

HOUSE JOURNAL

EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-NINTH DAY — MONDAY, MAY 20, 2019

The house met at 10:04 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1509).

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

Absent, Excused — Johnson, E.; Minjarez.

The invocation was offered by Dr. Rihabi Mohamed, imam, Islamic Society of Greater Houston, Houston, as follows:

I greet you all with the Islamic salutation of assalam alaykum, peace and blessings be upon you. In the name of God the Almighty, the most gracious, and the most merciful. Master of the day of judgment, we only worship you, and we seek help from you alone. Guide us to the straight path. Glory be to God, the Lord of Abraham, Moses, Jesus, and Muhammad. Peace be upon them all. O God, you are the almighty Lord of all prophets and messengers. You say in the Quran, "Oh people, we have created you from one male and one female and made you into nations and tribes so that you may know one another. Verily, the best amongst you are those who are the most pious."

O God, guide these important decision-makers with your divine light. Enable them to serve you and glorify your name by serving this nation and the entire humanity. Please grant them wisdom, knowledge, insight, and the quality

of excellence in planning that focuses on the highest standard of morals and virtues that you have intended for your creations. We ask you to bestow your blessings upon us and shower your infinite wisdom to these members of the house of representatives and allow them to embrace what is right and stand up to injustice. O God, guide our leaders to use their position of power as an influence and an instrument for the improvement of all humankind and peace throughout the world. We ask you, almighty God, that you empower these men and women who are peacemakers to be able to promote peace, unity, love, and mercy for this country and beyond. Amen.

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

LEAVES OF ABSENCE GRANTED

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

E. Johnson on motion of Muñoz.

Minjarez on motion of Allison.

REGULAR ORDER OF BUSINESS SUSPENDED

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

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).

HCR 172 - ADOPTED

(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HCR 172**.

The motion prevailed.

The following resolution was laid before the house:

HCR 172, Paying tribute to the U.S. military personnel from Texas who lost their lives in the line of duty.

HCR 172 was unanimously adopted by a rising vote.

HCR 173 - ADOPTED

(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HCR 173**.

The motion prevailed.

The following resolution was laid before the house:

HCR 173, Convening a joint memorial session to pay tribute to all members of the U.S. military killed in the line of duty.

HCR 173 was adopted by (Record 1510): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.; Minjarez.

Absent — Biedermann; Johnson, J.D.

HR 1557 - INTRODUCTION OF GUESTS

The chair recognized Representative Raymond who introduced Oscar "O.J." Hale and members of his family.

CAPITOL PHYSICIAN

The chair recognized Representative Bernal who presented Dr. Veronica Escobar of San Antonio as the "Doctor for the Day."

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

HR 1783 - ADOPTED (by Buckley)

Representative Buckley moved to suspend all necessary rules to take up and consider at this time **HR 1783**.

The motion prevailed.

The following resolution was laid before the house:

HR 1783, Expressing support for the rights of Compact of Free Association islanders residing in Texas.

(Goldman in the chair)

HR 1783 was adopted.

HR 1611 - INTRODUCTION OF GUESTS

The chair recognized Representative Cortez who introduced representatives of Endeavors and the Fairweather Family Lodge.

SB 1207 - VOTE RECONSIDERED

Representative Krause moved to reconsider the vote by which **SB 1207** passed on May 17.

The motion to reconsider prevailed.

SB 1207 ON THIRD READING

(Krause, Parker, Leach, and S. Davis - House Sponsors)

The chair laid before the house, on its third reading and final passage,

SB 1207, A bill to be entitled An Act relating to the coordination of private health benefits with Medicaid benefits.

SB 1207 was read third time and passed on May 17.

Amendment No. 1

Representative Krause offered the following amendment to **SB 1207**:

Amend **SB 1207** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0605 to read as follows:

Sec. 531.0605. MEDICALLY DEPENDENT CHILDREN PROGRAM ELIGIBILITY REQUIREMENTS; NURSING FACILITY LEVEL OF CARE.
To the extent allowed by federal law, the commission may not require that a child reside in a nursing facility for an extended period of time to meet the nursing facility level of care required for the child to be determined eligible for the medically dependent children (MDCP) waiver program.

Amendment No. 1 was adopted.

SB 1207, as amended, was passed by (Record 1511): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Israel;

Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Miller; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.; Minjarez.

Absent — González, M.; Gutierrez; Herrero; Hunter; Martinez Fischer; Smith; Walle.

STATEMENTS OF VOTE

When Record No. 1511 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

When Record No. 1511 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

When Record No. 1511 was taken, I was in the house but away from my desk. I would have voted yes.

Smith

REMARKS ORDERED PRINTED

Representative Biedermann moved to print all remarks on **SB 1511** on second reading on May 15 and third reading on May 16.

The motion prevailed.

POSTPONED BUSINESS

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

SB 8 ON THIRD READING

(Larson - House Sponsor)

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

SB 8 was read third time on May 17 and was postponed until 7 a.m. today.

Representative Larson moved to postpone consideration of **SB 8** until 9 a.m. Wednesday, May 22.

The motion prevailed.

SB 449 ON SECOND READING
(Wray - House Sponsor)

SB 449, A bill to be entitled An Act relating to testimony by an appraisal district employee as to the value of real property in certain ad valorem tax appeals.

SB 449 was read second time on May 17 and was postponed until 7 a.m. today.

Representative Wray moved to postpone consideration of **SB 449** until 10 a.m. tomorrow.

The motion prevailed.

MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING

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

SB 1978 ON SECOND READING
(Krause, Sanford, Phelan, Oliverson, et al. - House Sponsors)

SB 1978, A bill to be entitled An Act relating to the protection of membership in, affiliation with, and support provided to religious organizations.

SB 1978 - POINT OF ORDER

Representative Anchia raised a point of order against further consideration of **SB 1978** under Rule 4, Section 16, and Rule 4, Section 18(a), of the House Rules and under Article III, Section 37, of the Texas Constitution. The point of order was overruled and the speaker submitted the following ruling:

RULING BY THE SPEAKER
on Senate Bill 1978

Announced in the House on May 20, 2019

Representative Anchia raises a point of order against further consideration of **SB 1978** under Rule 4, Section 16 and 18(a), and Article III, Section 37, Texas Constitution, on the grounds that the committee met and took action without a majority of members present in the minutes.

Mr. Anchia argues that because the minutes of the committee meeting are not yet available, there is no official record to verify whether a quorum was present when the bill was considered by the committee. Under Rule 4, Section 18, minutes of a meeting of a substantive committee are due within three days after the meeting, and the minutes of the May 17 meeting are therefore due on Monday, May 20. Mr. Anchia agrees that the minutes are due on May 20.

According to the official committee report signed by the chair, the Committee on State Affairs met on May 17 in a formal meeting and reported the bill. The official committee report reflects that a quorum was present when the bill was reported, and the bill received a sufficient number of aye votes.

There is no express requirement in the rules for minutes of a committee meeting to be filed before a bill that was considered during that meeting is considered on the House floor. This is not a case where there are conflicting official records on file and corrected minutes are being offered to remedy an apparent error, as was the case in the precedent cited by Mr. Anchia. See 75 H. Jour. 3701 (1997).

Here, there is no error, because the official records on file show that the Constitutional and House Rules were complied with.

Accordingly, the point of order is respectfully overruled.

Amendment No. 1

Representative Krause offered the following amendment to **SB 1978**:

Amend **SB 1978** (house committee report) as follows:

- (1) On page 4, strike lines 11 through 22.
- (2) On page 4, line 23, strike "2400.006" and substitute "2400.005".

Amendment No. 1 was adopted.

Amendment No. 2

Representatives J. González, M. González, J.E. Johnson, Israel, and Zwiener offered the following amendment to **SB 1978**:

Amend **SB 1978** (house committee report) as follows:

(1) On page 1, line 8, between "OF" and "MEMBERSHIP", insert "SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION, AND".

(2) On page 3, line 19, between "governmental entity" and "may not", insert "or an employer".

(3) On page 3, line 20, strike "person's" and substitute the following:
person's:

- (1) sexual orientation;
- (2) gender identity or expression; or
- (3)

(4) On page 4, line 13, between "governmental entity" and "or", insert "or an employer".

(5) On page 4, line 14, between "governmental entity" and "to enforce", insert "or an employer".

(6) On page 4, line 25, between "protective of" and "the free", insert "sexual orientation rights, gender identity and expression rights, and".

(7) On page 4, line 27, between "protecting" and "the free", insert "sexual orientation rights, gender identity and expression rights, and".

Amendment No. 2 - Point of Order

Representative Cain raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

A record vote was requested by Representative Stickland.

Amendment No. 2 failed of adoption by (Record 1512): 65 Yeas, 76 Nays, 2 Present, not voting.

Yeas — Allen; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Moody; Morales; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harris; Hefner; Holland; Huberty; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Middleton; Miller; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

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

Absent, Excused — Johnson, E.; Minjarez.

Absent — Anchia; Bailes; Harless; Meyer; Raney.

STATEMENTS OF VOTE

When Record No. 1512 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 1512 was taken, I was in the house but away from my desk. I would have voted no.

Harless

When Record No. 1512 was taken, I was in the house but away from my desk. I would have voted no.

Raney

A record vote was requested by Representative Stickland.

SB 1978, as amended, was passed to third reading by (Record 1513): 79 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf;

Meyer; Middleton; Miller; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Moody; Morales; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Zwiener.

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

Absent, Excused — Johnson, E.; Minjarez.

Absent — Canales; Guillen; Gutierrez; Morrison; Wu.

STATEMENT OF VOTE

When Record No. 1513 was taken, my vote failed to register. I would have voted no.

Wu

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. 32 and Senate List No. 25).

RECESS

Representative Burrows moved that the house recess until 1:45 p.m. today.

The motion prevailed.

The house accordingly, at 12:37 p.m., recessed until 1:45 p.m. today.

AFTERNOON SESSION

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

HR 1675 - ADOPTED (by Lucio)

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HR 1675**.

The motion prevailed.

The following resolution was laid before the house:

HR 1675, Congratulating La Energía Norteña on its seventh anniversary.
(Goldman in the chair)

HR 1675 was adopted.

On motion of Representative Anchia, the names of all the members of the house were added to **HR 1675** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Lucio who introduced members of La Energía Norteña.

LEAVES OF ABSENCE GRANTED

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

Herrero on motion of Rodriguez.

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

Kacal on motion of Bailes.

(Herrero now present)

MAJOR STATE CALENDAR (consideration continued)

CSSB 29 ON SECOND READING

(Middleton, Longoria, Metcalf, Phelan, Burrows, et al. - House Sponsors)

CSSB 29, A bill to be entitled An Act relating to the use by a political subdivision of public money for lobbying and certain other activities.

CSSB 29 - POINT OF ORDER

Representative J. Turner raised a point of order against further consideration of **CSSB 29** under Rule 4, Section 32(c), of the House Rules.

(Kacal now present)

The point of order was overruled and the speaker submitted the following ruling:

RULING BY THE SPEAKER on Senate Bill 29

Announced in the House on May 20, 2019

Representative J. Turner raises a point of order against further consideration of **CSSB 29** under Rule 4, Section 32(c)(2), on the grounds that the bill analysis is inaccurate and substantially and materially misleading.

Mr. Turner argues that the bill analysis is inaccurate and substantially and materially misleading because the bill analysis uses the term "lobbying" to describe the prohibited conduct, while the bill prohibits actors from "directly or indirectly influencing" the outcome of legislation pending before the legislature. He argues that the activity prohibited by the plain language of the bill is broader

than the activity described by the term "lobbying." The bill amends the law to expressly prohibit "lobbying activities" and the Chair finds it reasonable for the analysis's drafter to use the term "lobby" to describe the prohibited activities.

Mr. Turner further argues that the description in the bill analysis of changes made to the availability of injunctive relief is inaccurate. The alleged error is that the analysis overlooks the fact that the prior law applied only to organizations supported wholly or partly by "payment of tax receipts," while the bill changes current law to apply to an association or organization supported wholly or partly by "public money."

The bill analysis is a summary. The Chair finds that the disputed language fairly summarizes changes made by the bill, because the analysis gives sufficient detail to inform the reader of the activity prohibited by the bill and the parties against whom the injunctive relief is available.

Accordingly, the point of order is respectfully overruled.

CSSB 29 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSSB 29** under Rule 4, Section 32(c)(2), of the House Rules and under Article I, Section 16, of the Texas Constitution on the grounds that the bill impairs the obligation of contracts, is an impermissible ex post facto law, and that the bill analysis is inaccurate.

The point of order was withdrawn.

Amendment No. 1

Representative Middleton offered the following amendment to **CSSB 29**:

Amend **CSSB 29** (house committee report) as follows:

(1) On page 1, strike lines 11-13 and substitute the following:

(1) a municipality; and

(2) a county.

(2) On page 1, strike lines 14-17, and substitute the following: "(b) The governing body of a political subdivision may not make an expenditure for a person to communicate directly, on behalf of the political subdivision, with a member of the legislative branch to influence legislation on the following matters:"

(3) On page 1, lines 18 and 19, strike ", including the implementation, rates, and administration of taxes" and substitute ", but not including matters related to the method of finance for hospital payments".

(4) On page 1, line 22, strike "and transparency of public servants" and substitute "of elected and appointed officials".

(5) On page 2, line 4, strike "elected".

(6) On page 2, strike lines 5-7 and substitute the following: "communicating directly with a member of the legislative branch to influence legislation while acting as an officer of the political subdivision;"

(7) On page 2, strike lines 9-12 and substitute the following:

"communicating directly with a member of the legislative branch to influence legislation if the individual is not required to register with the Texas Ethics Commission under Chapter 305;

(4) travel and other incidental costs or expenses incurred in carrying out an activity described by this subsection; or

(5) payment of membership fees or dues to a chamber of commerce."

(8) On page 2, line 16, strike "or" and substitute "of similarly situated political subdivisions or a nonprofit state".

(9) On page 2, line 22, strike "local [county]" and substitute "county or municipal".

(10) On page 2, lines 22-23, strike "all local [county]" and substitute "[all] county or municipal".

(11) On page 3, strike lines 1-5 and substitute the following:

"on behalf of the association or organization does not communicate directly with a member of the legislative branch to influence legislation related to the matters described by Subsections (b)(1)-(4) [~~directly or indirectly influences or attempts to influence the outcome of any legislation pending before the legislature, except that this subdivision does not prevent a person~~."

(12) On page 3, line 16, between "organization" and "supported", insert "described by Subsection (d) that is".

(13) On page 4, between lines 1 and 2, insert "(g) In this section, the terms "communicate directly with", "expenditure", "legislation", "matter", "member of the legislative branch", and "person" have the meanings assigned in Chapter 305."

(14) On page 4, strike lines 9-16 and substitute the following:

"(b) A political subdivision or authority must disclose on any comprehensive annual financial report required to be prepared by the political subdivision or authority the total amount spent during the fiscal year to compensate persons to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action if those persons are required to register under Chapter 305, Government Code."

Amendment No. 2

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

Amend Amendment No. 1 by Middleton to **CSSB 29** (house committee report) by striking Item 1 of the amendment and substituting the following:

(1) On page 1, strike lines 11-13 and substitute the following:

(1) a county with a population of 250,000 or more; and

(2) a municipality located in a county described by Subdivision (1).

LEAVE OF ABSENCE GRANTED

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

Huberty on motion of Murphy.

CSSB 29 - (consideration continued)

A record vote was requested by Representative Stickland.

Amendment No. 2 was adopted by (Record 1514): 90 Yeas, 54 Nays, 3 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bowers; Bucy; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dutton; Farrar; Fierro; Flynn; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guillen; Gutierrez; Harris; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Kuempel; Lambert; Larson; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Morales; Morrison; Neave; Nevárez; Ortega; Pacheco; Paddie; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Shine; Smithee; Stephenson; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zerwas; Zwiener.

Nays — Allison; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Davis, S.; Dominguez; Frank; Frullo; Guerra; Harless; Hefner; Holland; Hunter; Klick; Krause; Landgraf; Lang; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Moody; Muñoz; Murphy; Murr; Noble; Oliverson; Parker; Patterson; Paul; Phelan; Schaefer; Shaheen; Sherman; Smith; Springer; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; White; Wilson; Wray; Zedler.

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

STATEMENTS OF VOTE

When Record No. 1514 was taken, I was shown voting yes. I intended to vote no.

Sanford

When Record No. 1514 was taken, I was shown voting no. I intended to vote yes.

Sherman

When Record No. 1514 was taken, I was shown voting no. I intended to vote yes.

Springer

Amendment No. 3

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

Amend Amendment No. 1 by Middleton to **CSSB 29** as follows:

(1) Strike items (3) and (4) of the amendment.

(2) Add the following appropriately numbered item to the amendment:

() On page 1, strike lines 18-22 and substitute the following:

(1) a tax imposed under:

(A) Title 1, Tax Code;

(B) Title 2, Tax Code; and

(C) Subtitle C, Title 3, Tax Code;

(2) a tax imposed on the net income of a person, including a person's share of partnership and unincorporated association income;

(3) bond elections;

(4) certificates of obligation, as defined by Chapter 271, Local Government Code, and debt guaranteed by an ad valorem tax; and

(5) ethics of elected and appointed officials.

(3) In Item (7) of the amendment, strike added Subdivisions (4) and (5) and substitute the following:

(4) travel and other incidental costs or expenses incurred in carrying out an activity described by this subsection;

(5) payment of membership fees or dues to:

(A) a chamber of commerce; or

(B) an economic development corporation; or

(6) the governing body of a political subdivision from making an expenditure for a person to communicate directly, on behalf of the political subdivision, with a member of the legislative branch to influence legislation on matters related to the method of finance for hospital payments.

(4) Renumber the items of the amendment as appropriate.

A record vote was requested by Representative Stickland.

Amendment No. 3 was adopted by (Record 1515): 126 Yeas, 16 Nays, 4 Present, not voting.

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

Nays — Allison; Biedermann; Cain; Harris; Klick; Krause; Lang; Metcalf; Patterson; Schaefer; Shaheen; Stephenson; Stickland; Swanson; Tinderholt; Wilson.

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Thompson, S.

STATEMENTS OF VOTE

When Record No. 1515 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 1515 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1515 was taken, I was shown voting yes. I intended to vote no.

Miller

When Record No. 1515 was taken, I was in the house but away from my desk. I would have voted yes.

S. Thompson

Amendment No. 4

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

Amend Amendment No. 1 by Middleton to **CSSB 29** as follows:

(1) Add the following appropriately numbered items to the amendment and renumber subsequent items of the amendment accordingly:

() On page 4, line 6, immediately following the underlined semicolon, strike "or".

() On page 4, line 8, between "transit authority" and the underlined period, insert the following:

; or

(3) an open-enrollment charter school

() On page 4, line 18, strike "or authority" and substitute ", authority, or open-enrollment charter school".

(2) Strike item (14) of the amendment and substitute the following appropriately numbered item:

() On page 4, strike lines 9-16 and substitute the following:

(b) A political subdivision, authority, or open-enrollment charter school must disclose on any comprehensive annual financial report required to be prepared by the political subdivision, authority, or open-enrollment charter school the total amount spent during the fiscal year to compensate persons to communicate directly with a member of the legislative or executive branch to influence legislation or administration action if those persons are required to register under Chapter 305, Government Code.

Amendment No. 4 - Point of Order

Representative Cain raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 4 was withdrawn.

(Speaker in the chair)

Amendment No. 5

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

Amend Amendment No. 1 by Middleton to **CSSB 29**, on page 2 of the amendment, in Item (7) of the amendment, by striking added Subdivision (5) and substituting the following:

(5) payment of membership fees or dues to:

(A) a chamber of commerce;

(B) an economic development corporation; or

(C) the North Texas Commission.

Amendment No. 5 was withdrawn.

Amendment No. 6

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

Amend Amendment No. 1 by Middleton to **CSSB 29** as follows:

(1) Add the following appropriately numbered items to the amendment and renumber subsequent items of the amendment accordingly:

() On page 4, strike lines 6-8 and substitute the following:

(1) a municipality; and

(2) a county.

() On page 4, lines 17-18, strike "political subdivision or authority" and substitute "municipality or county".

(2) Strike item (14) of the amendment and substitute the following appropriately numbered item:

() On page 4, strike lines 9-16 and substitute the following:

(b) A municipality or county must disclose on any comprehensive annual financial report required to be prepared by the municipality or county the total amount spent during the fiscal year to compensate persons to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action if those persons are required to register under Chapter 305, Government Code.

Amendment No. 6 was withdrawn.

A record vote was requested by Representative Stickland.

Amendment No. 1, as amended, was adopted by (Record 1516): 81 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Blanco; Bowers; Bucy; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guillen; Gutierrez; Harris; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, K.; Kuempel; Larson; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Miller; Morales; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raney; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Smithee; Springer; Stephenson; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zerwas; Zwiener.

Nays — Allison; Bell, C.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Craddick; Dean; Frank; Frullo; Goldman; Guerra; Harless; Hefner; Holland; Hunter; Kacal; Klick; Krause; Lambert; Landgraf; Lang; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Moody; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raymond; Sanford; Schaefer; Shaheen; Shine; Smith; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; White; Wilson; Wray; Zedler.

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Flynn; King, P.; King, T.; Morrison; Muñoz.

STATEMENTS OF VOTE

When Record No. 1516 was taken, I was shown voting no. I intended to vote yes.

Dean

When Record No. 1516 was taken, my vote failed to register. I would have voted yes.

Flynn

When Record No. 1516 was taken, I was shown voting yes. I intended to vote no.

Harris

When Record No. 1516 was taken, my vote failed to register. I would have voted yes.

P. King

When Record No. 1516 was taken, I was shown voting yes. I intended to vote no.

Miller

When Record No. 1516 was taken, I was in the house but away from my desk. I would have voted no.

Muñoz

Amendment No. 7

Representative Dutton offered the following amendment to **CSSB 29**:

Amend **CSSB 29** (house committee printing) on page 1, between lines 13 and 14, by inserting the following:

(a-1) Notwithstanding Subsection (a), this section does not apply to a county with a population of less than one million.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Ramos offered the following amendment to **CSSB 29**:

Amend **CSSB 29** (house committee report) as follows:

(1) On page 1, line 9, strike "This" and substitute "Except as provided by Subsection (a-1), this".

(2) On page 1, between lines 13 and 14, insert the following:

(a-1) This section does not apply to a municipality:

(1) with a population of 1.18 million or more that is located predominantly in a county that has a total area of less than 1,000 square miles;

(2) with a population of more than 220,000 and less than 250,000 that:
(A) is located in a county in which another municipality that has a population of more than one million is predominately located; and

(B) has emergency medical services administered by a fire department;

(3) with a population of 13,056; or

(4) with a population of 99,223.

A record vote was requested by Representative Stickland.

Amendment No. 8 failed of adoption by (Record 1517): 62 Yeas, 80 Nays, 3 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Button; Calanni; Canales; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Morales; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Clardy; Craddick; Cyrier; Davis, S.; Dean; Flynn; Frank; Frullo; Goldman; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Metcalf; Meyer;

Miller; Moody; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Raymond; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Gutierrez; Middleton.

STATEMENT OF VOTE

When Record No. 1517 was taken, I was in the house but away from my desk. I would have voted no.

Middleton

Amendment No. 9

Representative Capriglione offered the following amendment to **CSSB 29**:

Amend **CSSB 29** (house committee report) as follows:

(1) On page 4, between lines 1 and 2, insert the following subsections:

(g) A political subdivision shall prominently display on the political subdivision's Internet website the following regarding contracts for services that would require a person to register as a lobbyist under Chapter 305:

(1) the execution dates;

(2) the contract duration terms, including any extension options;

(3) the effective dates;

(4) the final amount of money the political subdivision paid in the previous fiscal year;

(5) the identity of all parties to the contract;

(6) the identity of all subcontractors in the contract; and

(7) the legislative agenda of the political subdivision.

(h) In lieu of displaying the items described by Subsections (g)(1)-(6) regarding a contract for services that would require a person to register as a lobbyist under Chapter 305, a political subdivision may post on the political subdivision's Internet website the contract for those services.

(i) Information required to be displayed on a political subdivision's Internet website under this section is public information subject to disclosure under Chapter 552.

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

SECTION ____ . Section 2252.908(b), Government Code, is amended to read as follows:

(b) This section applies only to a contract of a governmental entity or state agency that:

(1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; ~~[or]~~

(2) has a value of at least \$1 million; or

(3) is for services that would require a person to register as a lobbyist under Chapter 305.

SECTION _____. Section 140.0045, Local Government Code, is amended to read as follows:

Sec. 140.0045. ITEMIZATION OF CERTAIN ~~[PUBLIC NOTICE]~~ EXPENDITURES REQUIRED IN CERTAIN POLITICAL SUBDIVISION BUDGETS. (a) Except as provided by Subsection (b), the proposed budget of a political subdivision must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for:

(1) notices required by law to be published in a newspaper by the political subdivision or a representative of the political subdivision; and

(2) directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Section 305.002, Government Code [that allows as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year].

(b) Subsection (a)(1) [This section] does not apply to a junior college district.

Amendment No. 9 was adopted.

Amendment No. 10

Representative Moody offered the following amendment to **CSSB 29**:

Amend **CSSB 29** (house committee report) as follows:

(1) Strike page 4, line 26 through page 5, line 3, and substitute the following: "effective date of this Act. A contract term requiring services to be rendered that are prohibited by Section 556.0056, Government Code, as transferred, redesignated, and amended by this Act, is void to the extent those services are prohibited on the effective date of this Act as being counter to public policy."

(2) Insert a new SECTION of the bill to read as follows, and renumber the remaining sections appropriately:

SECTION _____. Section 571.091(a), Government Code, is amended to read as follows:

(a) The commission shall prepare a written opinion answering the request of a person subject to any of the following laws for an opinion about the application of any of these laws to the person in regard to a specified existing or hypothetical factual situation:

- (1) Chapter 302;
- (2) Chapter 303;
- (3) Chapter 305;
- (4) Chapter 2004;
- (5) Chapter 572;

(6) Subchapter C, Chapter 159, Local Government Code, as provided by Section 571.061(a)(2);

- (7) Title 15, Election Code;
- (8) Chapter 36, Penal Code; [~~or~~]
- (9) Chapter 39, Penal Code;
- (10) Section 2152.064; [~~or~~]
- (11) Section 2155.033; or
- (12) Section 556.0056.

A record vote was requested by Representative Stickland.

Amendment No. 10 was adopted by (Record 1518): 133 Yeas, 10 Nays, 2 Present, not voting.

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

Nays — Allison; Biedermann; Bohac; Cain; Hefner; Hunter; Metcalf; Schaefer; Stickland; Wilson.

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Beckley; Middleton.

Amendment No. 11

Representative S. Davis offered the following amendment to **CSSB 29**:

Amend **CSSB 29** (house committee report) as follows:

(1) Strike page 4, line 20 through page 5, line 3 and substitute the following:

SECTION _____. (a) Section 556.005(a), Government Code, as amended by this Act, Section 556.0056, Government Code, as transferred, redesignated, and amended by this Act, and Section 556.0057, Government Code, as added by this Act, apply only to an expenditure or payment of public funds that is made on or after the effective date of this Act, including an expenditure or payment of public funds that is made under a contract entered into before, on, or after the effective date of this Act. A contract term providing for an expenditure or payment prohibited by Section 556.005(a), Government Code, as amended by

this Act, Section 556.0056, Government Code, as transferred, redesignated, and amended by this Act, and Section 556.0057, Government Code, as added by this Act, is void on the effective date of this Act for being counter to public policy.

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

SECTION _____. Section 556.005(a), Government Code, is amended to read as follows:

(a) A state agency may not use appropriated money to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 to register as a lobbyist. A ~~[Except for an institution of higher education as defined by Section 61.003, Education Code, a]~~ state agency may not use any money under its control to employ or contract with an individual who is required by Chapter 305 to register as a lobbyist.

SECTION _____. Chapter 556, Government Code, is amended by adding Section 556.0057 to read as follows:

Sec. 556.0057. LOBBYING ACTIVITIES OF STATE AGENCY; EMPLOYMENT OF FEDERAL LOBBYIST. (a) In this section, "lobbyist" means a person who is defined as a "lobbying firm" or "lobbyist" under Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1602).

(b) A state agency may not spend public money to:

(1) directly or indirectly influence or attempt to influence the outcome of any legislation pending before the Congress of the United States; or

(2) employ in any capacity or contract with a lobbyist.

(c) This section does not prevent:

(1) an individual from providing information to a member of the Congress of the United States or appearing before a congressional committee at the request of the committee or the member of Congress; or

(2) an elected officer from advocating for or against or otherwise influencing or attempting to influence the outcome of legislation pending before the Congress of the United States while acting as an officer.

SECTION _____. Section 556.008, Government Code, is amended to read as follows:

Sec. 556.008. COMPENSATION PROHIBITION. A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004(a), (b), or (c) or Section 556.005, 556.0057, or 556.006(a), or who is subject to termination under Section 556.007.

SECTION _____. Section 556.009(a), Government Code, is amended to read as follows:

(a) A state agency shall provide each officer and employee of the agency a copy of Sections 556.004, 556.005, 556.0057, 556.006, 556.007, and 556.008 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.

SECTION _____. The changes in law made by this Act apply only to conduct occurring on or after the effective date of this Act. Conduct engaged in before the effective date of this Act is governed by the law in effect when the conduct occurred, regardless of when a person was compensated for the conduct, and the former law is continued in effect for that purpose.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 11 was withdrawn.

A record vote was requested by Representative Stickland.

CSSB 29, as amended, failed to pass to third reading by (Record 1519): 58 Yeas, 85 Nays, 2 Present, not voting.

Yeas — Bell, C.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Craddick; Cyrier; Davis, S.; Dean; Frank; Frullo; Goldman; Harless; Harris; Hefner; Holland; King, P.; Klick; Krause; Landgraf; Lang; Leach; Leman; Longoria; Lozano; Metcalf; Meyer; Middleton; Moody; Morrison; Murphy; Murr; Noble; Oliverson; Patterson; Paul; Phelan; Raymond; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Springer; Stickland; Swanson; Thompson, E.; Tinderholt; Toth; White; Wilson; Wray; Zedler.

Nays — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Blanco; Bowers; Bucy; Button; Calanni; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Hunter; Israel; Johnson, J.D.; Kacal; King, K.; King, T.; Kuempel; Lambert; Larson; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Miller; Morales; Muñoz; Neave; Nevárez; Ortega; Pacheco; Paddie; Parker; Perez; Price; Ramos; Raney; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zerwas; Zwiener.

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Canales; Johnson, J.E.

STATEMENTS OF VOTE

When Record No. 1519 was taken, I was shown voting no. I intended to vote yes.

Anderson

When Record No. 1519 was taken, my vote failed to register. I would have voted no.

Canales

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).

MAJOR STATE CALENDAR
(consideration continued)

SB 24 ON SECOND READING
(Paddie, et al. - House Sponsors)

SB 24, A bill to be entitled An Act relating to the provision of informational materials and certain other information to a pregnant woman before an abortion.

Amendment No. 1

Representative Ramos offered the following amendment to **SB 24**:

Amend **SB 24** (house committee printing) as follows:

(1) On page 1, line 6, strike "Subsection (f)" and substitute "Subsections (f) and (g)".

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

(g) The commission shall ensure the informational materials described by Section 171.014 are medically accurate by:

(1) submitting the materials for recommendations to the American College of Obstetricians and Gynecologists; and

(2) if necessary, amending the materials based on the recommendations described by Subdivision (1).

(3) Add the following appropriately numbered SECTION to the bill:

SECTION _____. (a) As soon as practicable after the effective date of this Act, the Health and Human Services Commission shall submit the informational materials described by Section 171.014, Health and Safety Code, for recommendations in accordance with Section 171.012(g), Health and Safety Code, as added by this Act.

(b) A physician is not required to provide or describe the informational materials described by Section 171.014, Health and Safety Code, until the Health and Human Services Commission receives the recommendations described by Section 171.012(g), Health and Safety Code, as added by this Act, and, if necessary, amends the informational materials based on those recommendations.

(4) Renumber SECTIONS of the bill accordingly.

Amendment No. 1 - Point of Order

Representative Cain raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

A record vote was requested.

SB 24 was passed to third reading by (Record 1520): 83 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Goldman; Guillen;

Harless; Hefner; Herrero; Holland; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Lucio; Metcalf; Meyer; Miller; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Raymond; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Longoria; Lopez; Martinez; Martinez Fischer; Meza; Moody; Morales; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Harris; Hernandez; Middleton.

STATEMENTS OF VOTE

When Record No. 1520 was taken, I was in the house but away from my desk. I would have voted yes.

Harris

When Record No. 1520 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

CSSB 69 ON SECOND READING (Capriglione - House Sponsor)

CSSB 69, A bill to be entitled An Act relating to the allocations of money for transfer to the state highway fund and the economic stabilization fund and the investment of money in the economic stabilization fund.

Amendment No. 1

Representative Capriglione offered the following amendment to **CSSB 69**:

Amend **CSSB 69** (house committee printing) on page 3, line 25, of the bill by striking "unappropriated".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Zerwas offered the following amendment to **CSSB 69**:

Amend **CSSB 69** (house committee report) as follows:

(1) On page 3, line 20, strike "December 31, 2024." and substitute "December 31, 2034 [~~2024~~].".

(2) On page 5, line 5, strike "September 1, 2025," and substitute "September 1, 2035 [~~2025~~],".

(3) On page 5, line 11, strike "December 31, 2024." and substitute "December 31, 2034 [~~2024~~].".

Amendment No. 2 was adopted.

CSSB 69, as amended, was passed to third reading.

CSSB 1264 ON SECOND READING

(Oliverson, Martinez Fischer, G. Bonnen, Zerwas, and Lucio - House Sponsors)

CSSB 1264, A bill to be entitled An Act relating to consumer protections against certain medical and health care billing by certain out-of-network providers.

Amendment No. 1

Representative Oliverson offered the following amendment to **CSSB 1264**:

Amend **CSSB 1264** (house committee printing) by striking all below the enacting clause and substituting the following:

ARTICLE 1. ELIMINATION OF SURPRISE BILLING FOR CERTAIN HEALTH BENEFIT PLANS

SECTION 1.01. Subtitle G, Title 5, Insurance Code, is amended by adding Chapter 752 to read as follows:

CHAPTER 752. ENFORCEMENT OF BALANCE BILLING PROHIBITIONS

Sec. 752.0001. DEFINITION. In this chapter, "administrator" has the meaning assigned by Section 1467.001.

Sec. 752.0002. INJUNCTION FOR BALANCE BILLING. (a) If the attorney general receives a referral from the appropriate regulatory agency indicating that an individual or entity, including a health benefit plan issuer or administrator, has exhibited a pattern of intentionally violating a law that prohibits the individual or entity from billing an insured, participant, or enrollee in an amount greater than an applicable copayment, coinsurance, and deductible under the insured's, participant's, or enrollee's managed care plan or that imposes a requirement related to that prohibition, the attorney general may bring a civil action in the name of the state to enjoin the individual or entity from the violation.

(b) If the attorney general prevails in an action brought under Subsection (a), the attorney general may recover reasonable attorney's fees, costs, and expenses, including court costs and witness fees, incurred in bringing the action.

Sec. 752.0003. ENFORCEMENT BY REGULATORY AGENCY. (a) An appropriate regulatory agency that licenses, certifies, or otherwise authorizes a physician, health care practitioner, health care facility, or other health care provider to practice or operate in this state may take disciplinary action against the physician, practitioner, facility, or provider if the physician, practitioner, facility, or provider violates a law that prohibits the physician, practitioner, facility, or provider from billing an insured, participant, or enrollee in an amount

greater than an applicable copayment, coinsurance, and deductible under the insured's, participant's, or enrollee's managed care plan or that imposes a requirement related to that prohibition.

(b) The department may take disciplinary action against a health benefit plan issuer or administrator if the issuer or administrator violates a law requiring the issuer or administrator to provide notice of a balance billing prohibition or make a related disclosure.

(c) A regulatory agency described by Subsection (a) or the commissioner may adopt rules as necessary to implement this section. Section 2001.0045, Government Code, does not apply to rules adopted under this subsection.

SECTION 1.02. Subchapter A, Chapter 1271, Insurance Code, is amended by adding Section 1271.008 to read as follows:

Sec. 1271.008. BALANCE BILLING PROHIBITION NOTICE. (a) A health maintenance organization shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or provider in connection with a health care service or supply provided by a non-network physician or provider. The notice must include:

(1) a statement of the billing prohibition under Section 1271.155, 1271.157, or 1271.158, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's health benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) A health maintenance organization shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the health maintenance organization makes a payment under Section 1271.155, 1271.157, or 1271.158, as applicable.

