

HOUSE JOURNAL

EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIFTH DAY — SUNDAY, MAY 26, 2019

The house met at 3:04 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1942).

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

Absent, Excused — Johnson, E.

The invocation was offered by Representative Sherman as follows:

Lord Father, thank you for every seat that you've filled here in this Capitol. Thank you, Lord, for the families that they represent. Father God, we pray right now that you would forgive us for the thoughts that we've had that were not pleasing to you. Lord, forgive us, for the Lord knows we've said things that we shouldn't have said, and perhaps we've done things that we shouldn't have done, and for that we ask for your forgiveness. Finally, Father God, we ask for prayers for those who are admitted into hospitals, confined to nursing homes, and incarcerated in prisons, that Lord, they would see you in those that have the responsibility to take care of them. In Jesus' name we pray. Amen.

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

LEAVE OF ABSENCE GRANTED

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

E. Johnson on motion of Muñoz.

HR 2194 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2194**, suspending the limitations on the conferees for **SB 1742**.

HR 2195 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2195**, suspending the limitations on the conferees for **HB 3284**.

HR 2196 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2196**, suspending the limitations on the conferees for **HB 2847**.

HR 2182 - ADOPTED

(by **Tinderholt**)

Representative **Tinderholt** moved to suspend all necessary rules to take up and consider at this time **HR 2182**.

The motion prevailed.

The following resolution was laid before the house:

HR 2182, Commemorating the 70th anniversary of the Arlington Board of Realtors.

HR 2182 was adopted.

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. 39).

(Goldman in the chair)

HR 2077 - ADOPTED

(by **Goodwin**)

Representative **Goodwin** moved to suspend all necessary rules to take up and consider at this time **HR 2077**.

The motion prevailed.

The following resolution was laid before the house:

HR 2077, Congratulating Jack Delli-Santi of Lake Travis High School on his victories at regional, state, and international science fairs.

HR 2077 was adopted.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

HR 2108 - ADOPTED

(by White)

Representative White moved to suspend all necessary rules to take up and consider at this time **HR 2108**.

The motion prevailed.

The following resolution was laid before the house:

HR 2108, In memory of Chief Mikko Colabe III Clem Fain Sylestine of the Alabama-Coushatta Tribe of Texas.

HR 2108 was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The chair recognized Representative White who introduced family members and friends of Chief Mikko Colabe III.

HR 2171 - ADOPTED

(by Raymond)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 2171**.

The motion prevailed.

The following resolution was laid before the house:

HR 2171, Congratulating journalist R. G. Ratcliffe on his retirement from Texas Monthly magazine.

HR 2171 was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 2171** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Raymond who introduced R.G. Ratcliffe.

HR 2167 - ADOPTED

(by White)

Representative White moved to suspend all necessary rules to take up and consider at this time **HR 2167**.

The motion prevailed.

The following resolution was laid before the house:

HR 2167, Congratulating Lawrence Wells on the 50th anniversary of his licensure with the State Bar of Texas.

HR 2167 was adopted.

HR 2170 - ADOPTED
(by White)

Representative White moved to suspend all necessary rules to take up and consider at this time **HR 2170**.

The motion prevailed.

The following resolution was laid before the house:

HR 2170, Congratulating Kerry Trest of KAT Excavation and Construction for receiving a patent for his invention, the Bulk Master Top.

HR 2170 was adopted.

HR 2148 - ADOPTED
(by Minjarez)

Representative Minjarez moved to suspend all necessary rules to take up and consider at this time **HR 2148**.

The motion prevailed.

The following resolution was laid before the house:

HR 2148, In memory of Fred G. Rodriguez of San Antonio.

HR 2148 was unanimously adopted by a rising vote.

On motion of Representative Cortez, the names of all the members of the house were added to **HR 2148** as signers thereof.

HR 2156 - ADOPTED
(by Farrar)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 2156**.

The motion prevailed.

The following resolution was laid before the house:

HR 2156, In memory of Rodolfo "Rudy" G. Sanchez of Rockdale.

HR 2156 was unanimously adopted by a rising vote.

HR 2183 - ADOPTED
(by Farrar)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 2183**.

The motion prevailed.

The following resolution was laid before the house:

HR 2183, Congratulating William Jefferson Adcock "Jeff" Spain of Boy Scout Troop No. 511 in Houston on attaining the rank of Eagle Scout.

HR 2183 was adopted.

HR 2198 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2198**, suspending the limitations on the conferees for **SB 20**.

HCR 189 - ADOPTED (by Geren)

The following privileged resolution was laid before the house:

HCR 189

WHEREAS, **HB 4181** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED by the 86th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction:

Strike added Section 306.008(e)(3), Government Code, and substitute the following:

(3) "Legislative employee" means:

(A) an employee of, assistant to, or credentialed intern for any part of the legislative branch of state government, including the house, the senate, a member of the house or senate, the lieutenant governor, an officer of the house or senate, a house or senate committee, a joint committee, or a legislative agency; or

(B) a person performing services under a contract entered into with the house, the senate, a house or senate committee, or a legislative agency.

