District had before the effective date of this Act, except as otherwise expressly provided by Chapter 4008, Special District Local Laws Code, as added by this Act.

SECTION 5. (a) The legislature validates and confirms all governmental acts and proceedings of the Legacy Water Control and Improvement District that were taken before the effective date of this Act.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

SECTION 6. (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) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

(e) 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 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, 2023.

**HB 5344 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

Representative C. Bell called up with senate amendments for consideration at this time,

**HB 5344**, A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 236; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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 5344**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 5344**: C. Bell, chair; Metcalf, Moody, Muñoz, and Shine.

**HB 1620 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1620**, A bill to be entitled An Act relating to the review date for certain governmental entities subject to the sunset review process.

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 1620**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1620**: Holland, chair; K. Bell, Canales, Clardy, and Goldman.

**HB 44 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 44**, A bill to be entitled An Act relating to provider discrimination against a Medicaid recipient or child health plan program enrollee based on immunization status.

Representative Swanson moved to concur in the senate amendments to **HB 44**.

The motion to concur in the senate amendments to **HB 44** prevailed by (Record 2180): 104 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bryant; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; Guillen; Harless; Harris, C.E.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales Shaw; Morrison; Muñoz;

Murr; Noble; Oliverson; Orr; Patterson; Paul; Perez; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Anchía; Bowers; Bucy; Cole; Collier; Cortez; Davis; Flores; González, J.; González, M.; Goodwin; Harris, C.J.; Hinojosa; Howard; Johnson, A.; Johnson, J.E.; Morales, E.; Neave Criado; Ordaz; Ortega; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Turner; Walle; Zwiener.

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

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Guerra; Hernandez; Johnson, J.D.; Jones, J.; Vo.

### STATEMENTS OF VOTE

When Record No. 2180 was taken, I was shown voting yes. I intended to vote no.

Bryant

When Record No. 2180 was taken, I was in the house but away from my desk. I would have voted yes.

Guerra

When Record No. 2180 was taken, I was shown voting no. I intended to vote yes.

C.J. Harris

When Record No. 2180 was taken, I was in the house but away from my desk. I would have voted yes.

J. Jones

### Senate Committee Substitute

**CSHB 44**, A bill to be entitled An Act relating to provider discrimination against a Medicaid recipient or child health plan program enrollee based on immunization status.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02119 to read as follows:

Sec. 531.02119. DISCRIMINATION BASED ON IMMUNIZATION STATUS PROHIBITED. (a) A provider who participates in Medicaid or the child health plan program, including a provider participating in the provider network of a managed care organization that contracts with the commission to provide services under Medicaid or the child health plan program, may not refuse to provide health care services to a Medicaid recipient or child health plan program enrollee based solely on the recipient's or enrollee's refusal or failure to obtain a vaccine or immunization for a particular infectious or communicable disease.

(b) The commission may not provide any reimbursement under Medicaid or the child health plan program, as applicable, to a provider who violates this section unless and until the commission finds that the provider is in compliance with this section.

(c) Subsection (b) applies only with respect to an individual physician. The commission may not refuse to provide reimbursement to a provider who did not violate this section based on that provider's membership in a provider group or medical organization with an individual physician who violated this section.

(d) This section does not apply to a provider who is a specialist in:

(1) oncology; or

(2) organ transplant services.

(e) The executive commissioner may adopt rules as necessary to implement this section.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 3. This Act takes effect September 1, 2023.

### **Senate Amendment No. 1 (Senate Floor Amendment No. 2)**

Amend **CSHB 44** (senate committee report) in SECTION 1 of the bill as follows:

(1) Immediately following added Section 531.02119(a), Government Code (page 1, between lines 35 and 36), insert the following:

(a-1) Notwithstanding Subsection (a), a provider is not in violation of this section if the provider:

(1) adopts a policy requiring some or all of the provider's patients, including patients who are Medicaid recipients or child health plan program enrollees, to be vaccinated or immunized against a particular infections or communicable disease to receive health care services from the provider; and

(2) provides an exemption to the policy described by Subdivision (1) under which the provider accepts from a patient who is a Medicaid recipient or child health plan program enrollee an oral or written request for an exemption from each required vaccination or immunization based on:

(A) a reason of conscience, including a sincerely held religious belief, observance, or practice, that is incompatible with the administration of the vaccination or immunization; or

(B) a recognized medical condition for which the vaccinations or immunization is contraindicated.

(2) Strike added Section 531.02119(e), Government Code (page 1, lines 50 and 51), and substitute the following:

(e) The executive commissioner shall adopt rules necessary to implement this section, including rules establishing the right of a provider who is alleged to have violated this section to seek administrative and judicial review of the alleged violation.

**REMARKS ORDERED PRINTED**

Representative Martinez Fischer moved to print all remarks on **HB 1613** from Thursday, May 25.

The motion prevailed.

**HB 3461 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Without objection, Representative Bonnen called up with senate amendments for consideration at this time,

**HB 3461**, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue and allocation of accrued interest on dedicated revenue, and the exemption of unappropriated money from use for general governmental purposes.

Representative Bonnen moved to concur in the senate amendments to **HB 3461**.

The motion to concur in the senate amendments to **HB 3461** prevailed by (Record 2181): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Kitzman.

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

Amend **HB 3461** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. AMENDMENT OF SECTION 403.0956, GOVERNMENT CODE. Effective September 1, 2023, Section 403.0956, Government Code, is amended to read as follows:

Sec. 403.0956. REALLOCATION OF INTEREST ACCRUED ON CERTAIN DEDICATED REVENUE. Notwithstanding any other law, all interest or other earnings that accrue on all revenue held in an account in the general revenue fund any part of which Section 403.095 makes available for certification under Section 403.121 are available for any general governmental purpose, and the comptroller shall deposit the interest and earnings to the credit of the general revenue fund. This section does not apply to:

- (1) interest or earnings on revenue deposited in accordance with Section 51.008, Education Code;
- (2) an account that accrues interest or other earnings on deposits of state or federal money the diversion of which is specifically excluded by federal law;
- (3) the lifetime license endowment account;
- (4) the game, fish, and water safety account;
- (5) the coastal protection account;
- (6) the Alamo complex account; [~~or~~]
- (7) the artificial reef account;
- (8) the sexual assault program fund; or
- (9) the deferred maintenance fund account.

SECTION \_\_\_\_\_. AMENDMENT OF SECTION 420.008, GOVERNMENT CODE. Effective September 1, 2023, Section 420.008(b), Government Code, is amended to read as follows:

(b) The fund consists of:

- (1) fees and fines collected under:
  - (A) Article 42A.653(a), Code of Criminal Procedure;
  - (B) Section 508.189, Government Code; and
  - (C) Subchapter B, Chapter 102, Business & Commerce Code, and deposited under Section 102.054 of that code; [~~and~~]
- (2) administrative penalties collected under Section 51.258, Education Code; and
- (3) interest and other earnings on money in the fund.

SECTION \_\_\_\_\_. AMENDMENT OF SECTION 2165.403, GOVERNMENT CODE. Effective September 1, 2023, Section 2165.403(b), Government Code, is amended to read as follows:

(b) The fund consists of money appropriated, credited, or transferred to the fund by or at the direction of the legislature, including interest and other earnings on money in the fund.

SECTION \_\_\_\_\_. AMENDMENT OF SECTION 361.014, HEALTH AND SAFETY CODE. Effective September 1, 2023, Section 361.014(d), Health and Safety Code, is amended to read as follows:



(d) Revenues allocated to the commission for the purposes authorized by Subsection (a) or (b) shall be deposited to the credit of the waste management account. ~~[Revenues allocated to local and regional solid waste projects shall be deposited to the credit of an account in the general revenue fund known as the municipal solid waste disposal account.]~~

SECTION \_\_\_\_\_. ABOLISHMENT OF SOLID WASTE DISPOSAL FEES ACCOUNT. Effective September 1, 2023, the solid waste disposal fees account no. 5000 is abolished and the obligations of and unobligated account balances in the account are transferred to the waste management account no. 0549.

SECTION \_\_\_\_\_. ACCOUNTS IN GENERAL REVENUE FUND. Effective on the later of the effective date of the Act creating or re-creating the specified account or August 31, 2023, the following accounts, the revenue deposited to the credit of those accounts, and the revenue dedicated for deposit to the credit of those accounts are exempt from Section 2 of this Act and the accounts are created or re-created in the general revenue fund, if created or re-created by an Act of the 88th Legislature, Regular Session, 2023, that becomes law:

(1) the Lone Star Workforce of the Future Fund created as an account in the general revenue fund by **HB 1755** or similar legislation;

(2) the gulf coast protection account created as an account in the general revenue fund by **HB 2416** or similar legislation;

(3) the accounts created as accounts in the general revenue fund by **HB 3323** or similar legislation;

(4) the program fund created as an account in the general revenue fund by **HB 3771** or similar legislation;

(5) the accounts created in the general revenue fund by **HB 4772** or similar legislation;

(6) the Texas Semiconductor Innovation Fund created as an account in the general revenue fund by **HB 5174** or similar legislation;

(7) the program fund created as an account in the general revenue fund by **SB 8** or similar legislation;

(8) the statewide water public awareness account created as an account in the general revenue fund by **SB 28** or similar legislation;

(9) the renewable energy generation facility cleanup fund created as an account in the general revenue fund by **SB 624** or similar legislation; and

(10) the port access account fund created as an account in the general revenue fund by **SB 1499** or similar legislation.

SECTION \_\_\_\_\_. SEPARATE FUNDS. Effective on the later of the effective date of the Act creating or re-creating the specified fund or August 31, 2023, the following funds, if created or re-created by an Act of the 88th Legislature, Regular Session, 2023, the revenue deposited to the funds and the revenue dedicated for deposit to the funds are exempt from Section 2 of this Act, and the funds are created or re-created as separate funds inside or outside the state treasury, as specified by the Act creating or re-creating the fund:

(1) the open burn pit registry fund created as a fund in the state treasury by **HB 1315** or similar legislation;

(2) the Texas Historical Commission retail operations fund created as a fund outside the state treasury by **HB 2719** or similar legislation;

(3) the leaking water wells fund created as a fund in the state treasury by **HB 4256** or similar legislation;

(4) the new water supply for Texas fund created as a fund in the state treasury by **SB 28** or similar legislation;

(5) the Texas state buildings preservation endowment fund created as a fund outside the state treasury by **SB 1333** or similar legislation;

(6) the Iwo Jima monument and museum fund created as a fund outside the state treasury by **SB 2057** or similar legislation; and

(7) the Texas energy fund created as a fund in the state treasury by **SB 2627** or similar legislation.

SECTION \_\_\_\_\_. REVENUE DEDICATIONS. Effective on the later of the effective date of the Act dedicating or rededicating the specified revenue or August 31, 2023, the following dedications or rededications of revenue collected for a particular purpose are exempt from Section 2 of this Act, if dedicated or rededicated by an Act of the 88th Legislature, Regular Session, 2023:

(1) the dedication of penalty revenue to the foundation school fund provided by **HB 5** or similar legislation;

(2) the dedication of driver's license fees to the Texas mobility fund provided by **HB 842** or similar legislation;

(3) the dedication of revenue provided by **HB 1613** or similar legislation;

(4) the dedication of fee revenue to the public assurance account provided by **HB 1998** or similar legislation;

(5) the dedication of boater education program and exam fees to the game, fish, and water safety account provided by **HB 2755** or similar legislation;

(6) the dedication of revenue provided by **HB 3290** or similar legislation;

(7) the dedication of revenue provided by **HB 3297** or similar legislation;

(8) the dedication of revenue provided by **HB 3345** or similar legislation;

(9) the dedication of revenue to the law enforcement officer standards and education fund account provided by **HB 3539** or similar legislation;

(10) the dedication of revenue provided by **HB 3582** or similar legislation;

(11) the dedication of revenue to the general revenue fund and the hotel occupancy tax for economic development account provided by **HB 3727** or similar legislation;

(12) the dedication of rail safety fees to the state highway fund provided by **HB 4015** or similar legislation;

(13) the dedication of revenue to the game, fish, and water safety account and the state parks account provided by **HB 4018** or similar legislation;

(14) the dedication of revenue to the Texas Department of Insurance operating account provided by **HB 4498** or similar legislation;

(15) the dedication of revenue provided by **HB 4635** or similar legislation;

(16) the dedication of revenue to the Texas Department of Motor Vehicles fund and the general revenue fund provided by **HB 5225** or similar legislation;

(17) the dedication of revenue to the state highway fund provided by **HB 5342** or similar legislation;

(18) the dedication of revenue to the state highway fund provided by **SB 505** or similar legislation;

(19) the dedication of unclaimed property deposits to the judicial fund provided by **SB 658** or similar legislation;

(20) the dedication of revenue to the game, fish, and water safety account provided by **SB 1032** or similar legislation;

(21) the dedication of revenue to the Texas physician health program account provided by **SB 1086** or similar legislation;

(22) the dedication of revenue to the general revenue fund and the hotel occupancy tax for economic development account provided by **SB 1167** or similar legislation;

(23) the dedication of revenue to the general revenue fund and the hotel occupancy tax for economic development account provided by **SB 1420** or similar legislation; and

(24) the dedication of revenue as provided by **SB 2102** or similar legislation.

### **HB 5012 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Without objection, Representative Clardy called up with senate amendments for consideration at this time,

**HB 5012**, 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 Clardy moved to concur in the senate amendments to **HB 5012**.

The motion to concur in the senate amendments to **HB 5012** prevailed by (Record 2182): 119 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Burns; Burrows; Button; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.;

Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Bumgarner; Cain; Canales; Gates; Harrison; Hefner; Hull; Isaac; Leo-Wilson; Metcalf; Noble; Patterson; Schaefer; Schatzline; Shaheen; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Hayes; King, T.

### STATEMENTS OF VOTE

When Record No. 2182 was taken, I was in the house but away from my desk. I would have voted yes.

Hayes

When Record No. 2182 was taken, I was shown voting yes. I intended to vote no.

Paul

### Senate Committee Substitute

**CSHB 5012**, 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 351.1015(a)(2), Tax Code, is amended to read as follows:

(2) "Hotel-associated revenue" means the sum of:

(A) state tax revenue collected in a project financing zone from all hotels located in the zone that would be available to the owners of qualified hotel projects under Section 151.429(h) if the hotels were qualified hotel projects, excluding the amount of that revenue received by a municipality:

(i) under Section 351.156 or 351.157 in connection with a qualified hotel located in the zone that exists on the date the municipality designates the zone, except as provided by Paragraph (B); or

(ii) under Section 351.102(c) for a hotel project described by Section 351.102(b) and located in the zone that exists on the date the municipality designates the zone; and

(B) tax revenue collected from all permittees under Chapter 183 at hotels located in the zone, excluding revenue disbursed by the comptroller under Section 183.051(b).

SECTION 2. Section 351.1015, Tax Code, is amended by amending Subsections (b) and (e) and adding Subsections (j), (k), and (l) to read as follows:

(b) This section applies only to a qualified project located in:

(1) a municipality with a population of at least 650,000 but less than 750,000 according to the most recent federal decennial census;

(2) a municipality described by Section 351.001(7)(B);

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

(4) a municipality described by Section 351.152(61); or

(5) a municipality with a population of at least two million.