SECTION 1.03. Section 1271.155, Insurance Code, is amended by amending Subsection (b) and adding Subsections (f) and (g) to read as follows:

(b) A health care plan of a health maintenance organization must provide the following coverage of emergency care:

(1) a medical screening examination or other evaluation required by state or federal law necessary to determine whether an emergency medical condition exists shall be provided to covered enrollees in a hospital emergency facility or comparable facility;

(2) necessary emergency care shall be provided to covered enrollees, including the treatment and stabilization of an emergency medical condition; ~~and~~

(3) services originated in a hospital emergency facility, freestanding emergency medical care facility, or comparable emergency facility following treatment or stabilization of an emergency medical condition shall be provided to covered enrollees as approved by the health maintenance organization, subject to Subsections (c) and (d); and

(4) supplies related to a service described by this subsection shall be provided to covered enrollees.

(f) For emergency care subject to this section or a supply related to that care, a health maintenance organization shall make a payment required by Subsection (a) directly to the non-network physician or provider not later than, as applicable:

(1) the 30th day after the date the health maintenance organization receives an electronic claim for those services that includes all information necessary for the health maintenance organization to pay the claim; or

(2) the 45th day after the date the health maintenance organization receives a nonelectronic claim for those services that includes all information necessary for the health maintenance organization to pay the claim.

(g) For emergency care subject to this section or a supply related to that care, a non-network physician or provider or a person asserting a claim as an agent or assignee of the physician or provider may not bill an enrollee in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's health care plan that:

(1) is based on:

(A) the amount initially determined payable by the health maintenance organization; or

(B) if applicable, a modified amount as determined under the health maintenance organization's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the physician or provider under Chapter 1467.

SECTION 1.04. Subchapter D, Chapter 1271, Insurance Code, is amended by adding Sections 1271.157 and 1271.158 to read as follows:

Sec. 1271.157. NON-NETWORK FACILITY-BASED PROVIDERS.

(a) In this section, "facility-based provider" means a physician or provider who provides health care services to patients of a health care facility.

(b) Except as provided by Subsection (d), a health maintenance organization shall pay for a covered health care service performed for or a covered supply related to that service provided to an enrollee by a non-network physician or provider who is a facility-based provider at the usual and customary rate or at an agreed rate if the provider performed the service at a health care facility that is a network provider. The health maintenance organization shall make a payment required by this subsection directly to the physician or provider not later than, as applicable:

(1) the 30th day after the date the health maintenance organization receives an electronic claim for those services that includes all information necessary for the health maintenance organization to pay the claim; or

(2) the 45th day after the date the health maintenance organization receives a nonelectronic claim for those services that includes all information necessary for the health maintenance organization to pay the claim.

(c) Except as provided by Subsection (d), a non-network facility-based provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care service or supply described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's health care plan that:

(1) is based on:

(A) the amount initially determined payable by the health maintenance organization; or

(B) if applicable, a modified amount as determined under the health maintenance organization's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that an enrollee elects to receive in writing in advance of the service with respect to each non-network physician or provider providing the service; and

(2) for which a non-network physician or provider, before providing the service, provides a complete written disclosure to the enrollee that:

(A) explains that the physician or provider does not have a contract with the enrollee's health benefit plan;

(B) discloses projected amounts for which the enrollee may be responsible; and

(C) discloses the circumstances under which the enrollee would be responsible for those amounts.

Sec. 1271.158. NON-NETWORK DIAGNOSTIC IMAGING PROVIDER OR LABORATORY SERVICE PROVIDER. (a) In this section, "diagnostic imaging provider" and "laboratory service provider" have the meanings assigned by Section 1467.001.

(b) Except as provided by Subsection (d), a health maintenance organization shall pay for a covered health care service performed by or a covered supply related to that service provided to an enrollee by a non-network diagnostic imaging provider or laboratory service provider at the usual and customary rate or at an agreed rate if the provider performed the service in connection with a health care service performed by a network physician or provider. The health maintenance organization shall make a payment required by this subsection directly to the physician or provider not later than, as applicable:

(1) the 30th day after the date the health maintenance organization receives an electronic claim for those services that includes all information necessary for the health maintenance organization to pay the claim; or

(2) the 45th day after the date the health maintenance organization receives a nonelectronic claim for those services that includes all information necessary for the health maintenance organization to pay the claim.

(c) Except as provided by Subsection (d), a non-network diagnostic imaging provider or laboratory service provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health

care service or supply described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's health care plan that:

(1) is based on:

(A) the amount initially determined payable by the health maintenance organization; or

(B) if applicable, a modified amount as determined under the health maintenance organization's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that an enrollee elects to receive in writing in advance of the service with respect to each non-network physician or provider providing the service; and

(2) for which a non-network physician or provider, before providing the service, provides a complete written disclosure to the enrollee that:

(A) explains that the physician or provider does not have a contract with the enrollee's health benefit plan;

(B) discloses projected amounts for which the enrollee may be responsible; and

(C) discloses the circumstances under which the enrollee would be responsible for those amounts.

SECTION 1.05. Section 1301.0045(b), Insurance Code, is amended to read as follows:

(b) Except as provided by Sections 1301.0052, 1301.0053, ~~and~~ 1301.155, 1301.164, and 1301.165, this chapter may not be construed to require an exclusive provider benefit plan to compensate a nonpreferred provider for services provided to an insured.

SECTION 1.06. Section 1301.0053, Insurance Code, is amended to read as follows:

Sec. 1301.0053. EXCLUSIVE PROVIDER BENEFIT PLANS: EMERGENCY CARE. (a) If an out-of-network ~~[a nonpreferred]~~ provider provides emergency care as defined by Section 1301.155 to an enrollee in an exclusive provider benefit plan, the issuer of the plan shall reimburse the out-of-network ~~[nonpreferred]~~ provider at the usual and customary rate or at a rate agreed to by the issuer and the out-of-network ~~[nonpreferred]~~ provider for the provision of the services and any supply related to those services. The insurer shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the insurer receives an electronic claim for those services that includes all information necessary for the insurer to pay the claim; or

(2) the 45th day after the date the insurer receives a nonelectronic claim for those services that includes all information necessary for the insurer to pay the claim.

(b) For emergency care subject to this section or a supply related to that care, an out-of-network provider or a person asserting a claim as an agent or assignee of the provider may not bill an insured in, and the insured does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the insured's exclusive provider benefit plan that:

(1) is based on:

(A) the amount initially determined payable by the insurer; or

(B) if applicable, a modified amount as determined under the insurer's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

SECTION 1.07. Subchapter A, Chapter 1301, Insurance Code, is amended by adding Section 1301.010 to read as follows:

Sec. 1301.010. BALANCE BILLING PROHIBITION NOTICE. (a) An insurer shall provide written notice in accordance with this section in an explanation of benefits provided to the insured and the physician or health care provider in connection with a medical care or health care service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1301.0053, 1301.155, 1301.164, or 1301.165, as applicable;

(2) the total amount the physician or provider may bill the insured under the insured's preferred provider benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) An insurer shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the insurer makes a payment under Section 1301.0053, 1301.155, 1301.164, or 1301.165, as applicable.

SECTION 1.08. Section 1301.155, Insurance Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) If an insured cannot reasonably reach a preferred provider, an insurer shall provide reimbursement for the following emergency care services at the usual and customary rate or at an agreed rate and at the preferred level of benefits until the insured can reasonably be expected to transfer to a preferred provider:

(1) a medical screening examination or other evaluation required by state or federal law to be provided in the emergency facility of a hospital that is necessary to determine whether a medical emergency condition exists;

(2) necessary emergency care services, including the treatment and stabilization of an emergency medical condition; ~~and~~

(3) services originating in a hospital emergency facility or freestanding emergency medical care facility following treatment or stabilization of an emergency medical condition; and

(4) supplies related to a service described by this subsection.

(c) For emergency care subject to this section or a supply related to that care, an insurer shall make a payment required by this section directly to the out-of-network provider not later than, as applicable:

(1) the 30th day after the date the insurer receives an electronic claim for those services that includes all information necessary for the insurer to pay the claim; or

(2) the 45th day after the date the insurer receives a nonelectronic claim for those services that includes all information necessary for the insurer to pay the claim.

(d) For emergency care subject to this section or a supply related to that care, an out-of-network provider or a person asserting a claim as an agent or assignee of the provider may not bill an insured in, and the insured does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the insured's preferred provider benefit plan that:

(1) is based on:

(A) the amount initially determined payable by the insurer; or

(B) if applicable, a modified amount as determined under the insurer's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

SECTION 1.09. Subchapter D, Chapter 1301, Insurance Code, is amended by adding Sections 1301.164 and 1301.165 to read as follows:

Sec. 1301.164. OUT-OF-NETWORK FACILITY-BASED PROVIDERS.

(a) In this section, "facility-based provider" means a physician or health care provider who provides medical care or health care services to patients of a health care facility.

(b) Except as provided by Subsection (d), an insurer shall pay for a covered medical care or health care service performed for or a covered supply related to that service provided to an insured by an out-of-network provider who is a facility-based provider at the usual and customary rate or at an agreed rate if the provider performed the service at a health care facility that is a preferred provider. The insurer shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the insurer receives an electronic claim for those services that includes all information necessary for the insurer to pay the claim; or

(2) the 45th day after the date the insurer receives a nonelectronic claim for those services that includes all information necessary for the insurer to pay the claim.

(c) Except as provided by Subsection (d), an out-of-network provider who is a facility-based provider or a person asserting a claim as an agent or assignee of the provider may not bill an insured receiving a medical care or health care service or supply described by Subsection (b) in, and the insured does not have

financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the insured's preferred provider benefit plan that:

(1) is based on:

(A) the amount initially determined payable by the insurer; or

(B) if applicable, a modified amount as determined under the insurer's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that an insured elects to receive in writing in advance of the service with respect to each out-of-network provider providing the service; and

(2) for which an out-of-network provider, before providing the service, provides a complete written disclosure to the insured that:

(A) explains that the provider does not have a contract with the insured's preferred provider benefit plan;

(B) discloses projected amounts for which the insured may be responsible; and

(C) discloses the circumstances under which the insured would be responsible for those amounts.

Sec. 1301.165. OUT-OF-NETWORK DIAGNOSTIC IMAGING PROVIDER OR LABORATORY SERVICE PROVIDER. (a) In this section, "diagnostic imaging provider" and "laboratory service provider" have the meanings assigned by Section 1467.001.

(b) Except as provided by Subsection (d), an insurer shall pay for a covered medical care or health care service performed by or a covered supply related to that service provided to an insured by an out-of-network provider who is a diagnostic imaging provider or laboratory service provider at the usual and customary rate or at an agreed rate if the provider performed the service in connection with a medical care or health care service performed by a preferred provider. The insurer shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the insurer receives an electronic claim for those services that includes all information necessary for the insurer to pay the claim; or

(2) the 45th day after the date the insurer receives a nonelectronic claim for those services that includes all information necessary for the insurer to pay the claim.

(c) Except as provided by Subsection (d), an out-of-network provider who is a diagnostic imaging provider or laboratory service provider or a person asserting a claim as an agent or assignee of the provider may not bill an insured receiving a medical care or health care service or supply described by Subsection (b) in, and the insured does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the insured's preferred provider benefit plan that:

(1) is based on:

(A) the amount initially determined payable by the insurer; or

(B) if applicable, the modified amount as determined under the insurer's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that an insured elects to receive in writing in advance of the service with respect to each out-of-network provider providing the service; and

(2) for which an out-of-network provider, before providing the service, provides a complete written disclosure to the insured that:

(A) explains that the provider does not have a contract with the insured's preferred provider benefit plan;

(B) discloses projected amounts for which the insured may be responsible; and

(C) discloses the circumstances under which the insured would be responsible for those amounts.

SECTION 1.10. Section 1551.003, Insurance Code, is amended by adding Subdivision (15) to read as follows:

(15) "Usual and customary rate" means the relevant allowable amount as described by the applicable master benefit plan document or policy.

SECTION 1.11. Subchapter A, Chapter 1551, Insurance Code, is amended by adding Section 1551.015 to read as follows:

Sec. 1551.015. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under the group benefits program shall provide written notice in accordance with this section in an explanation of benefits provided to the participant and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1551.228, 1551.229, or 1551.230, as applicable;

(2) the total amount the physician or provider may bill the participant under the participant's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1551.228, 1551.229, or 1551.230, as applicable.

SECTION 1.12. Subchapter E, Chapter 1551, Insurance Code, is amended by adding Sections 1551.228, 1551.229, and 1551.230 to read as follows:

Sec. 1551.228. EMERGENCY CARE PAYMENTS. (a) In this section, "emergency care" has the meaning assigned by Section 1301.155.

(b) The administrator of a managed care plan provided under the group benefits program shall pay for covered emergency care performed by or a covered supply related to that care provided by an out-of-network provider at the usual and customary rate or at an agreed rate. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(c) For emergency care subject to this section or a supply related to that care, an out-of-network provider or a person asserting a claim as an agent or assignee of the provider may not bill a participant in, and the participant does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the participant's managed care plan that:

(1) is based on:

(A) the amount initially determined payable by the administrator;

or

(B) if applicable, a modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

Sec. 1551.229. OUT-OF-NETWORK FACILITY-BASED PROVIDER PAYMENTS. (a) In this section, "facility-based provider" means a physician or health care provider who provides health care or medical services to patients of a health care facility.

(b) Except as provided by Subsection (d), the administrator of a managed care plan provided under the group benefits program shall pay for a covered health care or medical service performed for or a covered supply related to that service provided to a participant by an out-of-network provider who is a facility-based provider at the usual and customary rate or at an agreed rate if the provider performed the service at a health care facility that is a participating provider. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(c) Except as provided by Subsection (d), an out-of-network provider who is a facility-based provider or a person asserting a claim as an agent or assignee of the provider may not bill a participant receiving a health care or medical service

or supply described by Subsection (b) in, and the participant does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the participant's managed care plan that:

(1) is based on:

(A) the amount initially determined payable by the administrator;

or

(B) if applicable, a modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that a participant elects to receive in writing in advance of the service with respect to each out-of-network provider providing the service; and

(2) for which an out-of-network provider, before providing the service, provides a complete written disclosure to the participant that:

(A) explains that the provider does not have a contract with the participant's managed care plan;

(B) discloses projected amounts for which the participant may be responsible; and

(C) discloses the circumstances under which the participant would be responsible for those amounts.

Sec. 1551.230. OUT-OF-NETWORK DIAGNOSTIC IMAGING PROVIDER OR LABORATORY SERVICE PROVIDER PAYMENTS. (a) In this section, "diagnostic imaging provider" and "laboratory service provider" have the meanings assigned by Section 1467.001.

(b) Except as provided by Subsection (d), the administrator of a managed care plan provided under the group benefits program shall pay for a covered health care or medical service performed for or a covered supply related to that service provided to a participant by an out-of-network provider who is a diagnostic imaging provider or laboratory service provider at the usual and customary rate or at an agreed rate if the provider performed the service in connection with a health care or medical service performed by a participating provider. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(c) Except as provided by Subsection (d), an out-of-network provider who is a diagnostic imaging provider or laboratory service provider or a person asserting a claim as an agent or assignee of the provider may not bill a participant receiving a health care or medical service or supply described by Subsection (b)

in, and the participant does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the participant's managed care plan that:

(1) is based on:

(A) the amount initially determined payable by the administrator;

or

(B) if applicable, the modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that a participant elects to receive in writing in advance of the service with respect to each out-of-network provider providing the service; and

(2) for which an out-of-network provider, before providing the service, provides a complete written disclosure to the participant that:

(A) explains that the provider does not have a contract with the participant's managed care plan;

(B) discloses projected amounts for which the participant may be responsible; and

(C) discloses the circumstances under which the participant would be responsible for those amounts.

SECTION 1.13. Section 1575.002, Insurance Code, is amended by adding Subdivision (8) to read as follows:

(8) "Usual and customary rate" means the relevant allowable amount as described by the applicable master benefit plan document or policy.

SECTION 1.14. Subchapter A, Chapter 1575, Insurance Code, is amended by adding Section 1575.009 to read as follows:

Sec. 1575.009. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under the group program shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1575.171, 1575.172, or 1575.173, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1575.171, 1575.172, or 1575.173, as applicable.

SECTION 1.15. Subchapter D, Chapter 1575, Insurance Code, is amended by adding Sections 1575.171, 1575.172, and 1575.173 to read as follows:

Sec. 1575.171. EMERGENCY CARE PAYMENTS. (a) In this section, "emergency care" has the meaning assigned by Section 1301.155.

(b) The administrator of a managed care plan provided under the group program shall pay for covered emergency care performed by or a covered supply related to that care provided by an out-of-network provider at the usual and customary rate or at an agreed rate. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(c) For emergency care subject to this section or a supply related to that care, an out-of-network provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's managed care plan that:

(1) is based on:

(A) the amount initially determined payable by the administrator;

or

(B) if applicable, a modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

Sec. 1575.172. OUT-OF-NETWORK FACILITY-BASED PROVIDER PAYMENTS. (a) In this section, "facility-based provider" means a physician or health care provider who provides health care or medical services to patients of a health care facility.

(b) Except as provided by Subsection (d), the administrator of a managed care plan provided under the group program shall pay for a covered health care or medical service performed for or a covered supply related to that service provided to an enrollee by an out-of-network provider who is a facility-based provider at the usual and customary rate or at an agreed rate if the provider performed the service at a health care facility that is a participating provider. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(c) Except as provided by Subsection (d), an out-of-network provider who is a facility-based provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care or medical service or supply described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's managed care plan that:

(1) is based on:

(A) the amount initially determined payable by the administrator;

or

(B) if applicable, a modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that an enrollee elects to receive in writing in advance of the service with respect to each out-of-network provider providing the service; and

(2) for which an out-of-network provider, before providing the service, provides a complete written disclosure to the enrollee that:

(A) explains that the provider does not have a contract with the enrollee's managed care plan;

(B) discloses projected amounts for which the enrollee may be responsible; and

(C) discloses the circumstances under which the enrollee would be responsible for those amounts.

Sec. 1575.173. OUT-OF-NETWORK DIAGNOSTIC IMAGING PROVIDER OR LABORATORY SERVICE PROVIDER PAYMENTS. (a) In this section, "diagnostic imaging provider" and "laboratory service provider" have the meanings assigned by Section 1467.001.

(b) Except as provided by Subsection (d), the administrator of a managed care plan provided under the group program shall pay for a covered health care or medical service performed for or a covered supply related to that service provided to an enrollee by an out-of-network provider who is a diagnostic imaging provider or laboratory service provider at the usual and customary rate or at an agreed rate if the provider performed the service in connection with a health care or medical service performed by a participating provider. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(c) Except as provided by Subsection (d), an out-of-network provider who is a diagnostic imaging provider or laboratory service provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care or medical service or supply described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's managed care plan that:

(1) is based on:

(A) the amount initially determined payable by the administrator;

or

(B) if applicable, the modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that an enrollee elects to receive in writing in advance of the service with respect to each out-of-network provider providing the service; and

(2) for which an out-of-network provider, before providing the service, provides a complete written disclosure to the enrollee that:

(A) explains that the provider does not have a contract with the enrollee's managed care plan;

(B) discloses projected amounts for which the enrollee may be responsible; and

(C) discloses the circumstances under which the enrollee would be responsible for those amounts.

SECTION 1.16. Section 1579.002, Insurance Code, is amended by adding Subdivision (8) to read as follows:

(8) "Usual and customary rate" means the relevant allowable amount as described by the applicable master benefit plan document or policy.

SECTION 1.17. Subchapter A, Chapter 1579, Insurance Code, is amended by adding Section 1579.009 to read as follows:

Sec. 1579.009. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under this chapter shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1579.109, 1579.110, or 1579.111, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1579.109, 1579.110, or 1579.111, as applicable.

SECTION 1.18. Subchapter C, Chapter 1579, Insurance Code, is amended by adding Sections 1579.109, 1579.110, and 1579.111 to read as follows:

Sec. 1579.109. EMERGENCY CARE PAYMENTS. (a) In this section, "emergency care" has the meaning assigned by Section 1301.155.

(b) The administrator of a managed care plan provided under this chapter shall pay for covered emergency care performed by or a covered supply related to that care provided by an out-of-network provider at the usual and customary rate or at an agreed rate. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(c) For emergency care subject to this section or a supply related to that care, an out-of-network provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's managed care plan that:

(1) is based on:

(A) the amount initially determined payable by the administrator;

or

(B) if applicable, a modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

Sec. 1579.110. OUT-OF-NETWORK FACILITY-BASED PROVIDER PAYMENTS. (a) In this section, "facility-based provider" means a physician or health care provider who provides health care or medical services to patients of a health care facility.

(b) Except as provided by Subsection (d), the administrator of a managed care plan provided under this chapter shall pay for a covered health care or medical service performed for or a covered supply related to that service provided to an enrollee by an out-of-network provider who is a facility-based provider at the usual and customary rate or at an agreed rate if the provider performed the service at a health care facility that is a participating provider. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(c) Except as provided by Subsection (d), an out-of-network provider who is a facility-based provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care or medical service or supply described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's managed care plan that:

(1) is based on:

(A) the amount initially determined payable by the administrator;

or

(B) if applicable, a modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that an enrollee elects to receive in writing in advance of the service with respect to each out-of-network provider providing the service; and

(2) for which an out-of-network provider, before providing the service, provides a complete written disclosure to the enrollee that:

(A) explains that the provider does not have a contract with the enrollee's managed care plan;

(B) discloses projected amounts for which the enrollee may be responsible; and

(C) discloses the circumstances under which the enrollee would be responsible for those amounts.

Sec. 1579.111. OUT-OF-NETWORK DIAGNOSTIC IMAGING PROVIDER OR LABORATORY SERVICE PROVIDER PAYMENTS. (a) In this section, "diagnostic imaging provider" and "laboratory service provider" have the meanings assigned by Section 1467.001.

(b) Except as provided by Subsection (d), the administrator of a managed care plan provided under this chapter shall pay for a covered health care or medical service performed for or a covered supply related to that service provided to an enrollee by an out-of-network provider who is a diagnostic imaging provider or laboratory service provider at the usual and customary rate or at an agreed rate if the provider performed the service in connection with a health care or medical service performed by a participating provider. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(c) Except as provided by Subsection (d), an out-of-network provider who is a diagnostic imaging provider or laboratory service provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care or medical service or supply described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's managed care plan that:

(1) is based on:

(A) the amount initially determined payable by the administrator;

or

(B) if applicable, a modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that an enrollee elects to receive in writing in advance of the service with respect to each out-of-network provider providing the service; and

(2) for which an out-of-network provider, before providing the service, provides a complete written disclosure to the enrollee that:

(A) explains that the provider does not have a contract with the enrollee's managed care plan;

(B) discloses projected amounts for which the enrollee may be responsible; and

(C) discloses the circumstances under which the enrollee would be responsible for those amounts.

ARTICLE 2. OUT-OF-NETWORK CLAIM DISPUTE RESOLUTION

SECTION 2.01. Section 1467.001, Insurance Code, is amended by adding Subdivisions (1-a), (2-c), (2-d), (4-b), and (6-a) and amending Subdivisions (2-a), (2-b), (3), (5), and (7) to read as follows:

(1-a) "Arbitration" means a process in which an impartial arbiter issues a binding determination in a dispute between a health benefit plan issuer or administrator and an out-of-network provider or the provider's representative to settle a health benefit claim.

(2-a) "Diagnostic imaging provider" means a health care provider who performs a diagnostic imaging service on a patient for a fee or interprets imaging produced by a diagnostic imaging service.

(2-b) "Diagnostic imaging service" means magnetic resonance imaging, computed tomography, positron emission tomography, or any hybrid technology that combines any of those imaging modalities.

(2-c) "Emergency care" has the meaning assigned by Section 1301.155.

~~(2-d) [(2-b)]~~ "Emergency care provider" means a physician, health care practitioner, facility, or other health care provider who provides and bills an enrollee, administrator, or health benefit plan for emergency care.

(3) "Enrollee" means an individual who is eligible to receive benefits through a ~~preferred provider benefit plan or a~~ health benefit plan subject to this chapter ~~under Chapter 1551, 1575, or 1579~~.

(4-b) "Laboratory service provider" means an accredited facility in which a specimen taken from a human body is interpreted and pathological diagnoses are made or a physician who makes an interpretation of or diagnosis based on a specimen or information provided by a laboratory based on a specimen.

(5) "Mediation" means a process in which an impartial mediator facilitates and promotes agreement between the health ~~insurer offering a preferred provider~~ benefit plan issuer or the administrator and an out-of-network ~~a facility based~~ provider ~~or emergency care provider~~ or the provider's representative to settle a health benefit claim of an enrollee.

(6-a) "Out-of-network provider" means a diagnostic imaging provider, emergency care provider, facility-based provider, or laboratory service provider that is not a participating provider for a health benefit plan.

(7) "Party" means a health benefit plan issuer ~~an insurer~~ offering a health ~~a preferred provider~~ benefit plan, an administrator, or an out-of-network ~~a facility based provider or emergency care~~ provider or the provider's representative who participates in a mediation or arbitration conducted under this chapter. ~~The enrollee is also considered a party to the mediation.~~

SECTION 2.02. Sections 1467.002, 1467.003, and 1467.005, Insurance Code, are amended to read as follows:

Sec. 1467.002. APPLICABILITY OF CHAPTER. This chapter applies to:

(1) a health benefit plan offered by a health maintenance organization operating under Chapter 843;

(2) a preferred provider benefit plan, including an exclusive provider benefit plan, offered by an insurer under Chapter 1301; and

(3) [(2)] an administrator of a health benefit plan, other than a health maintenance organization plan, under Chapter 1551, 1575, or 1579.

Sec. 1467.003. RULES. (a) The commissioner, the Texas Medical Board, and any other appropriate regulatory agency, ~~and the chief administrative law judge~~ shall adopt rules as necessary to implement their respective powers and duties under this chapter.

(b) Section 2001.0045, Government Code, does not apply to a rule adopted under this chapter.

Sec. 1467.005. REFORM. This chapter may not be construed to prohibit:

(1) a health ~~an insurer offering a preferred provider~~ benefit plan issuer or administrator from, at any time, offering a reformed claim settlement; or

(2) an out-of-network ~~a facility based provider or emergency care~~ provider from, at any time, offering a reformed charge for health care or medical services or supplies.

SECTION 2.03. Subchapter A, Chapter 1467, Insurance Code, is amended by adding Section 1467.006 to read as follows:

Sec. 1467.006. BENCHMARKING DATABASE. (a) In this section, "geozip area" means an area that includes all zip codes with identical first three digits. For purposes of this section, a health care or medical service or supply provided at a location that does not have a zip code is considered to be provided in the geozip area closest to the location at which the service or supply is provided.

(b) The commissioner shall select an organization to maintain a benchmarking database in accordance with this section. The organization may not:

(1) be affiliated with a health benefit plan issuer or administrator or a physician, health care practitioner, or other health care provider; or

(2) have any other conflict of interest.

(c) The benchmarking database must contain information necessary to calculate, with respect to a health care or medical service or supply, for each geozip area in this state:

(1) the 80th percentile of billed charges of all physicians or health care providers who are not facilities; and

(2) the 50th percentile of rates paid to participating providers who are not facilities.

(d) The commissioner may adopt rules governing the submission of information for the benchmarking database described by Subsection (c).

SECTION 2.04. The heading to Subchapter B, Chapter 1467, Insurance Code, is amended to read as follows:

SUBCHAPTER B. MANDATORY MEDIATION FOR OUT-OF-NETWORK FACILITIES

SECTION 2.05. Subchapter B, Chapter 1467, Insurance Code, is amended by adding Sections 1467.050 and 1467.0505 to read as follows:

Sec. 1467.050. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only with respect to a health benefit claim submitted by an out-of-network provider that is a facility.

(b) This subchapter does not apply to a health benefit claim for the professional or technical component of a physician service.

Sec. 1467.0505. ESTABLISHMENT AND ADMINISTRATION OF MEDIATION PROGRAM. (a) The commissioner shall establish and administer a mediation program to resolve disputes over out-of-network provider charges in accordance with this subchapter.

(b) The commissioner:

(1) shall adopt rules, forms, and procedures necessary for the implementation and administration of the mediation program, including the establishment of a portal on the department's Internet website through which a request for mediation under Section 1467.051 may be submitted; and

(2) shall maintain a list of qualified mediators for the program.

SECTION 2.06. The heading to Section 1467.051, Insurance Code, is amended to read as follows:

Sec. 1467.051. AVAILABILITY OF MANDATORY MEDIATION[~~;~~
EXCEPTION].

SECTION 2.07. Sections 1467.051(a) and (b), Insurance Code, are amended to read as follows:

(a) An out-of-network provider or a health benefit plan issuer or administrator [An enrollee] may request mediation of a settlement of an out-of-network health benefit claim through a portal on the department's Internet website if:

(1) there is an [the] amount billed by the provider and unpaid by the issuer or administrator [for which the enrollee is responsible to a facility based provider or emergency care provider,] after copayments, deductibles, and coinsurance for which an enrollee may not be billed [; including the amount unpaid by the administrator or insurer, is greater than \$500]; and

(2) the health benefit claim is for:

(A) emergency care; ~~or~~

(B) an out-of-network laboratory service; or

(C) an out-of-network diagnostic imaging service [a health care or medical service or supply provided by a facility based provider in a facility that is a preferred provider or that has a contract with the administrator].

(b) If a person ~~[Except as provided by Subsections (e) and (d), if an enrollee]~~ requests mediation under this subchapter, the out-of-network [facility based] provider [or emergency care provider,] or the provider's representative, and the health benefit plan issuer [insurer] or the administrator, as appropriate, shall participate in the mediation.

SECTION 2.08. Section 1467.052, Insurance Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (b), to qualify for an appointment as a mediator under this subchapter [chapter] a person must have completed at least 40 classroom hours of training in dispute resolution techniques in a course conducted by an alternative dispute resolution organization or other dispute resolution organization approved by the commissioner [chief administrative law judge].

(c) A person may not act as mediator for a claim settlement dispute if the person has been employed by, consulted for, or otherwise had a business relationship with a health ~~[an insurer offering the preferred provider]~~ benefit plan issuer or administrator or a physician, health care practitioner, or other health care provider during the three years immediately preceding the request for mediation.

(d) The commissioner shall immediately terminate the approval of a mediator who no longer meets the requirements under this subchapter and rules adopted under this subchapter to serve as a mediator.

SECTION 2.09. Section 1467.053, Insurance Code, is amended by adding Subsection (b-1) and amending Subsection (d) to read as follows:

(b-1) If the parties do not select a mediator by mutual agreement on or before the 30th day after the date the mediation is requested, the party requesting the mediation shall notify the commissioner, and the commissioner shall select a mediator from the commissioner's list of approved mediators.

(d) The mediator's fees shall be split evenly and paid by the health benefit plan issuer [insurer] or administrator and the out-of-network [facility-based provider or emergency care] provider.

SECTION 2.10. Section 1467.054, Insurance Code, is amended by amending Subsections (a) and (d) and adding Subsection (b-1) to read as follows:

(a) An out-of-network provider or a health benefit plan issuer or administrator [enrollee] may request mandatory mediation under this subchapter [chapter].

(b-1) The person who requests the mediation shall provide written notice on the date the mediation is requested in the form and manner provided by commissioner rule to:

(1) the department; and

(2) each other party.

(d) In an effort to settle the claim before mediation, all parties must participate in an informal settlement teleconference not later than the 30th day after the date on which a person [the enrollee] submits a request for mediation under this subchapter [section].

SECTION 2.11. Section 1467.055, Insurance Code, is amended by adding Subsections (c-1) and (k) and amending Subsections (g) and (i) to read as follows:

(c-1) Information submitted by the parties to the mediator is confidential and not subject to disclosure under Chapter 552, Government Code.

(g) A [Except at the request of an enrollee, a] mediation shall be held not later than the 180th day after the date of the request for mediation.

(i) A health care or medical service or supply provided by an out-of-network [a facility-based] provider [or emergency care provider] may not be summarily disallowed. This subsection does not require a health benefit plan issuer [an insurer] or administrator to pay for an uncovered service or supply.

(k) On agreement of all parties, any deadline under this subchapter may be extended.

SECTION 2.12. Sections 1467.056(a), (b), and (d), Insurance Code, are amended to read as follows:

(a) In a mediation under this subchapter [chapter], the parties shall[~~;~~]:

~~(1)~~ evaluate whether:

~~(1) [(A)]~~ the amount charged by the out-of-network [facility-based] provider [or emergency care provider] for the health care or medical service or supply is excessive; and

~~(2) [(B)]~~ the amount paid by the health benefit plan issuer [insurer] or administrator represents the usual and customary rate for the health care or medical service or supply or is unreasonably low[~~;~~ and

~~(2) as a result of the amounts described by Subdivision (1), determine the amount, after copayments, deductibles, and coinsurance are applied, for which an enrollee is responsible to the facility based provider or emergency care provider].~~

(b) The out-of-network [facility-based] provider [or emergency care provider] may present information regarding the amount charged for the health care or medical service or supply. The health benefit plan issuer [insurer] or administrator may present information regarding the amount paid by the issuer [insurer] or administrator.

(d) The goal of the mediation is to reach an agreement between [among the enrollee,] the out-of-network [facility-based] provider [or emergency care provider,] and the health benefit plan issuer [insurer] or administrator, as applicable, as to the amount paid by the issuer [insurer] or administrator to the out-of-network [facility-based] provider and [or emergency care provider,] the amount charged by the out-of-network [facility-based] provider [or emergency care provider,] and the amount paid to the facility based provider or emergency care provider by the enrollee].

SECTION 2.13. Subchapter B, Chapter 1467, Insurance Code, is amended by adding Section 1467.0575 to read as follows:

Sec. 1467.0575. RIGHT TO FILE ACTION. Not later than the 45th day after the date that the mediator's report is provided to the department under Section 1467.060, either party to a mediation for which there was no agreement may file a civil action to determine the amount due to an out-of-network provider. A party may not bring a civil action before the conclusion of the mediation process under this subchapter.

SECTION 2.14. Section 1467.060, Insurance Code, is amended to read as follows:

Sec. 1467.060. REPORT OF MEDIATOR. Not later than the 45th day after the date the mediation concludes, the [The] mediator shall report to the commissioner and the Texas Medical Board or other appropriate regulatory agency:

- (1) the names of the parties to the mediation; and
- (2) whether the parties reached an agreement [or the mediator made a referral under Section 1467.057].

SECTION 2.15. Chapter 1467, Insurance Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. MANDATORY BINDING ARBITRATION FOR OTHER PROVIDERS

Sec. 1467.081. APPLICABILITY OF SUBCHAPTER. This subchapter applies only with respect to a health benefit claim submitted by an out-of-network provider who is not a facility.

Sec. 1467.082. ESTABLISHMENT AND ADMINISTRATION OF ARBITRATION PROGRAM. (a) The commissioner shall establish and administer an arbitration program to resolve disputes over out-of-network provider charges in accordance with this subchapter.

(b) The commissioner:

- (1) shall adopt rules, forms, and procedures necessary for the implementation and administration of the arbitration program, including the establishment of a portal on the department's Internet website through which a request for arbitration under Section 1467.084 may be submitted; and

(2) shall maintain a list of qualified arbitrators for the program.

Sec. 1467.083. ISSUE TO BE ADDRESSED; BASIS FOR DETERMINATION. (a) The only issue that an arbitrator may determine under this subchapter is the reasonable amount for the health care or medical services or supplies provided to the enrollee by an out-of-network provider.

(b) The determination must take into account:

(1) whether there is a gross disparity between the fee billed by the out-of-network provider and:

(A) fees paid to the out-of-network provider for the same services or supplies rendered by the provider to other enrollees for which the provider is an out-of-network provider; and

(B) fees paid by the health benefit plan issuer to reimburse similarly qualified out-of-network providers for the same services or supplies in the same region;

(2) the level of training, education, and experience of the out-of-network provider;

(3) the out-of-network provider's usual billed charge for comparable services or supplies with regard to other enrollees for which the provider is an out-of-network provider;

(4) the circumstances and complexity of the enrollee's particular case, including the time and place of the provision of the service or supply;

(5) individual enrollee characteristics;

(6) the 80th percentile of all billed charges for the service or supply performed by a health care provider in the same or similar specialty and provided in the same geozip area as reported in a benchmarking database described by Section 1467.006;

(7) the 50th percentile of rates for the service or supply paid to participating providers in the same or similar specialty and provided in the same geozip area as reported in a benchmarking database described by Section 1467.006;

(8) the history of network contracting between the parties;

(9) historical data for the percentiles described by Subdivisions (6) and (7); and

(10) an offer made during the informal settlement teleconference required under Section 1467.084(d).