HCR 189 was adopted by (Record 1943): 143 Yeas, 0 Nays, 6 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; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith;

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; Goldman(C); Holland; Middleton; Murr; Patterson.

Absent, Excused — Johnson, E.

(Speaker in the chair)

**HB 994 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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 to discharge the conferees and concur in the senate amendments to **HB 994**.

The motion to discharge the conferees and concur in the senate amendments to **HB 994** prevailed by (Record 1944): 148 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Senate Committee Substitute

CSHB 994, A bill to be entitled An Act relating to appeals to justice courts of certain ad valorem tax determinations.

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

SECTION 1. Chapter 42, Tax Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. APPEALS FROM APPRAISAL REVIEW BOARD
DETERMINATIONS IN CERTAIN COUNTIES

Sec. 42.35. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the appeal of an order issued by an appraisal review board that is located in a county:

- (1) that has a population of less than 45,500;
- (2) that shares a border with a county that has a population of 1.5 million or more and is within 200 miles of an international border; and
- (3) through which the Atascosa River flows.

Sec. 42.36. APPEALS TO JUSTICE COURT. (a) As an alternative to bringing an appeal under Section 42.01(a)(1) to a district court as provided by Subchapter B, a property owner may bring the appeal to a justice court if:

- (1) the appeal relates only to a claim of excessive appraisal of property that qualifies as the owner's residence homestead; and
- (2) the appraised value of the property as determined by the appraisal review board and stated in the order being appealed is \$500,000 or less.

(b) Venue of an action brought under Section 42.01(a)(1) in justice court is in any justice precinct in which the property that is the subject of the order being appealed is located.

(c) If the justice court determines that the justice court does not have jurisdiction of the appeal, the court shall dismiss the appeal. In that event, the property owner may appeal the order to a district court by filing a petition for review with the district court not later than the 30th day after the date of the dismissal.

(d) Sections 42.21, 42.23, 42.24, and 42.25 apply to an appeal brought under Section 42.01(a)(1) to a justice court in the same manner as those sections apply to an appeal brought under Section 42.01(a)(1) to a district court.

Sec. 42.37. REPRESENTATION IN JUSTICE COURT. In an appeal brought under Section 42.01(a)(1) to a justice court, an appraisal district may be, but is not required to be, represented by legal counsel.

Sec. 42.38. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2025.

SECTION 2. On the expiration of Subchapter B-1, Chapter 42, Tax Code, as added by this Act, the Office of Court Administration of the Texas Judicial System, using existing resources, shall conduct a study on that subchapter's effectiveness in increasing court efficiency and improving property owners' ability to exercise their appeal rights under Chapter 42, Tax Code. Not later than December 1, 2026, the office shall issue a report on the study to the appropriate standing committees of the house of representatives and the senate. The report must include the office's recommendation as to whether the legislature, in the next regular legislative session following the issuance of the report, should enact legislation similar to Subchapter B-1, Chapter 42, Tax Code, as added by this Act.

SECTION 3. An appeal under Subchapter B-1, Chapter 42, Tax Code, as added by this Act, that is pending on September 1, 2025, is governed by that subchapter as it existed on August 31, 2025, and that law is continued in effect for that purpose.

SECTION 4. The change in law made by this Act applies to the appeal of an order of an appraisal review board without regard to whether the order was issued before the effective date of this Act.

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

**HB 1634 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1634, A bill to be entitled An Act relating to the imposition and rate of the county hotel occupancy tax in certain counties; authorizing the imposition of a tax.

Representative Kuempel moved to discharge the conferees and concur in the senate amendments to **HB 1634**.

The motion to discharge the conferees and concur in the senate amendments to **HB 1634** prevailed by (Record 1945): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent — Toth.

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

Amend **HB 1634** (senate committee printing) in SECTION 1 of the bill, at the end of added Section 352.002(y), Tax Code (page 1, line 29), by inserting the following:

The tax imposed under this subsection does not apply to a hotel located in a municipality that:

(1) has a population of 50,000 or more;

(2) is the county seat of a county adjacent to the county to which this subsection applies; and

(3) imposes a tax under Chapter 351 applicable to the hotel.

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

Amend **HB 1634** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 351.101, Tax Code, is amended by adding Subsection (q) to read as follows:

(q) In addition to the purposes provided by Subsections (a) and (e), a municipality with a population of more than 10,000 that has a city hall located less than three miles from a space center operated by an agency of the federal government and that is wholly located in a county with a population of four million or more may use revenue from the hotel occupancy tax for the construction, improvement, enlarging, equipping, renovating, repairing, operation, and maintenance of a coliseum or multiuse facility and related infrastructure or a venue, as defined by Section 334.001(4), Local Government Code, that is related to the promotion of tourism, including a hotel, resort, or convention center facility located on land owned by the municipality or a nonprofit corporation acting on behalf of the municipality.

**HB 2287 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2287, A bill to be entitled An Act relating to the operations of certain municipal housing authorities.

Representative Moody moved to discharge the conferees and concur in the senate amendments to **HB 2287**.

The motion to discharge the conferees and concur in the senate amendments to **HB 2287** prevailed by (Record 1946): 145 Yeas, 2 Nays, 1 Present, not voting.