(e) A municipality may pledge for the payment of bonds or other obligations described by Subsection (d) the local revenue from eligible tax proceeds as defined by Section 2303.5055(e), Government Code, from hotels located in a project financing zone that would be available to the owners of qualified hotel projects under that section if the hotels were qualified hotel projects, excluding any amount received by the municipality:

(1) in connection with a qualified hotel, as defined by Section 351.151, located in the zone that exists on the date the municipality designates the zone; or

(2) for a hotel project described by Section 351.102(b) and located in the zone that exists on the date the municipality designates the zone.

(j) A local government corporation that is authorized to collect a municipal hotel occupancy tax may act as a municipality under this section and is considered to be a municipality for purposes of this section.

(k) For a municipality described by Subsection (b)(2), (3), or (4), the term "qualified project" also means a venue described by Section 334.001(4)(A), Local Government Code, and any related infrastructure.

(l) Notwithstanding Subsection (a)(5), with respect to a local government corporation to which this subsection applies, the term "qualified project" means a venue and any related infrastructure. This subsection applies only to a local government corporation that:

(1) is authorized to collect a municipal hotel occupancy tax; and

(2) is located in a county with a population of 3.3 million or more.

SECTION 3. Section 351.152, Tax Code, is amended to read as follows:

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 70 [~~75~~] percent of the population of a county with a population of 1.5 million or more;

(6) a municipality with a population of 175,000 [~~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 250,000 [~~150,000~~] or more but less than one million that is located in one county with a population of 2.5 [~~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 at least 95,000 [~~99,900 or more but less than 111,000~~] that is located in a county that is bisected by United States Highway 385 and has [~~with~~] a population of not more than 170,000 [~~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 28,000 [~~9,000~~] or more but less than 31,000 [~~10,000~~] that is located in two counties, each of which has a population of 900,000 [~~662,000~~] or more and a southern border with a county with a population of 2.5 [~~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 2.5 [~~two~~] million or more and one of which has a population of 190,000 [~~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 10,000 [~~6,000~~] that:

(A) is almost wholly located in a county with a population of 900,000 [~~600,000~~] or more that is adjacent to a county with a population of 2.5 [~~two~~] million or more;

(B) is partially located in a county with a population of 2.1 [~~1.8~~] million or more that is adjacent to a county with a population of 2.5 [~~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 60,000 [~~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 110,000 [~~80,000~~];

(19) a municipality with a population of 110,000 [~~83,000~~] or more that:

(A) borders Clear Lake; and

(B) is primarily located in a county with a population of less than 355,000 [~~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 800,000 [~~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 70,000 [~~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 2,900 [~~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 25,000 [~~20,000~~] or more but less than 30,000 [~~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 70,000 [~~48,000~~] or more but less than 115,000 [~~95,000~~] that is located in two counties, one of which has a population of 1.1 million [~~900,000~~] or more but less than 1.9 [~~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 2.1 [~~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 800,000 [~~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 17,000 [~~6,100~~] that:

(A) is located in two counties, each of which has a population of 900,000 [~~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 3,200 [~~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);



(42) a municipality with a population of 28,000 or more that is located in a county with a population of 240,000 or more that contains a portion of the Blanco River and in which is located a historic railroad depot and heritage center;

(43) a municipality located in a county that has a population of not more than 300,000 and in which a component university of the University of Houston System is located;

(44) a municipality with a population of less than 500,000 that is:

(A) located in two counties; and

(B) adjacent to a municipality described by Subdivision (31); ~~and~~

(45) a municipality that:

(A) has a population of more than 67,000; and

(B) is located in two counties with 90 percent of the municipality's territory located in a county with a population of at least 800,000 ~~[580,000]~~, and the remaining territory located in a county with a population of at least four million;

(46) a municipality that:

(A) has a population of 100,000 or more; and

(B) is wholly located in, but is not the county seat of, a county with a population of one million or more:

(i) in which all or part of a municipality with a population of one million or more is located; and

(ii) that is adjacent to a county with a population of 2.5 million or more;

(47) a municipality that is the county seat of a county bordering the Gulf of Mexico and the United Mexican States;

(48) a municipality that is bisected by the Guadalupe River and is the county seat of a county with a population of 170,000 or more;

(49) a municipality with a population of 70,000 or more but less than 150,000 that borders Joe Pool Lake;

(50) a municipality with a population of 115,000 or more that borders the Neches River;

(51) a municipality described by Section 351.101(k);

(52) a municipality that is the county seat of a county:

(A) through which the Brazos River flows; and

(B) in which a national monument is located;

(53) a municipality with a population of 45,000 or more that:

(A) is not the county seat of a county;

(B) is located in a single county; and

(C) contains a portion of Lake Lewisville;

(54) a municipality that is the county seat of a county with a population of more than 900,000 that is adjacent to two counties, each of which has a population of more than 1.8 million;

(55) a municipality that hosts an annual wine festival and is located in three counties, each of which has a population of more than 900,000;

(56) a municipality that has a population of at least 150,000 but less than 1,300,000 and is partially located in a county that contains a portion of Cedar Creek Reservoir;

(57) a municipality that is located in a county that contains a portion of Cedar Creek Reservoir and in which a private college is located;

(58) a municipality that is the county seat of a county:

(A) with a population of one million or more;

(B) in which all or part of a municipality with a population of one million or more is located; and

(C) that is located adjacent to a county with a population of 2.5 million or more;

(59) a municipality that is the county seat of a county that contains a portion of Cedar Creek Reservoir and borders a county with a population of more than 240,000;

(60) a municipality with a population of more than 80,000 but less than 150,000 that is located in a county with a population of more than 369,000 but less than 864,000 that contains part of an active duty United States Army installation;

(61) a municipality with a population of 750,000 or more that is located in a county with a population of 1.5 million or less;

(62) a municipality with a population of less than 7,000 that contains a country music hall of fame;

(63) a municipality with a population of 35,000 or more that contains a railroad museum and is located in a county that:

(A) has a population of 800,000 or more; and

(B) is adjacent to a county with a population of four million or more; and

(64) a municipality:

(A) that is the county seat of a county:

(i) with a population of 60,000 or less; and

(ii) that borders the Rio Grande; and

(B) in which is located a United States military fort listed in the National Register of Historic Places.

SECTION 4. Section 351.153(a), Tax Code, is amended to read as follows:

(a) This section applies only to a municipality described by Section 351.152(5), (6), ~~351.152(6) or~~ (29), or (58).

SECTION 5. Section 351.157, Tax Code, is amended by amending Subsections (a) and (b) and adding Subsection (c-1) to read as follows:

(a) In this section, "qualified establishment" means an establishment:

(1) that is located on land:

(A) owned by a municipality; or

(B) owned by:

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

(ii) [or owned by] the federal government if the establishment is located in a municipality described by Section 351.152(6); or

(iii) a nonprofit corporation, including a public facility corporation, that is acting as or on behalf of, or that is controlled by, a municipality, if the establishment is located in a municipality described by Section 351.152(5);

(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-1) ~~(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);

(1-a) a municipality described by Section 351.152(5);

(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);

(4-a) a municipality described by Section 351.152(14);

(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);

(11) a municipality described by Section 351.152(38); ~~and~~

(11-a) a municipality described by Section 351.152(41);

(12) a municipality described by Section 351.152(43);

(13) a municipality described by Section 351.152(46);

(14) a municipality described by Section 351.152(47);

(15) a municipality described by Section 351.152(49);

(16) a municipality described by Section 351.152(53);

(17) a municipality described by Section 351.152(54);

(18) a municipality described by Section 351.152(56); and

(19) a municipality described by Section 351.152(58).

(c-1) A municipality to which this section applies 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) restaurants;

(2) bars;

(3) retail establishments; and

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

SECTION 6. Subchapter C, Chapter 351, Tax Code, is amended by adding Section 351.161 to read as follows:

Sec. 351.161. RECAPTURE OF LOST STATE TAX REVENUE FROM CERTAIN MUNICIPALITIES. (a) This section:

(1) applies only to a qualified project that is first commenced on or after:

(A) January 1, 2024, unless Paragraph (B) applies to the qualified project; or

(B) January 1, 2027, if the qualified project was authorized before January 1, 2023, by a municipality with a population of 175,000 or more; and

(2) notwithstanding Subdivision (1), does not apply to a qualified project that is the subject of an economic development agreement authorized by Chapter 380, Local Government Code, entered into on or before January 1, 2022.

(b) On the 20th anniversary of the date a hotel designated as a qualified hotel by a municipality as part of a qualified project to which this section applies is open for initial occupancy, the comptroller shall determine:

(1) the total amount of state tax revenue received under Section 351.156 and, if applicable, under Section 351.157 by the municipality from the qualified project during the period for which the municipality was entitled to receive that revenue; and

(2) the total amount of state tax revenue described by Subdivision (1) received by the state during the period beginning on the 10th anniversary of the date the qualified hotel opened for initial occupancy and ending on the 20th anniversary of that date from the same sources from which the municipality received the revenue described by Subdivision (1).

(c) If the amount determined under Subsection (b)(1) exceeds the amount determined under Subsection (b)(2), the comptroller shall promptly provide written notice to the municipality stating that the municipality must remit to the comptroller the difference between those two amounts in the manner provided by this subsection. The municipality shall, using money lawfully available to the municipality for the purpose, remit monthly payments to the comptroller in an amount equal to the total amount of municipal hotel occupancy tax revenue received by the municipality from the qualified hotel in the preceding month until the amount remitted to the comptroller equals the total amount due as stated in the notice. The first payment required under this subsection must be made not later than the 30th day after the date the municipality receives the notice from the comptroller. Subsequent payments are due on the 20th day of each month until the total amount stated in the notice is paid. The comptroller shall prescribe the procedure a municipality must use to remit a payment required by this subsection to the comptroller.

(d) The comptroller shall deposit revenue received under this section in the manner prescribed by Section 156.251.

SECTION 7. Section 351.157(c), Tax Code, is repealed.

SECTION 8. This Act takes effect September 1, 2023.

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

Amend **CSHB 5012** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In the recital to SECTION 2 of the bill (page 1, lines 44 and 45), strike "Subsections (j), (k), and (l)" and substitute "Subsection (k)".

(2) In added Section 351.1015(b)(2), Tax Code (page 1, line 52), insert "or" immediately after the underlined semicolon.

(3) Strike added Section 351.1015(b)(3), Tax Code (page 1, line 53) and renumber the subsequent subdivisions of amended Section 351.1015, Tax Code, accordingly.

(4) In added Section 351.1015(b)(4), Tax Code (page 1, lines 54 and 55), strike "; or" and substitute an underlined period.

(5) Strike added Section 351.1015(b)(5), Tax Code, (page 1, lines 56 and 57).

(6) Strike added Section 351.1015(j), Tax Code (page 2, lines 11 through 14) and reletter the subsequent subsections of amended Section 351.1015, Tax Code, accordingly.

(7) In added Section 351.1015(k), Tax Code (page 2, line 15), strike ", (3),".

(8) Strike added Section 351.1015(l), Tax Code (page 2, lines 19 through 27).

**HB 1998 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Without objection, Representative J.E. Johnson called up with senate amendments for consideration at this time,

**HB 1998**, A bill to be entitled An Act relating to the regulation of physicians and the disciplinary authority of the Texas Medical Board; increasing a criminal penalty; imposing a fee.

Representative J.E. Johnson moved to concur in the senate amendments to **HB 1998**.

The motion to concur in the senate amendments to **HB 1998** prevailed by (Record 2183): 120 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Allen; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers;

Romero; Rose; Rosenthal; Schofield; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Turner; VanDeaver; Vo; Walle; Wilson; Zwiener.

Nays — Bumgarner; Cain; Gates; Gerdes; Harris, C.J.; Harrison; Hayes; Klick; Patterson; Schaefer; Schatzline; Shaheen; Slawson; Swanson; Toth; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Allison; Campos; Garcia; Johnson, J.D.; Sherman; Troxclair.

### Senate Committee Substitute

**CSHB 1998**, A bill to be entitled An Act relating to the regulation of physicians and the disciplinary authority of the Texas Medical Board; increasing a criminal penalty; imposing a surcharge.

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

SECTION 1. Subchapter B, Chapter 153, Occupations Code, is amended by adding Section 153.055 to read as follows:

Sec. 153.055. SURCHARGE FOR CERTAIN SEARCHES RELATED TO LICENSE STATUS. (a) The board shall set and collect an additional surcharge to cover the cost of administering a continuous query on the National Practitioner Data Bank as required by Section 154.006(m). The surcharge shall be collected from each license holder for:

- (1) issuance of a first registration permit; and
- (2) renewal of a registration permit.

(b) The board shall deposit each surcharge collected under this section to the credit of the public assurance account described by Section 153.0535(b).

SECTION 2. Section 154.006, Occupations Code, is amended by adding Subsections (m) and (n) to read as follows:

(m) The board shall run a continuous query on the National Practitioner Data Bank and, not later than the 10th working day after the date any new information is found, update a physician's profile to:

- (1) include any new report or correction to a report of disciplinary action against the physician; and
- (2) remove any report of disciplinary action against the physician that has been dismissed or otherwise voided.

(n) Information included in a physician's profile under Subsection (m) may not include any patient identifying information or information that may reasonably be used to identify any person or entity other than the physician.

SECTION 3. Section 154.056(e), Occupations Code, is amended to read as follows:

(e) The board by rule shall provide for an expert physician panel appointed by the board to assist with complaints and investigations relating to medical competency by acting as expert physician reviewers. Each member of the expert physician panel must be licensed to practice medicine in a member [this] state, as defined by Section 171.002. The rules adopted under this subsection must include provisions governing the composition of the panel, qualifications for membership

on the panel, length of time a member may serve on the panel, grounds for removal from the panel, the avoidance of conflicts of interest, including situations in which the affected physician and the panel member live or work in the same geographical area or are competitors, and the duties to be performed by the panel. The board's rules governing grounds for removal from the panel must include providing for the removal of a panel member who is repeatedly delinquent in reviewing complaints and in submitting reports to the board. The board's rules governing appointment of expert physician panel members to act as expert physician reviewers must include a requirement that the board randomly select, to the extent permitted by Section 154.058(b) and the conflict of interest provisions adopted under this subsection, panel members to review a complaint who are:

(1) licensed to practice medicine in this state; or  
(2) licensed to practice medicine in a member state, as defined by Section 171.002, if there are no panel members licensed to practice medicine in this state available to review the complaint in a timely manner.

SECTION 4. Section 155.003(e), Occupations Code, is amended to read as follows:

(e) An applicant is not eligible for a license if:

(1) the applicant holds a medical license that is currently restricted for cause, canceled for cause, or suspended for cause [~~or revoked~~] by a state, a province of Canada, or a uniformed service of the United States;

(2) an investigation or a proceeding is instituted against the applicant for the restriction, cancellation, suspension, or revocation in a state, a province of Canada, or a uniformed service of the United States; [~~or~~]

(3) a prosecution is pending against the applicant in any state, federal, or Canadian court for any offense that under the laws of this state is a felony or a misdemeanor that involves moral turpitude; or

(4) the applicant held a license to practice medicine that has been revoked by the licensing authority in another state or a province of Canada for a reason that would be grounds for the board to revoke a license to practice medicine in this state.