Sec. 1467.084. AVAILABILITY OF MANDATORY ARBITRATION. (a) Not later than the 90th day after the date an out-of-network provider receives the initial payment for a health care or medical service or supply, the out-of-network provider or the health benefit plan issuer or administrator may request arbitration of a settlement of an out-of-network health benefit claim through a portal on the department's Internet website if:

(1) there is a charge billed by the provider and unpaid by the issuer or administrator after copayments, coinsurance, and deductibles for which an enrollee may not be billed; and

(2) the health benefit claim is for:

(A) emergency care;

(B) a health care or medical service or supply provided by a facility-based provider in a facility that is a participating provider;

(C) an out-of-network laboratory service; or

(D) an out-of-network diagnostic imaging service.

(b) If a person requests arbitration under this subchapter, the out-of-network provider or the provider's representative, and the health benefit plan issuer or the administrator, as appropriate, shall participate in the arbitration.

(c) The person who requests the arbitration shall provide written notice on the date the arbitration is requested in the form and manner prescribed by commissioner rule to:

(1) the department; and

(2) each other party.

(d) In an effort to settle the claim before arbitration, all parties must participate in an informal settlement teleconference not later than the 30th day after the date on which the arbitration is requested. A health benefit plan issuer or administrator, as applicable, shall make a reasonable effort to arrange the teleconference.

(e) The commissioner shall adopt rules providing requirements for submitting multiple claims to arbitration in one proceeding. The rules must provide that:

(1) the total amount in controversy for multiple claims in one proceeding may not exceed \$5,000; and

(2) the multiple claims in one proceeding must be limited to the same out-of-network provider.

Sec. 1467.085. EFFECT OF ARBITRATION AND APPLICABILITY OF OTHER LAW. (a) Notwithstanding Section 1467.004, an out-of-network provider or health benefit plan issuer or administrator may not file suit for an out-of-network claim subject to this chapter until the conclusion of the arbitration on the issue of the amount to be paid in the out-of-network claim dispute.

(b) An arbitration conducted under this subchapter is not subject to Title 7, Civil Practice and Remedies Code.

Sec. 1467.086. SELECTION AND APPROVAL OF ARBITRATOR. (a) If the parties do not select an arbitrator by mutual agreement on or before the 30th day after the date the arbitration is requested, the party requesting the arbitration shall notify the commissioner, and the commissioner shall select an arbitrator from the commissioner's list of approved arbitrators.

(b) In selecting an arbitrator under this section, the commissioner shall give preference to an arbitrator who is knowledgeable and experienced in applicable principles of contract and insurance law and the health care industry generally.

(c) In approving an individual as an arbitrator, the commissioner shall ensure that the individual does not have a conflict of interest that would adversely impact the individual's independence and impartiality in rendering a decision in an arbitration. A conflict of interest includes current or recent ownership or employment of the individual or a close family member in any health benefit plan issuer or administrator or physician, health care practitioner, or other health care provider.

(d) The commissioner shall immediately terminate the approval of an arbitrator who no longer meets the requirements under this subchapter and rules adopted under this subchapter to serve as an arbitrator.

Sec. 1467.087. PROCEDURES. (a) The arbitrator shall set a date for submission of all information to be considered by the arbitrator.

(b) A party may not engage in discovery in connection with the arbitration.

(c) On agreement of all parties, any deadline under this subchapter may be extended.

(d) Unless otherwise agreed to by the parties, an arbitrator may not determine whether a health benefit plan covers a particular health care or medical service or supply.

(e) The parties shall evenly split and pay the arbitrator's fees and expenses.

(f) Information submitted by the parties to the arbitrator is confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 1467.088. DECISION. (a) Not later than the 51st day after the date the arbitration is requested, an arbitrator shall provide the parties with a written decision in which the arbitrator:

(1) determines whether the billed charge or the payment made by the health benefit plan issuer or administrator, as those amounts were last modified during the issuer's or administrator's internal appeal process, if the provider elects to participate, or the informal settlement teleconference required by Section 1467.084(d), as applicable, is the closest to the reasonable amount for the services or supplies determined in accordance with Section 1467.083(b); and

(2) selects the amount determined to be closest under Subdivision (1) as the binding award amount.

(b) An arbitrator may not modify the binding award amount selected under Subsection (a).

(c) An arbitrator shall provide written notice in the form and manner prescribed by commissioner rule of the reasonable amount for the services or supplies and the binding award amount. If the parties settle before a decision, the parties shall provide written notice in the form and manner prescribed by commissioner rule of the amount of the settlement. The department shall maintain a record of notices provided under this subsection.

Sec. 1467.089. EFFECT OF DECISION. (a) An arbitrator's decision under Section 1467.088 is binding.

(b) Not later than the 45th day after the date of an arbitrator's decision under Section 1467.088, a party not satisfied with the decision may file an action to determine the payment due to an out-of-network provider.

(c) In an action filed under Subsection (b), the court shall determine whether the arbitrator's decision is proper based on a substantial evidence standard of review.

(d) Not later than the 30th day after the date of an arbitrator's decision under Section 1467.088, a health benefit plan issuer or administrator shall pay to an out-of-network provider any additional amount necessary to satisfy the binding award.

SECTION 2.16. Subchapter C, Chapter 1467, Insurance Code, is amended to read as follows:

SUBCHAPTER C. BAD FAITH PARTICIPATION ~~[MEDIATION]~~

Sec. 1467.101. BAD FAITH. (a) The following conduct constitutes bad faith participation ~~[mediation]~~ for purposes of this chapter:

(1) failing to participate in the informal settlement teleconference under Section 1467.084(d) or an arbitration or mediation under this chapter;

(2) failing to provide information the arbitrator or mediator believes is necessary to facilitate a decision or [an] agreement; or

(3) failing to designate a representative participating in the arbitration or mediation with full authority to enter into any [mediated] agreement.

(b) Failure to reach an agreement under Subchapter B is not conclusive proof of bad faith participation ~~[mediation]~~.

Sec. 1467.102. PENALTIES. (a) Bad faith participation or otherwise failing to comply with Subchapter B-1 ~~[mediation, by a party other than the enrollee,]~~ is grounds for imposition of an administrative penalty by the regulatory agency that issued a license or certificate of authority to the party who committed the violation.

(b) Except for good cause shown, on a report of a mediator and appropriate proof of bad faith participation under Subchapter B ~~[mediation]~~, the regulatory agency that issued the license or certificate of authority shall impose an administrative penalty.

SECTION 2.17. Sections 1467.151(a), (b), and (c), Insurance Code, are amended to read as follows:

(a) The commissioner and the Texas Medical Board or other regulatory agency, as appropriate, shall adopt rules regulating the investigation and review of a complaint filed that relates to the settlement of an out-of-network health benefit claim that is subject to this chapter. The rules adopted under this section must:

(1) distinguish among complaints for out-of-network coverage or payment and give priority to investigating allegations of delayed health care or medical care;

(2) develop a form for filing a complaint ~~[and establish an outreach effort to inform enrollees of the availability of the claims dispute resolution process under this chapter]; and~~

(3) ensure that a complaint is not dismissed without appropriate consideration[;]

~~[(4) ensure that enrollees are informed of the availability of mandatory mediation; and~~

~~[(5) require the administrator to include a notice of the claims dispute resolution process available under this chapter with the explanation of benefits sent to an enrollee].~~

(b) The department and the Texas Medical Board or other appropriate regulatory agency shall maintain information[;]

~~[(4)]~~ on each complaint filed that concerns a claim, arbitration, or mediation subject to this chapter[; ~~and~~

~~[(2) related to a claim that is the basis of an enrollee complaint],~~
including:

- (1) ~~[(A)]~~ the type of services or supplies that gave rise to the dispute;
- (2) ~~[(B)]~~ the type and specialty, if any, of the out-of-network ~~[facility based]~~ provider ~~[or emergency care provider]~~ who provided the out-of-network service or supply;
- (3) ~~[(C)]~~ the county and metropolitan area in which the health care or medical service or supply was provided;
- (4) ~~[(D)]~~ whether the health care or medical service or supply was for emergency care; and
- (5) ~~[(E)]~~ any other information about:
 - (A) ~~[(i)]~~ the health benefit plan issuer ~~[insurer]~~ or administrator that the commissioner by rule requires; or
 - (B) ~~[(ii)]~~ the out-of-network ~~[facility based]~~ provider ~~[or emergency care provider]~~ that the Texas Medical Board or other appropriate regulatory agency by rule requires.

(c) The information collected and maintained ~~[by the department and the Texas Medical Board and other appropriate regulatory agencies]~~ under Subsection (b) ~~[(b)(2)]~~ is public information as defined by Section 552.002, Government Code, and may not include personally identifiable information or health care or medical information.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.01. Section 1456.003(a), Insurance Code, is amended to read as follows:

(a) Each health benefit plan that provides health care through a provider network shall provide notice to its enrollees that:

- (1) a facility-based physician or other health care practitioner may not be included in the health benefit plan's provider network; and
- (2) a health care practitioner described by Subdivision (1) may balance bill the enrollee for amounts not paid by the health benefit plan unless the health care or medical service or supply provided to the enrollee is subject to a law prohibiting balance billing.

SECTION 3.02. Section 1456.006, Insurance Code, is amended to read as follows:

Sec. 1456.006. COMMISSIONER RULES; FORM OF DISCLOSURE. The commissioner by rule may prescribe specific requirements for the disclosure required under Section 1456.003. The form of the disclosure must be substantially as follows:

NOTICE: "ALTHOUGH HEALTH CARE SERVICES MAY BE OR HAVE BEEN PROVIDED TO YOU AT A HEALTH CARE FACILITY THAT IS A MEMBER OF THE PROVIDER NETWORK USED BY YOUR HEALTH BENEFIT PLAN, OTHER PROFESSIONAL SERVICES MAY BE OR HAVE BEEN PROVIDED AT OR THROUGH THE FACILITY BY PHYSICIANS AND OTHER HEALTH CARE PRACTITIONERS WHO ARE NOT MEMBERS OF THAT NETWORK. YOU MAY BE RESPONSIBLE FOR PAYMENT OF ALL OR PART OF THE FEES FOR THOSE PROFESSIONAL

SERVICES THAT ARE NOT PAID OR COVERED BY YOUR HEALTH BENEFIT PLAN UNLESS BALANCE BILLING FOR THOSE SERVICES IS PROHIBITED."

SECTION 3.03. The following provisions of the Insurance Code are repealed:

- (1) Section 1456.004(c);
- (2) Section 1467.001(2);
- (3) Sections 1467.051(c) and (d);
- (4) Section 1467.0511;
- (5) Sections 1467.053(b) and (c);
- (6) Sections 1467.054(b), (c), (f), and (g);
- (7) Sections 1467.055(d) and (h);
- (8) Section 1467.057;
- (9) Section 1467.058;
- (10) Section 1467.059; and
- (11) Section 1467.151(d).

ARTICLE 4. STUDY

SECTION 4.01. Subchapter A, Chapter 38, Insurance Code, is amended by adding Section 38.004 to read as follows:

Sec. 38.004. BALANCE BILLING PROHIBITION REPORT. (a) The department shall, each biennium, conduct a study on the impacts of SB 1264, Acts of the 86th Legislature, Regular Session, 2019, on Texas consumers and health coverage in this state, including:

- (1) trends in billed amounts for health care or medical services or supplies, especially emergency services, laboratory services, diagnostic imaging services, and facility-based services;
- (2) comparison of the total amount spent on out-of-network emergency services, laboratory services, diagnostic imaging services, and facility-based services by calendar year and provider type or physician specialty;
- (3) trends and changes in network participation by providers of emergency services, laboratory services, diagnostic imaging services, and facility-based services by provider type or physician specialty, including whether any terminations were initiated by a health benefit plan issuer, administrator, or provider;
- (4) trends and changes in the amounts paid to participating providers;
- (5) the number of complaints, completed investigations, and disciplinary sanctions for billing by providers of emergency services, laboratory services, diagnostic imaging services, or facility-based services of enrollees for amounts greater than the enrollee's responsibility under an applicable health benefit plan, including applicable copayments, coinsurance, and deductibles;
- (6) trends in amounts paid to out-of-network providers;
- (7) trends in the usual and customary rate for health care or medical services or supplies, especially emergency services, laboratory services, diagnostic imaging services, and facility-based services; and
- (8) the effectiveness of the claim dispute resolution process under Chapter 1467.

(b) In conducting the study described by Subsection (a), the department shall collect settlement data and verdicts or arbitration awards, as applicable, from parties to mediation or arbitration under Chapter 1467.

(c) The department may not publish a particular rate paid to a participating provider in the study described by Subsection (a), identifying information of a physician or health care provider, or non-aggregated study results. Information described by this subsection is confidential and not subject to disclosure under Chapter 552, Government Code.

(d) The department:

(1) shall collect data quarterly from a health benefit plan issuer or administrator subject to Chapter 1467 to conduct the study required by this section; and

(2) may utilize any reliable external resource or entity to acquire information reasonably necessary to prepare the report required by Subsection (e).

(e) Not later than December 1 of each even-numbered year, the department shall prepare and submit a written report on the results of the study under this section, including the department's findings, to the legislature.

ARTICLE 5. TRANSITION AND EFFECTIVE DATE

SECTION 5.01. The changes in law made by this Act apply only to a health care or medical service or supply provided on or after January 1, 2020. A health care or medical service or supply provided before January 1, 2020, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5.02. This Act takes effect September 1, 2019.

Amendment No. 2

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

Amend Amendment No. 1 by Oliverson to **CSSB 1264** as follows:

(1) On page 4, lines 6 and 10, strike "claim" and substitute "clean claim as defined by Section 843.336".

(2) On page 4, between lines 27 and 28, insert the following:

(h) This section may not be construed to require the imposition of a penalty under Section 843.342.

(3) On page 5, lines 15 and 19, strike "claim" and substitute "clean claim as defined by Section 843.336".

(4) On page 6, between lines 19 and 20, insert the following:

(e) This section may not be construed to require the imposition of a penalty under Section 843.342.

(5) On page 7, lines 4 and 8, strike "claim" and substitute "clean claim as defined by Section 843.336".

(6) On page 8, between lines 9 and 10, insert the following:

(e) This section may not be construed to require the imposition of a penalty under Section 843.342.

(7) On page 8, line 30 and page 9, line 2, strike "claim" and substitute "clean claim as defined by Section 1301.101".

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

(c) This section may not be construed to require the imposition of a penalty under Section 1301.137.

(9) On page 11, lines 4 and 7, strike "claim" and substitute "clean claim as defined by Section 1301.101".

(10) On page 11, between lines 22 and 23, insert the following:

(e) This section may not be construed to require the imposition of a penalty under Section 1301.137.

(11) On page 12, lines 8 and 11, strike "claim" and substitute "clean claim as defined by Section 1301.101".

(12) On page 13, between lines 10 and 11, insert the following:

(e) This section may not be construed to require the imposition of a penalty under Section 1301.137.

(13) On page 13, lines 25 and 28, strike "claim" and substitute "clean claim as defined by Section 1301.101".

(14) On page 14, between lines 27 and 28, insert the following:

(e) This section may not be construed to require the imposition of a penalty under Section 1301.137.

(15) Amend recitals appropriately.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

CSSB 1264 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE J. TURNER: Representative Oliverson, I also want to say thank you for your hard work on this bill, a very good bill for patients. I certainly will be proud to support it, and thank you for all the work you've done to get the stakeholders together on this. I just have a handful of questions related to intent I'd like to go through with you briefly. There is a provision in this bill for a usual and customary payment to be made by a provider initially to a health plan in an out-of-network circumstance. Now, am I correct that that payment does not discharge the health benefit plan for the full payment for a coverage service? It's just a beginning of the process. Is that right?

REPRESENTATIVE OLIVERSON: That's correct, and that's kind of how the situation arises.

J. TURNER: So the usual and customary rate payment would be made first, and then if it's not acceptable, then the arbitration process in the bill begins.

OLIVERSON: Correct.

J. TURNER: Now, the usual and customary rate that is defined in this bill, and I understand there are several sections of the Insurance Code—Section 1551, Section 1575, Section 1579—where that is added. Am I correct that that definition that's in your bill is not intended to affect definitions that may already exist elsewhere in regulation related to a usual and customary rate?

OLIVERSON: That's correct. Those are specific to the sections.

J. TURNER: So if there are other sections in law right now in the Texas Administrative Code or regulation that talk about a definition that TDI has found to apply, that is not changed by your bill, correct?

OLIVERSON: Correct.

J. TURNER: Just a couple more. Am I correct to state that the prohibition on balanced billing that is imposed under this bill applies only if the service is a covered service and only if the claim for that service is subject to the required payment provisions of the bill? Is that right?

OLIVERSON: That's my understanding.

J. TURNER: Finally, Representative, there's a section in the bill regarding the factors that an arbitrator must consider when an arbitrator is involved in adjudicating a balanced billing dispute. Am I correct that your bill has a list of factors that are to be considered by that arbitrator and that those are exclusive factors? In other words, there are not supposed to be other factors considered by the arbitrator?

OLIVERSON: That is an exclusive list. And it's a good, balanced list.

J. TURNER: And so it's your intent that the arbitrator, the decision maker, should not take under consideration other kinds of—

OLIVERSON: The arbitrator, according to the bill, is limited to the factors which are specified in the bill, and so that's what they can consider.

CSSB 1264, as amended, was passed to third reading.

**SB 1264 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Lucio moved to suspend Rule 8, Section 5(d), of the House Rules to designate as co-sponsors for **SB 1264** all co-authors for **HB 2967**.

The motion prevailed.

REMARKS ORDERED PRINTED

Representative J. Turner moved to print remarks between Representative Oliverson and Representative J. Turner on **CSSB 1264**.

The motion prevailed.

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

SB 212 ON SECOND READING
(Morrison - House Sponsor)

SB 212, A bill to be entitled An Act relating to a reporting requirement for certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public and private institutions of higher education; creating a criminal offense; authorizing administrative penalties.

Representative Morrison moved to postpone consideration of **SB 212** until 10 a.m. tomorrow.

The motion prevailed.

SB 437 ON SECOND READING
(Price, Sheffield, Minjarez, Rose, and VanDeaver - House Sponsors)

SB 437, A bill to be entitled An Act relating to prohibited practices by a life insurance company relating to an individual's prescription for or obtainment of an opioid antagonist.

SB 437 was passed to third reading.

CSSB 289 ON SECOND READING
(Morrison - House Sponsor)

CSSB 289, A bill to be entitled An Act relating to disaster housing recovery.

CSSB 289 was passed to third reading.

SB 289 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative Coleman moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representatives Collier, Coleman, and Morrison as house sponsors to **SB 289**.

The motion prevailed.

CSSB 1214 ON SECOND READING
(Wilson - House Sponsor)

CSSB 1214, A bill to be entitled An Act relating to the sales and use tax exemption for certain aircraft.

Amendment No. 1

Representative VanDeaver offered the following amendment to **CSSB 1214**:

Amend **CSSB 1214** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 21.101(a), Transportation Code, is amended to read as follows:

(a) The department may loan or grant money to a state agency with a governing board authorized to operate an airport or to a governmental entity in this state or an adjoining state to establish, construct, reconstruct, enlarge, or repair an airport, airstrip, or air navigational facility if:

(1) the money has been appropriated to the department for that purpose;
and

(2) providing the money will:

(A) best serve the public interest; and

(B) best discharge the governmental aeronautics function of this [the] state or its political subdivisions.

SECTION _____. Subchapter C, Chapter 21, Transportation Code, is amended by adding Section 21.1045 to read as follows:

Sec. 21.1045. AVIATION DEVELOPMENT ACCOUNT. (a) The aviation development account is a separate account in the general revenue fund.

(b) The account consists of transfers made to the account.

(c) Money in the account may be appropriated only to the department for making grants under this subchapter.

(d) Any money in the account not appropriated for a state fiscal year remains in the account. The account is exempt from the application of Section 403.095, Government Code.

Amendment No. 1 - Point of Order

Representative Stickland raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

CSSB 1214 was passed to third reading.

SB 563 ON SECOND READING (Metcalf - House Sponsor)

SB 563, A bill to be entitled An Act relating to the reporting of information about the use of federal money for flood research, planning, and mitigation projects.

Representative Metcalf moved to postpone consideration of **SB 563** until 10 a.m. tomorrow.

The motion prevailed.

SB 530 ON SECOND READING (Wray - House Sponsor)

SB 530, A bill to be entitled An Act relating to civil and administrative penalties assessed or imposed for violations of laws protecting drinking water, public water supplies, and bodies of water.

SB 530 was passed to third reading.

SB 748 ON SECOND READING (S. Davis and S. Thompson - House Sponsors)

SB 748, A bill to be entitled An Act relating to newborn screening and the newborn screening preservation account.

Amendment No. 1 (Committee Amendment No. 1)

Representative Price offered the following committee amendment to **SB 748**:

Amend **SB 748** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 1061, Special District Local Laws Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SALES AND USE TAX

Sec. 1061.301. TAX AUTHORIZED. (a) The district may adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

(b) The district may not adopt a tax under this subchapter or increase the rate of the tax if as a result of the adoption of the tax or the tax increase the combined rate of all sales and use taxes imposed by the district and all other political subdivisions of this state having territory in the district would exceed two percent in any location in the district.

Sec. 1061.302. APPLICABILITY OF OTHER LAW. Except to the extent that a provision of this subchapter applies, Chapter 323, Tax Code, applies to a tax authorized by this subchapter in the same manner as that chapter applies to the tax authorized by that chapter.

Sec. 1061.303. TAX RATE; CHANGE IN RATE. (a) The district may impose a tax authorized by this subchapter in increments of one-eighth of one percent, with a minimum rate of one-eighth of one percent and a maximum rate of two percent.

(b) The district may increase the rate of a tax authorized by this subchapter to a maximum of two percent or decrease the rate of the tax to a minimum of one-eighth of one percent if the change is approved by a majority of the voters of the district at an election called for that purpose.

Sec. 1061.304. ELECTION PROCEDURE. An election to adopt, change the rate of, or abolish a tax authorized by this subchapter is called by the adoption of an order of the board. The board may call an election on its own motion and shall call an election if a number of qualified voters in the district equal to at least five percent of the number of registered voters in the district petitions the board to call the election.

Sec. 1061.305. ELECTION IN OTHER TAXING AUTHORITY. (a) In this section, "taxing authority" means any entity authorized to impose a local sales and use tax.

(b) If the district is included within the boundaries of another taxing authority and the adoption or increase in the rate of a tax under this subchapter would result in a combined tax rate by the district and other political subdivisions of this state of more than two percent at any location in the district, an election to approve or increase the rate of the tax has no effect unless:

(1) one or more of the other taxing authorities holds an election in accordance with the law governing that authority on the same date as the election under this subchapter to reduce the tax rate of that authority to a rate that will result in a combined tax rate by the district and other political subdivisions of not more than two percent at any location in the district; and

(2) the combined tax rate is reduced to not more than two percent as a result of that election.

(c) This section does not permit a taxing authority to impose taxes at differential tax rates within the territory of the authority.

Sec. 1061.306. TAX EFFECTIVE DATE. (a) The adoption, change in the rate of, or abolition of a tax under this subchapter takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives notice of the results of an election to adopt, change the rate of, or abolish the tax.

(b) If the comptroller determines that an effective date provided by Subsection (a) will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the change in the rate of the tax or the abolition of the tax, the effective date may be extended by the comptroller until the first day of the next calendar quarter.

Sec. 1061.307. USE OF TAX REVENUE. Revenue from a tax imposed under this subchapter may be used by the district for any purpose of the district authorized by law.

SECTION ____. Section 1061.151(b), Special District Local Laws Code, is amended to read as follows:

(b) The proposed budget must contain a complete financial statement of:

- (1) the outstanding obligations of the district;
- (2) the cash on hand in each district fund;
- (3) the money received by the district from all sources during the previous year;
- (4) the money available to the district from all sources during the ensuing year;
- (5) the balances expected at the end of the year in which the budget is being prepared;
- (6) the estimated revenue and balances available to cover the proposed budget;
- (7) the estimated ad valorem tax rate required; and
- (8) the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year.

SECTION ____. The heading to Subchapter F, Chapter 1061, Special District Local Laws Code, is amended to read as follows:

SUBCHAPTER F. AD VALOREM TAXES

SECTION ____. Section 26.012(1), Tax Code, is amended to read as follows:

(1) "Additional sales and use tax" means an additional sales and use tax imposed by:

- (A) a city under Section 321.101(b);

- (B) a county under Chapter 323; or
 (C) a hospital district, other than a hospital district:
 (i) created on or after September 1, 2001, that:
 (a) [(+)] imposes the sales and use tax under Subchapter I, Chapter 286, Health and Safety Code; or
 (b) [(+)] imposes the sales and use tax under Subchapter L, Chapter 285, Health and Safety Code; or
 (ii) that imposes the sales and use tax under Subchapter G, Chapter 1061, Special District Local Laws Code.

Representative Price moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative S. Davis offered the following amendment to **SB 748**:

Amend **SB 748** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02163 to read as follows:

Sec. 531.02163. STUDY ON PROVIDING CERTAIN MATERNAL CARE MEDICAID SERVICES THROUGH TELEMEDICINE MEDICAL SERVICES AND TELEHEALTH SERVICES. (a) Not later than September 1, 2020, the commission shall conduct a study on the benefits and costs of permitting reimbursement under Medicaid for prenatal and postpartum care delivered through telemedicine medical services and telehealth services.

(b) This section expires September 1, 2021.

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0996 to read as follows:

Sec. 531.0996. PREGNANCY MEDICAL HOME PILOT PROGRAM. (a) The commission shall develop a pilot program to establish pregnancy medical homes that provide coordinated evidence-based maternity care management to women who reside in a pilot program area and are recipients of Medicaid through a Medicaid managed care model or arrangement under Chapter 533. The commission shall implement the pilot program in:

- (1) at least two counties with populations of more than two million;
- (2) at least one county with a population of more than 100,000 and less than 500,000; and
- (3) at least one rural county with high rates of maternal mortality and morbidity as determined by the commission in consultation with the Maternal Mortality and Morbidity Task Force established under Chapter 34, Health and Safety Code.

(b) In implementing the pilot program, the commission shall ensure each pregnancy medical home provides a maternity management team that:

(1) consists of health care providers, including obstetricians, gynecologists, family physicians, physician assistants, certified nurse midwives, nurse practitioners, and social workers, who provide health care services at the same location;

(2) conducts a risk assessment of each pilot program participant on her entry into the program to determine the risk classification for her pregnancy;

(3) based on the assessment conducted under Subdivision (2), establishes an individual pregnancy care plan for each participant; and

(4) follows each participant throughout her pregnancy to reduce poor birth outcomes.

(c) The commission may incorporate as a component of the pilot program financial incentives for health care providers who participate in a maternity management team.

(d) The commission may waive a requirement of this section for a pregnancy medical home located in a rural county.

(e) Notwithstanding Section 531.02176, the commission may:

(1) provide home telemonitoring services and necessary durable medical equipment to pilot program participants who are at risk of experiencing pregnancy-related complications, as determined by a physician, to the extent the commission anticipates the services and equipment will reduce unnecessary emergency room visits or hospitalizations; and

(2) reimburse providers under Medicaid for the provision of home telemonitoring services and durable medical equipment under the pilot program.

(f) Not later than January 1, 2021, the commission shall submit to the legislature a report on the pilot program. The report must include:

(1) an evaluation of the pilot program's success in reducing poor birth outcomes; and

(2) a recommendation on whether the pilot program should continue, be expanded, or be terminated.

(g) The executive commissioner may adopt rules to implement this section.

(h) This section expires September 1, 2023.

SECTION ____ Chapter 34, Health and Safety Code, is amended by adding Sections 34.0158 and 34.0159 to read as follows:

Sec. 34.0158. REPORT ON ACTIONS TO ADDRESS MATERNAL MORTALITY RATES. Not later than December 1 of each even-numbered year, the commission shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the appropriate standing committees of the legislature a written report summarizing the actions taken to address maternal morbidity and reduce maternal mortality rates. The report must include information from programs and initiatives created to address maternal morbidity and reduce maternal mortality rates in this state, including:

(1) Medicaid;

(2) the children's health insurance program, including the perinatal program;

(3) the Healthy Texas Women program;

(4) the Family Planning Program;

(5) this state's program under the Maternal and Child Health Services Block Grant Act (42 U.S.C. Section 701 et seq.);

(6) the Perinatal Advisory Council;

(7) state health plans; and

(8) the Healthy Texas Babies program.

Sec. 34.0159. PROGRAM EVALUATIONS. The commission, in collaboration with the task force and other interested parties, shall:

(1) explore options for expanding the pilot program for pregnancy medical homes established under Section 531.0996, Government Code;

(2) explore methods for increasing the benefits provided under Medicaid, including specialty care and prescriptions, for women at greater risk of a high-risk pregnancy or premature delivery;

(3) evaluate the impact of supplemental payments made to obstetrics providers for pregnancy risk assessments on increasing access to maternal health services;

(4) evaluate a waiver to fund managed care organization payments for case management and care coordination services for women at high risk of severe maternal morbidity on conclusion of their eligibility for Medicaid;

(5) evaluate the average time required for pregnant women to complete the Medicaid enrollment process;

(6) evaluate the use of Medicare codes for Medicaid care coordination;

(7) study the impact of programs funded from the Teen Pregnancy Prevention Program federal grant and evaluate whether the state should continue funding the programs; and

(8) evaluate the use of telemedicine medical services for women during pregnancy and the postpartum period.

SECTION ____. Chapter 34, Health and Safety Code, is amended by adding Sections 34.019, 34.020, and 34.021 to read as follows:

Sec. 34.019. DATA COLLECTION. The task force, under the direction of the department, shall annually collect information relating to maternity care and postpartum depression in this state. The information must be based on statistics for the preceding year and include the:

(1) number of births by Medicaid recipients;

(2) number of births by women with health benefit plan coverage;

(3) number of Medicaid recipients screened for postpartum depression;

(4) number of women screened for postpartum depression under health benefit plan coverage;

(5) number of women treated for postpartum depression under health benefit plan coverage;

(6) number of women screened for postpartum depression under the Healthy Texas Women program;

(7) number of women treated for postpartum depression under the Healthy Texas Women program;

(8) number of claims for postpartum depression treatment paid by the Healthy Texas Women program;

(9) number of claims for postpartum depression treatment rejected by the Healthy Texas Women program;

(10) postpartum depression screening and treatment billing codes and the number of claims for each billing code under the Healthy Texas Women program;

(11) average number of days from the date of a postpartum depression screening to the date the patient begins treatment under Medicaid;

(12) average number of days from the date of a postpartum depression screening to the date the patient begins treatment under the Healthy Texas Women program;

(13) number of women who screened positive for postpartum depression under Medicaid and the average number of days following childbirth for the screening to occur;

(14) number of women who screened positive for postpartum depression under health benefit plan coverage and the average number of days following childbirth for the screening to occur; and

(15) number of women who screened positive for postpartum depression under the Healthy Texas Women program and the average number of days following childbirth for the screening to occur.

Sec. 34.020. PROGRAM TO DELIVER PRENATAL AND POSTPARTUM CARE THROUGH TELEHEALTH OR TELEMEDICINE MEDICAL SERVICES IN CERTAIN COUNTIES. (a) In this section:

(1) "Postpartum care" and "prenatal care" have the meanings assigned by Section 32.002.

(2) "Telehealth service" and "telemedicine medical service" have the meanings assigned by Section 111.001, Occupations Code.

(b) The commission, in consultation with the task force, shall develop a program to deliver prenatal and postpartum care through telehealth services or telemedicine medical services to pregnant women with a low risk of experiencing pregnancy-related complications, as determined by a physician. The commission shall implement the program in:

(1) at least two counties with populations of more than two million;

(2) at least one county with a population of more than 100,000 and less than 500,000; and

(3) at least one rural county with high rates of maternal mortality and morbidity as determined by the commission in consultation with the task force.

(c) The commission shall develop criteria for selecting participants for the program by analyzing information in the reports prepared by the task force under this chapter and the outcomes of the study conducted under Section 531.02163, Government Code.

(d) In developing and administering the program, the commission shall endeavor to use innovative, durable medical equipment to monitor fetal and maternal health.

(e) Notwithstanding Section 531.02176, Government Code, and if the commission determines it is feasible and cost-effective, the commission may:

(1) provide home telemonitoring services and necessary durable medical equipment to women participating in the program to the extent the commission anticipates the services and equipment will reduce unnecessary emergency room visits or hospitalizations; and

(2) reimburse providers under Medicaid for the provision of home telemonitoring services and durable medical equipment under the program.

(f) Not later than January 1, 2021, the commission shall submit to the legislature a report on the program that evaluates the program's success in delivering prenatal and postpartum care through telehealth services or telemedicine medical services under Subsection (b).

Sec. 34.021. APPLICATION FOR FEDERAL GRANTS. (a) The executive commissioner shall apply to the United States Department of Health and Human Services for grants under the federal Preventing Maternal Deaths Act of 2018 (Pub. L. No. 115-344).

(b) This section expires September 1, 2027.

SECTION _____. Section 81.090(c), Health and Safety Code, is amended to read as follows:

(c) A physician or other person in attendance at a delivery shall:

(1) take or cause to be taken a sample of blood or other appropriate specimen from the mother on admission for delivery; and

(2) submit the sample to an appropriately certified laboratory for diagnostic testing approved by the United States Food and Drug Administration for hepatitis B infection and syphilis.

SECTION _____. Chapter 1001, Health and Safety Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. HIGH-RISK MATERNAL CARE COORDINATION SERVICES PILOT PROGRAM

Sec. 1001.261. DEFINITIONS. In this subchapter:

(1) "Pilot program" means the high-risk maternal care coordination services pilot program established under this subchapter.

(2) "Promotora" or "community health worker" has the meaning assigned by Section 48.001.

Sec. 1001.262. ESTABLISHMENT OF PILOT PROGRAM; RULES. (a) The department shall develop and implement a high-risk maternal care coordination services pilot program in one or more geographic areas in this state.

(b) In implementing the pilot program, the department shall:

(1) conduct a statewide assessment of training courses provided by promotoras or community health workers that target women of childbearing age;

(2) study existing models of high-risk maternal care coordination services;

(3) identify, adapt, or create a risk assessment tool to identify pregnant women who are at a higher risk for poor pregnancy, birth, or postpartum outcomes; and

(4) create educational materials for promotoras and community health workers that include information on the:

(A) assessment tool described by Subdivision (3); and

(B) best practices for high-risk maternal care.

(c) The executive commissioner shall adopt rules as necessary to implement this subchapter and prescribe the types of information to be collected during the course of the pilot program and included in the report described by Section 1001.264.

Sec. 1001.263. DUTIES OF DEPARTMENT. (a) The department shall provide to each geographic area selected for the pilot program the support, resources, technical assistance, training, and guidance necessary to:

(1) screen all or a sample of pregnant patients with the assessment tool described by Section 1001.262(b)(3); and

(2) integrate community health worker services for women with high-risk pregnancies in:

(A) providing patient education on health-enhancing behaviors and chronic disease management and prevention;

(B) facilitating care coordination and navigation activities; and

(C) identifying and reducing barriers to the women's access to health care.

(b) The department shall develop training courses to prepare promotoras and community health workers in educating and supporting women at high risk for serious complications during the pregnancy and postpartum periods.

Sec. 1001.264. PILOT PROGRAM REPORT. (a) Not later than December 1 of each even-numbered year, the department shall prepare and submit a report on the pilot program to the executive commissioner and the chairs of the standing committees of the senate and the house of representatives with primary jurisdiction over public health and human services. The report may be submitted with the report required under Section 34.0156.

(b) The report submitted under this section must include an evaluation from the commissioner of the pilot program's effectiveness.

(c) The report submitted under this section must include a recommendation from the department on whether the pilot program should continue, be expanded, or be terminated.

Sec. 1001.265. EXPIRATION. This subchapter expires September 1, 2023.

SECTION _____. Notwithstanding Subchapter K, Chapter 1001, Health and Safety Code, as added by this Act, the Department of State Health Services and the executive commissioner of the Health and Human Services Commission are not required to comply with that subchapter unless a specific appropriation for the implementation of the subchapter is provided in a general appropriations act of the 86th Legislature.

SECTION _____. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall apply to the United States Department of Health and Human Services for grants as required by Section 34.021, Health and Safety Code, as added by this Act.

SECTION _____. 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.

Amendment No. 2 was adopted.

SB 748, as amended, was passed to third reading.

CSSB 749 ON SECOND READING
(Price, et al. - House Sponsors)

CSSB 749, A bill to be entitled An Act relating to level of care designations for hospitals that provide neonatal and maternal care.