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

Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; 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; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Toth; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent — Perez.

Senate Committee Substitute

CSHB 2287, A bill to be entitled An Act relating to the operations of certain municipal housing authorities.

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

SECTION 1. Subchapter B, Chapter 392, Local Government Code, is amended by adding Section 392.0162 to read as follows:

Sec. 392.0162. AREA OF OPERATION OF CERTAIN MUNICIPAL HOUSING AUTHORITIES. (a) This section applies only to the operation of a municipal housing authority operating in a municipality that:

(1) has a population of more than 600,000; and

(2) is located in a county that has a population of 800,000 or more, the territorial boundary of which is contiguous to the international border.

(b) Notwithstanding Sections 392.014 and 392.017(b), a municipal housing authority may operate in:

(1) the municipality for which the authority is created; and

(2) the county described by Subsection (a)(2), other than the parts of the county:

(A) that are within the territorial boundaries of a municipality other than the municipality for which the authority is created; and

(B) in which another housing authority operates under this chapter.

(c) A municipal housing authority may begin operations in the area authorized under Subsection (b)(2) only if:

(1) the authority has completed and presented to the commissioners court of the county described by Subsection (a)(2) a needs assessment relating to the operation of the authority in the county; and

(2) after a public hearing considering the needs assessment provided under Subdivision (1), the commissioners court votes to approve the operation of the authority in the applicable area.

SECTION 2. This Act takes effect September 1, 2019.

HR 2180 - ADOPTED
(by Zerwas)

The following privileged resolution was laid before the house:

HR 2180, Suspending limitations on the conference committee jurisdiction for **HB 1**.

HR 2180 was adopted.

HB 1 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Zerwas submitted the conference committee report on **HB 1**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Nelson	Zerwas
Huffinan	G. Bonnen
Kolkhorst	S. Davis
Nichols	Longoria
Taylor	Walle
On the part of the senate	On the part of the house

Representative Zerwas moved to adopt the conference committee report on **HB 1**.

The motion to adopt the conference committee report on **HB 1** prevailed by (Record 1947): 148 Yeas, 1 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano;

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

Nays — Stickland.

Absent, Excused — Johnson, E.

The chair stated that **HB 1** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

HB 1 - STATEMENTS FOR INCLUSION IN THE JOURNAL

Representative Beckley submitted the following statement for inclusion in the journal:

Because it represents steps in the right direction, I voted yea on the 2020-2021 Appropriations Bill. It includes a substantial increase in funding for public schools; an increase in higher education funding; and funding for both human trafficking prevention and rape kit backlog testing programs.

However, **HB 1** slashed Medicaid funding by \$1 billion and does nothing to close the health care coverage gap in Texas. In a state that has some of the highest uninsured and maternal mortality rates in the nation, this is unacceptable. We should be increasing funds to provide health care for our most vulnerable, not cutting them. I hope that Texas one day makes the decision to prioritize the health and well-being of all its residents. I urge my colleagues to take that step in the next biennium.

Representative Goodwin submitted the following statement for inclusion in the journal:

HB 1 is an essential piece of legislative work and critical to the ongoing growth of Texas economy and the health of its people. Chairman Zerwas and members of the House Appropriations Committee are to be commended for their diligent effort on behalf of all Texans.

While I am supportive of the legislation, I do wish to note that a number of my constituents in House District 47 are state employees. Under **HB 1**, state employees and retirees did not receive a raise, nor is there additional funding for the Employee Retirement System or a cost-of-living increase for retired employees.

I intend to address this discrepancy in the legislative interim and during the next session.

REMARKS ORDERED PRINTED

Representative Zedler moved to print all remarks on **HB 1**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **HB 1**.]

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).

**HCR 190 - ADOPTED
(by Zerwas)**

The following privileged resolution was laid before the house:

HCR 190

WHEREAS, **HB 1** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED by the 86th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction:

At the end of the bill, add the following Article to the bill, numbered appropriately:

ARTICLE ____ . FORMULAS FOR MISSION SPECIFIC SUPPORT PILOT PROGRAMS

Notwithstanding Section 27, Article III of this Act:

(1) the mission specific Performance Based Research Operations formula established under Section 27(11) for The University of Texas Health Science Center at Houston is a pilot program, and the formula provided by that section is a pilot formula for the 2020-2021 biennium that expires at the end of the fiscal year ending August 31, 2021;

(2) the mission specific Performance Based Research Operations formula established under Section 27(12) for The University of Texas Health Science Center at San Antonio is a pilot program, and the formula provided by that section is a pilot formula for the 2020-2021 biennium that expires at the end of the fiscal year ending August 31, 2021; and

(3) the mission specific Multicategorical Teaching Hospital Support formula established under Section 27(13) for The University of Texas Medical Branch at Galveston is a pilot program, and the formula provided by that section is a pilot formula for the 2020-2021 biennium that expires at the end of the fiscal year ending August 31, 2021.

HCR 190 was adopted by (Record 1948): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole;

Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; 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.

Absent — Neave; Romero.