SECTION 5. Section 155.008(a), Occupations Code, is amended to read as follows:

(a) The board shall [~~may~~] submit to the Department of Public Safety a complete set of fingerprints of each license applicant, and the department shall classify and check the fingerprints against those in the department's fingerprint records. The department shall certify to the board its findings regarding the criminal record of the applicant or the applicant's lack of a criminal record.

SECTION 6. Subchapter A, Chapter 156, Occupations Code, is amended by adding Section 156.0015 to read as follows:

Sec. 156.0015. CRIMINAL RECORD CHECK. (a) In addition to the information required by Section 156.001, a license holder shall submit to the board with the registration permit renewal application a complete set of

fingerprints. The board shall submit to the Department of Public Safety each set of fingerprints received under this section for the purpose of completing the criminal record check described by Section 155.008.

(b) The board may suspend or refuse to renew the registration of a license holder who fails to submit a complete set of fingerprints under this section.

(c) This section does not apply to a license holder who previously submitted a complete set of fingerprints:

(1) as part of an application for a license; or

(2) as part of a previous application to renew a registration permit under this section.

SECTION 7. Section 160.002(a), Occupations Code, is amended to read as follows:

(a) A medical peer review committee or health care entity shall report in writing to the board the results and circumstances of a medical peer review that:

(1) adversely affects the clinical privileges of a physician for a period longer than 14 ~~[30]~~ days;

(2) accepts a physician's surrender of clinical privileges either:

(A) while the physician is under an investigation by the medical peer review committee relating to possible incompetence or improper professional conduct; or

(B) in return for not conducting an investigation or proceeding relating to possible incompetence or improper professional conduct; or

(3) adversely affects the membership of a physician in a professional society or association, if the medical peer review is conducted by that society or association.

SECTION 8. Section 164.051, Occupations Code, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows:

(a) The board may refuse to admit a person to its examination or refuse to issue a license to practice medicine and may take disciplinary action against a person if the person:

(1) commits an act prohibited under Section 164.052;

(2) is convicted of, or is placed on deferred adjudication community supervision or deferred disposition for:

(A) a felony; or

(B) a misdemeanor involving moral turpitude;

(3) commits or attempts to commit a direct or indirect violation of a rule adopted under this subtitle, either as a principal, accessory, or accomplice;

(4) is unable to practice medicine with reasonable skill and safety to patients because of:

(A) illness;

(B) drunkenness;

(C) excessive use of drugs, narcotics, chemicals, or another substance; or

(D) a mental or physical condition;

(5) is found by a court judgment to be of unsound mind;



(6) fails to practice medicine in an acceptable professional manner consistent with public health and welfare;

(7) is removed, suspended, or is subject to disciplinary action taken by the person's peers in a local, regional, state, or national professional medical association or society, or is disciplined by a licensed hospital or medical staff of a hospital, including removal, suspension, limitation of hospital privileges, or other disciplinary action, if the board finds that the action:

(A) was based on unprofessional conduct or professional incompetence that was likely to harm the public; and

(B) was appropriate and reasonably supported by evidence submitted to the board;

(8) is subject to repeated or recurring meritorious health care liability claims that in the board's opinion evidence professional incompetence likely to injure the public; or

(9) except as provided by Subsections [Subsection] (d) and (e), holds a license to practice medicine subject to disciplinary action by another state, or subject to disciplinary action by the uniformed services of the United States, based on acts by the person that are prohibited under Section 164.052 or are similar to acts described by this subsection.

(d) The board shall refuse to issue a license under this subtitle if the applicant held a license to practice medicine in another state that has been revoked by the licensing authority in that state for a reason that would be grounds for the board to revoke a license to practice medicine in this state.

(e) The board shall revoke a license issued under this subtitle if the license holder, while holding the license under this subtitle, held a license to practice medicine in another state that has been revoked by the licensing authority in that state for a reason that would be grounds for the board to revoke a license to practice medicine in this state.

SECTION 9. Section 164.0595(a), Occupations Code, is amended to read as follows:

(a) A disciplinary panel appointed under Section 164.059 may suspend or restrict the license of a person arrested for an offense under:

(1) Chapter 19 [Section 22.011(a)(2)], Penal Code (criminal homicide) [(sexual assault of a child)];

(2) Chapter 20A [Section 22.021(a)(1)(B)], Penal Code (trafficking of persons) [(aggravated sexual assault of a child)]; or

(3) Chapter 21 or 22 [Section 21.02], Penal Code (sexual or assaultive offenses), if the offense is:

(A) sexual, lewd, or indecent in nature;

(B) not a misdemeanor punishable by fine only; and

(C) committed against:

(i) a patient of the license holder;

(ii) a child;

(iii) an elderly individual [(continuous sexual abuse of young child or disabled individual)]; or

(iv) an individual with a disability [~~(4) Section 21.11, Penal Code (indecenty with a child)~~].

SECTION 10. Section 165.154, Occupations Code, is amended to read as follows:

Sec. 165.154. FALSE STATEMENT [~~TAMPERING WITH GOVERNMENTAL RECORD~~]; OFFENSE [~~PERJURY OFFENSES~~]. (a) A person commits an offense if the person knowingly makes a false statement:

(1) in the person's application for a license; or

(2) under oath to obtain a license or to secure the registration of a license to practice medicine.

(b) An offense under this section is a Class A misdemeanor unless the actor's intent is to defraud or harm another, in which event the offense is a state jail felony [±

~~(1) constitutes tampering with a governmental record or perjury as provided by the Penal Code; and~~

~~(2) shall be punished on conviction as provided by that code].~~

SECTION 11. Section 156.0015, Occupations Code, as added by this Act, applies only to an application to renew a registration submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 12. Section 165.154, Occupations Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 13. This Act takes effect September 1, 2023.

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

Amend **CSHB 1998** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 153.051(d), Occupations Code, is amended to read as follows:

(d) The board may not set, charge, collect, receive, or deposit any of the following fees in excess of:

(1) \$900 for a license;

(2) \$400 for a first registration permit;

(3) \$200 for a temporary license;

(4) \$400 for renewal of a registration permit;

(5) \$200 for a physician-in-training permit;

(6) \$600 for the processing of an application and the issuance of a registration for anesthesia in an outpatient setting;

(7) \$200 for an endorsement to other state medical boards;

(8) \$200 for a duplicate license;

(9) \$700 for a reinstated license after cancellation for cause; or

(10) \$15 [~~\$1,200~~] for a surcharge [~~an annual fee~~] under Section 153.053 to administer [~~167.011(e) for a program participant in~~] the Texas Physician Health Program, due at the time of license issuance and registration permit renewal.

SECTION \_\_\_\_\_. Subchapter B, Chapter 153, Occupations Code, is amended by adding Section 153.053 to read as follows:

Sec. 153.053. SURCHARGE TO ADMINISTER TEXAS PHYSICIAN HEALTH PROGRAM. (a) The board shall collect an additional surcharge not to exceed \$15 for each of the following fees:

(1) first registration permit; and

(2) renewal of a registration permit.

(b) The board shall deposit each surcharge collected under this section to the credit of the Texas physician health program account. The Texas physician health program account is a special account in the general revenue fund. Money in the special account shall be appropriated only to the board to pay for administration of the Texas Physician Health Program under Chapter 167, including paying for an initial evaluation by the program's medical director or the director's designee. Money in the special account may not be used to pay for program participant costs incurred for monitoring or for a program participant's own medical costs, including any further required evaluations, primary treatment, or continuing care.

SECTION \_\_\_\_\_. Section 167.011, Occupations Code, is repealed.

SECTION \_\_\_\_\_. Section 153.051, Occupations Code, as amended by this Act, and Section 153.053, Occupations Code, as added by this Act, apply to the initial issuance of a license or the renewal of a registration permit under Subtitle B, Title 3, Occupations Code, on or after September 1, 2023. A license initially issued or registration permit renewed before September 1, 2023, 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.

## **HB 4990 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Without objection, Representative Bonnen called up with senate amendments for consideration at this time,

**HB 4990**, A bill to be entitled An Act relating to the Texas Pharmaceutical Initiative; authorizing fees.

Representative Bonnen moved to concur in the senate amendments to **HB 4990**.

The motion to concur in the senate amendments to **HB 4990** prevailed by (Record 2184): 113 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Geren;

Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hernandez; Hinojosa; Holland; Howard; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Schofield; Sherman; Shine; Smith; Smithee; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Cain; Craddick; Gates; Gerdes; Goodwin; Harrison; Hayes; Hefner; Hull; Klick; Leo-Wilson; Metcalf; Patterson; Rogers; Rosenthal; Schaefer; Schatzline; Shaheen; Slawson; Spiller; Stucky; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Jones, V.; Wu.

Absent — Campos; Garcia; Johnson, J.D.

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

Amend **HB 4990** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle D, Title 10, Government Code, is amended by adding Chapter 2177 to read as follows:

#### CHAPTER 2177. TEXAS PHARMACEUTICAL INITIATIVE

Sec. 2177.001. DEFINITIONS. In this chapter:

(1) "Advisory council" means the Texas Pharmaceutical Initiative Advisory Council established under this chapter.

(2) "Board" means the governing board of the initiative.

(3) "Commission" means the Health and Human Services Commission.

(4) "Generic biological product" means a biological product approved pursuant to an application under Section 351(k), Public Health Service Act (42 U.S.C. Section 262(k)).

(5) "Generic drug" means a prescription drug approved pursuant to an application under Section 505(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 355(j)).

(6) "Initiative" means the Texas Pharmaceutical Initiative established under this chapter.

Sec. 2177.002. TEXAS PHARMACEUTICAL INITIATIVE. The Texas Pharmaceutical Initiative is established to provide cost-effective access to prescription drugs and other medical supplies for:

(1) employees, dependents, and retirees of public higher education systems and institutions;

(2) Employees Retirement System of Texas members;

(3) Teacher Retirement System of Texas members;

(4) persons confined by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department; and

(5) individuals served by a program operated or administered by the health and human services system, as that term is defined by Section 531.001.

Sec. 2177.003. BOARD. (a) The initiative is governed by a board composed of three members appointed by the governor.

(b) The governor shall designate the presiding officer of the board.

(c) A board member serves without compensation but may be reimbursed for travel and other actual and reasonable expenses incurred in the performance of the member's duties on the board.

Sec. 2177.004. BOARD MEMBER QUALIFICATIONS. (a) A person may not serve as a board member if the person:

(1) has held any other elective public office during the preceding five years; or

(2) is an employee of an entity served by the initiative.

(b) Not more than one-third of the members of the board serving at any one time may derive more than 10 percent of their annual income from the health care, insurance, or pharmaceutical industry.

Sec. 2177.005. BOARD POWERS AND DUTIES. (a) The board may:

(1) develop and implement the initiative and any programs established by this chapter;

(2) establish procedures and policies for the administration of the initiative; and

(3) establish procedures to document compliance by board members and personnel with applicable laws governing conflicts of interest.

(b) To carry out the purposes of this chapter and implement the initiative, the board may:

(1) hire and employ an executive director and necessary personnel to provide administrative support;

(2) execute contracts and other instruments and conduct all activities the board determines necessary for those purposes;

(3) authorize one or more board members to execute contracts and other instruments on behalf of the board; and

(4) establish a committee or other similar entity to exercise powers delegated by the board and exercise any other administrative duties or powers as the board considers necessary.

Sec. 2177.006. BUSINESS PLAN. Not later than October 1, 2024, the board shall develop and submit to the governor, the legislature, and the Legislative Budget Board a business plan on:

(1) implementing the initiative, including the initiative's organizational structure and related programs;

(2) establishing procedures and policies for the administration of the initiative, including documenting the process and resources required for the provision to individuals described by Section 2177.002 of the following services:

(A) establishing or contracting for statewide pharmacy benefit manager services;

(B) establishing policies and conditions to operate or contract for the operation of a distribution network, central service center, and associated network of satellite distribution facilities to distribute prescription drugs and related medical supplies; and

(C) providing advanced pharmaceutical preparation and related services, including:

(i) manufacturing generic drugs and generic biological products;

(ii) providing gene therapies and precision medicine; and

(iii) providing advanced laboratories for quality control, preparation, and compounding of drugs in support of innovative therapeutics and drug research;

(3) establishing procedures to document compliance by board members and personnel with applicable laws governing conflicts of interest;

(4) establishing the conditions for state agencies that facilitate health plans to participate in the initiative;

(5) identifying potential cost savings from implementation of the initiative;

(6) identifying the funding and resources needed to implement this chapter; and

(7) providing other board recommendations, with supporting documentation, on continuation of the initiative.

Sec. 2177.007. ADMINISTRATIVE ATTACHMENT. (a) The board is administratively attached to the commission.

(b) The commission shall provide administrative support services to the board as necessary to carry out the purposes of this chapter.

Sec. 2177.008. ADVISORY COUNCIL. (a) The Texas Pharmaceutical Initiative Advisory Council is established to advise the board in implementing this chapter and carrying out the duties imposed on the board under this chapter.

(b) The advisory council is composed of:

(1) the executive commissioner of the commission or the executive commissioner's designee;

(2) the executive director of the Employees Retirement System of Texas or the executive director's designee;

(3) the executive director of the Teacher Retirement System of Texas or the executive director's designee;

(4) the chancellor of The University of Texas System or the chancellor's designee; and

(5) the chancellor of The Texas A&M University System or the chancellor's designee.

Sec. 2177.009. CONFLICTS OF INTEREST. Except as otherwise provided by this chapter, Chapter 572 applies to the initiative.

Sec. 2177.010. EXPIRATION OF CHAPTER. This chapter expires September 1, 2025.

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, 2023.

### LEAVE OF ABSENCE GRANTED

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

J.D. Johnson on motion of Collier.

### HB 718 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Without objection, Representative Goldman called up with senate amendments for consideration at this time,

**HB 718**, A bill to be entitled An Act relating to the issuance of certain tags, permits, and license plates authorizing the movement of vehicles.

Representative Goldman moved to concur in the senate amendments to **HB 718**.

The motion to concur in the senate amendments to **HB 718** prevailed by (Record 2185): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Johnson, J.D.; Jones, V.; Wu.

Absent — Anderson; Hernandez; Meza; Thompson, S.

### Senate Committee Substitute

**CSHB 718**, A bill to be entitled An Act relating to the issuance of certain tags, permits, and license plates authorizing the movement of vehicles.

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

SECTION 1. The heading to Section 152.027, Tax Code, is amended to read as follows:

Sec. 152.027. TAX ON ~~[METAL]~~ DEALER PLATES.

SECTION 2. Section 152.027(a), Tax Code, is amended to read as follows:

(a) A use tax is imposed on each person to whom is issued a ~~[metal]~~ dealer's plate under Section 503.061 or 503.0615, [authorized by Chapter 503,] Transportation Code.

SECTION 3. Section 501.0041, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) An application form for title and registration of a motor vehicle shall:

(1) include an option for the applicant to transfer license plates from another motor vehicle to the vehicle that is the subject of the application in accordance with Section 504.901(a); and

(2) allow the applicant to attach to the application the appropriate form necessary for the transfer of the license plates.

SECTION 4. Section 501.022(d), Transportation Code, is amended to read as follows:

(d) Subsection (c) does not apply to a motor vehicle operated on a public highway in this state with a ~~[metal]~~ dealer's license plate ~~[or a dealer's or buyer's temporary tag]~~ attached to the vehicle as provided by Chapter 503.