Amendment No. 1

Representative Price offered the following amendment to **CSSB 749**:

Amend **CSSB 749** (house committee report) on page 5, by striking lines 10-12 and substituting the following:

(b) The process developed and implemented under this section must:

(1) subject to Subdivision (2), allow a hospital to submit a written request under Subsection (a) at any time;

(2) require a hospital to:

(A) before submitting the request, provide notice of the hospital's intention to seek a waiver under this section to the hospital's medical staff who practice in a specialty service area affected by the waiver;

(B) provide the notice required by Paragraph (A) in accordance with the hospital's process for communicating information to medical staff; and

(C) document the provision of the notice required by Paragraph (A); and

(3) allow the department to make a determination on the request at any time.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Price offered the following amendment to **CSSB 749**:

Amend **CSSB 749** (house committee report) as follows:

(1) On page 5, strike lines 15-20, and substitute the following: department determines the waiver is justified after considering:

(1) the expected impact on:

(A) the accessibility of care in the geographical area served by the hospital if the waiver is not granted; and

(B) quality of care and patient safety; or

(2) On page 5, line 21, strike "(4)" and substitute "(2)".

Amendment No. 2 was adopted.

CSSB 749 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE OLIVERSON: My understanding of this bill is that you have certain situations where a hospital is not able to get a Level III or a Level IV designation because they can't check all the boxes that they're supposed to check. However, the quality of care that they're able to deliver to moms and to unborn children is on the same level as a facility that is able to check the box, and so this would create a waiver that would allow them, because they're able to generate the same quality, to be able to get that designation. Is that correct?

REPRESENTATIVE PRICE: That is correct.

OLIVERSON: So the common factor here between the two groups, those that would have the waiver and those that would qualify on their own, is that the quality of care is the same at both locations, correct?

PRICE: That's correct. We are trying to add a little flexibility into the process on a limited basis, under very specific guidelines.

OLIVERSON: I also noticed there were some language in the bill giving the commissioner the ability to require reporting information for facilities that are granted a waiver to ensure that the quality is the same. Would it be your understanding, as the author, of the intent that you would expect that the commissioner would follow up to make sure that the quality at the facilities getting a waiver would be the same as other facilities with that designation?

PRICE: Sure. Absolutely.

OLIVERSON: Thank you. And one last question. If the commissioner felt that a facility under the waiver was no longer operating at the same level as a facility that was operating without a waiver, would that be a cause for them to maybe revisit the waiver?

PRICE: Well, and I think I'm following your question, certainly at the end of that period if they are examined and the quality of care is not up to standards, then yes. I think that they would reevaluate that. And of course it's time limited anyway within the body of the bill, but absolutely.

OLIVERSON: Thank you, Mr. Chairman. I think you have a great bill here.

REMARKS ORDERED PRINTED

Representative Oliverson moved to print remarks between Representative Price and Representative Oliverson on **CSSB 749**.

The motion prevailed.

CSSB 749, as amended, was passed to third reading.

**SB 750 ON SECOND READING
(Button - House Sponsor)**

SB 750, A bill to be entitled An Act relating to maternal and newborn health care and the quality of services provided to women in this state under certain health care programs.

Amendment No. 1 (Committee Amendment No. 1)

Representative Price offered the following committee amendment to **SB 750**:

Amend **SB 750** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 1061, Special District Local Laws Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SALES AND USE TAX

Sec. 1061.301. TAX AUTHORIZED. (a) The district may adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

(b) The district may not adopt a tax under this subchapter or increase the rate of the tax if as a result of the adoption of the tax or the tax increase the combined rate of all sales and use taxes imposed by the district and all other political subdivisions of this state having territory in the district would exceed two percent in any location in the district.

Sec. 1061.302. APPLICABILITY OF OTHER LAW. Except to the extent that a provision of this subchapter applies, Chapter 323, Tax Code, applies to a tax authorized by this subchapter in the same manner as that chapter applies to the tax authorized by that chapter.

Sec. 1061.303. TAX RATE; CHANGE IN RATE. (a) The district may impose a tax authorized by this subchapter in increments of one-eighth of one percent, with a minimum rate of one-eighth of one percent and a maximum rate of two percent.

(b) The district may increase the rate of a tax authorized by this subchapter to a maximum of two percent or decrease the rate of the tax to a minimum of one-eighth of one percent if the change is approved by a majority of the voters of the district at an election called for that purpose.

Sec. 1061.304. ELECTION PROCEDURE. An election to adopt, change the rate of, or abolish a tax authorized by this subchapter is called by the adoption of an order of the board. The board may call an election on its own motion and shall call an election if a number of qualified voters in the district equal to at least five percent of the number of registered voters in the district petitions the board to call the election.

Sec. 1061.305. ELECTION IN OTHER TAXING AUTHORITY. (a) In this section, "taxing authority" means any entity authorized to impose a local sales and use tax.

(b) If the district is included within the boundaries of another taxing authority and the adoption or increase in the rate of a tax under this subchapter would result in a combined tax rate by the district and other political subdivisions of this state of more than two percent at any location in the district, an election to approve or increase the rate of the tax has no effect unless:

(1) one or more of the other taxing authorities holds an election in accordance with the law governing that authority on the same date as the election under this subchapter to reduce the tax rate of that authority to a rate that will result in a combined tax rate by the district and other political subdivisions of not more than two percent at any location in the district; and

(2) the combined tax rate is reduced to not more than two percent as a result of that election.

(c) This section does not permit a taxing authority to impose taxes at differential tax rates within the territory of the authority.

Sec. 1061.306. TAX EFFECTIVE DATE. (a) The adoption, change in the rate of, or abolition of a tax under this subchapter takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives notice of the results of an election to adopt, change the rate of, or abolish the tax.

(b) If the comptroller determines that an effective date provided by Subsection (a) will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the change in the rate of the tax or the abolition of the tax, the effective date may be extended by the comptroller until the first day of the next calendar quarter.

Sec. 1061.307. USE OF TAX REVENUE. Revenue from a tax imposed under this subchapter may be used by the district for any purpose of the district authorized by law.

SECTION ____. Section 1061.151(b), Special District Local Laws Code, is amended to read as follows:

(b) The proposed budget must contain a complete financial statement of:

- (1) the outstanding obligations of the district;
- (2) the cash on hand in each district fund;
- (3) the money received by the district from all sources during the previous year;
- (4) the money available to the district from all sources during the ensuing year;
- (5) the balances expected at the end of the year in which the budget is being prepared;
- (6) the estimated revenue and balances available to cover the proposed budget;
- (7) the estimated ad valorem tax rate required; and
- (8) the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year.

SECTION ____. The heading to Subchapter F, Chapter 1061, Special District Local Laws Code, is amended to read as follows:

SUBCHAPTER F. AD VALOREM TAXES

SECTION ____. Section 26.012(1), Tax Code, is amended to read as follows:

(1) "Additional sales and use tax" means an additional sales and use tax imposed by:

- (A) a city under Section 321.101(b);

- (B) a county under Chapter 323; or
 (C) a hospital district, other than a hospital district:
 (i) created on or after September 1, 2001, that:
 (a) ~~[(+)]~~ imposes the sales and use tax under Subchapter I, Chapter 286, Health and Safety Code; or
 (b) ~~[(+)]~~ imposes the sales and use tax under Subchapter L, Chapter 285, Health and Safety Code; or
 (ii) that imposes the sales and use tax under Subchapter G, Chapter 1061, Special District Local Laws Code.

Representative Price moved to table Amendment No. 1.

The motion to table prevailed.

(Goldman in the chair)

Amendment No. 2

Representative Thierry offered the following amendment to **SB 750**:

Amend **SB 750** (house committee report) on page 3, between lines 9 and 10, by adding the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly:

() "High-risk population" means the population of women most disproportionately affected by maternal morbidity and maternal mortality, as determined in the joint biennial report required under Section 34.015 including minority women.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Hinojosa offered the following amendment to **SB 750**:

Amend **SB 750** (house committee report) as follows:

(1) On page 12, strike lines 22 and 23 and substitute the following:

SECTION 10. Section 34.008, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsection (c-1) to read as follows:

(2) On page 13, between lines 9 and 10, insert the following:

(c-1) Not later than the 30th business day after receiving a request from the department for records regarding a pregnancy-related death for a specific patient, a hospital, birthing center, or other custodian of the records shall submit the records to the department. A request made under this subsection to a hospital or birthing center must be limited to a patient's medical records.

Amendment No. 3 was adopted.

SB 750, as amended, was passed to third reading.

SB 40 ON SECOND READING (Leach and Murr - House Sponsors)

SB 40, A bill to be entitled An Act relating to locations, terms, sessions, and procedures for conducting court proceedings.

SB 40 was passed to third reading.

SB 139 ON SECOND READING
(Moody - House Sponsor)

SB 139, A bill to be entitled An Act relating to a notice of educational rights for certain student evaluations.

SB 139 was passed to third reading.

CSSB 346 ON SECOND READING
(Leach - House Sponsor)

CSSB 346, A bill to be entitled An Act relating to the consolidation, allocation, classification, and repeal of certain criminal court costs and other court-related costs, fines, and fees; imposing certain court costs and fees and increasing and decreasing the amounts of certain other court costs and fees.

Amendment No. 1

Representative Leach offered the following amendment to **CSSB 346**:

Amend **CSSB 346** (house committee report) as follows:

(1) Strike page 4, line 11, through page 5, line 17, and substitute the following:

Institute account	1.4741 [2.1683] percent;
(4) <u>Texas Commission on Law Enforcement account</u>	<u>3.4418</u>
[law enforcement officers standards and education 5.0034] percent;	
(5) law enforcement and custodial officer <u>supplement</u> [supplemental]	
retirement <u>trust fund</u>	<u>7.2674</u>
[11.1426] percent;	
(6) criminal justice planning <u>account</u>	<u>8.5748</u>
[12.5537] percent;	
(7) an account in the state treasury to be used only for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University	<u>0.8540</u> [1.2090] percent;
(8) compensation to victims of crime <u>account</u>	<u>24.6704</u>
[fund 37.6338] percent;	
(9) emergency radio infrastructure account	<u>3.6913</u> [5.5904] percent;
(10) judicial and court personnel training <u>account</u>	<u>3.3224</u> [fund 4.8362]
percent;	
(11) an account in the state treasury to be used for the establishment and operation of the Correctional Management Institute of Texas and Criminal Justice Center Account	<u>0.8522</u> [1.2090] percent; [and]
(12) fair defense account	<u>17.8857</u>
[17.8448] percent;	
(13) <u>judicial fund</u>	<u>12.2667</u> percent;
(14) <u>DNA testing account</u>	<u>0.1394</u> percent;
(15) <u>specialty court account</u>	<u>1.0377</u> percent;
(16) <u>statewide electronic filing system account</u>	<u>0.5485</u> percent;
(17) <u>jury service fund</u>	<u>6.4090</u> percent;
(18) <u>truancy prevention and diversion account</u>	<u>2.5956</u> percent; and
(19) <u>transportation administrative fee</u>	

(2) Strike SECTION 1.16 of the bill (page 25, line 15, through page 26, line 9) and substitute the following appropriately numbered SECTION in ARTICLE 1 of the bill:

SECTION 1.____. Section 411.402(a), Government Code, is amended to read as follows:

(a) Fees collected under Section 133.102(e)(9) [~~133.102(e)(11)~~], Local Government Code, may only:

(1) be used for the planning, development, provision, enhancement, or ongoing maintenance of an interoperable statewide emergency radio infrastructure;

(2) be used in accordance with the statewide integrated public safety radio communications plan developed under Subchapter F, Chapter 421;

(3) be used for the development of a regional or state interoperable radio communication system;

(4) be distributed as grants by the department to:

(A) regional councils of government that have entered into interlocal agreements authorized under state law; and

(B) state agencies requiring emergency radio infrastructure; or

(5) be used for other public safety purposes.

(3) On page 26, strike lines 12-15 and substitute the following:

(b) The account consists of[+]

[~~(+)~~] fees deposited in the account as provided by Section 133.102(e)(9) [~~133.102(e)(11)~~], Local Government Code[+ and

(4) Renumber the SECTIONS of ARTICLE 1 accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Leach offered the following amendment to **CSSB 346**:

Amend **CSSB 346** (house committee report) on page 13, between lines 12 and 13, by inserting the following:

Sec. 134.157. ACCOUNT FOR PROSECUTOR'S FEES. Money allocated under Section 134.102 to the account for prosecutor's fees maintained in the county treasury as required by Section 134.151 may be used by a county only to defray the costs of services provided by a prosecutor.

Amendment No. 2 was adopted.

Amendment No. 3

Representative White offered the following amendment to **CSSB 346**:

Amend **CSSB 346** (house committee report) as follows:

(1) Strike page 42, line 19, through page 43, line 5, and substitute the following:

(a-1) Notwithstanding any other provision of law, as an alternative to requiring a defendant charged with one or more offenses to make payment of all fines and court costs as required by Subsection (a), the judge may:

(1) allow the defendant to enter into an agreement for payment of those fines and costs in installments during the defendant's period of probation;

(2) require an eligible defendant to discharge all or part of those fines and costs by performing community service or attending a tutoring program under Article 45.049 or under Article 45.0492, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011; ~~or~~

(3) waive all or part of those fines and costs under Article 45.0491; or

(4) take any combination of actions authorized by Subdivision (1), ~~or~~ (2), or (3).

(2) On page 120, line 27, strike "The" and substitute "Except as otherwise provided by this Act, the".

(3) Add the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 4.____. Article 45.051(a-1), Code of Criminal Procedure, as reenacted and amended by this Act, applies to a sentencing proceeding that commences before, on, or after the effective date of this Act.

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

ARTICLE ____ . ADMINISTRATIVE, CIVIL, AND CRIMINAL
CONSEQUENCES IMPOSED ON PERSONS ARRESTED FOR, CHARGED
WITH, OR CONVICTED OF CERTAIN CRIMINAL OFFENSES

SECTION ____ .01. Chapter 1, Code of Criminal Procedure, is amended by adding Article 1.053 to read as follows:

Art. 1.053. PRESENT ABILITY TO PAY. Except as otherwise specifically provided, in determining a defendant's ability to pay for any purpose, the court shall consider only the defendant's present ability to pay.

SECTION ____ .02. Article 43.015, Code of Criminal Procedure, is amended by adding Subdivision (3) to read as follows:

(3) "Cost" includes any fee imposed on a defendant by the court at the time a judgment is entered.

SECTION ____ .03. Chapter 43, Code of Criminal Procedure, is amended by adding Article 43.035 to read as follows:

Art. 43.035. RECONSIDERATION OF FINE OR COSTS. (a) If a defendant notifies the court that the defendant has difficulty paying the fine and costs in compliance with the judgment, the court shall hold a hearing to determine whether that portion of the judgment imposes an undue hardship on the defendant.

(b) For purposes of Subsection (a), a defendant may notify the court by:

(1) voluntarily appearing and informing the court or the clerk of the court in the manner established by the court for that purpose;

(2) filing a motion with the court;

(3) mailing a letter to the court; or

(4) any other method established by the court for that purpose.

(c) If the court determines at the hearing under Subsection (a) that the portion of the judgment regarding the fine and costs imposes an undue hardship on the defendant, the court shall consider whether the fine and costs should be satisfied through one or more methods listed under Article 42.15(a-1).

(d) The court may decline to hold a hearing under Subsection (a) if the court:

(1) previously held a hearing under that subsection with respect to the case and is able to determine without holding a hearing that the portion of the judgment regarding the fine and costs does not impose an undue hardship on the defendant; or

(2) is able to determine without holding a hearing that:

(A) the applicable portion of the judgment imposes an undue hardship on the defendant; and

(B) the fine and costs should be satisfied through one or more methods listed under Article 42.15(a-1).

(e) The court retains jurisdiction for the purpose of making a determination under this article.

SECTION ____ .04. The heading to Article 43.05, Code of Criminal Procedure, is amended to read as follows:

Art. 43.05. ISSUANCE AND RECALL OF CAPIAS PRO FINE [~~SHALL RECITE~~].

SECTION ____ .05. Article 43.05(a-1), Code of Criminal Procedure, as added by Chapter 1127 (**SB 1913**), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-1) A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant ~~on the defendant's ability to satisfy the judgment~~ and the defendant fails to:

(1) ~~the defendant fails to~~ appear at the hearing; or

(2) comply with an order issued under Subsection (a-3) as a result of the hearing ~~[based on evidence presented at the hearing, the court determines that the capias pro fine should be issued].~~

SECTION ____ .06. Article 43.05, Code of Criminal Procedure, is amended by amending Subsection (a-2) and adding Subsections (a-3) and (a-4) to read as follows:

(a-2) If the court determines at the hearing under Subsection (a-1) that the judgment imposes an undue hardship on the defendant, the court shall determine whether the fine and costs should be satisfied through one or more methods listed under Article 42.15(a-1). The court retains jurisdiction for the purpose of making a determination under this subsection.

(a-3) If the court determines at the hearing under Subsection (a-1) that the judgment does not impose an undue hardship on the defendant, the court shall order the defendant to comply with the judgment not later than the 30th day after the date the determination is made.

(a-4) The court shall recall a capias pro fine if, before the capias pro fine is executed, the defendant:

(1) provides notice to the court under Article 43.035 and a hearing is set under that article; or

(2) [the defendant] voluntarily appears and makes a good faith effort to resolve the capias pro fine [amount owed; and

(2) the amount owed is resolved in any manner authorized by this code].

SECTION ____ .07. Article 43.091, Code of Criminal Procedure, is amended to read as follows:

Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN DEFENDANTS AND FOR CHILDREN. (a) A court may waive payment of all or part of a fine [~~or costs~~] imposed on a defendant if the court determines that:

(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine [~~or costs~~] or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) each alternative method of discharging the fine [~~or cost~~] under Article 43.09 or 42.15 would impose an undue hardship on the defendant.

(b) A determination of undue hardship made under Subsection (a)(2) is in the court's discretion. In making that determination, the court may consider, as applicable, the defendant's:

(1) significant physical or mental impairment or disability;

(2) pregnancy and childbirth;

(3) substantial family commitments or responsibilities, including child or dependent care;

(4) work responsibilities and hours;

(5) transportation limitations;

(6) homelessness or housing insecurity; and

(7) any other factor the court determines relevant.

(c) A court may waive payment of all or part of the costs imposed on a defendant if the court determines that the defendant:

(1) is indigent or does not have sufficient resources or income to pay all or part of the costs; or

(2) was, at the time the offense was committed, a child as defined by Article 45.058(h).

(d) This subsection applies only to a defendant placed on community supervision, including deferred adjudication community supervision, whose fine or costs are wholly or partly waived under this article. At any time during the defendant's period of community supervision, the court, on the court's own motion or by motion of the attorney representing the state, may reconsider the waiver of the fine or costs. After providing written notice to the defendant and an opportunity for the defendant to present information relevant to the defendant's ability to pay, the court may order the defendant to pay all or part of the waived amount of the fine or costs only if the court determines that the defendant has sufficient resources or income to pay that amount.

SECTION ____ .08. Subchapter A, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.004 to read as follows:

Art. 45.004. GENERAL DEFINITION. In this chapter, "cost" includes any fee imposed on a defendant by the justice or judge at the time a judgment is entered.

SECTION _____.09. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Articles 45.0201 and 45.0445 to read as follows:

Art. 45.0201. APPEARANCE BY TELEPHONE OR VIDEOCONFERENCE. If the justice or judge determines that requiring a defendant to appear before the justice or judge in person for a hearing under Article 45.0445 or 45.045 would impose an undue hardship on the defendant, the justice or judge may allow the defendant to appear by telephone or videoconference.

Art. 45.0445. RECONSIDERATION OF FINE OR COSTS. (a) If the defendant notifies the justice or judge that the defendant has difficulty paying the fine and costs in compliance with the judgment, the justice or judge shall hold a hearing to determine whether the judgment imposes an undue hardship on the defendant.

(b) For purposes of Subsection (a), a defendant may notify the justice or judge by:

(1) voluntarily appearing and informing the justice or judge or the clerk of the court in the manner established by the justice or judge for that purpose;

(2) filing a motion with the justice or judge;

(3) mailing a letter to the justice or judge; or

(4) any other method established by the justice or judge for that purpose.

(c) If the justice or judge determines at the hearing under Subsection (a) that the judgment imposes an undue hardship on the defendant, the justice or judge shall consider whether to allow the defendant to satisfy the fine and costs through one or more methods listed under Article 45.041(a-1).

(d) The justice or judge may decline to hold a hearing under Subsection (a) if the justice or judge:

(1) previously held a hearing under that subsection with respect to the case and is able to determine without holding a hearing that the judgment does not impose an undue hardship on the defendant; or

(2) is able to determine without holding a hearing that:

(A) the judgment imposes an undue hardship on the defendant; and

(B) the fine and costs should be satisfied through one or more methods listed under Article 45.041(a-1).

(e) The justice or judge retains jurisdiction for the purpose of making a determination under this article.

SECTION _____.10. Article 45.045(a-2), Code of Criminal Procedure, as added by Chapter 1127 (SB 1913), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-2) The court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant ~~on the defendant's ability to satisfy the judgment~~ and the defendant fails to:

- (1) ~~the defendant fails to~~ appear at the hearing; or
- (2) comply with an order issued under Subsection (a-4) as a result of the hearing ~~based on evidence presented at the hearing, the court determines that the capias pro fine should be issued~~.

SECTION ____ .11. Article 45.045, Code of Criminal Procedure, is amended by amending Subsection (a-3) and adding Subsections (a-4) and (a-5) to read as follows:

(a-3) If the justice or judge determines at the hearing under Subsection (a-2) that the judgment imposes an undue hardship on the defendant, the justice or judge shall determine whether the fine and costs should be satisfied through one or more methods listed under Article 45.041(a-1). The justice or judge retains jurisdiction for the purpose of making a determination under this subsection.

(a-4) If the justice or judge determines at the hearing under Subsection (a-2) that the judgment does not impose an undue hardship on the defendant, the justice or judge shall order the defendant to comply with the judgment not later than the 30th day after the date the determination is made.

(a-5) The court shall recall a capias pro fine if, before the capias pro fine is executed, the defendant:

(1) provides notice to the justice or judge under Article 45.0445 and a hearing is set under that article; or

(2) ~~the defendant~~ voluntarily appears and makes a good faith effort to resolve the capias pro fine ~~amount owed; and~~

~~(2) the amount owed is resolved in any manner authorized by this chapter~~.

SECTION ____ .12. Article 45.0491, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN DEFENDANTS AND FOR CHILDREN. (a) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of a fine ~~or costs~~ imposed on a defendant if the court determines that:

(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine ~~or costs~~ or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) discharging the fine ~~or costs~~ under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

(b) A defendant is presumed to be indigent or to not have sufficient resources or income to pay all or part of the fine or costs for purposes of Subsection (a) or (d) if the defendant:

(1) is in the conservatorship of the Department of Family and Protective Services, or was in the conservatorship of that department at the time of the offense; or

(2) is designated as a homeless child or youth or an unaccompanied youth, as those terms are defined by 42 U.S.C. Section 11434a, or was so designated at the time of the offense.

(c) A determination of undue hardship made under Subsection (a)(2) is in the court's discretion. In making that determination, the court may consider, as applicable, the defendant's:

- (1) significant physical or mental impairment or disability;
- (2) pregnancy and childbirth;
- (3) substantial family commitments or responsibilities, including child or dependent care;
- (4) work responsibilities and hours;
- (5) transportation limitations;
- (6) homelessness or housing insecurity; and
- (7) any other factors the court determines relevant.

(d) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of the costs imposed on a defendant if the court determines that the defendant:

- (1) is indigent or does not have sufficient resources or income to pay all or part of the costs; or
- (2) was, at the time the offense was committed, a child as defined by Article 45.058(h).

SECTION ____ .13. The following provisions of the Code of Criminal Procedure are repealed:

- (1) Article 42.15(a-1), as added by Chapter 977 (**HB 351**), Acts of the 85th Legislature, Regular Session, 2017;
- (2) Article 43.05(a-1), as added by Chapter 977 (**HB 351**), Acts of the 85th Legislature, Regular Session, 2017;
- (3) Article 45.041(a-1), as added by Chapter 977 (**HB 351**), Acts of the 85th Legislature, Regular Session, 2017; and
- (4) Article 45.045(a-2), as added by Chapter 977 (**HB 351**), Acts of the 85th Legislature, Regular Session, 2017.

SECTION ____ .14. Notwithstanding Section 32, Chapter 977 (**HB 351**), and Section 28, Chapter 1127 (**SB 1913**), Acts of the 85th Legislature, Regular Session, 2017, Section 706.006, Transportation Code, as amended by those Acts, applies to any fee assessed on or after the effective date of this Act, regardless of whether the offense, complaint, citation, or other violation giving rise to the fee occurred before, on, or after the effective date of this Act.

SECTION ____ .15. Articles 1.053 and 45.0201, Code of Criminal Procedure, as added by this article, apply to a proceeding that commences before, on, or after the effective date of this Act.

SECTION ____ .16. Articles 43.035 and 45.0445, Code of Criminal Procedure, as added by this article, apply to a notification received by a court on or after the effective date of this Act, regardless of whether the judgment of conviction was entered before, on, or after the effective date of this Act.

SECTION ____ .17. The changes in law made by this article to Articles 43.091 and 45.0491, Code of Criminal Procedure, apply to a sentencing proceeding that commences before, on, or after the effective date of this Act.

SECTION ____ .18. The change in law made by this article to Articles 43.05 and 45.045, Code of Criminal Procedure, applies only to a capias pro fine issued on or after the effective date of this Act. A capias pro fine issued before the effective date of this Act is governed by the law in effect on the date the capias pro fine was issued, and the former law is continued in effect for that purpose.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Farrar offered the following amendment to **CSSB 346**:

Amend **CSSB 346** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . COURT REPORTER SALARIES IN CERTAIN COUNTIES

SECTION ____ .01. Section 52.051(d), Government Code, is amended to read as follows:

(d) The official district court reporter may not receive:

(1) a salary that is more than 10 percent greater than the salary received during the preceding budget year without the approval of the commissioners court of each county in the judicial district if the court reporter serves in a county with a population of less than 1 million; ~~or~~

(2) except as provided by Subdivision (3), a percentage increase in salary in a fiscal year that is greater than the average percentage increase in compensation in that fiscal year to all other employees of the county in which the reporter serves if the court reporter serves in a county with a population of 1 million or more; or

(3) a percentage increase in salary in a fiscal year that is greater than the average percentage increase in compensation in that fiscal year to all other employees of the county in which the reporter serves if the court reporter serves in a county with a population of 3.5 million or more, unless approved by the commissioners court.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Farrar offered the following amendment to **CSSB 346**:

Amend **CSSB 346** (house committee report) as follows:

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

SECTION 3. ____ . Section 103.027(b), Government Code, is amended to read as follows:

(b) Any fee of \$2 charged by a local government or appellate court for an electronic filing transaction as authorized under Section 72.031(c), Government Code, shall be collected. ~~[This subsection expires September 1, 2019.]~~

(2) On page 120, between lines 2 and 3, insert the following appropriately numbered subdivision and renumber subsequent subdivisions of the SECTION accordingly:

(____) Section 72.031(c-1), Government Code;

(3) On page 121, strike line 12 and substitute the following appropriately numbered SECTION:

SECTION 4.____. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2020.

(b) The repeal of Section 72.031(c-1), Government Code, and the change in law made by this Act to Section 103.027(b), Government Code, take effect September 1, 2019.

Amendment No. 5 was withdrawn.

CSSB 346, as amended, was passed to third reading.

**SB 346 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Leach moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representatives Collier, White, and S. Thompson as house sponsors to **SB 346**.

The motion prevailed.

**SB 1238 ON SECOND READING
(Rose - House Sponsor)**

SB 1238, A bill to be entitled An Act relating to the admission, examination, and discharge of a person for voluntary mental health services.

Amendment No. 1

Representative Moody offered the following amendment to **SB 1238**:

Amend **SB 1238** (house committee report) as follows:

(1) On page 2, line 18, strike "Sections 572.001(c) and (c-2) apply" and substitute "Section 572.001(c-2) applies".

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

SECTION _____. Subtitle A, Title 2, Family Code, is amended by adding Chapter 35A to read as follows:

**CHAPTER 35A. TEMPORARY AUTHORIZATION FOR INPATIENT
MENTAL HEALTH SERVICES FOR MINOR CHILD**

Sec. 35A.001. APPLICABILITY. This chapter applies to a person whose relationship to a child would make the person eligible to consent to treatment under Section 32.001(a)(1), (2), or (3), and who has had actual care, custody, and control of the child for the six months preceding the filing of a petition under this chapter.

Sec. 35A.002. TEMPORARY AUTHORIZATION. A person described by Section 35A.001 may seek a court order for temporary authorization to consent to voluntary inpatient mental health services for a child by filing a petition in the district court in the county in which the person resides.

Sec. 35A.003. PETITION FOR TEMPORARY AUTHORIZATION. A petition for temporary authorization to consent to voluntary inpatient mental health services for a child must:

(1) be styled "ex parte" and be in the name of the child;

(2) be verified by the petitioner;

(3) state:

(A) the name, date of birth, and current physical address of the child;

(B) the name, date of birth, and current physical address of the petitioner; and

(C) the name and, if known, the current physical and mailing addresses of the child's parents, conservators, or guardians;

(4) describe the status and location of any court proceeding in this or another state with respect to the child;

(5) describe the petitioner's relationship to the child;

(6) provide the dates during the preceding six months that the child has resided with the petitioner;

(7) contain a certificate of medical examination for mental illness prepared by a physician who has examined the child not earlier than the third day before the date the petition is filed and be accompanied by a sworn statement containing the physician's opinion, and the detailed reasons for that opinion, that the child is a person:

(A) with mental illness or who demonstrates symptoms of a serious emotional disorder; and

(B) who presents a risk of serious harm to self or others if not immediately restrained or hospitalized; and

(8) state any reason that the petitioner is unable to obtain signed, written documentation from a parent, conservator, or guardian of the child.

Sec. 35A.004. NOTICE; HEARING. (a) On receipt of the petition, the court shall set a hearing.

(b) A copy of the petition and notice of the hearing shall be delivered to the parent, conservator, or guardian of the child by personal service or by certified mail, return receipt requested, at the last known address of the parent, conservator, or guardian.

Sec. 35A.005. ORDER FOR TEMPORARY AUTHORIZATION. (a) At the hearing on the petition, the court may hear evidence relating to the child's need for inpatient mental health services by the petitioner, any other matter raised in the petition, and any objection or other testimony of the child's parent, conservator, or guardian.

(b) The court shall dismiss the petition for temporary authorization if an objection is made by the child's parent, conservator, or guardian.

(c) The court shall grant the petition for temporary authorization only if the court finds:

(1) by a preponderance of the evidence that the child does not have available a parent, conservator, guardian, or other legal representative to give consent under Section 572.001, Health and Safety Code, for voluntary inpatient mental health services; and

(2) by clear and convincing evidence that the child is a person:

(A) with mental illness or who demonstrates symptoms of a serious emotional disorder; and

(B) who presents a risk of serious harm to self or others if not immediately restrained or hospitalized.

(d) Subject to Subsection (e), the order granting temporary authorization under this chapter expires on the earliest of:

(1) the date the petitioner requests that the child be discharged from the inpatient mental health facility;

(2) the date a physician determines that the criteria listed in Subsection (c)(2) no longer apply to the child; or

(3) subject to Subsection (e), the 10th day after the date the order for temporary authorization is issued under this section.

(e) The order granting temporary authorization continues in effect until the earlier occurrence of an event described by Subsection (d)(1) or (2) if the petitioner obtains an order for temporary managing conservatorship before the order expires as provided by Subsection (d)(3).

(f) A copy of an order granting temporary authorization must:

(1) be filed under the cause number in any court that has rendered a conservatorship or guardian order regarding the child; and

(2) be sent to the last known address of the child's parent, conservator, or guardian.

SECTION _____. Section 572.001, Health and Safety Code, is amended by amending Subsections (a), (a-1), and (c-1) and adding Subsection (a-2) to read as follows:

(a) A person 16 years of age or older may request admission to an inpatient mental health facility or for outpatient mental health services by filing a request with the administrator of the facility where admission or outpatient treatment is requested. Subject to Subsection (c-1), the [The] parent, managing conservator, or guardian of a person younger than 18 years of age may request the admission of the person to an inpatient mental health facility or for outpatient mental health services by filing a request with the administrator of the facility where admission or outpatient treatment is requested.

(a-1) A person eligible to consent to treatment for the person under Section 32.001(a)(1), (2), or (3), Family Code, may request temporary authorization for the admission of the person to an inpatient mental health facility by petitioning under Chapter 35A, Family Code, in the district court in the county in which the person resides for an order for temporary authorization to consent to voluntary mental health services under this section. The petitioner for temporary authorization may be represented by the county attorney or district attorney.

(a-2) Except as provided by Subsection (c-1) [(~~e~~)], an inpatient mental health facility may admit or provide services to a person 16 years of age or older and younger than 18 years of age if the person's parent, managing conservator, or guardian consents to the admission or services, even if the person does not consent to the admission or services.

(c-1) A person younger than 18 years of age may not be involuntarily committed unless provided by this chapter, Chapter 55, Family Code, [~~other state law,~~] or department rule.

SECTION _____. Section 573.001(a), Health and Safety Code, is amended to read as follows:

(a) A peace officer, without a warrant, may take a person into custody, regardless of the age of the person, if the officer:

(1) has reason to believe and does believe that:

(A) the person is a person with mental illness; and

(B) because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and

(2) believes that there is not sufficient time to obtain a warrant before taking the person into custody.

SECTION _____. Section 572.001(c), Health and Safety Code, is repealed.

A record vote was requested by Representative Stickland.

Amendment No. 1 was adopted by (Record 1521): 101 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, T.; Kuempel; Lambert; Larson; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Perez; Phelan; Price; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zerwas; Zwiener.

Nays — Biedermann; Bonnen; Burns; Cain; Craddick; Cyrier; Dean; Harris; Hefner; Holland; King, P.; Klick; Krause; Landgraf; Lang; Leach; Leman; Lozano; Metcalf; Middleton; Murr; Noble; Parker; Patterson; Paul; Sanford; Schaefer; Shaheen; Smith; Springer; Stickland; Swanson; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler.

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Bell, C.; Harless; Johnson, J.D.; Raney; Smithee.

STATEMENTS OF VOTE

When Record No. 1521 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 1521 was taken, I was shown voting yes. I intended to vote no.

Hunter

REMARKS ORDERED PRINTED

Representative Anchia moved to print all remarks on **SB 1978**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **SB 1978**.]

SB 1238 - (consideration continued)

SB 1238, as amended, was passed to third reading.

**SB 1238 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative S. Thompson moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representatives Collier and S. Thompson as house sponsors to **SB 1238**.

The motion prevailed.

**CSSB 531 ON SECOND READING
(Lozano - House Sponsor)**

CSSB 531, A bill to be entitled An Act relating to the sources of funding for the Texas emissions reduction plan.

Amendment No. 1

Representative C. Bell offered the following amendment to **CSSB 531**:

Amend **CSSB 531** (house committee report) as follows:

(1) Add the following appropriately numbered ARTICLE heading to the bill, transfer SECTIONS 1 through 8 of the bill to that ARTICLE, and renumber those SECTIONS accordingly:

ARTICLE _____. FUNDING SOURCES

(2) On page 2, line 23, strike "Act" and substitute "article".

(3) Add the following appropriately numbered ARTICLES to the bill:
ARTICLE _____. TEXAS EMISSIONS REDUCTION PLAN FUND AND
ACCOUNT

SECTION _____.01. Section 386.001, Health and Safety Code, is amended by adding Subdivision (1) and amending Subdivision (5) to read as follows:

(1) "Account" means the Texas emissions reduction plan account established under Section 386.251.

(5) "Fund" means the Texas emissions reduction plan fund established under Section 386.250.

SECTION _____.02. Section 386.057(c), Health and Safety Code, is amended to read as follows:

(c) For projects funded as part of the infrastructure program under Subchapter C, the report must:

(1) describe and evaluate:

(A) the infrastructure facilities funded under that subchapter;

(B) the degree to which the funded facilities are supporting on-road or non-road diesel projects;

(C) the amount of fuel or electricity dispensed for each facility; and

(D) associated emissions reductions and cost-effectiveness; and

(2) make a finding regarding the need for additional appropriations from the account ~~[fund]~~ to improve the ability of the program to achieve its goals.

SECTION _____.03. The heading to Subchapter F, Chapter 386, Health and Safety Code, is amended to read as follows:

SUBCHAPTER F. TEXAS EMISSIONS REDUCTION PLAN FUND AND
ACCOUNT

SECTION _____.04. Subchapter F, Chapter 386, Health and Safety Code, is amended by adding Section 386.250 to read as follows:

Sec. 386.250. TEXAS EMISSIONS REDUCTION PLAN FUND. (a) The Texas emissions reduction plan fund is established as a trust fund outside the state treasury to be held by the comptroller and administered by the commission as trustee. Money in the fund may be spent without legislative appropriation and may be used only as provided by this chapter. Interest and other earnings on the balance of the fund shall be credited to the fund.