STATEMENTS OF VOTE

When Record No. 1948 was taken, I was in the house but away from my desk. I would have voted yes.

Neave

When Record No. 1948 was taken, I was in the house but away from my desk. I would have voted yes.

Romero

HR 2179 - ADOPTED

(by Zerwas)

The following privileged resolution was laid before the house:

HR 2179, Suspending limitations on the conference committee jurisdiction for **SB 500**.

HR 2179 was adopted by (Record 1949): 146 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez

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

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent — Rodriguez.

STATEMENT OF VOTE

When Record No. 1949 was taken, I was in the house but away from my desk. I would have voted yes.

Rodriguez

SB 500 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Zerwas submitted the conference committee report on **SB 500**.

SB 500 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MOODY: I just have some intent questions, and I appreciate the indulgence. Are you familiar with Article XVI, Section 6, of the Texas Constitution specifically relating to the provision that states no appropriation shall be made for private or individual purposes unless it is authorized by the Texas Constitution?

REPRESENTATIVE ZERWAS: I am.

MOODY: And are you aware of any provisions in the supplemental appropriations bill, **SB 500**, that might violate that article of the Constitution?

ZERWAS: I am not.

MOODY: So is it your intention to create a situation where there would be bracketed or limiting provisions negatively impacting upon private entities related to and provisions of **SB 500**?

ZERWAS: That is not.

MOODY: Thank you very much, Dr. Zerwas. I appreciate all of your work.

REMARKS ORDERED PRINTED

Representative Moody moved to print remarks between Representative Zerwas and Representative Moody on **SB 500**.

The motion prevailed.

Representative Zerwas moved to adopt the conference committee report on **SB 500**.

The motion to adopt the conference committee report on **SB 500** prevailed by (Record 1950): 146 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, 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; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent — Holland.

The chair stated that **SB 500** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

STATEMENT OF VOTE

When Record No. 1950 was taken, my vote failed to register. I would have voted yes.

Holland

SB 500 - STATEMENT FOR INCLUSION IN THE JOURNAL

Representative Anchia submitted the following statement for inclusion in the journal:

SB 500, the supplemental appropriations bill for fiscal year 2019, is meant to fund critically necessary items that depend on state monies. We are funding disaster recovery for communities still rebuilding after devastating storms and flooding. We are supplementing special education services to allow all students to thrive in school. We are funding priority health needs such as billions in a

Medicaid shortfall, state hospitals, and foster care. We are keeping our promise to our retired teachers who inspire our children to be the leaders of tomorrow. Our vote of "aye" is in support of those programs.

However, we do not support the \$100 million appropriation contained in Section 6 of **SB 500** to fund a military surge operation by the federal government along the Texas/Mexico border (the "Surge Provision"). **SCR 67**, which will be passed by both the house and the senate immediately following **SB 500**, will make technical corrections to the bill including removing the entirety of the Surge Provision.

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

SCR 67 - ADOPTED
(Zerwas - House Sponsor)

The following privileged resolution was laid before the house:

SCR 67, Instructing the enrolling clerk of the senate to make corrections in **SB 500**.

SCR 67 was adopted by (Record 1951): 147 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

STATEMENTS OF VOTE

When Record No. 1951 was taken, I was shown voting yes. I intended to vote no.

Biedermann

When Record No. 1951 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1951 was taken, I was shown voting yes. I intended to vote no.

Krause

When Record No. 1951 was taken, I was shown voting yes. I intended to vote no.

Lang

When Record No. 1951 was taken, I was shown voting yes. I intended to vote no.

Middleton

When Record No. 1951 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1951 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

LEAVES OF ABSENCE GRANTED

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

S. Davis on motion of Geren.

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

Bohac on motion of Miller.

SB 2432 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Sanford submitted the conference committee report on **SB 2432**.

Representative Sanford moved to adopt the conference committee report on **SB 2432**.

The motion to adopt the conference committee report on **SB 2432** prevailed by (Record 1952): 74 Yeas, 67 Nays, 1 Present, not voting.

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

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, Y.; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Klick; Landgraf; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Phelan; Ramos; Reynolds; Rodriguez; Rose; Rosenthal; Schaefer; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

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

Absent — Bowers; Burns; Deshotel; Romero; White.

STATEMENTS OF VOTE

When Record No. 1952 was taken, I was in the house but away from my desk. I would have voted no.

Bowers

When Record No. 1952 was taken, my vote failed to register. I would have voted no.

Burns

When Record No. 1952 was taken, I was shown voting yes. I intended to vote no.

Button

When Record No. 1952 was taken, I was in the house but away from my desk. I would have voted no.

Romero

When Record No. 1952 was taken, my vote failed to register. I would have voted no.

White

HB 1053 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Guillen submitted the following conference committee report on **HB 1053**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1053** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Lucio	Guillen
Creighton	Burns
Hinojosa	Leman
Nichols	Martinez
Schwertner	Meza
On the part of the senate	On the part of the house

HB 1053, A bill to be entitles An Act relating to the administration, powers, and duties of certain navigation districts; authorizing the imposition of a tax.