SECTION 5. Sections 501.0236(b) and (d), Transportation Code, are amended to read as follows:

(b) A purchaser to whom this section applies may apply for[~~;~~

~~[(4)] a title in the manner prescribed by the department by rule[; and~~

~~[(2) on expiration of the buyer's tag issued to the purchaser under Section 503.063, a 30-day permit under Section 502.095].~~

(d) The department shall waive the payment of fees for[~~;~~

~~[(4)] a title issued to a purchaser described by this section[;] if the purchaser can show that fees for a title were paid to the dealer[; and~~

~~[(2) one 30-day permit issued to a purchaser described by this section].~~

SECTION 6. Section 502.095, Transportation Code, is amended to read as follows:

Sec. 502.095. ONE-TRIP OR 30-DAY TRIP LICENSE PLATES ~~[PERMITS]~~. (a) The department may issue a temporary metal license plate ~~[permit]~~ in lieu of registration for a vehicle subject to registration in this state that is not authorized to travel on a public highway because of the lack of registration in this state or the lack of reciprocity with the state or country in which the vehicle is registered.

(b) A license plate ~~[permit]~~ issued under this section is valid for:

(1) one trip, as provided by Subsection (c); or

(2) 30 days, as provided by Subsection (d).



(c) A one-trip license plate [permit] is valid for one trip between the points of origin and destination and those intermediate points specified in the application and registration receipt. Unless the vehicle is a bus operating under charter that is not covered by a reciprocity agreement with the state or country in which the bus is registered, a one-trip license plate [permit] is for the transit of the vehicle only, and the vehicle may not be used for the transportation of any passenger or property. A one-trip license plate [permit] may not be valid for longer than 15 days from the effective date of registration.

(d) A 30-day license plate [permit] may be issued only to a passenger vehicle, a private bus, a trailer or semitrailer with a gross weight of not more than 10,000 pounds, a light truck, or a light commercial vehicle with a gross vehicle weight of more than 10,000 pounds that will operate unladen. A person may obtain multiple 30-day license plates [permits]. The department may issue a single registration receipt to apply to all of the periods for which the vehicle is registered.

(e) A person may obtain a license plate [permit] under this section by:

(1) applying as provided by the department to:

(A) the county assessor-collector of the county in which the vehicle will first be operated on a public highway; or

(B) the department in Austin or at one of the department's vehicle title and registration regional offices;

(2) paying a fee, in the manner prescribed by the department including a registration service charge for a credit card payment or escrow account of:

(A) \$5 for a one-trip license plate [permit]; or

(B) \$25 for each 30-day license plate [period]; and

(3) furnishing evidence of financial responsibility for the vehicle in a form listed under Section 502.046(c).

(f) The department shall prepare the design and specifications of a license plate issued under this section. [A registration receipt shall be carried in the vehicle at all times during the period in which it is valid.] The license plate [temporary tag] must contain all pertinent information required by this section and must be displayed as prescribed by department rule. [in the rear window of the vehicle so that the tag is clearly visible and legible when viewed from the rear of the vehicle. If the vehicle does not have a rear window, the temporary tag must be attached on or carried in the vehicle to allow ready inspection.] The registration receipt must be carried in the vehicle at all times during the period in which it is valid.

(g) The department may refuse and may instruct a county assessor-collector to refuse to issue a license plate [temporary registration] for any vehicle if, in the department's opinion, the vehicle or the owner of the vehicle has been involved in operations that constitute an abuse of the privilege granted by this section. A license plate [registration] issued after notice to a county assessor-collector under this subsection is void.

SECTION 7. Section 502.410(b), Transportation Code, is amended to read as follows:

(b) Subsection (a) does not apply to a statement or application filed or given under Section 502.060, ~~[502.092]~~, 502.093, 502.094, 502.095, 504.201, 504.202(b-1), 504.508, or 504.515.

SECTION 8. Section 503.008(a), Transportation Code, is amended to read as follows:

(a) The fee for a ~~[metal]~~ dealer's license plate is \$20 a year.

SECTION 9. Sections 503.038(a) and (c), Transportation Code, are amended to read as follows:

(a) The department may cancel a dealer's general distinguishing number if the dealer:

(1) falsifies or forges a title document, including an affidavit making application for a certified copy of a title;

(2) files a false or forged tax document, including a sales tax affidavit;

(3) fails to take assignment of any basic evidence of ownership, including a certificate of title or manufacturer's certificate, for a vehicle the dealer acquires;

(4) fails to assign any basic evidence of ownership, including a certificate of title or manufacturer's certificate, for a vehicle the dealer sells;

(5) uses or permits the use of a ~~[metal]~~ dealer's license plate ~~[or a dealer's temporary tag]~~ on a vehicle that the dealer does not own or control or that is not in stock and offered for sale;

(6) makes a material misrepresentation in an application or other information filed with the department;

(7) fails to maintain the qualifications for a general distinguishing number;

(8) fails to provide to the department within 30 days after the date of demand by the department satisfactory and reasonable evidence that the person is regularly and actively engaged in business as a wholesale or retail dealer;

(9) has been licensed for at least 12 months and has not assigned at least five vehicles during the previous 12-month period;

(10) has failed to demonstrate compliance with Sections 23.12, 23.121, and 23.122, Tax Code;

(11) uses or allows the use of the dealer's general distinguishing number or the location for which the general distinguishing number is issued to avoid the requirements of this chapter; or

(12) ~~[misuses or allows the misuse of a temporary tag authorized under this chapter;~~

~~[(13) refuses to show on a buyer's temporary tag the date of sale or other reasonable information required by the department; or~~

~~[(14) otherwise violates this chapter or a rule adopted under this chapter.~~

(c) A person whose general distinguishing number is canceled under this chapter shall surrender to a representative of the department each license, license plate, ~~[temporary tag]~~ sticker, and receipt issued under this chapter not later than the 10th day after the date the general distinguishing number is canceled. The

department shall direct any peace officer to secure and return to the department any plate, ~~[tag,~~ sticker, or receipt of a person who does not comply with this subsection.

SECTION 10. The heading to Subchapter C, Chapter 503, Transportation Code, is amended to read as follows:

**SUBCHAPTER C. LICENSE PLATES ~~[AND TAGS]~~**

SECTION 11. Section 503.061, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Instead of registering under Chapter 502 a vehicle that the dealer owns, operates, or permits to be operated on a public street or highway, the dealer may apply for, receive, and attach ~~[metal]~~ dealer's license plates to the vehicle if it is the type of vehicle:

(1) that the dealer sells; and  
(2) for which the dealer has been issued a general distinguishing number.

(c) A rule adopted under Subsection (b) must provide for the department to design and make available to dealers under Subsection (a) a dealer's demonstration license plate for use on an unregistered vehicle by the dealer or the dealer's employees only to demonstrate or cause to be demonstrated to a prospective buyer the vehicle for sale purposes only.

SECTION 12. Sections 503.0618(b) and (c), Transportation Code, are amended to read as follows:

(b) Instead of registering under Chapter 502 a vehicle that a converter operates or permits to be operated on a public street or highway, the converter may apply for, receive, and attach ~~[metal]~~ converter's license plates to the vehicle if it is the type of vehicle that the converter is engaged in the business of assembling or modifying.

(c) The fee for a ~~[metal]~~ converter's license plate is \$20 a year.

SECTION 13. Section 503.063, Transportation Code, is amended to read as follows:

Sec. 503.063. DEALER-ISSUED LICENSE PLATES FOR BUYER ~~[BUYER'S TEMPORARY TAGS]~~. (a) Except as provided by this section, a dealer shall issue to a person who buys a vehicle:

(1) a license plate or set of license plates, if a license plate is required by law to be displayed on ~~[one temporary buyer's tag for]~~ the vehicle; and

(2) a completed and signed form required by, as applicable, Section 503.0631(c) or (d).

(b) A license plate or set of license plates issued under this section ~~[Except as provided by this section, the buyer's tag]~~ is valid for the operation of the vehicle while the registration application submitted by the dealer on behalf of the buyer under Section 501.0234 is pending ~~[until the earlier of:~~

~~[(1) the date on which the vehicle is registered; or~~

~~[(2) the 60th day after the date of purchase].~~

(c) Except as otherwise provided by this subsection, at the time of issuance of a license plate or set of license plates under this section, the ~~[The]~~ dealer~~;~~

~~[(1) must show in ink on the buyer's tag the actual date of sale and any other required information; and~~

~~[(2)] is responsible for displaying the license plate or set of license plates in compliance with department rules regarding the placement of license plates [tag]. If a vehicle is a passenger car or light truck that is not equipped by the manufacturer with an exterior front feature to which a license plate may be fastened without drilling through the exterior of the vehicle, the dealer shall affix the rear license plate in compliance with department rules and provide the unmounted remaining license plate to the vehicle buyer.~~

~~(d) The dealer is responsible for the safekeeping and distribution of each license plate or set of license plates [buyer's tag] the dealer obtains from the department.~~

~~(e) A dealer shall obtain license plates and sets of license plates from the [The] department in the manner provided by department rules [may not issue a buyer's tag or contract for the issuance of a buyer's tag but shall prescribe:~~

~~[(1) the specifications, color, and form of a buyer's tag; and~~

~~[(2) procedures for a dealer to:~~

~~[(A) generate a vehicle specific number using the database developed under Section 503.0631 and assign it to each tag;~~

~~[(B) generate a vehicle specific number using the database developed under Section 503.0631 for future use for when a dealer is unable to access the Internet at the time of sale; and~~

~~[(C) clearly display the vehicle specific number on the tag].~~

~~(f) The department shall ensure that a dealer may obtain [generate] in advance a sufficient amount of license plates or sets of license plates [vehicle specific numbers under Subsection (e)(2)(B)] in order to continue selling vehicles without an unreasonable disruption of business due to the unavailability of license plates [for a period of up to one week in which a dealer is unable to access the Internet due to an emergency]. The department shall establish an expedited procedure to allow a dealer [affected dealers] to obtain [apply for] additional license plates or sets of license plates [vehicle specific numbers] so the dealer [they] may remain in business [during an emergency].~~

~~(g) For each license plate or set of license plates issued to a buyer under this section, the [buyer's temporary tag, a] dealer shall charge the buyer a registration fee [of not more than \$5 as] prescribed by the department to be sent to the comptroller for deposit to the credit of the Texas Department of Motor Vehicles fund.~~

~~(h) A federal, state, or local governmental agency that is exempt under Section 503.024 from the requirement to obtain a dealer general distinguishing number may issue one license plate or set of license plates [temporary buyer's tag] in accordance with this section for a vehicle sold or otherwise disposed of by the governmental agency under Chapter 2175, Government Code, or other law that authorizes the governmental agency to sell or otherwise dispose of the vehicle. A governmental agency that issues a license plate or set of license plates [temporary buyer's tag] under this subsection:~~

(1) is subject to the provisions of Section [~~Sections~~] 503.0631 [~~and 503.067~~] applicable to a dealer; and

(2) is not required to charge the registration fee under Subsection (g).

(i) A vehicle may be issued and display a license plate in the manner provided by Section 503.065 for out-of-state license plates [~~buyer's tag~~] without satisfying the inspection requirements of Chapter 548 if:

(1) the buyer of the vehicle is not a resident of this state; and

(2) the vehicle:

(A) at the time of purchase, is not located or required to be titled or registered in this state;

(B) will be titled and registered in accordance with the laws of the buyer's state of residence; and

(C) will be inspected in accordance with the laws of the buyer's state of residence, if the laws of that state require inspection.

(j) A vehicle may be issued and display a license plate or set of license plates under this section [~~buyer's tag~~] without satisfying the inspection requirements of Chapter 548 if the vehicle is purchased at public auction in this state and is:

(1) an antique vehicle as defined by Section 683.077(b); or

(2) a special interest vehicle as defined by Section 683.077(b) that:

(A) is at least 12 years of age; and

(B) has been the subject of a retail sale.

(k) A dealer may not issue a license plate or set of license plates for a vehicle that is exempt from the payment of registration fees under Subchapter J, Chapter 502, until the department approves the application for registration of the vehicle.

SECTION 14. The heading to Section 503.0631, Transportation Code, is amended to read as follows:

Sec. 503.0631. [~~BUYER'S TEMPORARY TAG~~] DATABASE OF DEALER-ISSUED LICENSE PLATES.

SECTION 15. Section 503.0631, Transportation Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsections (c-1), (d-1), and (d-2) to read as follows:

(a) The department shall develop, manage, and maintain a secure, real-time database of information on buyers [~~persons~~] to whom dealers issue a license plate or set of license plates under Section 503.063 or 503.065 [~~temporary buyer's tags are issued~~] that may be used by a law enforcement agency in the same manner that the agency uses vehicle registration information.

(b) The database must allow law enforcement agencies to use the information required to be included on a license plate [~~a vehicle-specific number assigned to and displayed on the tag as required by Section 503.063(c)(2)~~] to obtain information about the person to whom the license plate [~~tag~~] was issued.

(c) Except as provided by Subsection (d), before a license plate or set of license plates issued under Section 503.063 or 503.065 [~~buyer's temporary tag~~] may be displayed on a vehicle, a dealer must, as prescribed by the department:

(1) enter into the database through the Internet information about the buyer of the vehicle for which the license plate or set of license plates ~~[tag]~~ was issued; ~~[as prescribed by the department]~~ and

(2) complete and sign a form prescribed by the department stating that the dealer entered the buyer's information into the database as required by Subdivision (1) ~~[generate a vehicle specific number for the tag as required by Section 503.063(e)].~~

(c-1) Except as provided by Section 503.0633(f) ~~[506.0632(f)]~~, the department may not deny access to the database to any dealer who holds a general distinguishing number issued under this chapter or who is licensed under Chapter 2301, Occupations Code.

(d) A dealer shall obtain 24-hour Internet access at its place of business, but if the dealer is unable to access the Internet at the time of the sale of a vehicle, the dealer shall complete and sign a form, as prescribed by the department, that states the dealer has Internet access, but was unable to access the Internet at the time of sale to enter the buyer's information into the database as required by Subsection (c). ~~[The buyer shall keep the original copy of the form in the vehicle until the vehicle is registered to the buyer.]~~ Not later than the next business day after the time of sale, the dealer shall submit the information required under Subsection (c).

(d-1) The forms prescribed by the department under Subsections (c) and (d) must contain a notice to the buyer describing the procedure by which the vehicle's registration insignia will be provided to the buyer.

(d-2) Until a vehicle displaying a license plate or set of license plates issued under Section 503.063 is registered to the buyer, the buyer shall keep in the vehicle the original copy of the form provided by the dealer as required by, as applicable, Subsection (c) or (d).

SECTION 16. Subchapter C, Chapter 503, Transportation Code, is amended by adding Section 503.0633 to read as follows:

Sec. 503.0633. DEPARTMENT REGULATION OF DEALER-ISSUED LICENSE PLATES AND ACCESS TO DATABASE OF DEALER-ISSUED LICENSE PLATES. (a) The department by rule may establish the maximum number of license plates or sets of license plates that a dealer may obtain in a calendar year under Sections 503.063 and 503.065.