(b) The fund consists of:

(1) the amount of money deposited to the credit of the fund under:

(A) Section 386.056;

(B) Sections 151.0515 and 152.0215, Tax Code; and

(C) Sections 501.138, 502.358, and 548.5055, Transportation

Code; and

(2) grant money recaptured under Section 386.111(d) and Chapter 391.

(c) Not later than the 30th day after the last day of each state fiscal biennium, the commission shall transfer the unencumbered balance of the fund remaining on the last day of the state fiscal biennium to the credit of the Texas emissions reduction plan account.

SECTION _____.05. Section 386.251, Health and Safety Code, is amended to read as follows:

Sec. 386.251. TEXAS EMISSIONS REDUCTION PLAN ACCOUNT ~~[FUND]~~. (a) The Texas emissions reduction plan account ~~[fund]~~ is an account in the state treasury.

(b) The account ~~[fund]~~ is administered by the commission for the benefit of the plan established under this chapter. The account ~~[fund]~~ is exempt from the application of Section 403.095, Government Code. Interest earned on the account ~~[fund]~~ shall be credited to the account ~~[fund]~~.

(c) The account ~~[fund]~~ consists of its accumulated balance and ~~[~~

~~[(1)] the amount of money transferred to the account under Section 386.250(c) [deposited to the credit of the fund under:~~

~~[(A) Section 386.056;~~

~~[(B) Sections 151.0515 and 152.0215, Tax Code; and~~

~~[(C) Sections 501.138, 502.358, and 548.5055, Transportation Code; and~~

~~[(2) grant money recaptured under Section 386.111(d) and Chapter 391].~~

SECTION ____ .06. The heading to Section 386.252, Health and Safety Code, is amended to read as follows:

Sec. 386.252. USE OF FUND AND ACCOUNT.

SECTION ____ .07. Sections 386.252(a), (b), (e), (f), (g), and (h), Health and Safety Code, are amended to read as follows:

(a) Money in the fund and account may be used only to implement and administer programs established under the plan. Subject to the reallocation of funds by the commission under Subsection (h), money from the fund and account ~~[appropriated to the commission]~~ to be used for the programs under Section 386.051(b) shall initially be allocated as follows:

(1) four percent may be used for the clean school bus program under Chapter 390;

(2) three percent may be used for the new technology implementation grant program under Chapter 391, from which at least \$1 million will be set aside for electricity storage projects related to renewable energy;

(3) five percent may be used for the clean fleet program under Chapter 392;

(4) not more than \$3 million may be used by the commission to fund a regional air monitoring program in commission Regions 3 and 4 to be implemented under the commission's oversight, including direction regarding the type, number, location, and operation of, and data validation practices for, monitors funded by the program through a regional nonprofit entity located in North Texas having representation from counties, municipalities, higher education institutions, and private sector interests across the area;

(5) 10 percent may be used for the Texas natural gas vehicle grant program under Chapter 394;

(6) not more than \$6 million may be used for the Texas alternative fueling facilities program under Chapter 393, of which a specified amount may be used for fueling stations to provide natural gas fuel, except that money may not be allocated for the Texas alternative fueling facilities program for the state fiscal year ending August 31, 2019;

(7) not more than \$750,000 may be used each year to support research related to air quality as provided by Chapter 387;

(8) not more than \$200,000 may be used for a health effects study;

(9) at least \$6 million but not more than \$16 ~~[\$8]~~ million may be used by ~~[is allocated to]~~ the commission for administrative costs, including all direct and indirect costs for administering the plan, costs for conducting outreach and education activities, and costs attributable to the review or approval of applications for marketable emissions reduction credits;

(10) six percent may be used by the commission for the seaport and rail yard areas emissions reduction program established under Subchapter D-1;

(11) five percent may be used for the light-duty motor vehicle purchase or lease incentive program established under Subchapter D;

(12) not more than \$216,000 may be used by ~~[is allocated to]~~ the commission to contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station annually for the development and annual computation of creditable statewide emissions reductions obtained through wind and other renewable energy resources for the state implementation plan;

(13) not more than \$500,000 may be used for studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties to encourage cargo movement that reduces emissions of nitrogen oxides and particulate matter; and

(14) the balance is to be used by the commission for the diesel emissions reduction incentive program under Subchapter C as determined by the commission.

(b) Money in the fund and account may be used by the commission for programs under Sections 386.051(b)(13), (b)(14), and (b-1) ~~[as may be appropriated for those programs]~~.

(e) Money in the fund and account may be used [allocated] for administrative costs incurred by the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station ~~[as may be appropriated by the legislature]~~.

(f) ~~Not [To the extent that money is appropriated from the fund for that purpose, not]~~ more than \$2.5 million from the fund and account may be used by the commission to conduct research and other activities associated with making any necessary demonstrations to the United States Environmental Protection Agency to account for the impact of foreign emissions or an exceptional event.

(g) The ~~[To the extent that money is appropriated from the fund for that purpose, the]~~ commission may use ~~[that]~~ money from the fund and account to award grants under the governmental alternative fuel fleet grant program established under Chapter 395, except that the commission may not use for that purpose more than three percent of the balance of the fund as of September 1 of each state fiscal year of the biennium for the governmental alternative fuel fleet grant program in that fiscal year.

(h) Subject to the limitations outlined in this section ~~[and any additional limitations placed on the use of the appropriated funds]~~, money allocated under this section to a particular program may be used for another program under the plan as determined by the commission, based on demand for grants for eligible projects under particular programs after the commission solicits projects to which to award grants according to the initial allocation provisions of this section.

SECTION _____.08. Section 395.011, Health and Safety Code, is amended to read as follows:

Sec. 395.011. FUNDING. The legislature may appropriate money to the commission from the Texas emissions reduction plan account ~~[fund]~~ established under Section 386.251 to administer the program.

SECTION _____.09. The amendments to Section 386.251, Health and Safety Code, made by this article do not affect the balance of the Texas Emissions Reduction Plan Account No. 5071 remaining on September 1, 2019.

ARTICLE _____. EFFECTIVE DATE

SECTION _____.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2019.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Murphy offered the following amendment to **CSSB 531**:

Amend **CSSB 531** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 2158.001(3) and (4), Government Code, are amended to read as follows:

(3) "Light-duty motor vehicle" has the meaning assigned by Section 392.001 ~~[386.154]~~, Health and Safety Code.

(4) "Motor vehicle" has the meaning assigned by Section 392.001 ~~[386.154]~~, Health and Safety Code.

SECTION _____. Section 386.051(b), Health and Safety Code, is amended to read as follows:

(b) Under the plan, the commission and the comptroller shall provide grants or other funding for:

(1) the diesel emissions reduction incentive program established under Subchapter C, including for infrastructure projects established under that subchapter;

(2) ~~[the motor vehicle purchase or lease incentive program established under Subchapter D;~~

~~[(3)]~~ the air quality research support program established under Chapter 387;

(3) ~~[(4)]~~ the clean school bus program established under Chapter 390;

~~[(4)]~~ ~~[(5)]~~ the new technology implementation grant program established under Chapter 391;

~~[(5)]~~ ~~[(6)]~~ the regional air monitoring program established under Section 386.252(a);

~~[(6)]~~ ~~[(7)]~~ a health effects study as provided by Section 386.252(a);

~~[(7)]~~ ~~[(8)]~~ air quality planning activities as provided by Section 386.252(d);

~~[(8)]~~ ~~[(9)]~~ a contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station for computation of creditable statewide emissions reductions as provided by Section 386.252(a);

- (9) [~~(10)~~] the Texas clean fleet program established under Chapter 392;
- (10) [~~(11)~~] the Texas alternative fueling facilities program established under Chapter 393;
- (11) [~~(12)~~] the Texas natural gas vehicle grant program established under Chapter 394;
- (12) [~~(13)~~] other programs the commission may develop that lead to reduced emissions of nitrogen oxides, particulate matter, or volatile organic compounds in a nonattainment area or affected county;
- (13) [~~(14)~~] other programs the commission may develop that support congestion mitigation to reduce mobile source ozone precursor emissions;
- (14) [~~(15)~~] the seaport and rail yard areas emissions reduction program established under Subchapter D-1;
- (15) [~~(16)~~] conducting research and other activities associated with making any necessary demonstrations to the United States Environmental Protection Agency to account for the impact of foreign emissions or an exceptional event;
- (16) [~~(17)~~] studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties as provided by Section 386.252(a); and
- (17) [~~(18)~~] the governmental alternative fuel fleet grant program established under Chapter 395.

SECTION _____. Sections 386.252(a) and (b), Health and Safety Code, are amended to read as follows:

(a) Money in the fund may be used only to implement and administer programs established under the plan. Subject to the reallocation of funds by the commission under Subsection (h), money appropriated to the commission to be used for the programs under Section 386.051(b) shall initially be allocated as follows:

- (1) four percent may be used for the clean school bus program under Chapter 390;
- (2) three percent may be used for the new technology implementation grant program under Chapter 391, from which at least \$1 million will be set aside for electricity storage projects related to renewable energy;
- (3) five percent may be used for the Texas clean fleet program under Chapter 392;
- (4) not more than \$3 million may be used by the commission to fund a regional air monitoring program in commission Regions 3 and 4 to be implemented under the commission's oversight, including direction regarding the type, number, location, and operation of, and data validation practices for, monitors funded by the program through a regional nonprofit entity located in North Texas having representation from counties, municipalities, higher education institutions, and private sector interests across the area;
- (5) 10 percent may be used for the Texas natural gas vehicle grant program under Chapter 394;

(6) not more than \$6 million may be used for the Texas alternative fueling facilities program under Chapter 393, of which a specified amount may be used for fueling stations to provide natural gas fuel, except that money may not be allocated for the Texas alternative fueling facilities program for the state fiscal year ending August 31, 2019;

(7) not more than \$750,000 may be used each year to support research related to air quality as provided by Chapter 387;

(8) not more than \$200,000 may be used for a health effects study;

(9) at least \$6 million but not more than \$8 million is allocated to the commission for administrative costs, including all direct and indirect costs for administering the plan, costs for conducting outreach and education activities, and costs attributable to the review or approval of applications for marketable emissions reduction credits;

(10) six percent may be used by the commission for the seaport and rail yard areas emissions reduction program established under Subchapter D-1;

(11) ~~[five percent may be used for the light-duty motor vehicle purchase or lease incentive program established under Subchapter D;~~

~~(12)~~ not more than \$216,000 is allocated to the commission to contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station annually for the development and annual computation of creditable statewide emissions reductions obtained through wind and other renewable energy resources for the state implementation plan;

(12) ~~(13)~~ not more than \$500,000 may be used for studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties to encourage cargo movement that reduces emissions of nitrogen oxides and particulate matter; and

(13) ~~(14)~~ the balance is to be used by the commission for the diesel emissions reduction incentive program under Subchapter C as determined by the commission.

(b) Money in the fund may be used by the commission for programs under Sections 386.051(b)(12), (b)(13) ~~[386.051(b)(13), (b)(14)]~~, and (b-1) as may be appropriated for those programs.

SECTION _____. Sections 392.001(6) and (7), Health and Safety Code, are amended to read as follows:

(6) "Light-duty motor vehicle" means a motor vehicle with a gross vehicle weight rating of less than 10,000 pounds ~~[has the meaning assigned by Section 386.151].~~

(7) "Motor vehicle" means a self-propelled device designed for transporting persons or property on a public highway that is required to be registered under Chapter 502, Transportation Code ~~[has the meaning assigned by Section 386.151].~~

SECTION _____. Section 394.001(7), Health and Safety Code, is amended to read as follows:

(7) "Motor vehicle" has the meaning assigned by Section 392.001 ~~[386.151].~~

SECTION _____. Subchapter D, Chapter 386, Health and Safety Code, is repealed.

SECTION _____. The repeal by this Act of Subchapter D, Chapter 386, Health and Safety Code, does not apply to a grant issued under that subchapter before September 1, 2019. A grant issued under Subchapter D, Chapter 386, Health and Safety Code, before September 1, 2019 is governed by that subchapter as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 2 was withdrawn.

CSSB 531, as amended, was passed to third reading.

**SB 2111 ON SECOND READING
(Price - House Sponsor)**

SB 2111, A bill to be entitled An Act relating to the Health and Human Services Commission developing a plan to contract with a public institution of higher education to operate a certain state hospital.

SB 2111 was passed to third reading.

**CSSB 1091 ON SECOND READING
(Ashby - House Sponsor)**

CSSB 1091, A bill to be entitled An Act relating to vehicles eligible for veteran toll discount programs.

Amendment No. 1

Representative Ashby offered the following amendment to **CSSB 1091**:

Amend **CSSB 1091** (house committee report) on page 1 as follows:

(1) On line 5, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (a-2)".

(2) On line 12, strike ";" and substitute ".".

(3) On line 13, strike "except that a" and substitute the following:

(a-2) A

(4) On line 16, strike "this subsection." and substitute "Subsection (a-1).".

Amendment No. 1 was adopted.

CSSB 1091, as amended, was passed to third reading.

**SB 37 ON SECOND READING
(Krause, Hernandez, Blanco, Oliverson, and Shaheen - House Sponsors)**

SB 37, A bill to be entitled An Act relating to a prohibition on the use of student loan default or breach of a student loan repayment or scholarship contract as a ground for refusal to grant or renew an occupational license or other disciplinary action in relation to an occupational license.

A record vote was requested by Representative Stickland.

SB 37 was passed to third reading by (Record 1522): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Klick; Lambert; Stucky.

**SB 1474 ON SECOND READING
(Murphy - House Sponsor)**

SB 1474, A bill to be entitled An Act relating to private activity bonds.

SB 1474 was passed to third reading.

**SB 1474 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Murphy moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representatives Howard and Frullo as house sponsors to **SB 1474**.

The motion prevailed.

**SB 568 ON SECOND READING
(G. Bonnen - House Sponsor)**

SB 568, A bill to be entitled An Act relating to the regulation of child-care facilities and family homes; providing administrative penalties.

Amendment No. 1

Representative Frank offered the following amendment to **SB 568**:

Amend **SB 568** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Not later than the second anniversary of the effective date of this Act, the Health and Human Services Commission shall prepare and submit a report to the legislature that evaluates the effect of the changes in law made by this Act on the availability and average cost of day-care services provided by licensed day-care centers, licensed group day-care homes, and registered family homes.

Amendment No. 1 was adopted.

SB 568, as amended, was passed to third reading.

**SB 568 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Frank moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Collier as a house sponsor to **SB 568**.

The motion prevailed.

**SB 633 ON SECOND READING
(Lambert and Guillen - House Sponsors)**

SB 633, A bill to be entitled An Act relating to an initiative to increase the capacity of local mental health authorities to provide access to mental health services in certain counties.

Amendment No. 1 (Committee Amendment No. 1)

Representative Price offered the following committee amendment to **SB 633**:

Amend **SB 633** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 1061, Special District Local Laws Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SALES AND USE TAX

Sec. 1061.301. TAX AUTHORIZED. (a) The district may adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

(b) The district may not adopt a tax under this subchapter or increase the rate of the tax if as a result of the adoption of the tax or the tax increase the combined rate of all sales and use taxes imposed by the district and all other political subdivisions of this state having territory in the district would exceed two percent in any location in the district.

Sec. 1061.302. APPLICABILITY OF OTHER LAW. Except to the extent that a provision of this subchapter applies, Chapter 323, Tax Code, applies to a tax authorized by this subchapter in the same manner as that chapter applies to the tax authorized by that chapter.

Sec. 1061.303. TAX RATE; CHANGE IN RATE. (a) The district may impose a tax authorized by this subchapter in increments of one-eighth of one percent, with a minimum rate of one-eighth of one percent and a maximum rate of two percent.

(b) The district may increase the rate of a tax authorized by this subchapter to a maximum of two percent or decrease the rate of the tax to a minimum of one-eighth of one percent if the change is approved by a majority of the voters of the district at an election called for that purpose.

Sec. 1061.304. ELECTION PROCEDURE. An election to adopt, change the rate of, or abolish a tax authorized by this subchapter is called by the adoption of an order of the board. The board may call an election on its own motion and shall call an election if a number of qualified voters in the district equal to at least five percent of the number of registered voters in the district petitions the board to call the election.

Sec. 1061.305. ELECTION IN OTHER TAXING AUTHORITY. (a) In this section, "taxing authority" means any entity authorized to impose a local sales and use tax.

(b) If the district is included within the boundaries of another taxing authority and the adoption or increase in the rate of a tax under this subchapter would result in a combined tax rate by the district and other political subdivisions of this state of more than two percent at any location in the district, an election to approve or increase the rate of the tax has no effect unless:

(1) one or more of the other taxing authorities holds an election in accordance with the law governing that authority on the same date as the election under this subchapter to reduce the tax rate of that authority to a rate that will result in a combined tax rate by the district and other political subdivisions of not more than two percent at any location in the district; and

(2) the combined tax rate is reduced to not more than two percent as a result of that election.

(c) This section does not permit a taxing authority to impose taxes at differential tax rates within the territory of the authority.

Sec. 1061.306. TAX EFFECTIVE DATE. (a) The adoption, change in the rate of, or abolition of a tax under this subchapter takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives notice of the results of an election to adopt, change the rate of, or abolish the tax.

(b) If the comptroller determines that an effective date provided by Subsection (a) will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the change in the rate of the tax or the abolition of the tax, the effective date may be extended by the comptroller until the first day of the next calendar quarter.

Sec. 1061.307. USE OF TAX REVENUE. Revenue from a tax imposed under this subchapter may be used by the district for any purpose of the district authorized by law.

SECTION ____. Section 1061.151(b), Special District Local Laws Code, is amended to read as follows:

(b) The proposed budget must contain a complete financial statement of:

- (1) the outstanding obligations of the district;
- (2) the cash on hand in each district fund;

- (3) the money received by the district from all sources during the previous year;
- (4) the money available to the district from all sources during the ensuing year;
- (5) the balances expected at the end of the year in which the budget is being prepared;
- (6) the estimated revenue and balances available to cover the proposed budget;
- (7) the estimated ad valorem tax rate required; and
- (8) the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year.

SECTION _____. The heading to Subchapter F, Chapter 1061, Special District Local Laws Code, is amended to read as follows:

SUBCHAPTER F. AD VALOREM TAXES

SECTION _____. Section 26.012(1), Tax Code, is amended to read as follows:

(1) "Additional sales and use tax" means an additional sales and use tax imposed by:

(A) a city under Section 321.101(b);

(B) a county under Chapter 323; or

(C) a hospital district, other than a hospital district:

(i) created on or after September 1, 2001, that:

(a) ~~(i)~~ imposes the sales and use tax under Subchapter I, Chapter 286, Health and Safety Code; or

(b) ~~(ii)~~ imposes the sales and use tax under Subchapter L, Chapter 285, Health and Safety Code; or

(ii) that imposes the sales and use tax under Subchapter G, Chapter 1061, Special District Local Laws Code.

Representative Price moved to table Amendment No. 1.

The motion to table prevailed.

SB 633 was passed to third reading.

SB 711 ON SECOND READING
(Leach - House Sponsor)

SB 711, A bill to be entitled An Act relating to allowing safety recall information to be included in a vehicle inspection report.

Amendment No. 1

Representative Schaefer offered the following amendment to **SB 711**:

Amend **SB 711** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter G, Chapter 382, Health and Safety Code, is amended by adding Section 382.2061 to read as follows:

Sec. 382.2061. PROHIBITED TRANSFER, DISCLOSURE, OR SALE OF CERTAIN INFORMATION. The commission shall adopt rules prohibiting the transfer, disclosure, or sale of data obtained during the inspection of a vehicle in a county that is included in a vehicle emissions inspection and maintenance program under Subchapter F, Chapter 548, Transportation Code, to a third party, including vehicle manufacturers and insurance companies, except:

(1) as provided by Section 382.206; or

(2) as required to perform contractual obligations under this subchapter or Chapter 548, Transportation Code.

SECTION _____. Subchapter E, Chapter 548, Transportation Code, is amended by adding Section 548.259 to read as follows:

Sec. 548.259. PROHIBITED TRANSFER, DISCLOSURE, OR SALE OF CERTAIN INFORMATION. The department shall adopt rules prohibiting the transfer, disclosure, or sale of data obtained during the inspection of a vehicle under this chapter to a third party, including vehicle manufacturers and insurance companies, except as required to perform contractual obligations under this chapter or Subchapter G, Chapter 382, Health and Safety Code.

Representative Leach moved to table Amendment No. 1.

A record vote was requested by Representative Cain.

The motion to table prevailed by (Record 1523): 78 Yeas, 60 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Bell, K.; Bernal; Blanco; Bonnen; Bowers; Bucy; Burrows; Button; Cain; Calanni; Canales; Cole; Collier; Cortez; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farrar; Fierro; Flynn; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Harless; Hernandez; Hinojosa; Howard; Israel; Johnson, J.E.; King, T.; Larson; Leach; Longoria; Lopez; Lucio; Martinez; Meza; Moody; Morrison; Murphy; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paul; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Smithee; Talarico; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Zerwas; Zwiener.

Nays — Anderson; Ashby; Bailes; Beckley; Bell, C.; Biedermann; Bohac; Buckley; Burns; Capriglione; Clardy; Coleman; Craddick; Cyrier; Dean; Dominguez; Frank; Frullo; Guillen; Harris; Hefner; Herrero; Holland; Hunter; Kacal; King, K.; King, P.; Kuempel; Lambert; Landgraf; Lang; Leman; Lozano; Martinez Fischer; Metcalf; Meyer; Middleton; Miller; Muñoz; Murr; Paddie; Parker; Patterson; Price; Rodriguez; Romero; Schaefer; Shaheen; Stephenson; Stickland; Stucky; Swanson; Thierry; Tinderholt; Toth; Walle; White; Wilson; Wray; Zedler.

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Johnson, J.D.; Klick; Krause; Morales; Smith; Springer; Wu.

STATEMENT OF VOTE

When Record No. 1523 was taken, I was shown voting yes. I intended to vote no.

Cain

When Record No. 1523 was taken, my vote failed to register. I would have voted no.

Krause

SB 711 was passed to third reading.

**SB 1621 ON SECOND READING
(Price - House Sponsor)**

SB 1621, A bill to be entitled An Act relating to creating a license for certain rural medical facilities; requiring a license; authorizing fees.

Amendment No. 1 (Committee Amendment No. 1)

Representative Price offered the following committee amendment to **SB 1621**:

Amend **SB 1621** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 1061, Special District Local Laws Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SALES AND USE TAX

Sec. 1061.301. TAX AUTHORIZED. (a) The district may adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

(b) The district may not adopt a tax under this subchapter or increase the rate of the tax if as a result of the adoption of the tax or the tax increase the combined rate of all sales and use taxes imposed by the district and all other political subdivisions of this state having territory in the district would exceed two percent in any location in the district.

Sec. 1061.302. APPLICABILITY OF OTHER LAW. Except to the extent that a provision of this subchapter applies, Chapter 323, Tax Code, applies to a tax authorized by this subchapter in the same manner as that chapter applies to the tax authorized by that chapter.

Sec. 1061.303. TAX RATE; CHANGE IN RATE. (a) The district may impose a tax authorized by this subchapter in increments of one-eighth of one percent, with a minimum rate of one-eighth of one percent and a maximum rate of two percent.

(b) The district may increase the rate of a tax authorized by this subchapter to a maximum of two percent or decrease the rate of the tax to a minimum of one-eighth of one percent if the change is approved by a majority of the voters of the district at an election called for that purpose.

Sec. 1061.304. ELECTION PROCEDURE. An election to adopt, change the rate of, or abolish a tax authorized by this subchapter is called by the adoption of an order of the board. The board may call an election on its own motion and

shall call an election if a number of qualified voters in the district equal to at least five percent of the number of registered voters in the district petitions the board to call the election.

Sec. 1061.305. ELECTION IN OTHER TAXING AUTHORITY. (a) In this section, "taxing authority" means any entity authorized to impose a local sales and use tax.

(b) If the district is included within the boundaries of another taxing authority and the adoption or increase in the rate of a tax under this subchapter would result in a combined tax rate by the district and other political subdivisions of this state of more than two percent at any location in the district, an election to approve or increase the rate of the tax has no effect unless:

(1) one or more of the other taxing authorities holds an election in accordance with the law governing that authority on the same date as the election under this subchapter to reduce the tax rate of that authority to a rate that will result in a combined tax rate by the district and other political subdivisions of not more than two percent at any location in the district; and

(2) the combined tax rate is reduced to not more than two percent as a result of that election.

(c) This section does not permit a taxing authority to impose taxes at differential tax rates within the territory of the authority.

Sec. 1061.306. TAX EFFECTIVE DATE. (a) The adoption, change in the rate of, or abolition of a tax under this subchapter takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives notice of the results of an election to adopt, change the rate of, or abolish the tax.

(b) If the comptroller determines that an effective date provided by Subsection (a) will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the change in the rate of the tax or the abolition of the tax, the effective date may be extended by the comptroller until the first day of the next calendar quarter.

Sec. 1061.307. USE OF TAX REVENUE. Revenue from a tax imposed under this subchapter may be used by the district for any purpose of the district authorized by law.

SECTION _____. Section 1061.151(b), Special District Local Laws Code, is amended to read as follows:

- (b) The proposed budget must contain a complete financial statement of:
- (1) the outstanding obligations of the district;
 - (2) the cash on hand in each district fund;
 - (3) the money received by the district from all sources during the previous year;
 - (4) the money available to the district from all sources during the ensuing year;
 - (5) the balances expected at the end of the year in which the budget is being prepared;
 - (6) the estimated revenue and balances available to cover the proposed budget;

(7) the estimated ad valorem tax rate required; and

(8) the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year.

SECTION _____. The heading to Subchapter F, Chapter 1061, Special District Local Laws Code, is amended to read as follows:

SUBCHAPTER F. AD VALOREM TAXES

SECTION _____. Section 26.012(1), Tax Code, is amended to read as follows:

(1) "Additional sales and use tax" means an additional sales and use tax imposed by:

(A) a city under Section 321.101(b);

(B) a county under Chapter 323; or

(C) a hospital district, other than a hospital district:

(i) created on or after September 1, 2001, that:

(a) [(+)] imposes the sales and use tax under Subchapter I, Chapter 286, Health and Safety Code; or

(b) [(+)] imposes the sales and use tax under Subchapter L, Chapter 285, Health and Safety Code; or

(ii) that imposes the sales and use tax under Subchapter G, Chapter 1061, Special District Local Laws Code.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Price offered the following amendment to **SB 1621**:

Amend **SB 1621** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Chapter 531, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. RURAL HOSPITALS

Sec. 531.201. STRATEGIC PLAN; REPORT. (a) The commission shall develop and implement a strategic plan to ensure that the citizens of this state residing in rural areas have access to hospital services.

(b) The strategic plan must include:

(1) a proposal for using at least one of the following methods to ensure access to hospital services in the rural areas of this state:

(A) an enhanced cost reimbursement methodology for the payment of rural hospitals participating in the Medicaid managed care program in conjunction with a supplemental payment program for rural hospitals to cover costs incurred in providing services to recipients;

(B) a hospital rate enhancement program that applies only to rural hospitals;

(C) a reduction of punitive actions under the Medicaid program that require reimbursement for Medicaid payments made to the provider, if the provider is a rural hospital, a reduction of the frequency of payment reductions

under the Medicaid program made to rural hospitals, and an enhancement of payments made under merit-based programs or similar programs for rural hospitals;

(D) a reduction of state regulatory-related costs related to the commission's review of rural hospitals; or

(E) in accordance with rules adopted by the Centers for Medicare and Medicaid Services, the establishment of a minimum fee schedule that applies to payments made by managed care organizations to rural hospitals; and

(2) target dates for achieving goals related to the proposal described by Subdivision (1).

(c) Not later than January 1, 2020, the commission shall submit the strategic plan developed under Subsection (b) to the Legislative Budget Board for review and comment. The commission may not begin implementation of the proposal contained in the strategic plan until the strategic plan is approved by the Legislative Budget Board.

(d) Not later than November 1 of each even-numbered year, the commission shall submit a report regarding the commission's development and implementation of the strategic plan described by Subsection (b) to:

(1) the legislature;

(2) the governor; and

(3) the Legislative Budget Board.

Sec. 531.202. ADVISORY COMMITTEE ON RURAL HOSPITALS.

(a) The commission shall establish the Rural Hospital Advisory Committee, either as another advisory committee or as a subcommittee of the Hospital Payment Advisory Committee, to advise the commission on issues relating specifically to rural hospitals.

(b) The Rural Hospital Advisory Committee is composed of interested persons appointed by the executive commissioner. Section 2110.002 does not apply to the advisory committee.

(c) A member of the advisory committee serves without compensation.

Sec. 531.203. COLLABORATION WITH OFFICE OF RURAL AFFAIRS.

The commission shall collaborate with the Office of Rural Affairs to ensure that this state is pursuing to the fullest extent possible federal grants, funding opportunities, and support programs available to rural hospitals as administered by the Health Resources and Services Administration and the Office of Minority Health in the United States Department of Health and Human Services.

Amendment No. 2 was adopted.

SB 1621, as amended, was passed to third reading.

SB 1319 ON SECOND READING
(Murphy - House Sponsor)

SB 1319, A bill to be entitled An Act relating to an annual report submitted to the comptroller by a county that imposes certain hotel occupancy taxes.

Amendment No. 1

Representative Raymond offered the following amendment to **SB 1319**:

Amend **SB 1319** (house committee printing) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 334.089(a), Local Government Code, is amended to read as follows:

(a) Except as provided by Section 334.090, a [~~A~~] sales and use tax imposed under this subchapter may not be collected after the last day of the first calendar quarter occurring after notification to the comptroller by the municipality or county that the municipality or county has abolished the tax or that all bonds or other obligations of the municipality or county that are payable in whole or in part from money in the venue project fund, including any refunding bonds or other obligations, have been paid in full or the full amount of money, exclusive of guaranteed interest, necessary to pay in full the bonds and other obligations has been set aside in a trust account dedicated to the payment of the bonds and other obligations.

SECTION _____. Subchapter D, Chapter 334, Local Government Code, is amended by adding Section 334.090 to read as follows:

Sec. 334.090. CONVERSION OF TAX. (a) A sales and use tax imposed under this subchapter is abolished or the rate of the tax is reduced, as applicable, on the date a conversion of all or a portion of the tax under Section 504.263 or 505.260 takes effect.

(b) A municipality or county shall notify the comptroller of a conversion described by Subsection (a) not later than the 60th day before the date the conversion takes effect.

(c) The abolition or reduction by a county of the rate of a sales and use tax imposed under this section shall be included in the report submitted to the comptroller by the county under Section 352.009.

SECTION _____. Subchapter F, Chapter 504, Local Government Code, is amended by adding Section 504.263 to read as follows:

Sec. 504.263. ELECTION TO CONVERT CERTAIN SALES AND USE TAX AUTHORITY. (a) This section applies only to:

(1) a municipality with a population of more than 200,000 that borders the United Mexican States and that:

(A) has adopted a sales and use tax under Subchapter D, Chapter 334; and

(B) on September 1, 2019, has or will have outstanding bonded indebtedness for bonds issued under Section 334.043 that are payable wholly or partly from the sales and use tax; or

(2) a county that borders the United Mexican States that:

(A) has a population of less than 300,000; and

(B) contains one or more municipalities with a population of 200,000 or more that hold an annual jalapeno festival.

(b) A municipality or county may convert all or a portion of a sales and use tax originally adopted under Subchapter D, Chapter 334, to a sales and use tax under this subchapter if the conversion is approved by a majority of the voters of the municipality or county voting at an election held for that purpose.

(c) In an election to convert all or a portion of a municipal sales and use tax as provided by this section, the ballot shall be printed to provide for voting for or against the proposition: "The conversion of (insert "the" or "a portion of the," as applicable) sales and use tax originally adopted for the purpose of financing a sports and community venue project to a (insert the appropriate tax rate that is an increment of one-eighth of one percent) sales and use tax for the promotion and development of new and expanded business enterprises.

(d) For purposes of Chapter 321, Tax Code, an election under this section is an election to adopt a sales and use tax under this subchapter and, as applicable, to abolish or reduce the rate of the tax under Subchapter D, Chapter 334.

(e) Notwithstanding Section 321.102, Tax Code, a conversion by a municipality under this section takes effect on the first day after the date all bonds described by Subsection (a)(1)(B), including any refunding bonds, have been paid in full or the full amount of money, exclusive of guaranteed interest, necessary to pay the bonds in full has been set aside in a trust account dedicated to the payment of the bonds.

(f) Notwithstanding Section 321.405(a), Tax Code, a municipality that converts all or a portion of a tax under this section shall comply with Section 321.405, Tax Code, not later than the 60th day before the date the conversion takes effect.

(g) The conversion of all or a portion of a sales and use tax under this section:

(1) abolishes or reduces the rate of a tax adopted under Subchapter D, Chapter 334, as applicable;

(2) imposes a sales and use tax under this subchapter:

(A) at the same rate as the tax under Subchapter D, Chapter 334, was imposed, if that tax is abolished; or

(B) at a rate equal to the reduction in the rate of the tax under Subchapter D, Chapter 334, if that rate is reduced.

(h) If a sales and use tax conversion under this section is not approved, the election does not affect the county's or municipality's authority to impose the sales and use tax adopted under Chapter 334, or the rate of that tax, as provided by that chapter.

(i) If conversion of a portion of a sales and use tax is approved under this section, the county or municipality may continue to impose the portion of the tax under Subchapter D, Chapter 334, that was not converted as provided by that chapter.

(j) For a municipal tax converted under this subchapter, the election requirement under Subsection (b) is satisfied and another election is not required if the voters of the authorizing municipality approved the conversion at an election called or held before the effective date of the Act enacting this section under an ordinance calling the election that:

(1) was published in a newspaper of general circulation in the municipality at least 14 days before the date of the election; and

(2) expressly stated that the election was being called or held in anticipation of the enactment of enabling and implementing legislation without further elections.

SECTION ____. Subchapter F, Chapter 505, Local Government Code, is amended by adding Section 505.260 to read as follows:

Sec. 505.260. ELECTION TO CONVERT CERTAIN SALES AND USE TAX AUTHORITY. (a) (a) This section applies only to:

(1) a municipality with a population of more than 200,000 that borders the United Mexican States and that:

(A) has adopted a sales and use tax under Subchapter D, Chapter 334; and

(B) on September 1, 2019, has or will have outstanding bonded indebtedness for bonds issued under Section 334.043 that are payable wholly or partly from the sales and use tax; or

(2) a county that borders the United Mexican States that:

(A) has a population of less than 300,000; and

(B) contains one or more municipalities with a population of 200,000 or more that hold an annual jalapeno festival.

(b) A municipality or county may convert all or a portion of a sales and use tax originally adopted under Subchapter D, Chapter 334, to a sales and use tax under this subchapter if the conversion is approved by a majority of the voters of the municipality or county voting at an election held for that purpose.

(c) In an election to convert all or a portion of a municipal sales and use tax as provided by this section, the ballot shall be printed to provide for voting for or against the proposition: "The conversion of (insert "the" or "a portion of the," as applicable) sales and use tax originally adopted for the purpose of financing a sports and community venue project to a (insert the appropriate tax rate that is an increment of one-eighth of one percent) sales and use tax for economic development projects described by Chapter 505.

(d) For purposes of Chapter 321, Tax Code, an election under this section is an election to adopt a sales and use tax under this subchapter and, as applicable, to abolish or reduce the rate of the tax under Subchapter D, Chapter 334.

(e) Notwithstanding Section 321.102, Tax Code, a conversion by a municipality under this section takes effect on the first day after the date all bonds described by Subsection (a)(1)(B), including any refunding bonds, have been paid in full or the full amount of money, exclusive of guaranteed interest, necessary to pay the bonds in full has been set aside in a trust account dedicated to the payment of the bonds.

(f) Notwithstanding Section 321.405(a), Tax Code, a municipality that converts all or a portion of a tax under this section shall comply with Section 321.405, Tax Code, not later than the 60th day before the date the conversion takes effect.

(g) The conversion of all or a portion of a sales and use tax under this section:

(1) abolishes or reduces the rate of a tax adopted under Subchapter D, Chapter 334, as applicable;

(2) imposes a sales and use tax under this subchapter:

(A) at the same rate as the tax under Subchapter D, Chapter 334, was imposed, if that tax is abolished; or

(B) at a rate equal to the reduction in the rate of the tax under Subchapter D, Chapter 334, if that rate is reduced.

(h) If a sales and use tax conversion under this section is not approved, the election does not affect the county's or municipality's authority to impose the sales and use tax adopted under Chapter 334, or the rate of that tax, as provided by that chapter.

(i) If conversion of a portion of a sales and use tax is approved under this section, the county or municipality may continue to impose the portion of the tax under Subchapter D, Chapter 334, that was not converted as provided by that chapter.