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

SECTION 1. Chapter 404, Acts of the 53rd Legislature, Regular Session, 1953, is amended by adding Section 11 to read as follows:

Sec. 11. (a) The District may sell, exchange, or lease real property or any interest in real property owned by it, whether the real property was acquired by gift or purchase, in settlement of any litigation, controversy, or claim in behalf of the District, or in any other manner, except that lands or flats heretofore purchased from the State of Texas under former Article 8225, Revised Civil Statutes of Texas, 1925, or granted by the State of Texas in any general or special act, may be sold only to the State of Texas or exchanged with the State of Texas for other lands or exchanged for adjacent littoral land as authorized by Section 61.117, Water Code. The District may impose restrictions on the development, use, and transfer of any real property or interest in real property, other than lands or flats purchased from the State of Texas under former Article 8225, Revised Civil Statutes of Texas, 1925, or granted by the State of Texas in any general or special act, in connection with its sale or exchange under this section.

(b) Except as provided by Subsection (d) of this section, before the District may sell or exchange real property, the Board shall determine by resolution that the land is no longer needed for use by the District in connection with the development of a navigation project.

(c) Except as provided by Subsection (d), (e), or (f) of this section, a sale or exchange of real property shall be made as provided by Sections 60.040-60.042, Water Code.

(d) The District may donate, exchange, convey, sell, or lease land, improvements, easements, or any other interests in real property to promote an authorized project. For the purposes of this subsection, "authorized project" means a project that includes the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements that are:

(1) for the purpose of economic development; and

(2) found by the board of directors to be required or suitable for the development, retention, or expansion of:

(A) manufacturing and industrial facilities;

(B) research and development facilities;

(C) military facilities;

(D) law enforcement facilities;

(E) transportation facilities;

(F) sewage or solid waste disposal facilities;

(G) recycling facilities;

(H) air or water pollution control facilities;

(I) facilities for the transmission and treatment of water;

(J) distribution centers;

(K) warehouse facilities;

(L) education or job training facilities; or

(M) corporate headquarters facilities.

(e) The District may donate, exchange, convey, sell, or lease a real property interest under Subsection (d) of this section for less than its fair market value and without complying with the notice and bidding requirements of Sections 60.040-60.042, Water Code.

(f) Narrow strips of real property resulting from boundary or surveying conflicts or similar causes, or from insubstantial encroachments by abutting real property owners, or real property of larger configuration that has been subject to encroachments by abutting real property owners for more than 25 years may be abandoned, released, exchanged, or transferred to such abutting owners on terms and conditions considered appropriate or advantageous to the District. The District may convey real property under this subsection for less than its fair market value and without complying with the notice and bidding requirements of Sections 60.040-60.042, Water Code.

(g) The District may grant easements over or on its real property on terms and conditions the Board determines to be advantageous to the District.

(h) The authority granted to the District by this section to dispose of interests in real property is in addition to any authority granted by Chapter 272, Local Government Code, and a disposition of an interest in real property under this section is exempt from the notice, bidding, and other requirements of Chapter 272, Local Government Code.

SECTION 2. Chapter 5013, Special District Local Laws Code, is amended by designating Sections 5013.001 and 5013.002 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 3. Section 5013.001, Special District Local Laws Code, is amended to read as follows:

Sec. 5013.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

- (1) "Authority" [~~"authority"~~] means the Port of Harlingen Authority.
- (2) "Port commission" means the governing body of the authority.
- (3) "Port commissioner" means a member of the port commission.
- (4) "Treasurer" means the treasurer of the authority.

SECTION 4. Chapter 5013, Special District Local Laws Code, is amended by adding Subchapter B, and a heading is added to that subchapter to read as follows:

SUBCHAPTER B. PORT COMMISSION

SECTION 5. Section 5013.003, Special District Local Laws Code, is transferred to Subchapter B, Chapter 5013, Special District Local Laws Code, as added by this Act, redesignated as Section 5013.051, and amended to read as follows:

Sec. 5013.051 [~~5013.003~~]. GOVERNING BODY. (a) The navigation and canal commission of the authority is called the port commission and is composed of port commissioners.

(b) The port commission shall divide the territory of the authority into four numbered single-member districts for electing port commissioners.

(c) The port commission may revise the single-member districts as necessary or appropriate.

(d) The port commission consists of five port commissioners. One port commissioner is elected from each single-member district, and one port commissioner is elected from the authority at large.

(e) Port commissioners serve staggered four-year terms.

(f) The port commissioner elected from the authority at large serves as the presiding officer of the port commission.

(g) The port commission shall hold an election to elect the appropriate number of port commissioners on the uniform election date in November of each odd-numbered year.

SECTION 6. Chapter 5013, Special District Local Laws Code, is amended by adding Subchapters C and D to read as follows:

SUBCHAPTER C. POWERS AND DUTIES

Sec. 5013.101. TREASURER. (a) The port commission:

(1) shall hire or appoint a treasurer; and

(2) may terminate or suspend the employment or appointment of the treasurer.

(b) The treasurer has the power and duties of a treasurer under Chapters 60 and 62, Water Code.

(c) Notwithstanding Section 62.152, Water Code, the treasurer shall pay all authority expenses from authority funds.