(b) The maximum number of license plates or sets of license plates that the department determines a dealer may obtain under this section must be based on the dealer's anticipated need for license plates and sets of license plates, taking into consideration:

(1) the dealer's:

(A) time in operation;

(B) sales data; and

(C) expected growth;

(2) expected changes in the dealer's market;

(3) temporary conditions that may affect sales by the dealer; and

(4) any other information the department considers relevant.

(c) At the request of a dealer, the department may authorize additional license plates or sets of license plates for the dealer if the dealer demonstrates a need for additional license plates or sets of license plates resulting from business operations, including anticipated need.

(d) The department's denial of a request under Subsection (c) may be overturned if a dealer shows by a preponderance of the evidence the need for additional license plates or sets of license plates.

(e) The department shall monitor the number of license plates and sets of license plates obtained by a dealer.

(f) If the department determines that a dealer is fraudulently obtaining license plates or sets of license plates or fraudulently using the database of dealer-issued license plates, the department may, after giving notice electronically and by certified mail to the dealer, deny access to the database of dealer-issued license plates to the dealer. A dealer denied access to the database of dealer-issued license plates under this subsection may request a hearing on the denial as provided by Subchapter O, Chapter 2301, Occupations Code.

SECTION 17. Sections 503.065(a), (b), (c), (d), and (e), Transportation Code, are amended to read as follows:

(a) The department may issue or cause to be issued to a person a temporary metal license plate authorizing the person to operate a new unregistered vehicle on a public highway of this state if the person:

(1) buys the vehicle from a dealer outside this state and intends to drive the vehicle from the dealer's place of business; or

(2) buys the vehicle from a dealer in this state but intends to drive the vehicle from the manufacturer's place of business outside this state.

(b) The department may not issue a [temporary] license plate under this section to a manufacturer or dealer of a motor vehicle, trailer, or semitrailer or to a representative of such a dealer.

(c) A person may not use a [temporary] license plate issued under this section on a vehicle transporting property.

(d) A [temporary] license plate issued under this section expires on not later than the 60th [30th] day after the date on which it is issued. The department shall place or cause to be placed on the license plate at the time of issuance the date of expiration and the type of vehicle for which the license plate is issued.

(e) The fee for a [temporary] license plate issued under this section is \$3. Only one license plate may be issued for each vehicle.

SECTION 18. Section 503.066(d), Transportation Code, is amended to read as follows:

(d) A [~~metal~~] license plate issued under Section 503.061, 503.062, or 503.064 [this chapter] expires on the same date as the expiration of the license under which it is issued.

SECTION 19. Subchapter C, Chapter 503, Transportation Code, is amended by adding Section 503.0671 to read as follows:

Sec. 503.0671. UNAUTHORIZED USE OR DISTRIBUTION OF DEALER-ISSUED LICENSE PLATE. (a) A person may not operate in violation of this chapter or Chapter 502 a vehicle that displays a dealer-issued license plate or set of license plates.

(b) A person may not sell or distribute a dealer-issued license plate or set of license plates or an item represented to be a dealer-issued license plate or set of license plates unless the person is a dealer issuing the license plate or set of license plates in connection with the sale of a vehicle.

SECTION 20. The heading to Section 503.068, Transportation Code, is amended to read as follows:

Sec. 503.068. LIMITATION ON USE OF DEALER'S LICENSE PLATES [~~AND TAGS~~].

SECTION 21. Sections 503.068(b), (c), and (d), Transportation Code, are amended to read as follows:

(b) A person may not use a metal dealer's license plate [~~or dealer's temporary tag~~] on:

(1) a service or work vehicle, except as provided by Subsection (b-1);

or

(2) a commercial vehicle that is carrying a load.

(c) For purposes of this section, a boat trailer carrying a boat is not a commercial vehicle carrying a load. A dealer complying with this chapter may affix to the rear of a boat trailer the dealer owns or sells a metal dealer's license plate issued under Section 503.061 or a license plate [temporary tag] issued by a dealer under Section [503.061, 503.062, or] 503.063 or 503.065.

(d) This section does not prohibit the operation or conveyance of an unregistered vehicle using the full-mount method, saddle-mount method, tow-bar method, or a combination of those methods in accordance with Section [~~503.062 or~~] 503.063.

SECTION 22. The heading to Section 503.069, Transportation Code, is amended to read as follows:

Sec. 503.069. DISPLAY OF LICENSE PLATES [~~AND TAGS~~].

SECTION 23. Section 503.069(a), Transportation Code, is amended to read as follows:

(a) A license plate, other than an in-transit license plate, [~~or a temporary tag~~] issued under this chapter shall be displayed in accordance with commission rules.

SECTION 24. Subchapter A, Chapter 520, Transportation Code, is amended by adding Section 520.0055 to read as follows:

Sec. 520.0055. DUTIES OF MOTOR VEHICLE DEALERS. A motor vehicle dealer shall use the electronic system designed by the department and made available by a county assessor-collector under Section 520.005 to submit a title and registration application in the name of the purchaser of a motor vehicle.

SECTION 25. Section 548.052, Transportation Code, is amended to read as follows:

Sec. 548.052. VEHICLES NOT SUBJECT TO INSPECTION. This chapter does not apply to:



(1) a trailer, semitrailer, pole trailer, or mobile home moving under or bearing a current factory-delivery license plate or current in-transit license plate;

(2) a vehicle moving under or bearing a [~~paper dealer in transit tag,~~] machinery license, disaster license, parade license, prorated tab, one-trip permit, vehicle temporary transit permit, antique license, custom vehicle license, street rod license, temporary 24-hour permit, or permit license;

(3) a trailer, semitrailer, pole trailer, or mobile home having an actual gross weight or registered gross weight of 7,500 pounds or less;

(4) farm machinery, road-building equipment, a farm trailer, or a vehicle required to display a slow-moving-vehicle emblem under Section 547.703;

(5) a former military vehicle, as defined by Section 504.502;

(6) a vehicle qualified for a tax exemption under Section 152.092, Tax Code; or

(7) a vehicle for which a certificate of title has been issued but that is not required to be registered, including an off-highway vehicle registered under Section 502.140(c).

SECTION 26. Section 601.002(12), Transportation Code, is amended to read as follows:

(12) "Vehicle registration" means:

(A) a registration certificate, registration receipt, or number plate issued under Chapter 502; or

(B) a dealer's license plate [~~or temporary tag~~] issued under Chapter 503.

SECTION 27. The following provisions of the Transportation Code are repealed:

(1) Section 502.092;

(2) Section 502.477;

(3) Section 503.062;

(4) Section 503.0625;

(5) Section 503.0626;

(6) Section 503.0632;

(7) Section 503.067;

(8) Section 503.068(a); and

(9) Section 503.094(d).

SECTION 28. The changes in law made by this Act apply only to an offense committed on or after July 1, 2025. An offense committed before July 1, 2025, 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 July 1, 2025, if any element of the offense was committed before that date.

SECTION 29. Not later than March 1, 2024, the Texas Department of Motor Vehicles shall:

(1) adopt rules necessary to implement the changes in law made by this Act; and

(2) create the database described by Section 503.0631, Transportation Code, as amended by this Act.

SECTION 30. To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 31. (a) Except as otherwise provided by Subsection (b) of this section, this Act takes effect July 1, 2025.

(b) Section 29 of this Act takes effect September 1, 2023.

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

Amend **CSHB 718** (senate committee report) as follows:

(1) Strike SECTION 3 of the bill, adding Section 501.0041(c), Transportation Code (page 1, lines 32-42).

(2) In SECTION 6 of the bill, in amended Section 502.095(d), Transportation Code (page 2, lines 30-31), strike "obtain multiple 30-day license plates" and substitute "request from the department an extension of the period a ~~[obtain multiple]~~ 30-day license plate is valid".

(3) In SECTION 6 of the bill, immediately following amended Section 502.095(g), Transportation Code (page 2, between lines 67 and 68), insert the following:

(h) A vehicle operated with a license plate under this section is exempt from the inspection requirements of Chapter 548.

(4) In SECTION 8 of the bill, strike amended Section 503.008(a), Transportation Code (page 3, lines 7-8), and substitute the following:

(a) The fee for:

(1) a ~~metal~~ dealer's license plate issued under Section 503.061 is \$20 a year; and

(2) a dealer's temporary license plate issued under Section 503.062 is \$10.

(5) In SECTION 9 of the bill, in amended Section 503.038(c), Transportation Code (page 3, line 56), between "officer" and "to", insert "or designated department employee".

(6) Strike the recital to SECTION 11 of the bill (page 3, lines 62-64), and substitute the following:

SECTION 11. Section 503.061(a), Transportation Code, is amended to read as follows:

(7) In SECTION 11 of the bill, strike added Section 503.061(c), Transportation Code (page 4, lines 4-9).

(8) In SECTION 13 of the bill, in amended Section 503.063(c), Transportation Code (page 4, line 44), strike "regarding the placement of license plates".

(9) In SECTION 13 of the bill, in amended Section 503.063(d), Transportation Code (page 4, line 53), between "department" and the period, insert the following:

. The dealer is liable for missing or misused license plates. The department may conduct a review of a dealer's compliance with this subsection

(10) In SECTION 13 of the bill, in amended Section 503.063(i), Transportation Code (page 5, lines 32-34), strike "license plate in the manner provided by Section 503.065 for out-of-state license plates" and substitute "temporary license plate under this section".

(11) In SECTION 13 of the bill, immediately following amended Section 503.063(i), Transportation Code (page 5, between lines 45 and 46), insert the following:

(i-1) A temporary license plate issued to a vehicle described by Subsection (i) is valid for 60 days.

(12) In SECTION 27 of the bill, in Subdivision (3), repealing Section 503.062, Transportation Code (page 8, line 64), strike "503.062" and substitute "503.062(d)".

(13) In SECTION 27 of the bill, strike Subdivisions (8) and (9), repealing provisions of the Transportation Code (page 8, line 69, through page 9, line 1), and substitute the following:

(8) Section 503.068(a);

(9) Section 503.094(d); and

(10) Sections 504.901(c), (d), and (e).

(14) Strike SECTION 29 of the bill, imposing certain duties on the Texas Department of Motor Vehicles (page 9, lines 9-14).

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

SECTION \_\_\_\_\_. Section 152.042, Tax Code, is amended to read as follows:

Sec. 152.042. COLLECTION OF TAX ON DEALER'S LICENSE [~~METAL DEALER~~] PLATES. A person required to pay the tax imposed by Section 152.027 shall pay the tax to the Texas Department of Motor Vehicles, and the department may not issue the [~~metal~~] dealer's license plates until the tax is paid.

SECTION \_\_\_\_\_. Section 501.147, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) On receipt of a written notice of transfer from the seller of a motor vehicle or a dealer who holds a general distinguishing number issued under Chapter 503, the department shall indicate the transfer on the motor vehicle records maintained by the department. As an alternative to a written notice of transfer, the department shall establish procedures that permit the seller of a motor vehicle or a dealer who holds a general distinguishing number issued under Chapter 503 to electronically submit a notice of transfer to the department through the department's Internet website. A notice of transfer provided through the department's Internet website is not required to bear the signature of the seller or include the date of signing.

(a-1) On the sale or transfer of a motor vehicle to a dealer who holds a general distinguishing number issued under Chapter 503, the dealer shall submit the notice of transfer under Subsection (a).

SECTION \_\_\_\_\_. The heading to Section 503.062, Transportation Code, is amended to read as follows:

Sec. 503.062. DEALER'S TEMPORARY LICENSE PLATE [~~TAGS~~].

SECTION \_\_\_\_\_. Section 503.062(a), Transportation Code, is amended to read as follows:

(a) A dealer may issue a temporary license plate ~~[tag]~~ for use on an unregistered vehicle by the dealer or the dealer's employees only to:

(1) demonstrate or cause to be demonstrated to a prospective buyer the vehicle for sale purposes only;

(2) convey or cause to be conveyed the vehicle:

(A) from one of the dealer's places of business in this state to another of the dealer's places of business in this state;

(B) from the dealer's place of business to a place the vehicle is to be repaired, reconditioned, or serviced;

(C) from the state line or a location in this state where the vehicle is unloaded to the dealer's place of business;

(D) from the dealer's place of business to a place of business of another dealer;

(E) from the point of purchase by the dealer to the dealer's place of business; or

(F) to road test the vehicle; or

(3) use the vehicle for or allow its use by a charitable organization.

SECTION \_\_\_\_\_. The heading to Section 504.901, Transportation Code, is amended to read as follows:

Sec. 504.901. TRANSFER ~~[AND REMOVAL]~~ OF LICENSE PLATES.

SECTION \_\_\_\_\_. Section 504.901, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) On the sale or transfer of a motor vehicle to a dealer who holds a general distinguishing number issued under Chapter 503, the dealer shall remove each license plate issued for the motor vehicle. Each license plate issued for the motor vehicle shall be assigned to a subsequent purchaser of the motor vehicle at retail sale as required by Section 503.063. ~~[A person may use the license plates removed from a motor vehicle on a new motor vehicle purchased from a dealer after the person obtains the department's approval of a title and registration application.]~~

(b) On the sale or transfer of a motor vehicle to a person who does not hold a general distinguishing number issued under Chapter 503, ~~[the seller may remove]~~ each license plate issued for the motor vehicle shall remain with the motor vehicle. ~~[The license plates may be transferred to another vehicle titled in the seller's name if the seller obtains:~~

~~(1) the department's approval of an application to transfer the license plates; and~~

~~(2) a new registration insignia for the motor vehicle.]~~

(b-1) The purchaser of a motor vehicle may request replacement license plates under Section 504.007.

SECTION \_\_\_\_\_. The Texas Department of Motor Vehicles may adopt rules necessary to implement or administer the changes in law made by this Act. Rules adopted under this section must be adopted not later than December 1, 2024.

(16) Renumber the SECTIONS of the bill appropriately and update cross-references to those SECTIONS accordingly.

**SB 2601 - CONFERENCE COMMITTEE REPORT ADOPTED**

Without objection, Representative Canales submitted the conference committee report on **SB 2601**.

Representative Canales moved to adopt the conference committee report on **SB 2601**.

The motion to adopt the conference committee report on **SB 2601** prevailed by (Record 2186): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Johnson, J.D.; Jones, V.; Wu.

Absent — Anderson; Gámez; Johnson, A.; Longoria; Thompson, S.

**SB 133 - CONFERENCE COMMITTEE REPORT ADOPTED**

Without objection, Representative Hull submitted the conference committee report on **SB 133**.

Representative Hull moved to adopt the conference committee report on **SB 133**.

The motion to adopt the conference committee report on **SB 133** prevailed by (Record 2187): 124 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.;

Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Rogers; Romero; Rose; Rosenthal; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Swanson; Talarico; Thierry; Thimesch; Thompson, E.; Troxclair; Turner; VanDeaver; Vo; Walle; Zwiener.

Nays — Cain; Harrison; Orr; Schaefer; Spiller; Stucky; Tepper; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Johnson, J.D.; Jones, V.; Wu.

Absent — Anderson; Davis; Reynolds; Schatzline; Schofield; Thompson, S.

#### STATEMENTS OF VOTE

When Record No. 2187 was taken, I was shown voting yes. I intended to vote no.

K. Bell

When Record No. 2187 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 2187 was taken, I was in the house but away from my desk. I would have voted no.