(j) For a municipal tax converted under this subchapter, the election requirement under Subsection (b) is satisfied and another election is not required if the voters of the authorizing municipality approved the conversion at an election called or held before the effective date of the Act enacting this section under an ordinance calling the election that:

(1) was published in a newspaper of general circulation in the municipality at least 14 days before the date of the election; and

(2) expressly stated that the election was being called or held in anticipation of the enactment of enabling and implementing legislation without further elections.

Amendment No. 1 was adopted.

SB 1319, as amended, was passed to third reading.

CSSB 1393 ON SECOND READING
(Landgraf - House Sponsor)

CSSB 1393, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

CSSB 1393 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **CSSB 1393** under Rule 4, Section 32(c)(5), of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

CSSB 1393 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **CSSB 1393** under Rule 8, Section 10(b), of the House Rules. The point of order was sustained and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on Senate Bill 1393

Announced in the House on May 20, 2019

Representative Stickland raises a point of order against further consideration of **CSSB 1393** under Rule 8, Section 10(b), on the grounds that the bill is limited in application to one or more political subdivisions by artificial devices.

Mr. Stickland argues that limiting the bill to a municipality with a population greater than a certain number located in a county with a population of less than a certain number effectively creates a closed population bracket. Additionally, requiring that the main campus of a component university of The University of Texas System be located in a municipality to which the population criteria applies further limits the number of municipalities to which the bill's provisions would apply.

The rule permits the use of classification schemes that bear a reasonable relation to the purpose of the bill. Here, at a minimum, the chair would be required to find a distinction between The University of Texas System and another university system to justify the bill's classification scheme. The chair can find no such distinction.

Accordingly, the point of order was well-taken and sustained.

CSSB 1393 was returned to the Committee on Ways and Means.

SB 1414 ON SECOND READING**(Phelan - House Sponsor)**

SB 1414, A bill to be entitled An Act relating to fees regarding a residential tenant's failure to timely pay rent.

Amendment No. 1

Representative Ramos offered the following amendment to **SB 1414**:

Amend **SB 1414** (house committee report) as follows:

(1) On page 1, line 13, strike "and" and substitute "[~~and~~]".

(2) On page 1, line 16, between "originally due" and the period, insert the following:

; and

(4) no portion of the fee is charged for the tenant's failure to pay a late fee.

Amendment No. 1 failed of adoption.

Amendment No. 2

Representative Ramos offered the following amendment to **SB 1414**:

Amend **SB 1414** (house committee report) as follows:

(1) On page 1, strike lines 18 and 19 and substitute "reasonable if the late fee is not more than:"

(2) On page 1, line 20, strike "(A)" and substitute "(1)".

(3) On page 1, line 23, strike "(B)" and substitute "(2)".

(4) On page 2, line 1, strike "; or" and substitute ".".

(5) On page 2, strike lines 2 through 6.

Amendment No. 2 failed of adoption.

Amendment No. 3

Representative Ramos offered the following amendment to **SB 1414**:

Amend **SB 1414** (house committee report) as follows:

(1) On page 1, line 6, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (f)".

(2) On page 2, between lines 14 and 15, insert the following:

(f) A tenant may not be evicted for failure to pay a late fee that is not considered reasonable under Subsection (a-1).

A record vote was requested by Representative Rosenthal.

Amendment No. 3 failed of adoption by (Record 1524): 52 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Cole; Coleman; Cortez; Davis, Y.; Deshotel; Dominguez; Farrar; Fierro; González, M.; Goodwin; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Morales; Muñoz; Neave; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Davis, S.; Dean; Flynn; Frank; Geren; Gutierrez; Harris; Hefner; Holland; Hunter; Kacal; King, K.; King, T.; Klick; Krause; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Metcalf; Meyer; Miller; Murphy; Murr; Nevárez; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vo; White; Wilson; Wray; Zedler; Zerwas.

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Canales; Collier; Dutton; Frullo; Gervin-Hawkins; González, J.; Harless; Johnson, J.D.; King, P.; Kuempel; Martinez; Middleton; Moody; Morrison; Raney.

STATEMENTS OF VOTE

When Record No. 1524 was taken, I was in the house but away from my desk. I would have voted no.

Harless

When Record No. 1524 was taken, I was in the house but away from my desk. I would have voted no.

Middleton

Amendment No. 4

Representative J. González offered the following amendment to **SB 1414**:

Amend **SB 1414** (house committee report), on page 2, line 20, by striking "The landlord may" and substituting "On request of the tenant, the landlord shall".

Amendment No. 4 was adopted.

Amendment No. 5

Representative Ramos offered the following amendment to **SB 1414**:

Amend **SB 1414** (house committee report) on page 2, lines 22 through 24, by striking "A landlord's failure to respond does not affect the tenant's liability for any late fee owed to the landlord." and substituting "If a tenant requests a statement under this subsection, the tenant is not obligated to pay any late fee owed to the landlord before the landlord provides the statement to the tenant as required by this subsection."

A record vote was requested by Representative Coleman.

Amendment No. 5 failed of adoption by (Record 1525): 54 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Calanni; Cole; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.E.; Lopez; Lucio; Martinez Fischer; Meza; Morales; Muñoz; Neave; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Craddick; Cyrier; Darby; Davis, S.; Dean; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Gutierrez; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, P.; King, T.; Klick; Krause; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Nevárez; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vo; White; Wilson; Wray; Zedler; Zerwas.

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Bucy; Johnson, J.D.; King, K.; Kuempel; Martinez; Middleton; Moody.

STATEMENT OF VOTE

When Record No. 1525 was taken, I was in the house but away from my desk. I would have voted no.

Middleton

SB 1414, as amended, was passed to third reading.

**SB 1525 ON SECOND READING
(Sanford - House Sponsor)**

SB 1525, A bill to be entitled An Act relating to the application of the sales and use tax to certain property and services.

SB 1525 was passed to third reading.

**SB 1861 ON SECOND READING
(Flynn - House Sponsor)**

SB 1861, A bill to be entitled An Act relating to certain public facilities financed, owned, and operated by a public facility corporation.

SB 1861 was passed to third reading.

**SB 1940 ON SECOND READING
(Oliverson - House Sponsor)**

SB 1940, A bill to be entitled An Act relating to the administration of a temporary health insurance risk pool.

SB 1940 was passed to third reading.

**SB 2212 ON SECOND READING
(Paul, Phelan, and Deshotel - House Sponsors)**

SB 2212, A bill to be entitled An Act relating to the maintenance and operation of certain projects by certain drainage districts.

SB 2212 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **SB 2212** under Rule 8, Section 10(b), of the House Rules on the grounds that the bill is limited in application by an artificial device.

The point of order was withdrawn.

Amendment No. 1

Representative Paul offered the following amendment to **SB 2212**:

Amend **SB 2212** (house committee printing) as follows:

(1) On page 1, line 10, between "Engineers" and "for", insert "or an agreement with the General Land Office or another state agency".

(2) On page 1, line 14, between "agreement" and "under", insert "or an agreement with the General Land Office or another state agency".

(3) On page 2, strike lines 2 through 8 and substitute the following:

(2) may enter into an agreement for a public-private partnership to fund a local share of or the costs of the operation and maintenance of a project described by this subsection.

(4) On page 2, line 10, between "agreement" and "under", insert "or an agreement with the General Land Office or another state agency".

(5) On page 2, line 10, strike "November" and substitute "May".

(6) On page 2, line 11, between "Subsection (a)(1)(B)" and "must be", insert "of this section".

(7) On page 2, line 12, strike "December" and substitute "June".

(8) On page 2, line 14, between "Subsection (a)" and "is built", insert "of this section".

(9) On page 2, line 26, between "Engineers" and "for", insert "or an agreement with the General Land Office or another state agency".

(10) On page 3, line 3, between "agreement" and "under", insert "or an agreement with the General Land Office or another state agency".

(11) On page 3, strike lines 15 through 21 and substitute the following:

(2) may enter into an agreement for a public-private partnership to fund a local share of or the costs of the operation and maintenance of a project described by this subsection.

(12) On page 3, line 23, between "agreement" and "under", insert "or an agreement with the General Land Office or another state agency".

(13) On page 3, line 23, strike "November" and substitute "May".

(14) On page 3, line 24, between "Subsection (a)(1)(B)" and "must be", insert "of this section".

(15) On page 3, line 25, strike "December" and substitute "June".

(16) On page 3, line 27, between "Subsection (a)" and "is built", insert "of this section".

(17) On page 4, line 12, between "Engineers" and "for", insert "or an agreement with the General Land Office or another state agency".

(18) On page 4, line 16, between "agreement" and "under", insert "or an agreement with the General Land Office or another state agency".

(19) On page 5, strike lines 1 through 7 and substitute the following:

(2) may enter into an agreement for a public-private partnership to fund a local share of or the costs of the operation and maintenance of a project described by this subsection.

(20) On page 5, line 9, between "agreement" and "under", insert "or an agreement with the General Land Office or another state agency".

(21) On page 5, line 9, strike "November" and substitute "May".

(22) On page 5, line 10, between "Subsection (a)(1)(B)" and "must be", insert "of this section".

(23) On page 5, line 11, strike "December" and substitute "June".

(24) On page 5, line 13, between "Subsection (a)" and "is built", insert "of this section".

Amendment No. 1 was adopted.

SB 2212, as amended, was passed to third reading.

CSSB 2551 ON SECOND READING
(Burrows - House Sponsor)

CSSB 2551, A bill to be entitled An Act relating to liability, payment, and death benefits for certain workers' compensation claims.

Amendment No. 1

Representative Burrows offered the following amendment to **CSSB 2551**:

Amend **CSSB 2551** (house committee report) as follows:

(1) On page 2, line 25, between "violation" and "if", by inserting "under Section 409.021".

(2) On page 2, line 26, between "Subsection (d)" and "or", insert "of this section".

(3) On page 4, lines 4-5, strike "CERTAIN DEATH BENEFITS" and substitute "DEATH BENEFITS AND LIFETIME INCOME BENEFITS".

(4) On page 4, strike lines 6 through 8 and substitute the following:
may establish an account for the payment of death benefits and lifetime income benefits under Chapter 408.

(5) On page 4, line 12, strike "described by Subsection (a)" and substitute "and lifetime income benefits".

(6) On page 4, line 15, between "benefits" and the underlined period, insert "and lifetime income benefits".

(7) On page 4, strike lines 18 through 27, and substitute the following:

A pool or political subdivision investing or reinvesting the assets of an account shall discharge its duties solely in the interest of current and future beneficiaries:

(1) for the exclusive purposes of:

(A) providing death benefits and lifetime income benefits to current and future beneficiaries; and

(B) defraying reasonable expenses of administering the account;

(2) with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with matters of the type would use in the conduct of an enterprise with a like character and like aims;

(3) by diversifying the investments of the account to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

(4) in accordance with the documents and instruments governing the account to the extent that the documents and instruments are consistent with this section.

(d) In choosing and contracting for professional investment management services for an account established under this section and in continuing the use of an investment manager, the pool or political subdivision must act prudently and in the interest of the current and future beneficiaries of the account.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Burrows and Martinez Fischer offered the following amendment to **CSSB 2551**:

Amend **CSSB 2551** (house committee report) as follows:

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

SECTION _____. Section 607.058, Government Code, is amended to read as follows:

Sec. 607.058. PRESUMPTION REBUTTABLE. (a) A presumption under Section 607.053, 607.054, 607.055, or 607.056 may be rebutted through a showing by a preponderance of the evidence that a risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter or emergency medical technician was a substantial factor in bringing about ~~caused~~ the individual's disease or illness, without which the disease or illness would not have occurred.

(b) A rebuttal offered under this section must include a statement by the person offering the rebuttal that describes, in detail, the evidence that the person reviewed before making the determination that a cause not associated with the individual's service as a firefighter or emergency medical technician was a substantial factor in bringing about ~~caused~~ the individual's disease or illness, without which the disease or illness would not have occurred.

(c) In addressing an argument based on a rebuttal offered under this section, an administrative law judge shall make findings of fact and conclusions of law that consider whether a qualified expert, relying on evidence-based medicine, stated the opinion that, based on reasonable medical probability, an identified risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter or emergency medical technician was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred.

(2) On page 5, line 1, strike "Section 607.055" and substitute "Sections 607.055 and 607.058".

(3) On page 5, line 2, strike "applies" and substitute "apply".

Amendment No. 2 was adopted.

Amendment No. 3

Representative P. King offered the following amendment to **CSSB 2551**:

Amend **CSSB 2551** (house committee report) on page 5 by striking lines 10 through 22 and substituting the following:

SECTION 9. (a) Section 504.053(e)(1), Labor Code, as added by this Act, applies to an administrative violation proceeding that is pending on or initiated on or after the effective date of this Act.

(b) Section 504.053(e)(2), Labor Code, as added by this Act, applies to a cause of action that is pending on or filed on or after the effective date of this Act.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Pacheco offered the following amendment to **CSSB 2551**:

Amend **CSSB 2551** (house committee report) as follows:

(1) Adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Subchapter B, Chapter 607, Government Code, is amended to read as follows:

SUBCHAPTER B. DISEASES OR ILLNESSES SUFFERED BY
FIREFIGHTERS, PEACE OFFICERS, AND EMERGENCY MEDICAL
TECHNICIANS

SECTION _____. Section 607.051, Government Code, is amended by adding Subdivision (4) to read as follows:

(4) "Peace officer" means an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under Article 2.12, Code of Criminal Procedure, or other law.

SECTION _____. Sections 607.052(a), (b), (e), (g), and (h), Government Code, are amended to read as follows:

(a) Notwithstanding any other law, this subchapter applies only to a firefighter, peace officer, or emergency medical technician who:

(1) on becoming employed or during employment as a firefighter, peace officer, or emergency medical technician, received a physical examination that failed to reveal evidence of the illness or disease for which benefits or compensation are sought using a presumption established by this subchapter;

(2) is employed for five or more years as a firefighter, peace officer, or emergency medical technician; and

(3) seeks benefits or compensation for a disease or illness covered by this subchapter that is discovered during employment as a firefighter, peace officer, or emergency medical technician.

(b) A presumption under this subchapter does not apply:

(1) to a determination of a survivor's eligibility for benefits under Chapter 615;

(2) in a cause of action brought in a state or federal court except for judicial review of a proceeding in which there has been a grant or denial of employment-related benefits or compensation;

(3) to a determination regarding benefits or compensation under a life or disability insurance policy purchased by or on behalf of the firefighter, peace officer, or emergency medical technician that provides coverage in addition to any benefits or compensation required by law; or

(4) if the disease or illness for which benefits or compensation is sought is known to be caused by the use of tobacco and:

(A) the firefighter, peace officer, or emergency medical technician is or has been a user of tobacco; or

(B) the firefighter's, peace officer's, or emergency medical technician's spouse has, during the marriage, been a user of tobacco that is consumed through smoking.

(e) A firefighter, peace officer, or emergency medical technician who uses a presumption established under this subchapter is entitled only to the benefits or compensation to which the firefighter, peace officer, or emergency medical technician would otherwise be entitled to receive at the time the claim for benefits or compensation is filed.

(g) This subchapter applies to a firefighter, peace officer, or emergency medical technician who provides services as an employee of an entity created by an interlocal agreement.

(h) Subsection (b)(4) only prevents the application of the presumption authorized by this subchapter and does not affect the right of a firefighter, peace officer, or emergency medical technician to provide proof, without the use of that presumption, that an injury or illness occurred during the course and scope of employment.

SECTION _____. Sections 607.057 and 607.058, Government Code, are amended to read as follows:

Sec. 607.057. EFFECT OF PRESUMPTION. Except as provided by Section 607.052(b), a presumption established under this subchapter applies to a determination of whether a firefighter's, peace officer's, or emergency medical technician's disability or death resulted from a disease or illness contracted in the course and scope of employment for purposes of benefits or compensation provided under another employee benefit, law, or plan, including a pension plan.

Sec. 607.058. PRESUMPTION REBUTTABLE. (a) A presumption under Section 607.053, 607.054, 607.055, or 607.056 may be rebutted through a showing by a preponderance of the evidence that a risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter, peace officer, or emergency medical technician caused the individual's disease or illness.

(b) A rebuttal offered under this section must include a statement by the person offering the rebuttal that describes, in detail, the evidence that the person reviewed before making the determination that a cause not associated with the individual's service as a firefighter, peace officer, or emergency medical technician caused the individual's disease or illness.

(2) On page 1, line 7, between "firefighter" and "or", insert "peace officer".

(3) On page 1, line 10, between "firefighter" and "or", insert "peace officer".

(4) On page 1, line 12, between "firefighter" and "or", insert "peace officer".

(5) On page 1, line 17, between "firefighter" and "or", insert "peace officer".

(6) On page 4, line 7, between "firefighter" and "or", insert "peace officer".

Amendment No. 4 - Point of Order

Representative Cain raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 4 was withdrawn.

CSSB 2551, as amended, was passed to third reading.

SB 815 ON SECOND READING
(Moody - House Sponsor)

SB 815, A bill to be entitled An Act relating to the creation and preservation of certain records of criminal proceedings.

Amendment No. 1

Representative Moody offered the following amendment to **SB 815**:

Amend **SB 815** (house committee report) on page 1, line 14, between the period and "The", by inserting the following:

If the person was arrested solely for a misdemeanor punishable by fine only, the magistrate before whom the person is taken shall dismiss the case unless a record of the arrest is presented in which the arresting officer provides a reason that was related to a clear and present danger to public safety and that required the person to be taken into custody at that time. The record must be retained and preserved as provided by Subsection (f).

Amendment No. 1 was adopted.

SB 815, as amended, was passed to third reading.

CSSB 632 ON SECOND READING
(Price - House Sponsor)

CSSB 632, A bill to be entitled An Act relating to the composition of the governing bodies and the consultation policies of local mental health authorities with respect to sheriffs, their representatives, and local law enforcement agencies.

Amendment No. 1

Representative Price offered the following amendment to **CSSB 632**:

Amend **CSSB 632** (house committee report) as follows:

(1) On page 2, line 4, strike "A sheriff" and substitute "Except as provided by Subsection (c-1), a sheriff".

(2) On page 2, between lines 6 and 7, insert the following:

(c-1) A local mental health authority may rotate the positions of ex officio nonvoting members as chosen in accordance with Subsection (b) among the other sheriffs of the counties served by the local authority. A local authority shall consult with each sheriff of the counties served by the local authority in rotating the positions of ex officio nonvoting members under this subsection.

Amendment No. 1 was adopted.

CSSB 632, as amended, was passed to third reading.

SB 632 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative S. Thompson moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representatives Coleman, Collier, and S. Thompson as house sponsors to **SB 632**.

The motion prevailed.

SB 772 ON SECOND READING
(Springer, C. Bell, et al. - House Sponsors)

SB 772, A bill to be entitled An Act relating to evidence in certain civil actions of a person's failure to forbid handguns on certain property.

SB 772 was passed to third reading.

SB 535 ON SECOND READING
(Flynn, Ashby, and Oliverson - House Sponsors)

SB 535, A bill to be entitled An Act relating to the carrying of a handgun by a license holder on the premises of certain places of religious worship.

Amendment No. 1

Representative Burns offered the following amendment to **SB 535**:

Amend **SB 535** (house committee report) as follows:

(1) On page 1, line 5, strike "Sections 46.035(b) and (i)" and substitute "Sections 46.035(b), (g), and (i)".

(2) On page 2, between lines 7 and 8, insert the following:

(g) Except as otherwise provided by this subsection, an [An] offense under this section is a Class A misdemeanor. An offense under Subsection (b)(4), (b)(5), or (c) is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given notice by oral communication under Section 30.06 or 30.07 that entry on the property was forbidden and subsequently failed to depart. An [is committed] offense [is committed] under Subsection (b)(1) or (b)(3) [in which event the offense] is a felony of the third degree.

Amendment No. 1 was adopted.

SB 535 - POINT OF ORDER

Representative Anchia raised a point of order against further consideration of **SB 535** under Rule 8, Section 3, of the House Rules on the grounds that the bill, as amended by the Burns amendment, contains more than one subject.

The point of order was withdrawn.

Amendment No. 1 - Vote Reconsidered

Representative Burns moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

SB 535 was passed to third reading.

SB 2432 ON SECOND READING
(Sanford - House Sponsor)

SB 2432, A bill to be entitled An Act relating to the removal of a public school student from the classroom following certain conduct.

Representative Sanford moved to postpone consideration of **SB 2432** until 10 p.m. today.

The motion prevailed.

SB 988 ON SECOND READING
(Capriglione - House Sponsor)

SB 988, A bill to be entitled An Act relating to the assessment of litigation costs and attorney's fees in certain actions under the public information law.

SB 988 was passed to third reading.

CSSB 194 ON SECOND READING
(Moody, Meyer, Collier, Leach, and Beckley - House Sponsors)

CSSB 194, A bill to be entitled An Act relating to the creation of the criminal offense of indecent assault, to judicial protection for victims of that offense, and to certain criminal acts committed in relation to that offense.

Representative Moody moved to postpone consideration of **CSSB 194** until 10 a.m. tomorrow.

The motion prevailed.

CSSB 719 ON SECOND READING
(Frank - House Sponsor)

CSSB 719, A bill to be entitled An Act relating to increasing the punishment for certain conduct constituting the offense of murder and providing for the prosecution of that conduct as capital murder.

Amendment No. 1

Representative Cain offered the following amendment to **CSSB 719**:

Amend **CSSB 719** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 19.06, Penal Code, is repealed.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE C. TURNER: All I see here is that Section 19.06 of the Penal Code is repealed. What is that doing to the bill or to the statute?

REPRESENTATIVE CAIN: We're getting rid of defenses to murder.

C. TURNER: You're getting rid of defenses for murder? Did I hear that right?

CAIN: Yes, sir.

C. TURNER: Okay, so I'm looking at the code, "Applicability to Certain Conduct: This chapter does not apply to the death of an unborn child if the conduct charged is conduct committed by the mother of the unborn child; a lawful medical procedure—" So this amendment would remove part of the statute that says it doesn't apply "to the death of an unborn child if the conduct charged is . . . a lawful medical procedure performed by a physician or other licensed health care provider with the requisite consent." Do I have that right?

CAIN: Yes, sir. And the amendment is not acceptable to the author.

C. TURNER: So you're withdrawing the amendment?

CAIN: No, sir. With that, I do move adoption, though.

Amendment No. 1 - Point of Order

Representative Zwiener raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

A record vote was requested by Representative Stickland.

CSSB 719 was passed to third reading by (Record 1526): 119 Yeas, 19 Nays, 2 Present, not voting.

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

Nays — Anchia; Bernal; Calanni; Cole; Dutton; González, J.; Goodwin; Howard; Israel; Morales; Ortega; Ramos; Reynolds; Rose; Rosenthal; Sanford; Turner, C.; Wu; Zwiener.

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

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Beckley; Hinojosa; Johnson, J.D.; Meza; Neave; Pacheco; Romero.

STATEMENTS OF VOTE

When Record No. 1526 was taken, I was in the house but away from my desk. I would have voted no.

Beckley

When Record No. 1526 was taken, I was in the house but away from my desk. I would have voted yes.

Neave

When Record No. 1526 was taken, I was shown voting no. I intended to vote yes.

Sanford

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

SB 295 ON SECOND READING

(S. Davis, Minjarez, Meyer, Moody, Collier, et al. - House Sponsors)

SB 295, A bill to be entitled An Act relating to the unlawful restraint of a dog; creating a criminal offense.

(Speaker in the chair)

SB 295 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **SB 295** under Rule 4, Section 32(c)(2), of the House Rules on the grounds that the bill analysis is substantially misleading. The point of order was sustained and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on Senate Bill 295

Announced in the House on May 20, 2019

Representative Stickland raises a point of order against further consideration of **SB 295** under Rule 4, Section 32(c)(2), on the grounds that the bill analysis is substantially misleading.

Mr. Stickland argues that the bill contains several exceptions to prohibited conduct that constitutes the unlawful restraint of a dog, yet the bill analysis merely indicates that the bill "provides certain exceptions to these prohibitions." The exceptions referenced by Mr. Stickland constitute at least as much text of the bill as the text that sets out the prohibited conduct.

While the bill analysis describes the prohibited conduct in detail, it only makes a passing reference to the exceptions. Under prior precedent, the chair finds that the bill analysis provides insufficient detail of the bill's contents. 86 H. Jour. 2982 (2019). Therefore, the bill analysis is substantially misleading.

Accordingly, the point of order is well-taken and sustained.

SB 295 was returned to the Committee on Criminal Jurisprudence.

SB 1804 ON SECOND READING
(Nevárez and Harless - House Sponsors)

SB 1804, A bill to be entitled An Act relating to the entry into the Texas Crime Information Center of certain information regarding conditions of bond imposed in criminal cases involving family violence.

Representative Nevárez moved to postpone consideration of **SB 1804** until 8 a.m. tomorrow.

The motion prevailed.

POSTPONED BUSINESS

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

SB 2432 ON SECOND READING
(Sanford - House Sponsor)

SB 2432, A bill to be entitled An Act relating to the removal of a public school student from the classroom following certain conduct.

SB 2432 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative M. González offered the following amendment to **SB 2432**:

In Section 1, strike "engages" from (G) (page 2, line 15), and add is determined by a threat assessment team to have engaged

AMENDMENT NO. 1 - REMARKS

REPRESENTATIVE J.D. JOHNSON: Representative González, on your amendment you're asking for an assessment to be offered prior to a student being placed or being sent to DAEP?

REPRESENTATIVE M. GONZÁLEZ: Yes, sir, exactly. So what we want to do is make sure that a kid who does demonstrate behavior that is concerning, before they are put into DAEP automatically, that we utilize a tool that we're creating through school safety to make sure that the kids aren't wrongly placed in a DAEP program.

J.D. JOHNSON: So currently the law in terms of harassment includes "annoying." Does your bill simply say that we're going to throw—every ninth grader in Texas is annoying. I mean, let's be real. If you have children on this floor, you've got an annoying child. But the bill specifically says that if a teacher feels like they're being annoyed, this constitutes harassment. Does your amendment protect our students from simply annoying a teacher before they're deemed to be sent to DAEP?

M. GONZÁLEZ: Representative Jarvis Johnson, I had the same concerns. I don't want a kid who is either considered "annoying" or a kid who has dyslexia or autism to be wrongly placed in a DAEP. We know once we put them in that space, they will forever have a different educational experience. So we put this amendment in place to proactively make sure we don't wrongly hurt any child. That's why we're utilizing the tools that exist that will really help the student and the school wholistically.

J.D. JOHNSON: So again, we're making sure this happens before. So this assessment will happen before the student is sent to DAEP?

M. GONZÁLEZ: Yes, sir. Exactly.

REMARKS ORDERED PRINTED

Representative J.D. Johnson moved to print remarks between Representative M. González and Representative J.D. Johnson on **SB 2432**.

The motion prevailed.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Talarico offered the following amendment to **SB 2432**:

Amend **SB 2432** (house committee printing) on page 2, line 16, by striking "42.07(a)(1), (2)" and substituting "42.07(a)(2)".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Dutton offered the following amendment to **SB 2432**:

Amend **SB 2432** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.006, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), a student may not be removed from class and placed in a disciplinary alternative education program under Subsection (a) unless the principal or another appropriate administrator provides, at least three days before the proposed removal date, an opportunity for a hearing on the grounds for removal for the student and parent or person standing in parental relation to the student.

Amendment No. 3 was withdrawn.

SB 2432 - STATEMENT OF LEGISLATIVE INTENT

J.D. JOHNSON: While I understand the bill that you are bringing forth, I believe, gives protections to our teachers because our teachers need the opportunity of teaching without the harassment or the interference of outside forces, does your bill offer the opportunity for a teacher, simply because they may have had a bad day, because they have been annoyed by a child, to send that child to DAEP?

REPRESENTATIVE SANFORD: With the González amendment, it does not.

J.D. JOHNSON: So prior to any teacher being able to send a child to DAEP, based on the amendment, we first now have to have this assessment? And the assessment will then determine. Will there be a matrix and a score based on that? Or how will we make the assessment accountable to ensure that a child for the very first offense—for the very first offense—is not sent to DAEP because they simply annoyed a teacher?

SANFORD: As I stand here today, I'm not exactly sure how the threat assessment teams will work. Representative González laid out before you what they will be made up of. They will go through their assessment based upon the needs of the child at the time, upon their history, upon any identified needs that they have, and then observe the behaviors that have been identified by the teacher that have led to this issue or to this problem, and then recommend a course of action from there.

J.D. JOHNSON: But your bill is simply with the intent of punishing persistent behavior or bad behavior that may be interrupting instructional class time?

SANFORD: The purpose of this bill is to make sure that our teachers feel safe in their classrooms. And if they identify an assault from a student toward themselves, that they have a course of action to remove that student or to have remedial action.

J.D. JOHNSON: I completely agree with the assault aspect of it. I completely agree with the threat aspect of it. But in your bill it simply says—an aspect of your bill simply says "annoying." If a teacher feels annoyed by a student, they could be sent to DAEP. I want to make sure that that's not your intent of this bill, to send a child to DAEP simply because a child annoyed a teacher. I want to make sure that it is the intent that this is persistent behavior by which a teacher has exhausted all necessary disciplinary possibilities before we have sent a child to DAEP. Maybe there was suspension. Maybe there was in-school suspension. Maybe there was detention. But we simply are not sending a child to DAEP because a teacher was annoyed by a child's behavior.

SANFORD: Well, thank you, sir. Was there a question that you wanted me to answer?

J.D. JOHNSON: That was my question. It's your intent. Your intent is not to send a child to DAEP simply because a teacher feels annoyed one time. I'm asking is this—

SANFORD: Well, no. The bill doesn't allow for that at all because a person commits an offense if "with the intent to harass, annoy, alarm, abuse," et cetera. It lists seven different things in the Penal Code. And of course, we've limited that with this bill and with the Talarico amendment.

J.D. JOHNSON: I want to make sure that we are on the same page with the intent. I want to make sure that your intent, again, is not to send any child to DAEP—which if a child is sent to DAEP, it is a part of their record; in order for them to move on to college, that's in their record. I want to make sure that a child

cannot be sent to DAEP simply because they annoyed a teacher one time. I want to make sure that the intent of this bill is not to send a child to DAEP simply because of that. I'm just simply asking you to tell me the intent of that is not this.

SANFORD: Well, I think you've been involved with our conversations throughout this afternoon and this evening and the crafting of the amendments that we've entertained. And I think that the intent is wrapped up in those amendments and the bill itself. It's pretty clear the steps you have to go through to get to a DAEP situation and protect the teachers at the same time.

J.D. JOHNSON: I want to protect teachers, and I know you're trying to protect teachers. But I'm still—I don't want to punish a child because—

SANFORD: Well, at some point a kid may have to go to DAEP, Representative. So my intent is not to preclude anybody from ever going to DAEP.

J.D. JOHNSON: But I don't want to send a child to DAEP simply because a child is inquisitive or because a child asks why or because a child is demonstrating leadership. Everyone in here has Type A personalities, and if they question their teachers' political views, would that be considered harassment? That's my question. I want to make sure of that. That's all I want to make sure of. Other than that, I want to make sure that we're not simply punishing an inquisitive child or a child that simply asks why.

SANFORD: The bill doesn't do that, Mr. Johnson. But it does if a student threatens to harm the teacher, kill the teacher, to harm or kill their family or make false claims of such things—that is what the bill is intended to address and does address.

REMARKS ORDERED PRINTED

Representative J.D. Johnson moved to print remarks between Representative Sanford and Representative J.D. Johnson on **SB 2432**.

The motion prevailed.

SB 2432, as amended, was passed to third reading. (Allen and Hunter recorded voting no.)

GENERAL STATE CALENDAR (consideration continued)

SB 2293 ON SECOND READING (Dutton - House Sponsor)

SB 2293, A bill to be entitled An Act relating to the applicability of certain laws to open-enrollment charter schools.

Amendment No. 1

Representative Bailes offered the following amendment to **SB 2293**:

Amend **SB 2293** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 12.117(a), Education Code, is amended to read as follows:

(a) For admission to an open-enrollment charter school, the governing body of the school shall:

(1) require the applicant to complete and submit the common admission ~~an~~ application form described by Section 12.1173 not later than a reasonable deadline the school establishes; and

(2) on receipt of more acceptable applications for admission under this section than available positions in the school:

(A) fill the available positions by lottery; or

(B) subject to Subsection (b), fill the available positions in the order in which applications received before the application deadline were received.

SECTION _____. Section 12.1171, Education Code, is amended to read as follows:

Sec. 12.1171. **ADMISSION TO OPEN-ENROLLMENT CHARTER SCHOOLS SPECIALIZING IN PERFORMING ARTS.** Notwithstanding Section 12.117, the governing body of an open-enrollment charter school that specializes in one or more performing arts may require an applicant to audition for admission to the school in addition to completing and submitting the common admission application form under Section 12.1173.

SECTION _____. Subchapter D, Chapter 12, Education Code, is amended by adding Sections 12.1173 and 12.1174 to read as follows:

Sec. 12.1173. COMMON ADMISSION APPLICATION FORM; WAITING LIST FOR ADMISSION. (a) The commissioner by rule shall adopt a common admission application form for use by an applicant for admission to an open-enrollment charter school that provides for the submission of information that the commissioner considers appropriate.

(b) The form adopted under this section may not:

(1) advertise or otherwise promote any person or open-enrollment charter school; or

(2) solicit money, goods, or services from an applicant.

(c) The commissioner shall publicize the availability of the form adopted under this section, including by posting the form on the agency's Internet website.

(d) The commissioner by rule shall adopt guidelines for an open-enrollment charter school that receives more acceptable applications for admission than available positions at the school to create and manage a waiting list each school year for applicants who are not admitted.

(e) The commissioner shall adopt any other rules as necessary to implement this section, including rules to ensure this section complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

Sec. 12.1174. ENROLLMENT AND WAITING LIST REPORT. (a) Not later than the last Friday in October of each school year, in the form prescribed by commissioner rule, the governing body of a charter holder shall report to the agency for that school year:

(1) the following information for each campus operating under the charter holder's charter:

(A) the number of students enrolled;

(B) the enrollment capacity; and

(C) if a charter holder uses a waiting list for admission to a campus:

(i) the total number of students on the waiting list; and

(ii) the number of students on the waiting list disaggregated by

grade level;

(2) the information described by Subdivision (1) aggregated for all campuses operating under the charter holder's charter; and

(3) any information required by the commissioner as necessary to identify each student admitted to or on a waiting list for admission to a campus operating under the charter holder's charter who is or was previously enrolled in a public school in this state.

(b) From information provided to the commissioner by each charter holder under this subchapter, the commissioner shall identify each group of charter holders considered by the commissioner to be corporate affiliates or substantially related charter holders. Using the information reported under Subsections (a)(1) and (2), the agency shall aggregate the information for each group of charter holders identified by the commissioner under this subsection.

(c) Not later than March 15 of each year, the commissioner shall post on the agency's Internet website:

(1) the information reported by charter holders under Subsections (a)(1) and (2); and

(2) the information aggregated by the agency under Subsection (b).

(d) The commissioner shall adopt rules as necessary to implement this section, including rules to ensure this section complies with federal law regarding confidentiality of student educational information, including 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 _____. Sections 12.117 and 12.1171, Education Code, as amended by this Act, and Section 12.1174, Education Code, as added by this Act, apply beginning with the 2020-2021 school year.

SECTION _____. Not later than January 1, 2020, the commissioner of education shall adopt a common admission application form, waiting list guidelines, and any other rules as necessary to implement Sections 12.1173 and 12.1174, Education Code, as added by this Act.

Amendment No. 1 was adopted.

SB 2293, as amended, was passed to third reading. (Allen recorded voting no.)

SB 583 ON SECOND READING
(Rose - House Sponsor)

SB 583, A bill to be entitled An Act relating to the appointment of a local public defender's office to represent indigent defendants in criminal cases.

Amendment No. 1

Representative Rose offered the following amendment to **SB 583**:

Amend **SB 583** (house committee report) on page 2, by striking lines 7 and 8 and substituting the following:

(1) the court has reason to appoint other counsel, provided that in a capital murder case, the court makes a finding of good cause on the record for appointing that counsel; [~~or~~]

Amendment No. 1 was adopted.

SB 583, as amended, was passed to third reading.

CSSB 2182 ON SECOND READING
(Parker - House Sponsor)

CSSB 2182, A bill to be entitled An Act relating to the eligibility of certain events for funding under the Major Events Reimbursement Program.

Amendment No. 1

Representative Collier offered the following amendment to **CSSB 2182**:

Amend **CSSB 2182** (house committee printing) as follows:

(1) On page 2, line 12, between "Crown," and "a national", insert "a world-renowned exhibition or festival that is recognized by the International World Exhibition & Festival Organization,".