Sec. 5013.102. SALES AND LEASES. (a) Except as provided by this section, the provisions of Subchapter C, Chapter 60, Water Code, apply to all sales and leases entered into by the authority.

(b) Notwithstanding Section 60.039, Water Code, the authority may enter into a surface lease for a period of not more than 99 years.

(c) Notwithstanding Section 60.040, Water Code, the authority is not required to publish notice for a sale, easement, or lease for a period of not more than 99 years.

(d) Sections 60.041 and 60.042, Water Code, do not apply to a bid on real property to be sold by the authority.

SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 5013.151. MAINTENANCE AND OPERATION TAX; TAX RATE.

(a) The authority may impose an ad valorem tax at a rate not to exceed 10 cents on each \$100 valuation of all taxable property in the authority for the maintenance, operation, and upkeep of the authority and the improvements constructed by the authority.

(b) The authority may change the rate or suspend collection of the tax authorized by this section in the manner provided by law for official action by the authority, subject to the limitation prescribed by Subsection (a).

(c) Section 62.160, Water Code, does not apply to the authority.

Sec. 5013.152. SELECTION OF DEPOSITORY. (a) Except as provided by this section, the authority shall select a depository for the authority in the manner provided by Section 60.271, Water Code.

(b) The authority shall select a depository in a manner to ensure that authority funds are fully insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.

(c) The authority may select more than one institution to serve as a depository in order to comply with the requirement under Subsection (b).

SECTION 7. (a) In this section, "authority," "port commission," and "port commissioner" have the meanings assigned by Section 5013.001, Special District Local Laws Code, as amended by this Act.

(b) Not later than June 1, 2021, the port commission shall divide the territory of the authority into four numbered single-member districts as required by Section 5013.051, Special District Local Laws Code, as redesignated and amended by this Act.

(c) A port commissioner of the authority who is serving on the day before the effective date of this Act shall serve until a successor qualifies following an election under Subsection (d) of this section.

(d) On the uniform election date in November 2021, the port commission shall hold an election to elect one at-large port commissioner and four port commissioners from single-member districts.

(e) The five port commissioners elected under Subsection (d) of this section shall draw lots to determine which two port commissioners shall serve a term expiring December 1, 2023, and which three port commissioners shall serve a term expiring December 1, 2025.

(f) On the uniform election date in November 2023, the port commission shall hold an election to elect two port commissioners to terms of four years.

(g) On the uniform election date in 2025, the port commission shall hold an election to elect three port commissioners to terms of four years.

SECTION 8. (a) The legal notice of the intention to introduce a bill relating to the administration, powers, and duties of the Port of Harlingen Authority, setting forth the general substance of a bill relating to the administration, powers, and duties of the Port of Harlingen Authority, has been published as provided by law, and the notice and a copy of a bill relating to the administration, powers, and duties of the Port of Harlingen Authority have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and a copy of a bill relating to the administration, powers, and duties of the Port of Harlingen Authority to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to a bill relating to the administration, powers, and duties of the Port of Harlingen Authority with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of a bill relating to the administration, powers, and duties of the Port of Harlingen Authority are fulfilled and accomplished.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

Representative Guillen moved to adopt the conference committee report on **HB 1053**.

The motion to adopt the conference committee report on **HB 1053** prevailed by (Record 1953): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Absent — Harris; Sheffield.

STATEMENT OF VOTE

When Record No. 1953 was taken, I was in the house but away from my desk. I would have voted yes.

Harris

REMARKS ORDERED PRINTED

Representative Wu moved to print all remarks on **SB 2432**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **SB 2432**.]

HR 2205 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2205**, suspending the limitations on the conferees for **HB 3906**.

SB 926 - CONFERENCE COMMITTEE REPORT

Representative Middleton submitted the conference committee report on **SB 926**.

SB 926 - POINT OF ORDER

Representative K. King raised a point of order against further consideration of the conference committee report on **SB 926** under Rule 8, Section 10(b), of the House Rules on the grounds that the bill is limited in application to one or more political subdivisions by means of artificial devices.

The point of order was withdrawn.

Representative Middleton moved to postpone consideration of **SB 926** until 10 a.m. Tuesday, May 28.

The motion prevailed.

HB 1735 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Howard submitted the following conference committee report on **HB 1735**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1735** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Watson	Howard
Creighton	Button
Huffman	Fruzzo
Powell	Lozano
Taylor	C. Turner
On the part of the senate	On the part of the house

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

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

SECTION 1. Chapter 51, Education Code, is amended by adding Subchapter E-3 to read as follows:

SUBCHAPTER E-3. SEXUAL HARASSMENT, SEXUAL ASSAULT,
DATING VIOLENCE, AND STALKING

Sec. 51.281. DEFINITIONS. In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Dating violence," "sexual assault," and "stalking" have the meanings assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f)(6)(A)).

(3) "Postsecondary educational institution" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003.

(4) "Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:

(A) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or

(B) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.