Schatzline

When Record No. 2187 was taken, I was shown voting no. I intended to vote yes.

Vasut

#### **SB 1516 - CONFERENCE COMMITTEE REPORT ADOPTED**

Without objection, Representative Cook submitted the conference committee report on **SB 1516**.

Representative Cook moved to adopt the conference committee report on **SB 1516**.

The motion to adopt the conference committee report on **SB 1516** prevailed by (Record 2188): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank;

Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Johnson, A.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

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

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Johnson, J.D.; Jones, V.; Wu.

Absent — Anderson; Jetton; Moody; Thompson, S.

#### **STATEMENT OF VOTE**

When Record No. 2188 was taken, I was in the house but away from my desk. I would have voted yes.

Jetton

#### **SB 12 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Shaheen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 12**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 12**: Shaheen, chair; Geren, C.E. Harris, Moody, and Patterson.

#### **HOUSE AT EASE**

At 3:34 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 5:37 p.m.

#### **LEAVE OF ABSENCE GRANTED**

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

Manuel on motion of Collier.

#### **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. 5 and 6).

**HR 2422 - NOTICE OF INTRODUCTION**

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2422**, suspending the limitations on the conferees for **SB 1893**.

**HB 3033 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3033**, A bill to be entitled An Act relating to the public information law.

Representative Landgraf moved to concur in the senate amendments to **HB 3033**.

The motion to concur in the senate amendments to **HB 3033** prevailed by (Record 2189): 133 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cole; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Zwiener.

Nays — Collier.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bernal; Bhojani; Herrero; Johnson, J.D.; Jones, V.; Manuel; Wu.

Absent — Campos; Canales; Garcia; Holland; Patterson; Thierry.

**Senate Committee Substitute**

**CSHB 3033**, A bill to be entitled An Act relating to the public information law.

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

SECTION 1. Subchapter A, Chapter 552, Government Code, is amended by adding Section 552.0031 to read as follows:

Sec. 552.0031. BUSINESS DAYS. (a) Except as provided by this section, in this chapter "business day" means a day other than:



- (1) a Saturday or Sunday;
- (2) a national holiday under Section 662.003(a); or
- (3) a state holiday under Section 662.003(b).

(b) The fact that an employee works from an alternative work site does not affect whether a day is considered a business day under this chapter.

(c) An optional holiday under Section 662.003(c) is not a business day of a governmental body if the officer for public information of the governmental body observes the optional holiday.

(d) A holiday established by the governing body of an institution of higher education under Section 662.011(a) is not a business day of the institution of higher education.

(e) The Friday before or Monday after a holiday described by Subsection (a)(2) or (3) is not a business day of a governmental body if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday.

(f) Subject to the requirements of this subsection, a governmental body may designate a day on which the governmental body's administrative offices are closed or operating with minimum staffing as a nonbusiness day. The designation of a nonbusiness day for an independent school district must be made by the board of trustees. The designation of a nonbusiness day for a governmental body other than an independent school district must be made by the executive director or other chief administrative officer. A governmental body may designate not more than 10 nonbusiness days under this subsection each calendar year.

SECTION 2. Section 552.012, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The attorney general may require each public official of a governmental body to complete the course of training if the attorney general determines that the governmental body has failed to comply with a requirement of this chapter. The attorney general must notify each public official in writing of the attorney general's determination and the requirement to complete the training. A public official who receives notice from the attorney general under this subsection must complete the training not later than the 60th day after the date the official receives the notice.

SECTION 3. Section 552.108(c), Government Code, is amended to read as follows:

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime. A governmental body shall promptly release basic information responsive to a request made under this chapter unless the governmental body seeks to withhold the information as provided by another provision of this chapter, and regardless of whether the governmental body requests an attorney general decision under Subchapter G regarding other information subject to the request.

SECTION 4. Section 552.271, Government Code, is amended by adding Subsection (e) to read as follows:

(e) A requestor who has exceeded a limit established by a governmental body under Section 552.275 may not inspect public information on behalf of another requestor unless the requestor who exceeded the limit has paid each statement issued by the governmental body under Section 552.275(e).

SECTION 5. Section 552.272, Government Code, is amended by adding Subsection (f) to read as follows:

(f) A requestor who has exceeded a limit established by a governmental body under Section 552.275 may not inspect public information on behalf of another requestor unless the requestor who exceeded the limit has paid each statement issued by the governmental body under Section 552.275(e).

SECTION 6. Section 552.275, Government Code, is amended by amending Subsections (d), (g), and (h) and adding Subsections (n) and (o) to read as follows:

(d) If a governmental body establishes a time limit under Subsection (a), each time the governmental body complies with a request for public information, the governmental body shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable monthly or yearly period. The amount of time spent preparing the written statement may not be included in the amount of time included in the statement provided to the requestor under this subsection unless the requestor's time limit for the period has been exceeded.

(g) If a governmental body provides a requestor with a [the] written statement under Subsection (e) or (o) and the time limits prescribed by Subsection (a) regarding the requestor have been exceeded, the governmental body is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the governmental body provided the written statement under that subsection, the requestor submits payment of the amount stated in the written statement provided under Subsection (e) or provides identification or submits payment as required by Subsection (o), as applicable.

(h) If the requestor fails or refuses to provide identification or submit payment under Subsection (g), the requestor is considered to have withdrawn the requestor's pending request for public information.

(n) A governmental body may request photo identification from a requestor for the sole purpose of establishing that the requestor has not:

(1) exceeded a limit established by the governmental body under Subsection (a); and

(2) concealed the requestor's identity.

(o) A request for photo identification under Subsection (n) must include a statement under Subsection (e) applicable to the requestor who has exceeded a limit established by the governmental body and a statement that describes each specific reason why Subsection (n) may apply to the requestor. The governmental body shall accept as proof of a requestor's identification physical presentment of photo identification or an image of the photo identification that is transmitted electronically or through the mail. A requestor from whom a governmental body

has requested photo identification under Subsection (n) may decline to provide identification and obtain the requested information by paying the charge assessed in the statement.

SECTION 7. Subchapter G, Chapter 552, Government Code, is amended by adding Section 552.3031 to read as follows:

Sec. 552.3031. ELECTRONIC SUBMISSION OF REQUEST FOR ATTORNEY GENERAL DECISION. (a) This section does not apply to a request for an attorney general decision made under this subchapter if:

(1) the governmental body requesting the decision:

(A) has fewer than 16 full-time employees; or

(B) is located in a county with a population of less than 150,000;

(2) the amount or format of responsive information at issue in a particular request makes use of the attorney general's electronic filing system impractical or impossible; or

(3) the request is hand delivered to the office of the attorney general.

(b) A governmental body that requests an attorney general decision under this subchapter must submit the request through the attorney general's designated electronic filing system.

(c) The attorney general may adopt rules necessary to implement this section, including rules that define the amount or type of formatting of information described by Subsection (a)(2) that makes use of the electronic filing system impractical or impossible.

SECTION 8. Section 552.306, Government Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A governmental body shall as soon as practicable but within a reasonable period of time after the date the attorney general issues an opinion under Subsection (b) regarding information requested under this chapter:

(1) provide the requestor of the information an itemized estimate of charges for production of the information if the estimate is required by Section 552.2615;

(2) if the requested information is voluminous:

(A) take the following actions if the governmental body determines that it is able to disclose the information in a single batch:

(i) provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the governmental body to produce the information within a reasonable period of time;

(ii) include in the notice the date and hour that the governmental body will disclose the information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice; and

(iii) produce the information at the date and time included in the notice; or

(B) take the following actions if the governmental body determines that it is unable to disclose the information in a single batch:

(i) provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the governmental body to produce the information within a reasonable period of time and in a single batch;

(ii) include in the notice the date and hour that the governmental body will disclose the first batch of information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice;

(iii) provide a written certified notice to the requestor and the attorney general when each subsequent batch of information is disclosed to the requestor of the date and hour that the governmental body will disclose the next batch of information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice; and

(iv) produce the requested information at each date and time included in a notice;

(3) produce the information if it is required to be produced;

(4) notify the requestor in writing that the governmental body is withholding the information as authorized by the opinion; or

(5) notify the requestor in writing that the governmental body has filed suit against the attorney general under Section 552.324 regarding the information.

(d) In an action brought against a governmental body for failure to comply with Subsection (c), the governmental body is presumed to have complied with the requirements of that subsection if the governmental body takes an action under that subsection regarding information that is the subject of an opinion issued by the attorney general not later than the 30th day after the date the attorney general issues the opinion.

SECTION 9. Section 552.308, Government Code, is amended to read as follows:

Sec. 552.308. TIMELINESS OF ACTION BY UNITED STATES MAIL, INTERAGENCY MAIL, OR COMMON OR CONTRACT CARRIER. (a) Except as provided by Section 552.3031, when [When] this subchapter requires a request, notice, or other document to be submitted or otherwise given to a person within a specified period, the requirement is met in a timely fashion if the document is sent to the person by first class United States mail or common or contract carrier properly addressed with postage or handling charges prepaid and:

(1) it bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within that period; or

(2) the person required to submit or otherwise give the document furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that period.

(b) Except as provided by Section 552.3031, when [When] this subchapter requires an agency of this state to submit or otherwise give to the attorney general within a specified period a request, notice, or other writing, the requirement is met in a timely fashion if:

(1) the request, notice, or other writing is sent to the attorney general by interagency mail; and

(2) the agency provides evidence sufficient to establish that the request, notice, or other writing was deposited in the interagency mail within that period.

SECTION 10. Subchapter G, Chapter 552, Government Code, is amended by adding Section 552.310 to read as follows:

Sec. 552.310. SEARCHABLE DATABASE. (a) The office of the attorney general shall make available on the office's Internet website an easily accessible and searchable database consisting of:

(1) information identifying each request for an attorney general decision made under this subchapter; and

(2) the attorney general's opinion issued for the request.

(b) The database at a minimum must allow a person to search for a request or opinion described by Subsection (a) by:

(1) the name of the governmental body making the request; and

(2) the exception under Subchapter C that a governmental body asserts in the request applies to its request to withhold information from public disclosure.

(c) The database must allow a person to view the current status of a request described by Subsection (a)(1) and an estimated timeline indicating the date each stage of review of the request will be started and completed.

SECTION 11. The changes in law made by this Act to Sections 552.271, 552.272, and 552.275, Government Code, apply only to a request for information that is received by a governmental body or an officer for public information on or after the effective date of this Act. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

SECTION 12. Section 552.3031, Government Code, as added by this Act, and Section 552.306, Government Code, as amended by this Act, apply to a request for an attorney general decision made under Subchapter G, Chapter 552, of that code on or after the effective date of this Act. A request for an attorney general decision made before the effective date of this Act is governed by the law in effect on the date the request was made, and the former law is continued in effect for that purpose.

SECTION 13. As soon as practicable, but not later than January 1, 2024, the office of the attorney general shall make the database required by Section 552.310, Government Code, as added by this Act, available on the office's Internet website.

SECTION 14. This Act takes effect September 1, 2023.

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

Amend **CSHB 3033** (senate committee report) as follows:

(1) In SECTION 8 of the bill, in added Section 552.306(d), Government Code (page 4, lines 15 and 16), strike "In an action brought against a governmental body for failure to comply with Subsection (c), the" and substitute "A".

(2) In SECTION 8 of the bill, in added Section 552.306(d), Government Code (page 4, line 17), between "requirements of" and "if", strike "that subsection" and substitute "Subsection (c)".

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

SECTION \_\_\_\_\_. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.163 to read as follows:

Sec. 552.163. EXCEPTION: CONFIDENTIALITY OF CERTAIN ATTORNEY GENERAL SETTLEMENT NEGOTIATIONS. (a) In this section, "attorney general settlement communication" means documentary materials or information collected, assembled, drafted, developed, used, received, or maintained by or on behalf of the attorney general with respect to an investigation or litigation conducted under Subchapter E, Chapter 17, Business & Commerce Code, and that reflects or is regarding negotiations made for the purpose of achieving a resolution of a matter without the need for continuing with litigation or trial.

(b) An attorney general settlement communication is privileged and not subject to disclosure under this chapter from the date the attorney general's investigation begins, as indicated in the attorney general's case management records, until the earlier of:

(1) the 90th day after the date settlement discussions are terminated; or

(2) the earliest of the date:

(A) the case is reported closed in the attorney general's case management records;

(B) the final judgment, assurance of voluntary compliance, or other settlement agreement is entered by the court, and the period for filing a notice of appeal has passed;

(C) the settlement documents are executed by all parties, if the documents are not filed in court;

(D) the order of dismissal or nonsuit disposing of all parties is entered by the court; or

(E) all appeals are finalized.

(c) For the purpose of this section, a settlement communication does not include a document attached to or referenced in a delivered settlement proposal that is subject to disclosure under this chapter.

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

Amend CSHB 3033 (senate committee report) as follows:

(1) In SECTION 11 of the bill, providing transition language (page 4, lines 68 and 69), between "Sections" and "552.271", insert "552.103,".

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

SECTION \_\_\_\_\_. Section 552.103, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The exception to disclosure provided by this section does not apply to information requested under this chapter if:

(1) the information relates to a general, primary, or special election, as those terms are defined by Section 1.005, Election Code;

(2) the information is in the possession of a governmental body that administers elections described by Subdivision (1); and

(3) the governmental body described by Subdivision (2) is not a governmental body described by Section 552.003(1)(A)(i).

**HB 5 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 5**, A bill to be entitled An Act relating to agreements authorizing a limitation on taxable value on certain property to provide for the creation of jobs and the generation of state and local tax revenue; authorizing fees; authorizing a penalty.

Representative Hunter 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 5**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 5**: Hunter, chair; Button, Longoria, Meyer, and Shine.

(C.J. Harris in the chair)

**HB 2779 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

Without objection, Representative Leach called up with senate amendments for consideration at this time,

**HB 2779**, A bill to be entitled An Act relating to the compensation and retirement benefits of certain elected state officials.

Representative Leach 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 2779**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2779**: Leach, chair; Bonnen, J.E. Johnson, Moody, and Murr.

**HB 681 - WITH SENATE AMENDMENTS**

Representative K. Bell called up with senate amendments for consideration at this time,

**HB 681**, A bill to be entitled An Act relating to virtual and off-campus electronic instruction at a public school and the allotment for certain special-purpose school districts under the Foundation School Program.

**HB 681 - POINT OF ORDER**

Representative Bryant raised a point of order against further consideration of **HB 681** under Rule 11, Section 3, of the House Rules on the grounds that the senate amendments change the original purpose of the bill. The point of order was withdrawn.

**HB 681 - POINT OF ORDER**

Representative Bryant raised a point of order against further consideration of **HB 681** under Rule 11, Section 2, of the House Rules.

(Speaker in the chair)

The speaker sustained the point of order, announcing his decision to the house as follows:

Mr. Bryant raises a point of order against further consideration of the senate amendments to **HB 681** under Rule 11, Section 2, on the grounds that the amendments are not germane.

As the bill left the house, it simply repealed the sunset date for the current law authorizing a remote local learning program. The senate amendments repealed the current law and, among other things, established a new remote local learning program different in major particulars from the current program.

Because they significantly differ in degree and scope from the engrossed house bill, the senate amendments are plainly not germane. See 5 Hinds § 5806.