(2) On page 3, strike lines 9-12 and substitute the following:

(E) the International World Exhibition & Festival Organization;

(F) the Republican National Committee or the Democratic National Committee;

(G) [~~F~~] the Ultimate Fighting Championship; or

(H) [~~G~~] the Commission on Presidential Debates.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Frullo, Longoria, Moody, Rodriguez, and Wray offered the following amendment to **CSSB 2182**:

Amend **CSSB 2182** (house committee printing) as follows:

(1) On page 3, strike lines 13-15 and substitute the following:

SECTION 2. Section 5A, Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by amending Subsections (a-1) and (a-2) and adding Subsection (a-5) to read as follows:

(a-1) An event not listed in Subsection (a)(4) of this section is ineligible for funding under this section. A listed event may receive funding through the Major Events Reimbursement Program under this section only if:

(1) a site selection organization selects a site located in this state for the event to be held one time or, for an event scheduled to be held each year for a period of years under an event contract, or an event support contract, one time each year for the period of years, after considering, through a highly competitive selection process, one or more sites that are not located in this state;

(2) a site selection organization selects a site in this state as:

(A) the sole site for the event; or

(B) the sole site for the event in a region composed of this state and one or more adjoining states;

(3) the event is held not more than one time in any year;

(4) the amount of the incremental increase in tax receipts determined by the department under Subsection (b) of this section equals or exceeds \$1 million, provided that for an event scheduled to be held each year for a period of years under an event contract or event support contract, the incremental increase in tax receipts shall be calculated as if the event did not occur in the prior year; and

(5) not later than the 30th day before the first day of the event, a site selection organization or the organization hosting the event submits a plan to prevent the trafficking of persons in connection with the event to the office of the attorney general, the human trafficking prevention task force established under Section 402.035, Government Code, and the chief of the Texas Division of Emergency Management.

(2) On page 3, strike line 26 and substitute the following:

(a-5) If the department determines an event is ineligible to receive funding through the Major Events Reimbursement Program due solely to a failure to timely submit a plan as required by Subsection (a-1)(5) of this section, the event may receive funding through the program if:

(1) the plan required by that subdivision is submitted to the required entities not later than seven days before the event begins and is implemented during the event; and

(2) all other requirements for funding under this section, including those imposed by Subsections (d-1) and (w) of this section, are satisfied not later than the 60th day after the last day of the fiscal year in which the event occurs, provided submission of the plan required by Subsection (a-1)(5) of this section was not previously required under this section for that event.

SECTION 3. Section 5A(a-1), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as amended by this Act, and Section 5A(a-5), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as added by this Act, apply to an event that occurs before, on, or after the effective date of this Act.

SECTION 4. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

(b) Sections 5A(a)(4) and (5) and (a-2), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as amended by this Act, take effect September 1, 2019.

Amendment No. 2 was adopted.

A record vote was requested by Representative Stickland.

CSSB 2182, as amended, was passed to third reading by (Record 1527): 105 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bowers; Buckley; Bucy; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Howard; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Moody; Morales; Morrison; Murphy; Neave; Nevárez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wray; Wu; Zerwas; Zwiener.

Nays — Ashby; Bailes; Bell, K.; Bohac; Bonnen; Burns; Burrows; Cain; Craddick; Flynn; Frank; Goldman; Harris; Hefner; Holland; Landgraf; Lang; Leach; Leman; Metcalf; Middleton; Muñoz; Murr; Noble; Oliverson; Patterson; Schaefer; Shaheen; Smith; Springer; Stickland; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; White; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Huberty; Johnson, E.; Minjarez.

Absent — Johnson, J.D.; Phelan.

STATEMENTS OF VOTE

When Record No. 1527 was taken, I was shown voting yes. I intended to vote no.

Biedermann

When Record No. 1527 was taken, I was shown voting yes. I intended to vote no.

Sanford

SB 1834 ON SECOND READING
(Rose and Rodriguez - House Sponsors)

SB 1834, A bill to be entitled An Act relating to a study and pilot program regarding the use of incentives to purchase certain fruits or vegetables under the supplemental nutrition assistance program.

SB 1834 was passed to third reading. (Flynn recorded voting no.)

SB 1834 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative Frank moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representatives Collier and S. Thompson as house sponsors to **SB 1834**.

The motion prevailed.

CSSB 572 ON SECOND READING
(Rodriguez, VanDeaver, Kacal, Lambert, Moody, et al. - House Sponsors)

CSSB 572, A bill to be entitled An Act relating to the regulation of cottage food production operations.

Amendment No. 1

Representative Oliverson offered the following amendment to **CSSB 572**:

Amend **CSSB 572** (house committee report) as follows:

(1) On page 4, line 2, between "(2)" and "before", insert "subject to Subsection (c)".

(2) On page 4, between lines 9 and 10, insert the following:

(c) The operator of a cottage food production operation that sells a food described by Section 437.001(2-b)(A) in this state in the manner described by Subsection (b):

(1) is not required to include the address of the operation in the labeling information required under Subsection (b)(2) before the operator accepts payment for the food; and

(2) shall provide the address of the operation on the label of the food in the manner required by Section 437.0193(b) after the operator accepts payment for the food.

Amendment No. 1 was adopted.

CSSB 572, as amended, was passed to third reading.

SB 667 ON SECOND READING
(S. Thompson - House Sponsor)

SB 667, A bill to be entitled An Act relating to guardianships, management trusts, and certain other procedures and proceedings for persons who are incapacitated.

Amendment No. 1

Representative S. Thompson offered the following amendment to **SB 667**:

Amend **SB 667** (house committee printing) as follows:

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

SECTION _____. Section 30.014(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) In a civil action, including a probate or guardianship proceeding, filed in a district court, county court, ~~or~~ statutory county court, or statutory probate court, each party or the party's attorney shall include in its initial pleading:

(1) the last three numbers of the party's driver's license number, if the party has been issued a driver's license; and

(2) the last three numbers of the party's social security number, if the party has been issued a social security number.

SECTION _____. Section 33.101, Estates Code, is amended to read as follows:

Sec. 33.101. TRANSFER TO OTHER COUNTY IN WHICH VENUE IS PROPER. If probate proceedings involving the same estate are commenced in more than one county and the court making a determination of venue as provided by Section 33.053 determines that venue is proper in another county, the court clerk shall make and retain a copy of the entire file in the case and transmit the original file in electronic or paper form to the court in the county in which venue is proper. The court to which the file is transmitted shall conduct the proceeding in the same manner as if the proceeding had originally been commenced in that county.

SECTION _____. Section 33.102(a), Estates Code, is amended to read as follows:

(a) If it appears to the court at any time before the final order in a probate proceeding is rendered that the court does not have priority of venue over the proceeding, the court shall, on the application of an interested person, transfer the proceeding to the proper county by transmitting to the proper court in that county in electronic or paper form:

(1) the original file in the case; and

(2) certified copies of all entries that have been made in the judge's probate docket in the proceeding.

SECTION _____. Section 33.103, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) The transmittal under Subsection (b) of the original file and the certified copy of the index may be in electronic or paper form, except that an original will be filed in the probate proceeding, if any, must be delivered to the court to which the proceeding is transferred.

SECTION _____. Section 51.003(b), Estates Code, is amended to read as follows:

(b) A citation or notice issued by the county clerk must be styled "The State of Texas" and be signed by the clerk under the court's ~~clerk's~~ seal.

SECTION _____. Section 202.054, Estates Code, is amended to read as follows:

Sec. 202.054. PERSONAL SERVICE OF CITATION MAY BE REQUIRED. (a) The court may require that service of citation in a proceeding to declare heirship be made by personal service on some or all of those named as distributees in the application filed under Section 202.005.

(b) If a distributee to be cited under Subsection (a) is absent from or is not a resident of this state, any disinterested person competent to make an oath that the citation was served may serve the citation.

SECTION _____. Section 351.351, Estates Code, is amended to read as follows:

Sec. 351.351. APPLICABILITY. This subchapter does not apply to:

(1) the appointment of an independent executor or administrator under Section 401.002 or 401.003(a); or

(2) the appointment of a successor independent administrator [~~executor~~] under Section 404.005.

SECTION _____. Section 404.0036(b), Estates Code, is amended to read as follows:

(b) If an independent executor is removed by the court under Section 404.003 or 404.0035, the court may, on application, appoint a successor independent administrator [~~executor~~] as provided by Section 404.005.

SECTION _____. The heading to Section 404.005, Estates Code, is amended to read as follows:

Sec. 404.005. COURT-APPOINTED SUCCESSOR INDEPENDENT ADMINISTRATOR [~~EXECUTOR~~].

SECTION _____. Sections 404.005(a), (b), (c), (h), and (i), Estates Code, are amended to read as follows:

(a) If the will of a person who dies testate names an independent executor who, having qualified, fails for any reason to continue to serve, or is removed for cause by the court, and the will does not name a successor independent executor or if each successor executor named in the will fails for any reason to qualify as executor or indicates by affidavit filed with the application for an order continuing independent administration the successor executor's inability or unwillingness to serve as successor independent executor, all of the distributees of the decedent as of the filing of the application for an order continuing independent administration may apply to the probate court for the appointment of a qualified person, firm, or corporation to serve as successor independent administrator [~~executor~~]. If the probate court finds that continued administration of the estate is necessary, the court shall enter an order continuing independent administration and appointing the person, firm, or corporation designated in the application as successor independent administrator [~~executor~~], unless the probate court finds that it would not be in the best interest of the estate to do so. The successor independent administrator [~~executor~~] shall serve with all of the powers and privileges granted to the successor's predecessor independent executor.

(b) Except as otherwise provided by this subsection, if a distributee described in this section is an incapacitated person, the guardian of the person of the distributee may sign the application on behalf of the distributee. If the probate court finds that either the continuing of independent administration or the appointment of the person, firm, or corporation designated in the application as successor independent administrator [~~executor~~] would not be in the best interest of the incapacitated person, then, notwithstanding Subsection (a), the court may not enter an order continuing independent administration of the estate. If the distributee is an incapacitated person and has no guardian of the person, the court may appoint a guardian ad litem to make application on behalf of the incapacitated person if the probate court considers such an appointment necessary to protect the interest of that distributee. If a distributee described in this section is a minor and has no guardian of the person, a natural guardian of the minor may sign the application for the order continuing independent administration on the minor's behalf unless a conflict of interest exists between the minor and the natural guardian.

(c) Except as otherwise provided by this subsection, if a trust is created in the decedent's will or if the decedent's will devises property to a trustee as described by Section 254.001, the person or class of persons entitled to receive property outright from the trust on the decedent's death and those first eligible to receive the income from the trust, determined as if the trust were to be in existence on the date of the filing of the application for an order continuing independent administration, shall, for the purposes of this section, be considered to be the distributee or distributees on behalf of the trust, and any other trust or trusts coming into existence on the termination of the trust, and are authorized to apply for an order continuing independent administration on behalf of the trust without the consent or agreement of the trustee or any other beneficiary of the trust, or the trustee or any beneficiary of any other trust which may come into existence on the termination of the trust. If a person considered to be a distributee under this subsection is an incapacitated person, the trustee or cotrustee may apply for the order continuing independent administration or sign the application on the incapacitated person's behalf if the trustee or cotrustee is not the person proposed to serve as the independent administrator [~~executor~~].

(h) If a successor independent administrator [~~executor~~] is appointed under this section, then, unless the probate court shall waive bond on application for waiver, the successor independent administrator [~~executor~~] shall be required to enter into bond payable to and to be approved by the judge and the judge's successors in a sum that is found by the judge to be adequate under all circumstances, or a bond with one surety in an amount that is found by the judge to be adequate under all circumstances, if the surety is an authorized corporate surety.

(i) Absent proof of fraud or collusion on the part of a judge, the judge may not be held civilly liable for the commission of misdeeds or the omission of any required act of any person, firm, or corporation designated as a successor

independent administrator ~~[executor]~~ under this section. Section 351.354 does not apply to an appointment of a successor independent administrator ~~[executor]~~ under this section.

SECTION _____. Section 452.006, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) The appointee shall file with the court proof of service of the notice required under Subsection (a) in the manner provided by Section 51.103(b)(3).

SECTION _____. Section 503.002, Estates Code, is amended to read as follows:

Sec. 503.002. RECORDING OF CERTAIN FOREIGN TESTAMENTARY INSTRUMENTS IN LANGUAGE OTHER THAN ENGLISH [ORIGINAL SIGNATURES NOT REQUIRED]. (a) An authenticated copy of a will or other testamentary instrument described by Section 503.001(a), along with a copy of the judgment, order, or decree by which the instrument was admitted to probate that has the attestation and certificate required by Section 501.002(c), that is written in whole or in part in a language other than English may be filed for recording in the deed records in any county in this state in which the land conveyed or disposed of in the instrument is located if:

(1) a correct English translation is recorded with the authenticated copies of the will or other testamentary instrument and judgment, order, or decree by which the instrument was admitted to probate; and

(2) the accuracy of the translation is sworn to before an officer authorized to administer oaths [Notwithstanding Section 501.002(e), the original signatures required by that section may not be required for a recordation in the deed records in accordance with Section 503.001 or for a purpose described by Section 503.051 or 503.052].

(b) The recording of an authenticated copy of a will or other testamentary instrument and a copy of the judgment, order, or decree in the manner provided by Subsection (a) operates as constructive notice from the date of filing to all persons of the:

(1) existence of the instrument; and

(2) title or titles conferred by the instrument.

SECTION _____. Section 1023.006, Estates Code, is amended to read as follows:

Sec. 1023.006. TRANSFER OF RECORD. When an order of transfer is made under Section 1023.005, the clerk shall record any unrecorded papers of the guardianship required to be recorded. On payment of the clerk's fee, the clerk shall transmit in electronic or paper form to the county clerk of the county to which the guardianship was ordered transferred:

(1) the case file of the guardianship proceedings; and

(2) a certified copy of the index of the guardianship records.

SECTION _____. Section 1023.007, Estates Code, is amended to read as follows:

Sec. 1023.007. TRANSFER EFFECTIVE. The order transferring a guardianship does not take effect until:

(1) the case file and a certified copy of the index required by Section 1023.006 are filed in electronic or paper form in the office of the county clerk of the county to which the guardianship was ordered transferred; and

(2) a certificate under the clerk's official seal and reporting the filing of the case file and a certified copy of the index is filed in electronic or paper form in the court ordering the transfer by the county clerk of the county to which the guardianship was ordered transferred.

SECTION _____. Section 1051.003(b), Estates Code, is amended to read as follows:

(b) A citation or notice issued by the county clerk must be styled "The State of Texas" and be signed by the clerk under the court's ~~clerk's~~ seal.

SECTION _____. The heading to Chapter 1054, Estates Code, is amended to read as follows:

CHAPTER 1054. COURT OFFICERS, ~~[AND]~~ COURT-APPOINTED
PERSONS, AND ATTORNEYS

SECTION _____. The heading to Subchapter E, Chapter 1054, Estates Code, is amended to read as follows:

SUBCHAPTER E. QUALIFICATIONS TO SERVE AS ~~[COURT-APPOINTED]~~
ATTORNEY

SECTION _____. Section 1054.201, Estates Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), an ~~[An]~~ attorney representing any person's interests ~~[for an applicant for guardianship and a court appointed attorney]~~ in a guardianship proceeding, including an attorney ad litem, must be certified by the State Bar of Texas, or a person or other entity designated by the state bar, as having successfully completed a course of study in guardianship law and procedure sponsored by the state bar or the state bar's designee.

(c) An attorney may commence representation of a person's interests and file an appearance in a guardianship proceeding before completing the course required for certification under Subsection (a), but must complete the course not later than the 14th day after the date of filing the appearance and before filing any substantive motion in the guardianship proceeding.

SECTION _____. Section 1101.001(b), Estates Code, is amended to read as follows:

(b) The application must be sworn to by the applicant and state:

(1) the proposed ward's name, sex, date of birth, and address;

(2) the name, former name, if any, relationship, and address of the person the applicant seeks to have appointed as guardian;

(3) whether guardianship of the person or estate, or both, is sought;

(3-a) whether alternatives to guardianship and available supports and services to avoid guardianship were considered;

(3-b) whether any alternatives to guardianship and supports and services available to the proposed ward considered are feasible and would avoid the need for a guardianship;

(4) the nature and degree of the alleged incapacity, the specific areas of protection and assistance requested, and the limitation or termination of rights requested to be included in the court's order of appointment, including a termination of:

(A) the right of a proposed ward who is 18 years of age or older to vote in a public election;

(B) the proposed ward's eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code; and

(C) the right of a proposed ward to make personal decisions regarding residence;

(5) the facts requiring the appointment of a guardian;

(6) the interest of the applicant in the appointment of a guardian;

(7) the nature and description of any kind of guardianship existing for the proposed ward in any other state;

(8) the name and address of any person or institution having the care and custody of the proposed ward;

(9) the approximate value and a detailed description of the proposed ward's property, including:

(A) liquid assets, including any compensation, pension, insurance, or allowance to which the proposed ward may be entitled; and

(B) non-liquid assets, including real property;

(10) the name and address of any person whom the applicant knows to hold a power of attorney signed by the proposed ward and a description of the type of power of attorney;

(11) for a proposed ward who is a minor, the following information if known by the applicant:

(A) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;

(B) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased; and

(C) if each of the proposed ward's parents and adult siblings are deceased, the names and addresses of the proposed ward's other living relatives who are related to the proposed ward within the third degree by consanguinity and who are adults;

(12) for a proposed ward who is a minor, whether the minor was the subject of a legal or conservatorship proceeding in the preceding two years and, if so:

(A) the court involved;

(B) the nature of the proceeding; and

(C) any final disposition of the proceeding;

(13) for a proposed ward who is an adult, the following information if known by the applicant:

(A) the name of the proposed ward's spouse, if any, and either the spouse's address or that the spouse is deceased;

(B) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;

(C) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased;

(D) the name and age of each of the proposed ward's children, if any, and either the child's address or that the child is deceased; and

(E) if there is no living spouse, parent, adult sibling, or adult child of the proposed ward, the names and addresses of the proposed ward's other living relatives who are related to the proposed ward within the third degree by consanguinity and who are adults;

(14) facts showing that the court has venue of the proceeding; and

(15) if applicable, that the person whom the applicant seeks to have appointed as a guardian is a private professional guardian who is certified under Subchapter C, Chapter 155, Government Code, and has complied with the requirements of Subchapter G, Chapter 1104.

SECTION _____. Section 1101.153(a), Estates Code, is amended to read as follows:

(a) A court order appointing a guardian must:

(1) specify:

(A) [~~(+)~~] the name of the person appointed;

(B) [~~(=)~~] the name of the ward;

(C) [~~(=)~~] whether the guardian is of the person or estate of the ward, or both;

(D) [~~(+)~~] the amount of any bond required;

(E) [~~(=)~~] if it is a guardianship of the estate of the ward and the court considers an appraisal to be necessary, one, two, or three disinterested persons to appraise the estate and to return the appraisal to the court; and

(F) [~~(=)~~] that the clerk will issue letters of guardianship to the person appointed when the person has qualified according to law; and

(2) if the court waives the guardian's training requirement, contain a finding that the waiver is in accordance with rules adopted by the supreme court under Section 155.203, Government Code.

SECTION _____. Section 1104.402, Estates Code, is amended to read as follows:

Sec. 1104.402. COURT CLERK'S DUTY TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION[~~— AUTHORITY TO CHARGE FEE~~].

[~~(=)~~] 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, other than an attorney.

~~[(b) The clerk may charge a \$10 fee to recover the costs of obtaining criminal history record information under Subsection (a).]~~

SECTION _____. 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.

SECTION _____. Subchapter A, Chapter 1151, Estates Code, is amended by adding Section 1151.005 to read as follows:

Sec. 1151.005. LEGAL PROCEEDINGS IN WHICH WARD IS PARTY OR WITNESS. The guardian of the person or of the estate of a ward may not be excluded from attending a legal proceeding in which the ward is:

(1) a party; or

(2) participating as a witness.

SECTION _____. Section 1253.001, Estates Code, is amended to read as follows:

Sec. 1253.001. APPLICATION TO TRANSFER GUARDIANSHIP TO FOREIGN JURISDICTION. On application of the guardian or on the court's own motion, a [A guardian of the person or estate may apply to the] court that has jurisdiction over the guardianship may [to] transfer the guardianship to a court in a foreign jurisdiction to which the ward has permanently moved.

SECTION _____. Section 25.0006, Government Code, is amended by amending Subsection (a) and adding Subsection (a-5) to read as follows:

(a) Notwithstanding any other law except Subsection (a-4), Subsections (a-1), (a-2), ~~and~~ (a-3), and (a-5) control over a specific provision for a particular court or county that attempts to create a requirement for a bond or insurance that conflicts with those subsections.

(a-5) A bond executed under Subsection (a-1) by the judge elected or appointed to a statutory county court or an insurance policy obtained under Subsection (a-3) shall provide the same coverage to a visiting judge assigned to the court as the bond or insurance policy provides to the judge elected or appointed to the court.

SECTION _____. Section 25.00231, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding Subsection (e), a bond executed under Subsection (b) by the judge elected or appointed to a statutory probate court or an insurance policy obtained under Subsection (c) shall provide the same coverage to a visiting judge assigned to the court as the bond or insurance policy provides to the judge elected or appointed to the court.

SECTION _____. Section 26.001, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A bond executed under Subsection (a) by the judge elected or appointed to a county court or an insurance policy obtained under Subsection (c) shall provide the same coverage to a visiting judge assigned to the court as the bond or insurance policy provides to the judge elected or appointed to the court.

SECTION _____. Section 81.114, Government Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) The state bar shall provide a course of instruction for attorneys who represent any person's interests [~~parties~~] in guardianship cases or who serve as court-appointed guardians.

(e) The course of instruction described by this section must be low-cost and available to persons throughout this state, including on the Internet provided through the state bar.

SECTION _____. Section 1104.403, Estates Code, is repealed.

SECTION _____. (a) Section 202.054, Estates Code, as amended by this Act, applies only to a proceeding to declare heirship commenced on or after the effective date of this Act. A proceeding to declare heirship commenced before that date is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

(b) Section 452.006(c), Estates Code, as added by this Act, applies only to a temporary administrator appointed on or after the effective date of this Act. A temporary administrator appointed before the effective date of this Act is governed by the law in effect on the date the administrator was appointed, and the former law is continued in effect for that purpose.

(c) Section 503.002, Estates Code, as amended by this Act, applies only to a copy of a testamentary instrument or other document filed for recording on or after the effective date of this Act. A copy of a testamentary instrument or other document filed before the effective date of this Act is governed by the law in effect on the date the instrument or document was filed, and the former law is continued in effect for that purpose.

(d) The changes in law made by this Act to Sections 25.0006, 25.00231, and 26.001, Government Code, apply only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2020. An insurance policy delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(2) On page 20, lines 17 and 18, strike "Sections 1155.054(d) and 1155.151(a), Estates Code" and substitute "Sections 1054.201, 1101.153, 1155.054(d), and 1155.151(a), Estates Code".

(3) On page 21, between lines 19 and 20, insert the following:

(g) Section 1101.001, Estates Code, as amended by this Act, applies only to an application for the appointment of a guardian filed on or after the effective date of this Act. An application for the appointment of a guardian 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.

Amendment No. 1 was adopted.

Amendment No. 2

Representative S. Thompson offered the following amendment to **SB 667**:

Amend **SB 667** (house committee printing) as follows:

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

SECTION _____. Chapter 1002, Estates Code, is amended by adding Sections 1002.0215 and 1002.0265 to read as follows:

Sec. 1002.0215. OFFICE OF PUBLIC GUARDIAN. "Office of public guardian" means an office of public guardian established by the commissioners court of a county under Subchapter G-1, Chapter 1104.

Sec. 1002.0265. PUBLIC GUARDIAN. "Public guardian" means a person:

(1) appointed to administer an office of public guardian by the commissioners court of a county under Subchapter G-1, Chapter 1104; or

(2) with which one or more counties enter into an agreement under Section 1104.327(a)(2) or (d).

SECTION _____. Section 1104.251(a), Estates Code, is amended to read as follows:

(a) An individual must be certified under Subchapter C, Chapter 155, Government Code, if the individual:

(1) is a private professional guardian;

(2) will represent the interests of a ward as a guardian on behalf of a private professional guardian;

(3) is providing guardianship services to a ward of a guardianship program on the program's behalf, except as provided by Section 1104.254; ~~or~~

(4) is an employee of the Health and Human Services Commission ~~[Department of Aging and Disability Services]~~ providing guardianship services to a ward of the commission;

(5) is a public guardian; or

(6) will represent the interests of a ward as a guardian on behalf of a public guardian ~~[department]~~.

SECTION _____. Chapter 1104, Estates Code, is amended by adding Subchapter G-1 to read as follows:

SUBCHAPTER G-1. PUBLIC GUARDIANS

Sec. 1104.326. DEFINITION. In this subchapter, unless the context otherwise requires, "office" means an office of public guardian established under this subchapter.

Sec. 1104.327. ESTABLISHMENT OF OFFICES; PUBLIC GUARDIANS. (a) The commissioners court of a county by order may:

(1) create an office of public guardian to provide guardianship services described by Section 1104.334 to incapacitated persons; or

(2) enter into an agreement with a person operating a nonprofit guardianship program or private professional guardianship program located in the county or in an adjacent county to act as a public guardian by providing guardianship services described by Section 1104.334 to incapacitated persons.

(b) Subject to Subsection (c) and Section 1104.328, the commissioners court of a county shall appoint an individual as public guardian to administer the office of public guardian established under Subsection (a)(1) and may employ or authorize the public guardian to employ personnel necessary to perform the duties of the office, including personnel who will represent the interests of a ward as a guardian on behalf of the office if approved by the commissioners court.

(c) The commissioners court of a county may enter into an agreement with an individual to act as public guardian under Subsection (b) on a part-time basis with appropriate compensation if:

(1) the commissioners court determines a full-time appointment does not serve the needs of the county; and

(2) the individual who is appointed on a part-time basis is not employed in or does not hold another position that presents a conflict of interest.

(d) The commissioners courts of two or more counties may collectively enter into an agreement:

(1) to create and fund an office of public guardian for purposes of Subsection (a)(1) and to appoint the same individual as public guardian to that office under Subsection (b); or

(2) with a person operating a guardianship program described by Subsection (a)(2) to serve as a public guardian for purposes of that subdivision.

(e) An individual appointed as public guardian under Subsection (b) serves a term of five years.

Sec. 1104.328. QUALIFICATIONS OF PUBLIC GUARDIAN. To be appointed as public guardian under Section 1104.327(b), an individual must:

(1) be a licensed attorney or be certified under Subchapter C, Chapter 155, Government Code; and

(2) have demonstrable guardianship experience.

Sec. 1104.329. CONFLICT OF INTEREST. (a) Except as provided by Subsection (b), an office or public guardian must be independent from providers of services to wards and proposed wards and may not directly provide housing, medical, legal, or other direct, non-surrogate decision-making services to a ward or proposed ward, unless approved by the court.

(b) An office or public guardian may provide money management services described by Section 531.125, Government Code, or other representative payee services to a ward or proposed ward.

Sec. 1104.330. COMPENSATION. A person appointed or acting as public guardian under Section 1104.327 shall receive compensation as set by the commissioners court and is not entitled to compensation under Subchapter A, Chapter 1155, unless approved by the court or the person is appointed as guardian of a ward in accordance with Section 1104.334(a)(2)(B).

Sec. 1104.331. BOND REQUIREMENT. (a) A public guardian shall file with the court clerk a general bond in an amount fixed by the commissioners court payable to the county and issued by a surety company approved by the county judge. The bond must be conditioned on the faithful performance by the person of the person's duties and, if the public guardian administers an office, the office's duties.

(b) The bond required by this section satisfies any bond required under Chapter 1105.

Sec. 1104.332. VACANCY. If an individual appointed as public guardian under Section 1104.327(b) vacates the position, the commissioners court shall appoint, subject to Section 1104.328, an individual to serve as public guardian for the unexpired term.

Sec. 1104.333. POWERS AND DUTIES. (a) An office or public guardian shall:

(1) if applicable, evaluate the financial status of a proposed ward to determine whether the proposed ward is eligible to have the office or public guardian appointed guardian of the ward under Section 1104.334(a)(2)(A); and

(2) serve as guardian of the person or of the estate of a ward, or both, on appointment by a court in accordance with the requirements of this title.

(b) In connection with a financial evaluation under Subsection (a)(1) and on the request of an office or public guardian, a court with jurisdiction over the guardianship proceeding may order the release of public and private records, including otherwise confidential records, to the office or public guardian.

(c) Notwithstanding Section 552.261, Government Code, a state agency may not charge an office or public guardian for providing the office or public guardian with a copy of public information requested from the agency by the office or public guardian.

Sec. 1104.334. APPOINTMENT OF OFFICE OR PUBLIC GUARDIAN AS GUARDIAN. (a) In accordance with applicable law, including Subchapter C, Chapter 1101, a court may appoint an office or public guardian to serve as guardian of the person or of the estate of a ward, or both, if:

(1) on the date the guardianship application is filed, the ward resides in or is located in the county served by the office or public guardian; and

(2) the court finds that the ward:

(A) does not have sufficient assets or other resources to pay a private professional guardian to serve as the ward's guardian and the appointment is in the ward's best interest; or

(B) has sufficient assets or other resources to pay a private professional guardian to serve as the ward's guardian, the appointment is in the ward's best interest, and:

(i) the ward's family members who are eligible for appointment as the ward's guardian agree to the appointment of an office or public guardian to serve as the ward's guardian or are unable to agree on the person or persons that should be appointed as the ward's guardian; or

(ii) the ward does not have a family member, friend, or other suitable person willing and able to serve as the ward's guardian.

(b) For purposes of Subsection (a)(2), the determination of a ward's ability to pay a private professional guardian is dependent on:

- (1) the nature, extent, and liquidity of the ward's assets;
- (2) the ward's disposable net income, including income of a recipient of medical assistance that is used to pay expenses under Section 1155.202(a);
- (3) the nature of the guardianship;
- (4) the type, duration, and complexity of services required by the ward;

and

- (5) additional, foreseeable expenses.

(c) The number of appointments of an office under this section may not exceed 35 wards for each guardian representing the interests of wards on behalf of the office.

(d) If each guardian representing the interests of wards on behalf of an office reaches the limitation provided by Subsection (c), the office shall immediately give notice to the courts.

Sec. 1104.335. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION. (a) All files, reports, records, communications, or working papers used or developed by an office or public guardian in the performance of duties relating to a financial evaluation under Section 1104.333(a)(1) or the provision of guardianship services are confidential and not subject to disclosure under Chapter 552, Government Code.

(b) Confidential information may be disclosed only for a purpose consistent with this subchapter, as required by other state or federal law, or as necessary to enable an office or public guardian to exercise the powers and duties as guardian of the person or of the estate of a ward, or both.

(c) A court on its own motion or on the motion of an interested person may order disclosure of confidential information only if:

- (1) a hearing on the motion is conducted;
- (2) notice of the hearing is served on the office or public guardian and each interested person; and

(3) the court determines after the hearing and an in camera review of the information that disclosure is essential to the administration of justice and will not endanger the life or safety of any individual who:

(A) is being assessed for guardianship services;

(B) is a ward of the office or public guardian; or

(C) provides services to a ward of the office or public guardian.

(d) The Office of Court Administration of the Texas Judicial System shall establish policies and procedures for the exchange of information between offices, public guardians, and other appropriate governmental entities, as necessary for offices, public guardians, and governmental entities to properly execute their respective duties and responsibilities relating to guardianship services or other needed services for a ward. An exchange of information under this subsection does not constitute a release for purposes of waiving the confidentiality of the information exchanged.

(e) To the extent consistent with policies and procedures adopted by an office or public guardian, the office or public guardian on request may release confidential information in the record of an individual who is a former ward of the office or public guardian to:

- (1) the individual;
- (2) the individual's guardian; or
- (3) an executor or administrator of the individual's estate.

(f) Before releasing confidential information under Subsection (e), an office or public guardian shall edit the information to protect the identity of any individual whose life or safety may be endangered by the release. A release of information under Subsection (e) does not constitute a release for purposes of waiving the confidentiality of the information released.

Sec. 1104.336. CERTAIN ADMINISTRATIVE COSTS. (a) If an office or public guardian is appointed guardian of the person or of the estate of a ward, or both, the administrative costs of the guardianship services provided to the ward may not be charged to the ward's estate unless the court determines, subject to Subsection (b), that the ward is financially able to pay all or part of the costs.

(b) A court shall measure a ward's ability to pay for costs under Subsection (a) by whether the ward has sufficient assets or other resources to pay a private professional guardian to serve as the ward's guardian in accordance with Section 1104.334(b).

Sec. 1104.337. OFFICE OF COURT ADMINISTRATION OF THE TEXAS JUDICIAL SYSTEM; REPORT. (a) Not later than December 1 of each even-numbered year, the Office of Court Administration of the Texas Judicial System shall submit a report to the governor and the legislature that contains an evaluation of public guardians established under this subchapter, including the establishment and operation of offices of public guardians under this subchapter and the provision of guardianship services by the offices. The report must include:

- (1) an analysis of costs and offsetting savings or other benefits to the state as a result of the establishment and operation of offices and public guardians under this subchapter; and
- (2) recommendations for legislation, if any.

(b) If it is cost-effective and feasible, the Office of Court Administration of the Texas Judicial System may contract with an appropriate research or public policy entity with expertise in gerontology, disabilities, and public administration to conduct the analysis described by Subsection (a)(1).

Sec. 1104.338. RULES. The supreme court, in consultation with the Office of Court Administration of the Texas Judicial System and the presiding judge of the statutory probate courts elected under Section 25.0022, Government Code, shall adopt rules necessary to implement this subchapter.

SECTION _____. Section 1104.402(a), Estates Code, is amended to read as follows:

(a) Except as provided by Section 1104.403, 1104.404, 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) a public guardian appointed under Section 1104.327(b);
- (6) each person who represents or plans to represent the interests of a ward as a guardian on behalf of an office of public guardian;
- (7) each person employed by an office of public 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; or
- (8) any other person proposed to serve as a guardian under this title, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

SECTION _____. Section 1104.409, Estates Code, is amended to read as follows:

Sec. 1104.409. USE OF INFORMATION BY COURT. The court shall use the information obtained under this subchapter only in determining whether to:

- (1) appoint, remove, or continue the appointment of a private professional guardian, a guardianship program, an office of public guardian, or the Health and Human Services Commission ~~department~~; or
- (2) appoint any other person proposed to serve as a guardian under this title, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

SECTION _____. Section 1155.151(a-2), Estates Code, is amended to read as follows:

(a-2) Notwithstanding any other law requiring the payment of court costs in a guardianship proceeding, the following are not required to pay court costs on the filing of or during a guardianship proceeding:

- (1) an attorney ad litem;
- (2) a guardian ad litem;

(3) a person or entity who files an affidavit of inability to pay the costs under Rule 145, Texas Rules of Civil Procedure, that shows the person or entity is unable to afford the costs;

(4) a nonprofit guardianship program;

(5) a governmental entity, including an office of public guardian; and

(6) a government agency or nonprofit agency providing guardianship services.

SECTION _____. Section 101.0814, Government Code, is amended to read as follows:

Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a statutory county court shall collect fees and costs under the Local Government Code as follows:

(1) additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

(2) civil court actions (Sec. 118.052, Local Government Code):

(A) filing of original action (Secs. 118.052 and 118.053, Local Government Code):

(i) garnishment after judgment (Sec. 118.052, Local Government Code) . . . \$15; and

(ii) all others (Sec. 118.052, Local Government Code) . . . \$40;

(B) filing of action other than original (Secs. 118.052 and 118.054, Local Government Code) . . . \$30; and

(C) services rendered after judgment in original action (Secs. 118.052 and 118.0545, Local Government Code):

(i) abstract of judgment (Sec. 118.052, Local Government Code) . . . \$5; and

(ii) execution, order of sale, writ, or other process (Sec. 118.052, Local Government Code) . . . \$5;

(3) probate court actions (Sec. 118.052, Local Government Code):

(A) probate original action (Secs. 118.052 and 118.055, Local Government Code):

(i) probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) . . . \$40;

(ii) community survivors (Sec. 118.052, Local Government Code) . . . \$40;

(iii) small estates (Sec. 118.052, Local Government Code) . . . \$40;

(iv) declarations of heirship (Sec. 118.052, Local Government Code) . . . \$40;

(v) mental health or chemical dependency services (Sec. 118.052, Local Government Code) . . . \$40; and

(vi) additional, special fee (Secs. 118.052 and 118.064, Local Government Code) . . . \$5;

(B) services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):

(i) filing an inventory and appraisal (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;

(ii) approving and recording bond (Sec. 118.052, Local Government Code) . . . \$3;

(iii) administering oath (Sec. 118.052, Local Government Code) . . . \$2;

(iv) filing annual or final account of estate (Sec. 118.052, Local Government Code) . . . \$25;

(v) filing application for sale of real or personal property (Sec. 118.052, Local Government Code) . . . \$25;

(vi) filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) . . . \$10; and

(vii) filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages . . . \$25;

(C) adverse probate action (Secs. 118.052 and 118.057, Local Government Code) . . . \$40;

(D) claim against estate (Secs. 118.052 and 118.058, Local Government Code) . . . \$10;

(E) supplemental public [~~court initiated~~] guardianship and related services fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20; and

(F) supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;

(4) other fees (Sec. 118.052, Local Government Code):

(A) issuing document (Secs. 118.052 and 118.059, Local Government Code):

(i) original document and one copy (Sec. 118.052, Local Government Code) . . . \$4; and

(ii) each additional set of an original and one copy (Sec. 118.052, Local Government Code) . . . \$4;

(B) certified papers (Secs. 118.052 and 118.060, Local Government Code):

(i) for the clerk's certificate (Sec. 118.052, Local Government Code) . . . \$5; and

(ii) a fee per page or part of a page (Sec. 118.052, Local Government Code) . . . \$1;

(C) noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) . . . \$1;

(D) letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

(E) safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) . . . \$5;

(F) mail service of process (Secs. 118.052 and 118.063, Local Government Code) . . . same as sheriff; and

(G) records management and preservation fee (Secs. 118.052, 118.0546, and 118.0645, Local Government Code) . . . \$5;

(5) additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . \$10;

(6) on the filing of a civil suit, an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.154, Local Government Code) . . . \$42;

(7) additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

(8) additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . \$1;

(9) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not to exceed \$20; and

(10) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed \$35.