Sec. 51.282. POLICY ON SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING VIOLENCE, AND STALKING. (a) Each postsecondary educational institution shall adopt a policy on sexual harassment, sexual assault, dating violence, and stalking applicable to each student enrolled at and each employee of the institution. The policy must:

(1) include:

(A) definitions of prohibited behavior;

(B) sanctions for violations;

(C) the protocol for reporting and responding to reports of sexual harassment, sexual assault, dating violence, and stalking;

(D) interim measures to protect victims of sexual harassment, sexual assault, dating violence, or stalking during the pendency of the institution's disciplinary process, including protection from retaliation, and any other accommodations available to those victims at the institution; and

(E) a statement regarding:

(i) the importance of a victim of sexual harassment, sexual assault, dating violence, or stalking going to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident;

(ii) the right of a victim of sexual harassment, sexual assault, dating violence, or stalking to report the incident to the institution and to receive a prompt and equitable resolution of the report; and

(iii) the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement; and

(2) be approved by the institution's governing board before final adoption by the institution.

(b) Each postsecondary educational institution shall make the institution's sexual harassment, sexual assault, dating violence, and stalking policy available to students, faculty, and staff members by:

(1) including the policy in the institution's student handbook and personnel handbook; and

(2) creating and maintaining a web page dedicated solely to the policy that is easily accessible through a clearly identifiable link on the institution's Internet website home page.

(c) Each postsecondary educational institution shall require each entering freshman or undergraduate transfer student to attend an orientation on the institution's sexual harassment, sexual assault, dating violence, and stalking policy before or during the first semester or term in which the student is enrolled at the institution. The institution shall establish the format and content of the orientation. The orientation:

(1) may be provided online; and

(2) must include the statements described by Subsection (a)(1)(E).

(d) Each postsecondary educational institution shall develop and implement a comprehensive prevention and outreach program on sexual harassment, sexual assault, dating violence, and stalking. The program must:

(1) address a range of strategies to prevent sexual harassment, sexual assault, dating violence, and stalking, including a victim empowerment program, a public awareness campaign, primary prevention, bystander intervention, and risk reduction; and

(2) include providing to students information regarding the protocol for reporting incidents of sexual harassment, sexual assault, dating violence, and stalking adopted under Subsection (a), including the name, office location, and contact information of the institution's Title IX coordinator, by:

(A) e-mailing the information to each student at the beginning of each semester or other academic term; and

(B) including the information in the orientation required under Subsection (c).

(e) As part of the protocol for responding to reports of sexual harassment, sexual assault, dating violence, and stalking adopted under Subsection (a), each postsecondary educational institution shall:

(1) to the greatest extent practicable based on the number of counselors employed by the institution, ensure that each alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating violence, or stalking and any other person who reports such an incident are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and

(2) notwithstanding any other law, allow an alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating violence, or stalking to drop a course in which both parties are enrolled without any academic penalty.

(f) Each biennium, each postsecondary educational institution shall review the institution's sexual harassment, sexual assault, dating violence, and stalking policy and, with approval of the institution's governing board, revise the policy as necessary.

Sec. 51.285. VICTIM REQUEST NOT TO INVESTIGATE. (a) If an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking reported to a postsecondary educational institution requests the institution not to investigate the alleged incident, the institution may investigate the alleged incident in a manner that complies with the confidentiality requirements under Section 51.291. In determining whether to investigate the alleged incident, the institution shall consider:

(1) the seriousness of the alleged incident;

(2) whether the institution has received other reports of sexual harassment, sexual assault, dating violence, or stalking committed by the alleged perpetrator or perpetrators;

(3) whether the alleged incident poses a risk of harm to others; and

(4) any other factors the institution determines relevant.

(b) If a postsecondary educational institution decides not to investigate an alleged incident of sexual harassment, sexual assault, dating violence, or stalking based on the alleged victim's request not to investigate, the institution shall take any steps the institution determines necessary to protect the health and safety of the institution's community in relation to the alleged incident.

(c) A postsecondary educational institution shall inform an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking who requests the institution not to investigate the alleged incident of the institution's decision whether to investigate the alleged incident.

Sec. 51.286. DISCIPLINARY PROCESS FOR CERTAIN VIOLATIONS. A postsecondary educational institution that initiates a disciplinary process concerning an allegation that a student enrolled at the institution violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking shall:

(1) provide to the student and the alleged victim a prompt and equitable opportunity to present witnesses and other evidence relevant to the alleged violation during the disciplinary process;

(2) ensure that both the student and the alleged victim have reasonable and equitable access to all evidence relevant to the alleged violation in the institution's possession, including any statements made by the alleged victim or by other persons, information stored electronically, written or electronic communications, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality; and

(3) take reasonable steps to protect the student and the alleged victim from retaliation and harassment during the pendency of the disciplinary process.

Sec. 51.287. STUDENT WITHDRAWAL OR GRADUATION PENDING DISCIPLINARY CHARGES. (a) If a student withdraws or graduates from a postsecondary educational institution pending a disciplinary charge alleging that the student violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

(1) may not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and

(2) shall expedite the institution's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a speedy resolution.