Accordingly, the point of order is well-taken and sustained.

The chair directs the chief clerk to return the bill to the senate for further action.

**HB 681** with senate amendments was returned to the senate.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List Nos. 31 and 32).

**SB 2627 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hunter, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2627**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2627**: Hunter, chair; Anchía, Geren, Patterson, and Spiller.



### **SB 1677 - 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 1677**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1677**: Price, chair; Capriglione, Craddick, Frank, and C. Morales.

### **HB 800 - WITH SENATE AMENDMENTS**

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

**HB 800**, A bill to be entitled An Act relating to the punishment for certain criminal conduct involving the smuggling of persons or the operation of a stash house; increasing criminal penalties.

### **HB 800 - POINT OF ORDER**

Representative Neave Criado raised a point of order against further consideration of **HB 800** under Rule 11, Section 2, of the House Rules.

(C.J. Harris in the chair)

The speaker sustained the point of order, announcing his decision to the house as follows:

Ms. Neave Criado raises a point of order against further consideration of the senate amendments to **HB 800** under Rule 11, Section 2, on the grounds that the amendments are not germane.

As the bill left the house, it only increased the criminal penalties for certain interrelated criminal offenses. The senate amendments, among other things, added a completely new criminal offense that was not of the same class as the offenses in the engrossed house bill.

Because the senate amendments are not on the same subject as the engrossed house bill, they are not germane. See 87 H. Jour. 2181 (2021).

Accordingly, the point of order is well-taken and sustained.

The chair directs the chief clerk to return the bill to the senate for further action.

**HB 800** with senate amendments was returned to the senate.

### **HR 2431 - NOTICE OF INTRODUCTION**

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2431**, suspending the limitations on the conferees for **HB 4**.

**HB 7 - WITH SENATE AMENDMENTS**

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

**HB 7**, A bill to be entitled An Act relating to border protection and economic development services, programs, and other measures, including establishing educational programs and the border protection unit, in this state to address the effects of ongoing disasters, including disasters caused by transnational and other criminal activity and public health threats.

**HB 7 - POINT OF ORDER**

Representative Anchía raised a point of order against further consideration of **HB 7** under Rule 11, Section 2, of the House Rules on the grounds that the senate amendments are not germane. The point of order was withdrawn.

**HB 7 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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 7**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 7**: Guillen, chair; J. Lopez, Lozano, Neave Criado, and Raymond.

**RESOLUTIONS REFERRED TO COMMITTEES**

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

(Speaker in the chair)

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 7).

**ADJOURNMENT**

Representative Muñoz moved that the house adjourn until 1 p.m. tomorrow in memory of Norberto "Beto" Salinas of Mission.

The motion prevailed.

The house accordingly, at 7:48 p.m., adjourned until 1 p.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HR 2234** (By Turner), Congratulating Gary R. Pedigo on his retirement as chair of the Brotherhood of Locomotive Engineers and Trainmen's Texas State Legislative Board.

To Resolutions Calendars.

**HR 2235** (By J. Jones), Commending the 2023 University of Houston Hobby Fellows.

To Resolutions Calendars.

**HR 2237** (By Geren), In memory of Daniel M. Jensen of Fort Worth.

To Resolutions Calendars.

**HR 2238** (By Geren), Congratulating John Goff on his receipt of the 2023 Golden Deeds Award from the Exchange Club of Fort Worth.

To Resolutions Calendars.

**HR 2239** (By Wilson), Congratulating Edna Staudt on her retirement as justice of the peace for Precinct 2 of Williamson County.

To Resolutions Calendars.

**HR 2240** (By Kacal), Congratulating Kaye Boehning on being named the 2023 Houston District Rural Business Owner of the Year by the Small Business Association Houston District Office.

To Resolutions Calendars.

**HR 2241** (By A. Johnson), Honoring Houston PetSet for its work to end animal homelessness and animal cruelty.

To Resolutions Calendars.

**HR 2242** (By Longoria), Honoring Viva Selena Marie Lopez on the occasion of her final season with the Venom Hype Squad.

To Resolutions Calendars.

**HR 2244** (By Vasut), Commemorating the dedication of the Battle of Velasco Memorial Monument.

To Resolutions Calendars.

**HR 2245** (By Price), Commemorating Father's Day on June 18, 2023.

To Resolutions Calendars.

**HR 2246** (By Price), Commemorating June 14, 2023, as Flag Day.  
To Resolutions Calendars.

**HR 2247** (By Price), Commemorating the Fourth of July, 2023.  
To Resolutions Calendars.

**HR 2248** (By Price), Commemorating Patriot Day 2023.  
To Resolutions Calendars.

**HR 2249** (By Price), Recognizing September 15, 2023, as National POW/MIA Recognition Day.  
To Resolutions Calendars.

**HR 2250** (By Price), Recognizing September 17, 2023, as Constitution Day.  
To Resolutions Calendars.

**HR 2251** (By Price), Commemorating Gold Star Mother's Day 2023.  
To Resolutions Calendars.

**HR 2254** (By Zwiener), Congratulating Michael Tobias of the Travis County Sheriff's Office on being named the 2022 Officer of the Year by the Combined Law Enforcement Associations of Texas.  
To Resolutions Calendars.

**HR 2255** (By Herrero), Congratulating Becky Moeller of Corpus Christi on her induction into the Texas Labor Hall of Fame.  
To Resolutions Calendars.

**HR 2256** (By Price), Commemorating Thanksgiving 2023.  
To Resolutions Calendars.

**HR 2257** (By Price), Commemorating Veterans Day 2023.  
To Resolutions Calendars.

**HR 2258** (By Price), Commemorating Christmas Day 2023.  
To Resolutions Calendars.

**HR 2259** (By J.D. Johnson), Commending Nicole Williams for her service as principal of Burrus Elementary in the Houston Independent School District.  
To Resolutions Calendars.

**HR 2260** (By J.D. Johnson), Honoring the Harris County Precinct One Community Emergency Response Team.  
To Resolutions Calendars.

**HR 2261** (By Price), Congratulating Ryan Lovell of Tascosa High School on receiving the Texas Speech Communication Association Teacher of the Year award.  
To Resolutions Calendars.

**HR 2262** (By Price), Congratulating the Panhandle FFA Farm Business Management team on its success at the 2023 State Farm and Agribusiness Management Contest.  
To Resolutions Calendars.

**HR 2263** (By Price), Congratulating the Bushland High School girls' 400-meter relay team on winning a bronze medal at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2264** (By Price), Congratulating the Bushland High School boys' 400-meter relay team on winning a silver medal at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2265** (By Price), Congratulating Oliver Ortiz of Dumas High School on winning the silver medal in the boys' 4A 400-meter dash at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2266** (By Price), Congratulating Cadance Holland of Gruver High School on winning the bronze medal in the girls' 2A pole vault at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2267** (By Price), Congratulating Pratt McLain of Gruver High School on winning a bronze medal in the 2A boys' pole vault at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2268** (By Price), Congratulating the Panhandle High School girls' track team on claiming a share of the 2A championship at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2269** (By Price), Congratulating Bryce Braden of Stratford High School on winning the gold medal in the boys' 2A discus throw at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2270** (By Price), Congratulating Mia Gray of Sunray High School on winning the bronze medal in the girls' 2A shot put at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2271** (By Price), Congratulating Kendra Murray of Tascosa High School in Amarillo on her bronze-medal finish in the girls' shot put wheelchair event at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2272** (By Price), Congratulating Ke'Mauri Pinkard of Tascosa High School in Amarillo on winning the silver medal in the 5A triple jump at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2273** (By Price), Congratulating the Follett High School boys' 1,600-meter relay team on winning the 1A gold medal at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2274** (By Price), Congratulating Julian Barton of Follett High School on winning the silver medal in the boys' 1A 3,200-meter run at the 2023 UIL Track & Field State Meet.

To Resolutions Calendars.

**HR 2276** (By Kacal), Congratulating Buddy Schroeder on retiring as president and CEO of the United Heritage Credit Union.

To Resolutions Calendars.

**HR 2277** (By Howard), In memory of Martha Gay Kokernot Ratliff of Austin.

To Resolutions Calendars.

**HR 2278** (By Herrero), Congratulating Aaron Rodriguez of Seale Junior High School on his participation in the 2023 Texas Science and Engineering Fair.

To Resolutions Calendars.

**HR 2280** (By Bucy), Commending organizations in the area along the Interstate 35 corridor for their contributions to the state's economy.

To Resolutions Calendars.

**HR 2282** (By Toth), Congratulating The Woodlands College Park High School JROTC on winning the 2023 National High School Drill Team Championship.

To Resolutions Calendars.

**HR 2283** (By Garcia), Recognizing May 2023 as National Cameroonian Heritage and Diaspora Month.

To Resolutions Calendars.

**HR 2286** (By J.D. Johnson), Commending Tanya Debose of Houston for her work in behalf of the historic African American community of Independence Heights.

To Resolutions Calendars.

**HR 2287** (By J.D. Johnson), Commending Michelle Dean for her contributions as principal of Frank Black Middle School in Houston ISD.

To Resolutions Calendars.

**HR 2288** (By J.D. Johnson), Commending Andrew Casler for his service as principal of Oak Forest Elementary School in Houston ISD.

To Resolutions Calendars.

**HR 2289** (By J.D. Johnson), Commending Dr. Carlos Phillips II for his service as principal of Booker T. Washington High School in Houston ISD.

To Resolutions Calendars.

**HR 2290** (By J.D. Johnson), Congratulating the Booker T. Washington High School boys' basketball team on advancing to the 2023 UIL 4A state championship game.

To Resolutions Calendars.

**HR 2291** (By J.D. Johnson), Commending Carrie Flores for her contributions as principal of Durham Elementary School in the Houston Independent School District.

To Resolutions Calendars.

**HR 2292** (By J.D. Johnson), Commemorating the dedication of a historical marker for the James D. Burrus Elementary School in Houston.

To Resolutions Calendars.

**HR 2293** (By Metcalf), Honoring the Legislative Budget Board for its work during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2295** (By Metcalf), Commending the staff of the State Preservation Board for their service during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2296** (By Metcalf), Commending Region VII of the Texas Department of Public Safety for its service to the Capitol Complex during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2297** (By Metcalf), Commending Katherine Lindley for her service as Capitol nurse practitioner during the 88th Texas Legislature.

To Resolutions Calendars.

**HR 2298** (By Metcalf), Commending the staff of the Legislative Reference Library for their work during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2299** (By Metcalf), Commending Jennifer Teigen Doran and the staff of the House Journal Clerk's Office for their service during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2300** (By Metcalf), Commending Stephen Brown and the staff of the Chief Clerk's Office for their service during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2301** (By Metcalf), Commending the members of the House Committee Coordinator's Office for their work during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2302** (By Metcalf), Commending House parliamentarians Sharon Carter and Hugh L. Brady, assistant House parliamentarian Thomas G. Samuels, law clerk Kenna Titus, and parliamentary fellows Kirby Cotter and Mara Sherry for their contributions during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2303** (By Metcalf), Commending the Office of the House Sergeant-at-Arms for its work during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2306** (By Toth), In memory of Mary-Lou Fitch of The Woodlands.

To Resolutions Calendars.

**HR 2307** (By Walle), Commending the members of the Texas Legislative Study Group for their service during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2310** (By Gervin-Hawkins), Commemorating the 30th anniversary of the Alamodome in San Antonio.

To Resolutions Calendars.

**HR 2311** (By Gervin-Hawkins), Recognizing the Carver Community Cultural Center in San Antonio for its historical significance and civic contributions.

To Resolutions Calendars.

**HR 2312** (By Herrero), Congratulating Elias Vasquez on recording his 300th win as coach of the Robstown High School baseball team.

To Resolutions Calendars.

**HR 2313** (By Price), Commemorating Texas Independence Day 2024.

To Resolutions Calendars.

**HR 2314** (By Price), Commemorating Easter 2024.

To Resolutions Calendars.

**HR 2315** (By Gervin-Hawkins), Commending U.S. Army Colonel (Ret.) William L. Moseley for his exemplary contributions as director of the St. Philip's College Good Samaritan Veterans Outreach and Transition Center.

To Resolutions Calendars.

**HR 2316** (By Metcalf), Commending Adam Arnwine for his service as a legislative aide in the office of State Representative Will Metcalf.

To Resolutions Calendars.

**HR 2317** (By Metcalf), Commending Yvette Mendoza for her service as a legislative intern in the office of State Representative Will Metcalf.

To Resolutions Calendars.

**HR 2318** (By Metcalf), Commending Sarah Henry for her service as district director and deputy chief of staff in the office of State Representative Will Metcalf during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2319** (By Metcalf), Commending Anna Newell for her service as chief committee clerk for the House Administration Committee and its chair, State Representative Will Metcalf, during the 88th Legislative Session.

To Resolutions Calendars.



**HR 2320** (By Metcalf), Commending Daniel Giese for his service as chief of staff in the office of State Representative Will Metcalf during the 88th Legislative Session.

To Resolutions Calendars.

**HR 2321** (By Price), Commemorating Mother's Day 2024.

To Resolutions Calendars.

**HR 2322** (By Price), Commemorating June 14, 2024, as Flag Day.

To Resolutions Calendars.

**HR 2323** (By Price), Commemorating Father's Day on June 16, 2024.

To Resolutions Calendars.

**HR 2324** (By Price), Commemorating the Fourth of July, 2024.

To Resolutions Calendars.

**HR 2325** (By Herrero), In memory of Angelita Gutierrez Cruz of Corpus Christi.

To Resolutions Calendars.

**HR 2326** (By Turner), Honoring the Rotary Club of Arlington on its centennial.

To Resolutions Calendars.

**HR 2327** (By Kacal), In memory of Jerry L. Hickman.

To Resolutions Calendars.

**HR 2328** (By Hinojosa), Honoring Helen Kent-Davis for her 25 years of advocacy on women's and children's health issues in Texas.

To Resolutions Calendars.

**HR 2329** (By Price), Commemorating Patriot Day 2024.

To Resolutions Calendars.

**HR 2330** (By Price), Recognizing September 17, 2024, as Constitution Day.

To Resolutions Calendars.

**HR 2331** (By Price), Recognizing September 20, 2024, as National POW/MIA Recognition Day.

To Resolutions Calendars.

**HR 2332** (By Price), Commemorating Gold Star Mother's Day 2024.

To Resolutions Calendars.

**HR 2333** (By Herrero), In memory of Amber Nicole Barrera Rosales.

To Resolutions Calendars.

**HR 2334** (By Price), Commemorating Veterans Day 2024.

To Resolutions Calendars.

**HR 2335** (By Price), Commemorating Thanksgiving 2024.

To Resolutions Calendars.

**HR 2336** (By Price), Commemorating Christmas Day 2024.

To Resolutions Calendars.

**HR 2337** (By C. Bell), Congratulating actor, artist, and advocate Buck Taylor on his 85th birthday.

To Resolutions Calendars.

**HR 2341** (By Kacal), Honoring Byrleen K. Terry for her 49 years of service to the Marlin Chamber of Commerce.

To Resolutions Calendars.

**HR 2342** (By Herrero), In memory of David De Leon of Corpus Christi.

To Resolutions Calendars.