SECTION _____. Section 101.1013, Government Code, is amended to read as follows:

Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall collect fees and costs under the Local Government Code as follows:

(1) additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . \$10;

(2) additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

(3) probate court actions (Sec. 118.052, Local Government Code):

(A) probate original action (Secs. 118.052 and 118.055, Local Government Code):

(i) probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) . . . \$40;

- (ii) community survivors (Sec. 118.052, Local Government Code) . . . \$40;
 - (iii) small estates (Sec. 118.052, Local Government Code) . . . \$40;
 - (iv) declarations of heirship (Sec. 118.052, Local Government Code) . . . \$40;
 - (v) mental health or chemical dependency services (Sec. 118.052, Local Government Code) . . . \$40; and
 - (vi) additional, special fee (Secs. 118.052 and 118.064, Local Government Code) . . . \$5;
- (B) services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):
- (i) filing an inventory and appraisalment (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;
 - (ii) approving and recording bond (Sec. 118.052, Local Government Code) . . . \$3;
 - (iii) administering oath (Sec. 118.052, Local Government Code) . . . \$2;
 - (iv) filing annual or final account of estate (Sec. 118.052, Local Government Code) . . . \$25;
 - (v) filing application for sale of real or personal property (Sec. 118.052, Local Government Code) . . . \$25;
 - (vi) filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) . . . \$10; and
 - (vii) filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisalment or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages . . . \$25;
- (C) adverse probate action (Secs. 118.052 and 118.057, Local Government Code) . . . \$40;
- (D) claim against estate (Secs. 118.052 and 118.058, Local Government Code) . . . \$10;
- (E) supplemental public [court-initiated] guardianship and related services fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20; and
- (F) supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;
- (4) other fees (Sec. 118.052, Local Government Code):
- (A) issuing document (Secs. 118.052 and 118.059, Local Government Code):
- (i) original document and one copy (Sec. 118.052, Local Government Code) . . . \$4; and
 - (ii) each additional set of an original and one copy (Sec. 118.052, Local Government Code) . . . \$4;
- (B) certified papers (Secs. 118.052 and 118.060, Local Government Code):

(i) for the clerk's certificate (Sec. 118.052, Local Government Code) . . . \$5; and

(ii) a fee per page or part of a page (Sec. 118.052, Local Government Code) . . . \$1;

(C) noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) . . . \$1;

(D) letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

(E) safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) . . . \$5;

(F) mail service of process (Secs. 118.052 and 118.063, Local Government Code) . . . same as sheriff; and

(G) records management and preservation fee (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5; and

(5) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed \$35.

SECTION _____. Section 101.1214, Government Code, is amended to read as follows:

Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a county court shall collect the following fees and costs under the Local Government Code:

(1) additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

(2) civil court actions (Sec. 118.052, Local Government Code):

(A) filing of original action (Secs. 118.052 and 118.053, Local Government Code):

(i) garnishment after judgment (Sec. 118.052, Local Government Code) . . . \$15; and

(ii) all others (Sec. 118.052, Local Government Code) . . . \$40;

(B) filing of action other than original (Secs. 118.052 and 118.054, Local Government Code) . . . \$30; and

(C) services rendered after judgment in original action (Secs. 118.052 and 118.0545, Local Government Code):

(i) abstract of judgment (Sec. 118.052, Local Government Code) . . . \$5; and

(ii) execution, order of sale, writ, or other process (Sec. 118.052, Local Government Code) . . . \$5;

(3) probate court actions (Sec. 118.052, Local Government Code):

(A) probate original action (Secs. 118.052 and 118.055, Local Government Code):

(i) probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) . . . \$40;

- (ii) community survivors (Sec. 118.052, Local Government Code) . . . \$40;
 - (iii) small estates (Sec. 118.052, Local Government Code) . . . \$40;
 - (iv) declarations of heirship (Sec. 118.052, Local Government Code) . . . \$40;
 - (v) mental health or chemical dependency services (Sec. 118.052, Local Government Code) . . . \$40; and
 - (vi) additional, special fee (Secs. 118.052 and 118.064, Local Government Code) . . . \$5;
- (B) services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):
- (i) filing an inventory and appraisalment (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;
 - (ii) approving and recording bond (Sec. 118.052, Local Government Code) . . . \$3;
 - (iii) administering oath (Sec. 118.052, Local Government Code) . . . \$2;
 - (iv) filing annual or final account of estate (Sec. 118.052, Local Government Code) . . . \$25;
 - (v) filing application for sale of real or personal property (Sec. 118.052, Local Government Code) . . . \$25;
 - (vi) filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) . . . \$10; and
 - (vii) filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisalment or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages . . . \$25;
- (C) adverse probate action (Secs. 118.052 and 118.057, Local Government Code) . . . \$40;
- (D) claim against estate (Secs. 118.052 and 118.058, Local Government Code) . . . \$10;
- (E) supplemental public [court-initiated] guardianship and related services fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20; and
- (F) supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;
- (4) other fees (Sec. 118.052, Local Government Code):
- (A) issuing document (Secs. 118.052 and 118.059, Local Government Code):
- (i) original document and one copy (Sec. 118.052, Local Government Code) . . . \$4; and
 - (ii) each additional set of an original and one copy (Sec. 118.052, Local Government Code) . . . \$4;
- (B) certified papers (Secs. 118.052 and 118.060, Local Government Code):

(i) for the clerk's certificate (Sec. 118.052, Local Government Code) . . . \$5; and

(ii) a fee per page or part of a page (Sec. 118.052, Local Government Code) . . . \$1;

(C) noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) . . . \$1;

(D) letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

(E) safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) . . . \$5;

(F) mail service of process (Secs. 118.052 and 118.063, Local Government Code) . . . same as sheriff; and

(G) records management and preservation fee (Secs. 118.052, 118.0546, and 118.0645, Local Government Code) . . . \$5;

(5) deposit on filing petition requesting permission to create a municipal civic center authority (Sec. 281.013, Local Government Code) . . . \$200;

(6) additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

(7) additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . \$1;

(8) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not to exceed \$20;

(9) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed \$35;

(10) additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . \$10; and

(11) on the filing of a civil suit an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.154, Local Government Code) . . . \$42.

SECTION _____. Section 155.001, Government Code, is amended by amending Subdivisions (4), (6), and (6-a) and adding Subdivisions (5-a) and (6-b) to read as follows:

(4) "Guardianship program" means a local, county, or regional program, other than an office of public guardian, that provides guardianship and related services to an incapacitated person or other person who needs assistance in making decisions concerning the person's own welfare or financial affairs.

(5-a) "Office of public guardian" has the meaning assigned by Section 1002.0215, Estates Code.

(6) "Private professional guardian" means a person, other than an attorney, ~~[or]~~ a corporate fiduciary, or an office of public guardian, who is engaged in the business of providing guardianship services.

(6-a) "Public guardian" has the meaning assigned by Section 1002.0265, Estates Code.

(6-b) Notwithstanding Section 151.001, "registration" means registration of a guardianship under this chapter.

SECTION _____. Subchapter B, Chapter 155, Government Code, is amended by adding Section 155.053 to read as follows:

Sec. 155.053. MONITORING OF COUNTY PUBLIC GUARDIANSHIP AND RELATED SERVICES FUNDS. The office shall monitor counties to ensure money is appropriately deposited into the public guardianship and related services funds established by counties under Section 118.067, Local Government Code, and being used in compliance with that section. Not later than December 1 of each year, the office shall submit a report to the legislature detailing how money in the funds is being used by counties across the state.

SECTION _____. Section 155.101(a), Government Code, is amended to read as follows:

(a) The commission shall adopt minimum standards for:

(1) the provision of guardianship services or other similar but less restrictive types of assistance or services by:

(A) individuals employed by or contracting with guardianship programs to provide the assistance or services on behalf of the programs; and

(B) private professional guardians; ~~and~~

(2) the provision of guardianship services by the Health and Human Services Commission; and

(3) the provision of guardianship services by offices of public guardians ~~[Department of Aging and Disability Services or its successor agency].~~

SECTION _____. Section 155.102(a), Government Code, is amended to read as follows:

(a) To provide guardianship services in this state, the following individuals must hold a certificate issued under this section:

(1) an individual who is a private professional guardian;

(2) an individual who will provide those services to a ward of a private professional guardian on the guardian's behalf; ~~and~~

(3) an individual, other than a volunteer, who will provide those services or other services under Section 161.114, Human Resources Code, to a ward of a guardianship program or the Health and Human Services Commission ~~[Department of Aging and Disability Services]~~ on the program's or commission's ~~[department's]~~ behalf;

(4) an individual who is a public guardian; and

(5) an individual who will provide those services to a ward of an office of public guardian.

SECTION _____. Section 155.105, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Not later than January 31 of each year, each office of public guardian shall provide to the commission a report containing for the preceding year:

- (1) the number of wards served by the office;
- (2) the total amount of any money received from this state for the provision of guardianship services; and
- (3) the amount of money received from any other public source, including a county or the federal government, for the provision of guardianship services, reported by source, and the total amount of money received from those public sources.

SECTION _____. Section 411.1386(a), Government Code, is amended 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 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) a public guardian, as defined by Section 1002.0265(1), Estates Code;

(6) each person who represents or plans to represent the interests of a ward as a guardian on behalf of an office of public guardian;

(7) each person employed by an office of public guardian, as defined by Section 1002.0215, Estates Code, 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; or

(8) any other person proposed to serve as a guardian under Title 3, Estates Code, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

SECTION _____. Section 161.103, Human Resources Code, is amended to read as follows:

Sec. 161.103. CONTRACT FOR GUARDIANSHIP SERVICES. (a) If appropriate, the commission [~~department~~] may contract with a political subdivision of this state, a guardianship program as defined by Section 1002.016, Estates Code, a private agency, or another state agency for the provision of guardianship services under this section.

(b) A contract under Subsection (a) may allow for the provision of guardianship services by an office of public guardian, as defined by Section 1002.0215, Estates Code.

SECTION _____. Section 118.052, Local Government Code, is amended to read as follows:

Sec. 118.052. FEE SCHEDULE. Each clerk of a county court shall collect the following fees for services rendered to any person:

(1) CIVIL COURT ACTIONS

(A) Filing of Original Action (Sec. 118.053):

(i) Garnishment after judgment . . . \$15.00

(ii) All others . . . \$40.00

(B) Filing of Action Other than Original (Sec. 118.054) . . . \$30.00

(C) Services Rendered After Judgment in Original Action (Sec.

118.0545):

(i) Abstract of judgment . . . \$ 5.00

(ii) Execution, order of sale, writ, or other process . . . \$ 5.00

(2) PROBATE COURT ACTIONS

(A) Probate Original Action (Sec. 118.055):

(i) Probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title . . . \$40.00

(ii) Community survivors . . . \$40.00

(iii) Small estates . . . \$40.00

(iv) Declarations of heirship . . . \$40.00

(v) Mental health or chemical dependency services . . . \$40.00

(vi) Additional, special fee (Sec. 118.064) . . . \$ 5.00

(B) Services in Pending Probate Action (Sec. 118.056):

(i) Filing an inventory and appraisal as provided by Section 118.056(d) . . . \$25.00

(ii) Approving and recording bond . . . \$ 3.00

(iii) Administering oath . . . \$ 2.00

(iv) Filing annual or final account of estate . . . \$25.00

(v) Filing application for sale of real or personal property . . . \$25.00

(vi) Filing annual or final report of guardian of a person . . . \$10.00

(vii) Filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first, if more than 25 pages . . . \$25.00

(C) Adverse Probate Action (Sec. 118.057) . . . \$40.00

(D) Claim Against Estate (Sec. 118.058) . . . \$10.00

(E) Supplemental Public ~~[Court Initiated]~~ Guardianship and Related Services Fee in Probate Original Actions and Adverse Probate Actions (Sec. 118.067) . . . \$20.00

(F) Supplemental Public Probate Administrator Fee For Counties That Have Appointed a Public Probate Administrator (Sec. 118.068) . . . \$10.00

(3) OTHER FEES

(A) Issuing Document (Sec. 118.059):

original document and one copy . . . \$ 4.00

each additional set of an original and one copy . . . \$ 4.00

(B) Certified Papers (Sec. 118.060):

for the clerk's certificate . . . \$ 5.00

plus a fee per page or part of a page of . . . \$ 1.00

(C) Noncertified Papers (Sec. 118.0605):

for each page or part of a page . . . \$ 1.00

(D) Letters Testamentary, Letter of Guardianship, Letter of Administration, or Abstract of Judgment (Sec. 118.061) . . . \$ 2.00

(E) Deposit and Safekeeping of Wills (Sec. 118.062) . . . \$ 5.00

(F) Mail Service of Process (Sec. 118.063) . . . same as sheriff

(G) Records Management and Preservation Fee . . . \$ 5.00

(H) Records Technology and Infrastructure Fee if authorized by the commissioners court of the county (Sec. 118.026) . . . \$ 2.00

SECTION _____. Section 118.067, Local Government Code, is amended to read as follows:

Sec. 118.067. SUPPLEMENTAL PUBLIC ~~[COURT INITIATED]~~ GUARDIANSHIP AND RELATED SERVICES FEE. (a) The "supplemental public ~~[court initiated]~~ guardianship and related services fee" under Section 118.052(2)(E) is for the support of guardianship services provided by public guardians, as defined by Section 1002.0265 [the judiciary in guardianships initiated under Chapter 1102], Estates Code, or guardianship and other less restrictive alternative services provided to indigent incapacitated persons who do not have family members suitable and willing to serve as guardians or provide less restrictive alternative services. Fees collected under Section 118.052(2)(E) shall be deposited in a public ~~[court initiated]~~ guardianship and related services fund in the county treasury and may be used only to supplement, rather than supplant, other available county funds used to fund guardianship services or other less restrictive alternative services provided to individuals who are indigent[-

~~(1) pay the compensation of a guardian ad litem appointed by a court under Section 1102.001, Estates Code;~~

~~(2) pay the compensation of an attorney ad litem appointed by a court to represent a proposed ward in a guardianship proceeding initiated under Chapter 1102, Estates Code; and~~

~~(3) fund local guardianship programs that provide guardians for indigent incapacitated persons who do not have family members suitable and willing to serve as guardians].~~

(b) The supplemental public [~~court-initiated~~] guardianship and related services fee is charged for:

(1) a probate original action described by Section 118.055 and for which a fee is charged in accordance with Section 118.052(2)(A)(i), (ii), (iii), (iv), or (v); and

(2) an adverse probate action described by Section 118.057 and for which a fee is charged in accordance with Section 118.052(2)(C).

(c) The supplemental public [~~court-initiated~~] guardianship and related services fee must be paid by the person against whom the fee for a probate original action or adverse probate action, as applicable, is charged and is due at the time that fee is due.

(d) The supplemental public [~~court-initiated~~] guardianship and related services fee is in addition to all other fees charged in probate original actions and adverse probate actions.

SECTION _____. Not later than January 1, 2020, the supreme court shall adopt rules necessary to implement Subchapter G-1, Chapter 1104, Estates Code, as added by this Act, including rules governing the transfer of a guardianship of the person or of the estate of a ward, or both, if appropriate, to an office of public guardian established under that subchapter or a public guardian contracted under that subchapter.

(2) On page 10, line 3, between "," and "or", insert "an office of public guardian".

(3) On page 12, line 24, between "," and "or", insert "an office of public guardian".

(4) On page 21, between lines 19 and 20, insert the following:

(g) The following provisions of this Act apply only to the appointment of a guardian of the person or of the estate of a ward, or both, made on or after July 1, 2020:

(1) Sections 1002.0215 and 1002.0265 and Subchapter G-1, Chapter 1104, Estates Code, as added by this Act;

(2) Sections 1104.251(a), 1104.402(a), 1104.409, 1155.151(a-2), 1163.005(a), and 1163.101(c), Estates Code, as amended by this Act;

(3) Sections 101.0814, 101.1013, 101.1214, 155.001(4), (6), and (6-a), 155.101(a), 155.102(a), and 411.1386(a), Government Code, as amended by this Act;

(4) Sections 155.001(5-a) and (6-b), 155.053, and 155.105(b-1), Government Code, as added by this Act;

(5) Section 161.103, Human Resources Code, as amended by this Act;
and

(6) Sections 118.052 and 118.067, Local Government Code, as amended by this Act.

(h) Notwithstanding any other law, a person who, immediately before July 1, 2020, is serving as guardian of the person or of the estate of a ward, or both, who, under Section 1104.334, Estates Code, as added by this Act, would be

eligible for appointment of an office of public guardian as the ward's guardian, may continue to serve as guardian of the person or of the estate of the ward, or both, unless otherwise removed as provided by law.

(Huberty now present)

A record vote was requested by Representative Stickland.

Amendment No. 2 was adopted by (Record 1528): 76 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Beckley; Bernal; Blanco; Bohac; Bowers; Bucy; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, T.; Leach; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales; Neave; Nevárez; Ortega; Pacheco; Patterson; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Stephenson; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zerwas; Zwiener.

Nays — Anchia; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Goldman; Harless; Harris; Hefner; Holland; Hunter; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leman; Lozano; Metcalf; Middleton; Miller; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Paul; Phelan; Price; Raney; Sanford; Schaefer; Shaheen; Smith; Smithee; Springer; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.; Minjarez.

Absent — Allen; Ashby; Huberty.

STATEMENT OF VOTE

When Record No. 1528 was taken, I was shown voting yes. I intended to vote no.

Patterson

Amendment No. 3

Representative Hinojosa offered the following amendment to **SB 667**:

Amend **SB 667** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 571.013, Health and Safety Code, is amended to read as follows:

Sec. 571.013. METHOD OF GIVING NOTICE. Except as otherwise provided by this subtitle, notice required under this subtitle may be given by:

(1) personal delivery of [delivering] a copy of the notice or document by a constable or sheriff of the county; [in person] or

(2) [in] another manner directed by the court that is reasonably calculated to give actual notice.

SECTION _____. Section 571.014(c), Health and Safety Code, is amended to read as follows:

(c) A person may [initially] file a paper with the county clerk by the use of reproduced, photocopied, or electronically transmitted paper copies of [if the person files] the original signed copies of the paper. A person who files a reproduced, photocopied, or electronically transmitted paper must maintain possession of the original signed copies of the paper and shall make the original paper available for inspection on request by the parties or the court [with the clerk not later than the 72nd hour after the hour on which the initial filing is made. If the 72-hour period ends on a Saturday, Sunday, or legal holiday, the filing period is extended until 4 p.m. on the first succeeding business day. If extremely hazardous weather conditions exist or a disaster occurs, the presiding judge or magistrate may by written order made each day extend the filing period until 4 p.m. on the first succeeding business day. The written order must declare that an emergency exists because of the weather or the occurrence of a disaster. If a person detained under this subtitle would otherwise be released because the original signed copy of a paper is not filed within the 72-hour period but for the extension of the filing period under this section, the person may be detained until the expiration of the extended filing period. This subsection does not affect another provision of this subtitle requiring the release or discharge of a person].

SECTION _____. Section 571.014(d), Health and Safety Code, is repealed.

Amendment No. 3 was adopted.

SB 667, as amended, was passed to third reading.

CSSB 25 ON SECOND READING

(C. Turner, Stucky, Howard, Frullo, Walle, et al. - House Sponsors)

CSSB 25, A bill to be entitled An Act relating to measures to facilitate the transfer, academic progress, and timely graduation of students in public higher education.

Amendment No. 1

Representative C. Turner offered the following amendment to CSSB 25:

Amend CSSB 25 (house committee report) as follows:

(1) On page 7, strike lines 5 through 7 and substitute the following appropriately numbered subdivision:

(_____) "General academic teaching institution" has the meaning assigned by Section 61.003.

(2) On page 10, at the end of line 1, add the following:

The board shall consider meta majors in the following academic disciplines:

(1) arts, humanities, communications, and design;

(2) business;

(3) education;

- (4) health sciences;
- (5) industry, manufacturing, and construction;
- (6) public safety;
- (7) science, technology, engineering, and mathematics; and
- (8) social and behavioral sciences and human services.

(3) On page 10, line 6, between "board" and the underlined colon, insert "in equal numbers".

(4) On page 12, strike lines 3 through 7 and substitute the following appropriately lettered subsection:

() Each quarter ending before November 1, 2020, the advisory committee shall submit to the chairs of the standing legislative committees with primary jurisdiction over higher education a report on the advisory committee's progress on the study and recommendations required under Subsection (e).

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

SECTION _____. Section 61.821, Education Code, is amended by adding Subdivision (4) to read as follows:

(4) "Meta major" means a collection of programs of study or academic disciplines that share common foundational skills.

Amendment No. 1 was adopted.

CSSB 25, as amended, was passed to third reading.

**HB 994 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 994, A bill to be entitled An Act relating to the procedures for protests and appeals of certain ad valorem tax determinations.

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 994**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 994**: Guillen, chair; Burrows, Muñoz, Murphy, and Noble.

**HB 2402 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2402, A bill to be entitled An Act relating to the eligibility of certain events to receive funding through the Major Events Reimbursement Program.

Representative Geren 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 2402**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2402**: Geren, chair; Darby, Goldman, T. King, and Kuempel.

**HB 1504 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1504, A bill to be entitled An Act relating to the continuation and functions of the Texas Medical Board; authorizing a fee.

Representative Paddie moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1504**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1504**: Paddie, chair; Lambert, Nevárez, Schaefer, and Toth.

FIVE-DAY POSTING RULE SUSPENDED

Representative Coleman moved to suspend the five-day posting rule to allow the Committee on County Affairs to consider invited testimony from the Attorney General and Texas Department of Public Safety regarding details surrounding the Sandra Bland case at 8 a.m. Friday, May 24 in E2.028.

The motion prevailed.

ADJOURNMENT

Representative Metcalf moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 11:14 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

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

Relating to posting of election information on the secretary of state's and each county's Internet website.

(Amended)

HB 963 Bell, Cecil SPONSOR: Taylor
Relating to a review by the State Board of Education of the essential knowledge and skills of the career and technology and technology applications curriculums.
(Committee Substitute/Amended)

HB 1002 Collier SPONSOR: West
Relating to the term of a parking permit issued to a residential tenant by a landlord.

HB 1177 Phelan SPONSOR: Creighton
Relating to carrying a concealed handgun following a mandatory evacuation order issued during a state of disaster.
(Committee Substitute)

HB 1435 Thompson, Ed SPONSOR: Birdwell
Relating to the inspection of a municipal solid waste management facility or site by the Texas Commission on Environmental Quality before a permit application is issued, amended, extended, or renewed.

HB 1455 Hunter SPONSOR: Buckingham
Relating to the audit of wholesale invoices during certain audits of pharmacists and pharmacies.

HB 1526 Bell, Cecil SPONSOR: Paxton
Relating to the treatment of a nursery stock weather protection unit as an implement of husbandry for ad valorem tax purposes.

HB 1552 Paul SPONSOR: Schwertner
Relating to the weapons proficiency of and the carrying of a handgun by qualified retired law enforcement officers.
(Amended)

HB 1590 Howard SPONSOR: Watson
Relating to statewide policies and practices, personnel training, evidence collection and preservation, and data collection and analysis regarding the prevention, investigation, and prosecution of sexual assault and other sex offenses.
(Committee Substitute)

HB 1633 Kuempel SPONSOR: Zaffirini
Relating to the imposition and rate of the county hotel occupancy tax in certain counties; authorizing the imposition of a tax.

HB 1711 Paddie SPONSOR: Paxton
Relating to the issuance of digital license plates; authorizing a fee.
(Committee Substitute/Amended)

HB 1743 King, Tracy O. SPONSOR: Creighton
Relating to the additional ad valorem tax and interest imposed as a result of a change of use of certain land.

HB 1949 Guillen SPONSOR: West

Relating to the criteria for awarding adult education and literacy program performance incentive funds.

(Amended)

HB 2050 Paddie SPONSOR: Kolkhorst
Relating to consent requirements for the prescription of certain psychoactive medications to residents of nursing facilities and related institutions.

(Amended)

HB 2424 Ashby SPONSOR: Fallon
Relating to the creation of a micro-credential certification program for public school educator continuing education.

(Committee Substitute)

HB 2439 Phelan SPONSOR: Buckingham
Relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

(Amended)

HB 2441 Wray SPONSOR: Paxton
Relating to the entitlement of a person who is disabled and elderly to receive a disabled residence homestead exemption from ad valorem taxation from one taxing unit and an elderly exemption from another taxing unit.

HB 2477 Coleman SPONSOR: Miles
Relating to automatic employee participation in and administration of a deferred compensation plan provided by certain hospital districts.

(Committee Substitute)

HB 2481 Metcalf SPONSOR: Creighton
Relating to the administration of a veterans treatment court program.

(Amended)

HB 2586 Leach SPONSOR: Hughes
Relating to political contributions and political expenditures made to or by political committees or other persons.

(Amended)

HB 2699 Goldman SPONSOR: Zaffirini
Relating to the permit and license examinations for hearing instrument fitters and dispensers.

HB 2755 Price SPONSOR: Alvarado
Relating to certain county and public health district fees.

HB 3100 Wray SPONSOR: Zaffirini
Relating to the confidentiality of certain registered voters.

HB 3233 Klick SPONSOR: Fallon
Relating to the Judicial Campaign Fairness Act.

HB 3365 Paul SPONSOR: Alvarado
Relating to the civil liability of certain persons providing disaster assistance.

HB 3753 Harless SPONSOR: Alvarado

Relating to the authority of a county fire marshal to provide fire-related training programs for first responders.

HB 4548 Wray SPONSOR: Birdwell
Relating to the creation and operations of health care provider participation programs in certain counties.

HB 4611 Huberty SPONSOR: Taylor
Relating to certain distributions to the available school fund.

HB 4723 Burns SPONSOR: Birdwell
Relating to the creation of the Belmont Municipal Utility District of Johnson County; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HJR 34 Shine SPONSOR: Bettencourt
Proposing a constitutional amendment authorizing the legislature to provide for a temporary exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster.
(Committee Substitute)

HJR 72 White SPONSOR: Huffman
Proposing a constitutional amendment permitting a person to hold more than one office as a municipal judge at the same time.

HJR 151 Huberty SPONSOR: Taylor
Proposing a constitutional amendment allowing increased distributions to the available school fund.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 20, 2019 - 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:

HB 76 Huberty SPONSOR: Alvarado
Relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.
(Committee Substitute/Amended)

- HB 680** Deshotel SPONSOR: Watson
Relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.
(Amended)
- HB 771** Davis, Sarah SPONSOR: Zaffirini
Relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.
(Amended)
- HB 864** Anchia SPONSOR: Birdwell
Relating to pipeline incidents; clarifying changes to related administrative penalties.
(Committee Substitute)
- HB 907** Huberty SPONSOR: Creighton
Relating to the regulation of aggregate production operations by the Texas Commission on Environmental Quality; increasing a fee; increasing administrative penalties.
(Committee Substitute)
- HB 961** Howard SPONSOR: Watson
Relating to the membership and training course requirements of a public school concussion oversight team and the removal of a public school student from an interscholastic athletic activity on the basis of a suspected concussion.
- HB 1026** Bohac SPONSOR: Hughes
Relating to instruction in positive character traits in public schools.
(Committee Substitute)
- HB 1130** Hinojosa SPONSOR: Alvarado
Relating to the issuance of Register to Vote specialty license plates.
- HB 1351** Cortez SPONSOR: Menéndez
Relating to the confidentiality of certain information concerning service members of the United States armed forces and the state military forces.
- HB 1386** Thompson, Senfronia SPONSOR: Zaffirini
Relating to training and development activities for persons who may interact with an individual with autism or other pervasive developmental disorder.
- HB 1523** Nevárez SPONSOR: Buckingham
Relating to the continuation of the regulation of land surveyors and the transfer of the regulation to the Texas Board of Professional Engineers and Land Surveyors, following the recommendations of the Sunset Advisory Commission; changing fees.
(Committee Substitute)
- HB 1694** Lambert SPONSOR: Johnson
Relating to limitations on food regulations at farms, farmers' markets, and cottage food production operations.
- HB 1884** Minjarez SPONSOR: Alvarado

Relating to the information provided to relative and other designated caregivers of children in the conservatorship of the Department of Family and Protective Services.

HB 2261 Walle SPONSOR: Hinojosa

Relating to the physician education loan repayment program.

(Amended)

HB 2299 Guerra SPONSOR: Flores

Relating to an exemption from licensing requirements for physicians associated with certain sports teams.

HB 2778 King, Tracy O. SPONSOR: Flores

Relating to the allocation of expenses of a joint election to certain school districts.

HB 2859 Capriglione SPONSOR: Fallon

Relating to the exemption from ad valorem taxation of precious metal held in a precious metal depository located in this state.

HB 3503 Anderson, Charles "Doc" SPONSOR: Schwertner

Relating to firearms training for county jailers.

HB 3557 Paddie SPONSOR: Birdwell

Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.

(Committee Substitute/Amended)

HB 4236 Anderson, Charles "Doc" SPONSOR: Birdwell

Relating to permitting the viewing of certain body worn camera recordings.

HB 4531 Neave SPONSOR: Zaffirini

Relating to the rights and treatment of and services provided to certain adult sexual assault survivors.

(Amended)

HB 4663 King, Phil SPONSOR: Fallon

Relating to the authority of the Parker County Hospital District to employ physicians.

HCR 120 Dean SPONSOR: Campbell

Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to George Benton Turner.

HJR 95 Capriglione SPONSOR: Fallon

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation precious metal held in a precious metal depository located in this state.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 20, 2019 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 8 Neave SPONSOR: Nelson
Relating to the criminal statute of limitations for certain sex offenses and the collection, analysis, and preservation of evidence of sexual assault and other sex offenses.

(Committee Substitute/Amended)

HB 72 White SPONSOR: Paxton
Relating to the provision of Medicaid benefits to certain children formerly in the conservatorship of the Department of Family and Protective Services.

(Committee Substitute)

HB 2984 Allison SPONSOR: Taylor
Relating to the essential knowledge and skills of the technology applications curriculum.

(Committee Substitute/Amended)

HB 3143 Murphy SPONSOR: West
Relating to the Property Redevelopment and Tax Abatement Act.

(Committee Substitute/Amended)

HB 4280 Morrison SPONSOR: Flores
Relating to the grant program distributing money from the transportation infrastructure fund.

(Amended)

HB 4714 Bell, Cecil SPONSOR: Creighton
Relating to the powers, duties, and governance of the Westwood Magnolia Parkway Improvement District; providing authority to impose taxes and issue bonds.

(Amended)

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 18

Senate Conferees: Huffman - Chair/Campbell/Creighton/Nelson/Zaffirini

SB 601

Senate Conferees: Hall - Chair/Birdwell/Buckingham/Campbell/Watson

SB 604

Senate Conferees: Buckingham - Chair/Birdwell/Hall/Nichols/Watson

SB 621

Senate Conferees: Nichols - Chair/Birdwell/Hall/Hancock/Watson

SB 668

Senate Conferees: Hughes - Chair/Campbell/Fallon/Hall/Paxton

SB 891

Senate Conferees: Huffman - Chair/Flores/Nelson/Schwertner/Zaffirini

SB 926

Senate Conferees: Hall - Chair/Bettencourt/Campbell/Creighton/Taylor

SB 944

Senate Conferees: Watson - Chair/Campbell/Hancock/Nichols/Paxton

SB 1096

Senate Conferees: Perry - Chair/Buckingham/Campbell/Flores/Kolkhorst

SB 1257

Senate Conferees: Huffman - Chair/Alvarado/Creighton/Flores/Nelson

SB 1511

Senate Conferees: Nichols - Chair/Bettencourt/Birdwell/Kolkhorst/Miles

SB 1742

Senate Conferees: Menéndez - Chair/Hancock/Nichols/Schwertner/Zaffirini

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 700

Senate Conferees: Powell - Chair/Creighton/Fallon/Flores/Zaffirini

HB 1397

Senate Conferees: Nichols - Chair/Campbell/Hancock/Menéndez/Whitmire

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 17

Agriculture and Livestock - **SB 814**

Appropriations - **SB 1205**

County Affairs - **SB 710**

Criminal Jurisprudence - **SB 1492**

Culture, Recreation, and Tourism - **SB 948, SB 1663**

Elections - **SB 1568**

Human Services - **SB 470, SB 1101, SB 1140, SB 1279, SB 2040**

Land and Resource Management - **SB 1326, SB 2474, SB 2475, SB 2477, SB 2478**

Natural Resources - **SB 2452, SJR 79**

Pensions, Investments, and Financial Services - **SB 1570, SB 1689**

Public Education - **SB 232, SB 426, SB 504, SB 712, SB 722, SB 723, SB 820, SB 1016, SB 1284, SB 1374, SB 1390, SB 1412, SB 1454, SB 2042, SB 2117, SB 2283**

Public Health - **SB 24, SB 420, SB 1882**

State Affairs - **SB 29, SB 59, SB 1033, SB 1978, SB 2485, SB 2486, SB 2487, SB 2488**

Transportation - **HR 1158, HR 1190, SB 1193, SB 2168, SB 2248**

Ways and Means - **SB 2194**

May 18

Criminal Jurisprudence - **SB 20**

Elections - **SB 9, SB 205, SB 751, SB 806, SB 974, SB 1980**

International Relations and Economic Development - **SB 756, SB 2072, SB 2077, SB 2152, SB 2202, SB 2296**

Land and Resource Management - **SB 421**

Licensing and Administrative Procedures - **SB 2410**

State Affairs - **SB 808, SB 2089**

Ways and Means - **SB 288, SB 1029, SB 1294**

May 19

Public Education - **SB 11** (corrected)

ENGROSSED

May 17 - HB 4765

ENROLLED

May 17 - HB 80, HB 259, HB 452, HB 504, HB 531, HB 553, HB 558, HB 639, HB 918, HB 1168, HB 1439, HB 1543, HB 1631, HB 1789, HB 2566, HB 2730, HB 2846, HB 2894, HB 3142, HB 3356, HB 3552, HB 4690

SENT TO THE GOVERNOR

May 17 - HB 18, HB 65, HB 111, HB 121, HB 674, HB 861, HB 869, HB 871, HB 883, HB 929, HB 985, HB 1039, HB 1074, HB 1249, HB 1256, HB 1279, HB 1374, HB 1417, HB 1418, HB 1439, HB 1443, HB 1483, HB 1488, HB 1516, HB 1537, HB 1570, HB 1597, HB 1667, HB 1702, HB 1757, HB 1779, HB 1820, HB 2240, HB 2320, HB 2340, HB 2351, HB 2380, HB 2452, HB 2502, HB 2624, HB 2634, HB 2650, HB 2867, HB 2952, HB 2963, HB 3106, HB 3329, HB 3442, HB 3913, HB 4174, HB 4456, HB 4649, HCR 19, HCR 42, HCR 74, HCR 131, HCR 137

SENT TO THE COMPTROLLER

May 18 - HB 4071

SIGNED BY THE GOVERNOR

May 17 - HB 81, HB 1518, HB 1802, HB 1953, HB 1995, HB 2016, HB 2153, HB 2223, HB 2263, HB 2641, HB 2675, HB 2714, HB 3226, HCR 152, HCR 163, HCR 165