**HR 2343** (By Herrero), In memory of Rachel Cabrera Flores of Robstown.

To Resolutions Calendars.

**HR 2344** (By Herrero), In memory of Samuel Loyd Neal Jr. of Corpus Christi.

To Resolutions Calendars.

**HR 2345** (By Herrero), In memory of Maria Teresa Olivo of Robstown.

To Resolutions Calendars.

**HR 2346** (By Herrero), In memory of Carl Allen Hill Sr. of Bishop.

To Resolutions Calendars.

**HR 2347** (By Herrero), In memory of Alma Delia Perez of Corpus Christi.

To Resolutions Calendars.

**HR 2348** (By Herrero), In memory of Paula Morales of Robstown.

To Resolutions Calendars.

**HR 2349** (By Herrero), In memory of Aida Ramirez Garcia of Robstown.

To Resolutions Calendars.

**HR 2350** (By Herrero), In memory of Trinidad Resendez Lopez of Corpus Christi.

To Resolutions Calendars.

**HR 2351** (By Herrero), In memory of Carolina Lopez of Robstown.

To Resolutions Calendars.

**HR 2352** (By Herrero), In memory of Imelda Villarreal Jimenez of Robstown.

To Resolutions Calendars.

**HR 2353** (By Herrero), In memory of John Andrew "Trapper John" Calderon of Robstown.

To Resolutions Calendars.

**HR 2354** (By Herrero), In memory of Omar Onofre Solis II of Nueces County.

To Resolutions Calendars.

**HR 2355** (By Herrero), Congratulating Hilda Gloria Tagle on her retirement as senior judge of the U.S. District Court for the Southern District of Texas.

To Resolutions Calendars.

**HR 2356** (By Herrero), Congratulating Jimmy and Betty McCain on the dedication of the 2023 Nueces County Junior Livestock Show in their honor.

To Resolutions Calendars.

**HR 2357** (By Holland), Congratulating Jack Ingram on his induction into the Texas Songwriters Hall of Fame.

To Resolutions Calendars.

**HR 2358** (By Holland), Congratulating Jon Randall on his selection as a 2024 inductee into the Texas Songwriters Hall of Fame.

To Resolutions Calendars.

**HR 2359** (By Hinojosa), Congratulating Roosevelt Weeks of the Austin Public Library on being named the 2023 Librarian of the Year by the Texas Library Association.

To Resolutions Calendars.

**HR 2360** (By Manuel), Honoring Linda Turner Spears for her contributions to Port Arthur and Southeast Texas.

To Resolutions Calendars.

**HR 2361** (By Manuel), Commending Shonte' Leonard for her service to the Beaumont Independent School District.

To Resolutions Calendars.

**HR 2362** (By Manuel), Commending Norris Batiste Jr. for his distinguished service as U.S. marshal for the Eastern District of Texas.

To Resolutions Calendars.

**HR 2363** (By Manuel), Honoring Chief Lance Billeaud of the Groves Fire Department for his contributions to his community.

To Resolutions Calendars.

**HR 2364** (By Manuel), Commending Christianna Augusta McAfee for her service as a legislative aide in the office of State Representative Christian Manuel.

To Resolutions Calendars.

**HR 2365** (By Manuel), Commending Dr. Blas Canedo-González of Lamar State College Port Arthur for his many achievements as a music educator and vocalist.

To Resolutions Calendars.

**HR 2366** (By Herrero), Congratulating Robert Rocha on his retirement as chief of the Corpus Christi Fire Department.

To Resolutions Calendars.

**HR 2367** (By Bumgarner), Congratulating Officer Paul Boon on his retirement from the Flower Mound Police Department.

To Resolutions Calendars.

**HR 2368** (By Cole), In memory of music superstar Tina Turner.

To Resolutions Calendars.

**HR 2369** (By Allen), Honoring the Houston Assembly of Delphian Chapters on the occasion of its 100th anniversary.

To Resolutions Calendars.

**HR 2370** (By C. Bell), Honoring the life of U.S. Army Lieutenant Colonel (Ret.) Paul Peter Mendes of The Woodlands.

To Resolutions Calendars.

**HR 2371** (By Button), In memory of McCarley Jean Rutledge.

To Resolutions Calendars.

**HR 2372** (By Meyer), Congratulating William H. "Bill" Lindley on his retirement as Highland Park town administrator.

To Resolutions Calendars.

**HR 2374** (By Kacal), Congratulating Lucchese Bootmaker on its 140th anniversary.

To Resolutions Calendars.

**HR 2375** (By Kacal), Congratulating Don and Lyn Brown on their 50th wedding anniversary.

To Resolutions Calendars.

**HR 2376** (By Moody), Commending Jackson Hughes for his service as a legislative intern in the office of State Representative Joe Moody.

To Resolutions Calendars.

**HR 2378** (By Cunningham), Congratulating Catherine Marie Soberon on her retirement from Atascocita High School in Humble ISD.

To Resolutions Calendars.

**HR 2379** (By C. Bell), Commending the staff of State Representative Cecil Bell Jr. for their service.

To Resolutions Calendars.

**HR 2380** (By C.J. Harris), Commemorating the 10th anniversary of the Innovation Collaborative.

To Resolutions Calendars.

**HR 2381** (By Wilson), Honoring Nancy Rister on her 25 years of service as Williamson County Clerk.

To Resolutions Calendars.

**HR 2382** (By Dutton), Honoring Laura G. Tamez of San Antonio for her contributions to the legal profession and to public policy.

To Resolutions Calendars.

**HR 2383** (By Allen), In memory of the Reverend Monsignor Patrick Roland Wells of Houston.

To Resolutions Calendars.

**HR 2384** (By Anchía), Commending Natalie Villafranca for her service as a PowerHouse Texas Policy Fellow and legislative aide in the office of State Representative Rafael Anchía.

To Resolutions Calendars.

**HR 2385** (By Herrero), Congratulating Donato Avila III on being selected as the 2023 Teacher of the Year at West Oso High School in West Oso ISD.

To Resolutions Calendars.

**HR 2386** (By Herrero), Congratulating Elizabeth Garcia on being selected as the 2023 Teacher of the Year at West Oso Elementary School in West Oso ISD.

To Resolutions Calendars.

**HR 2387** (By Herrero), Congratulating Marisa Reyes on being selected as the 2023 Teacher of the Year at West Oso Junior High School in West Oso ISD.

To Resolutions Calendars.

**HR 2388** (By Herrero), Congratulating Monica Pena on being selected as the 2023 Teacher of the Year at John F. Kennedy Elementary School in West Oso ISD.

To Resolutions Calendars.

**HR 2389** (By Herrero), Congratulating Theresa Morton on being selected as the 2023 Support Staff of the Year at Tuloso-Midway High School in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2390** (By Herrero), Congratulating Jenna Serna on being selected as the 2023 Support Staff of the Year at the Tuloso-Midway Academic Career Center in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2391** (By Herrero), Congratulating Michelle Laningham on being selected as the 2023 Support Staff of the Year at Tuloso-Midway Middle School in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2392** (By Herrero), Congratulating Jackie Ortiz on being selected as the 2023 Support Staff of the Year at Tuloso-Midway Intermediate School in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2393** (By Herrero), Congratulating Samantha Norskow on being selected as the 2023 Support Staff of the Year at Tuloso-Midway Primary School in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2394** (By Herrero), Congratulating Ashlen Emard on being selected as the 2023 Teacher of Promise at the Tuloso-Midway Academic Career Center in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2395** (By Herrero), Congratulating Hector Landin on being selected as the 2023 Teacher of Promise at Tuloso-Midway Middle School in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2396** (By Herrero), Congratulating Ericka Ledesma on being selected as the 2023 Teacher of Promise at Tuloso-Midway Intermediate School in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2397** (By Herrero), Congratulating Argelia Monsibaiz on being selected as the 2023 Teacher of Promise at Tuloso-Midway Primary School in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2398** (By Herrero), Congratulating Tiffany Candela on being selected as the 2023 Teacher of the Year at the Tuloso-Midway Academic Career Center in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2399** (By Herrero), Congratulating Kimberly Waddle on being selected as the 2023 Teacher of the Year at Tuloso-Midway High School in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2400** (By Herrero), Congratulating Lanisa Yates on being selected as the 2023 Teacher of the Year at Tuloso-Midway Middle School in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

**HR 2401** (By Herrero), Congratulating Brenda Cameron on being selected as the 2023 Teacher of the Year at Tuloso-Midway Intermediate School in the Tuloso-Midway Independent School District.

To Resolutions Calendars.

### **SIGNED BY THE SPEAKER**

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

#### **House List No. 33**

**HB 113, HB 1227, HB 1275, HB 1363, HB 1368, HB 1432, HB 1466, HB 1506, HB 1577, HB 1583, HB 1589, HB 2285, HB 2416, HB 2920, HB 2961, HB 3613, HB 3623, HB 3744, HB 3808, HB 3824, HB 3917, HB 3949, HB 3980, HB 3991, HB 4122, HB 4158, HB 4164, HB 4217, HB 4250, HB 4385, HB 4421, HB 4856, HB 5315, HB 5345, HB 5358, HB 5360, HB 5370, HB 5375, HB 5392, HB 5396, HB 5407, HB 5411, HB 5412, HB 5413, HB 5418**

#### **Senate List No. 31**

**SB 61, SB 338, SB 379, SB 402, SB 471, SB 694, SB 947, SB 987, SB 1080, SB 1094, SB 1397, SB 1661, SB 1750, SB 2260, SB 2474, SCR 26**

#### **Senate List No. 32**

**SB 186, SB 545, SB 763, SB 812, SB 833, SB 1188, SB 1647, SB 1659, SB 2035, SCR 4, SCR 8, SCR 46**

**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  
Friday, May 26, 2023

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 112**                      Bell, Cecil                      SPONSOR: Schwertner  
Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to U.S. Army Sergeant Major Jerry L. Bell.

**HCR 113**                      Vasut                      SPONSOR: Huffman  
Commemorating the dedication of the Battle of Velasco Memorial Monument.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**HB 2484**                      (31 Yeas, 0 Nays)

**SB 409**                      (31 Yeas, 0 Nays)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 26, 2023 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 115**

Kitzman

SPONSOR: Hancock

Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to U.S. Army Master Sergeant Mike C. Peña.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**HB 1**

(29 Yeas, 2 Nays)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 26, 2023 - 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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**SB 30**

(31 Yeas, 0 Nays)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 26, 2023 - 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 GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 18**

Senate Conferees: Hughes - Chair/Hinojosa/Menéndez/Parker/Paxton

**HB 30**

Senate Conferees: King - Chair/Flores/Hinojosa/Huffman/Kolkhorst

**HB 100**

Senate Conferees: Creighton - Chair/Bettencourt/Blanco/Huffman/Middleton

**HB 357**

Senate Conferees: Hughes - Chair/Birdwell/Menéndez/Paxton/Zaffirini

**HB 1500**

Senate Conferees: Schwertner - Chair/Johnson/King/Middleton/Nichols

**HB 2729**

Senate Conferees: Creighton - Chair/Campbell/King/Parker/West

**HB 3297**

Senate Conferees: Middleton - Chair/Hall/Huffman/Hughes/Nichols

**HB 3372**

Senate Conferees: Parker - Chair/Campbell/Creighton/Hughes/Zaffirini

**HB 3452**

Senate Conferees: Huffman - Chair/Bettencourt/Creighton/Hinojosa/Hughes

**HB 3474**

Senate Conferees: Hughes - Chair/Creighton/Hancock/Huffman/West

**HB 3699**

Senate Conferees: Bettencourt - Chair/Hall/Paxton/Springer/West

**HB 4390**

Senate Conferees: Bettencourt - Chair/Birdwell/Hancock/Kolkhorst/Perry

**HB 4443**

Senate Conferees: Kolkhorst - Chair/Alvarado/Middleton/Nichols/Springer

**HB 4635**

Senate Conferees: Flores - Chair/Birdwell/Blanco/Hinojosa/King

**HB 4843**

Senate Conferees: Huffman - Chair/Bettencourt/Hughes/Middleton/Nichols

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 5**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 26, 2023 - 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 PASSED THE FOLLOWING MEASURES:

**HCR 118** Craddick SPONSOR: Sparks  
Commending Bobby Burns on his service as president and CEO of the Midland Chamber of Commerce.

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

<b>SB 15</b>	(19 Yeas, 12 Nays)
<b>SB 26</b>	(31 Yeas, 0 Nays)
<b>SB 189</b>	(31 Yeas, 0 Nays)
<b>SB 365</b>	(26 Yeas, 5 Nays)
<b>SB 532</b>	(28 Yeas, 3 Nays)
<b>SB 544</b>	(31 Yeas, 0 Nays)
<b>SB 999</b>	(30 Yeas, 1 Nay)
<b>SB 2091</b>	(28 Yeas, 3 Nays)
<b>SB 2325</b>	(27 Yeas, 4 Nays)
<b>SB 2370</b>	(30 Yeas, 0 Nays, 1 Present, not voting)
<b>SB 2376</b>	(28 Yeas, 3 Nays)
<b>SB 2453</b>	(17 Yeas, 14 Nays)
<b>SB 2620</b>	(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 915**

Senate Conferees: Parker - Chair/Creighton/Hughes/Sparks/Zaffirini

**HB 3440**

Senate Conferees: Hinojosa - Chair/Bettencourt/Birdwell/Johnson/Nichols

**HB 4888**

Senate Conferees: Perry - Chair/Blanco/Hall/Kolkhorst/Sparks

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**HB 473** (31 Yeas, 0 Nays)**HB 1277** (30 Yeas, 1 Nay)**SB 222** (31 Yeas, 0 Nays)**SB 773** (31 Yeas, 0 Nays)**SB 1500** (31 Yeas, 0 Nays)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 6**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 26, 2023 - 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 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 1677**

Senate Conferees: Perry - Chair/Hall/Hancock/Kolkhorst/LaMantia

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 7**MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Friday, May 26, 2023 - 7

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 GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 5**

Senate Conferees: Schwertner - Chair/Campbell/Johnson/King/Nichols

**HB 1243**

Senate Conferees: Hughes - Chair/Creighton/Kolkhorst/Middleton/West

**HB 5344**

Senate Conferees: Creighton - Chair/Flores/LaMantia/Parker/Paxton

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**ENROLLED**

May 25 - HB 1227, HB 1275, HB 1363, HB 1368, HB 1432, HB 1466, HB 1506, HB 1577, HB 1583, HB 1589, HB 2285, HB 2416, HB 2920, HB 3323, HB 3824, HB 3917, HB 3949, HB 3980, HB 4158, HB 4421, HB 4856, HB 5010, HB 5315, HB 5370, HB 5375, HB 5392, HB 5396, HB 5407, HB 5412, HB 5418

**SENT TO THE GOVERNOR**

May 25 - HB 315, HB 430, HB 630, HB 660, HB 699, HB 975, HB 995, HB 999, HB 1002, HB 1198, HB 1199, HB 1283, HB 1305, HB 1330, HB 1526, HB 1703, HB 1794, HB 2177, HB 2443, HB 2503, HB 2671, HB 3712, HB 3956, HB 4170, HB 5409

**RECOMMENDATIONS FILED WITH THE SPEAKER**

May 25 - HB 5398, HB 5399, HB 5400, HB 5402