(b) On request by another postsecondary educational institution, a postsecondary educational institution shall provide to the requesting institution information relating to a determination by the institution that a student enrolled at the institution violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

Sec. 51.288. TRAUMA-INFORMED INVESTIGATION TRAINING. Each peace officer employed by a postsecondary educational institution shall complete training on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking.

Sec. 51.289. MEMORANDA OF UNDERSTANDING REQUIRED. To facilitate effective communication and coordination regarding allegations of sexual harassment, sexual assault, dating violence, and stalking at the institution, a postsecondary educational institution shall enter into a memorandum of understanding with one or more:

(1) local law enforcement agencies;

(2) sexual harassment, sexual assault, dating violence, or stalking advocacy groups; and

(3) hospitals or other medical resource providers.

Sec. 51.290. RESPONSIBLE AND CONFIDENTIAL EMPLOYEE; STUDENT ADVOCATE. (a) Each postsecondary educational institution shall:

(1) designate:

(A) one or more employees to act as responsible employees for purposes of Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.); and

(B) one or more employees as persons to whom students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking; and

(2) inform each student enrolled at the institution of the responsible and confidential employees designated under Subdivision (1).

(b) A postsecondary educational institution may designate one or more students enrolled at the institution as student advocates to whom other students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking. The institution shall notify each student enrolled at the institution of the student advocates designated under this subsection.

(c) A confidential employee designated under Subsection (a)(1)(B) or a student advocate designated under Subsection (b) may not disclose any communication made by a student to the employee or advocate unless the student consents to the disclosure or the employee or advocate is required to make the disclosure under state or federal law.

Sec. 51.291. CONFIDENTIALITY. (a) The protections provided by this section apply to:

(1) an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking reported to a postsecondary educational institution;

(2) a person who reports to a postsecondary educational institution an incident of sexual harassment, sexual assault, dating violence, or stalking, who sought guidance from the institution concerning such an incident, or who participated in the institution's investigation of such an incident; and

(3) a person who is alleged in a report made to a postsecondary educational institution to have committed or assisted in the commission of sexual harassment, sexual assault, dating violence, or stalking if, after completing an investigation, the institution determines the report to be unsubstantiated or without merit.

(b) Unless waived in writing by the person, the identity of a person described by Subsection (a):

(1) is confidential and not subject to disclosure under Chapter 552, Government Code; and

(2) may be disclosed only to:

(A) the postsecondary educational institution to which the report described by Subsection (a) is made as necessary to conduct an investigation of the report;

(B) a law enforcement officer as necessary to conduct a criminal investigation of the report described by Subsection (a); or

(C) a health care provider in an emergency situation, as determined necessary by the institution.

(c) A disclosure under Subsection (b) is not a voluntary disclosure for purposes of Section 552.007, Government Code.

(d) Information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking disclosed to a health care provider or other medical provider employed by a postsecondary educational institution is confidential and may be shared by the provider only with the victim's consent. The provider must provide aggregate data or other nonidentifying information regarding those incidents to the institution's Title IX coordinator.

Sec. 51.292. COMPLIANCE. (a) If the coordinating board determines that a postsecondary educational institution is not in substantial compliance with this subchapter, the coordinating board may assess an administrative penalty against the institution in an amount not to exceed \$2 million. In determining the amount of the penalty, the coordinating board shall consider the nature of the violation and the number of students enrolled at the institution.

(b) If the coordinating board assesses an administrative penalty against a postsecondary educational institution under Subsection (a), the coordinating board shall provide to the institution written notice of the coordinating board's reasons for assessing the penalty.

(c) A postsecondary educational institution assessed an administrative penalty under Subsection (a) may appeal the penalty in the manner provided by Chapter 2001, Government Code.

(d) A postsecondary educational institution may not pay an administrative penalty assessed under Subsection (a) using state or federal money.

(e) An administrative penalty collected under this section shall be deposited to the credit of the sexual assault program fund established under Section 420.008, Government Code.

(f) The coordinating board shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over legislation concerning sexual assault at postsecondary educational institutions a report regarding compliance with this subchapter, including a summary of the postsecondary educational institutions found not to be in substantial compliance as provided by this section and any penalties assessed under this section during the preceding year.

Sec. 51.293. EQUAL ACCESS. In implementing the requirements under this subchapter, a postsecondary educational institution shall, to the greatest extent practicable, ensure equal access for students enrolled at or employees of the institution who are persons with disabilities. The institution shall make reasonable efforts to consult with a disability services office of the institution, advocacy groups for people with disabilities, and other relevant stakeholders to assist the institution with complying with the institution's duties under this section.

Sec. 51.294. ADVISORY COMMITTEE. (a) The commissioner of higher education shall establish an advisory committee to:

(1) make recommendations to the coordinating board regarding rules for adoption under Section 51.295; and

(2) develop recommended training for responsible and confidential employees designated under Section 51.290 and for Title IX coordinators at postsecondary educational institutions.

(b) The advisory committee consists of nine members appointed by the commissioner of higher education. Each member must be a chief executive officer of a postsecondary educational institution or a representative designated by that officer.

(c) The advisory committee shall annually review and, if necessary, update the training recommended under Subsection (a)(2).

Sec. 51.295. RULES. (a) The coordinating board shall adopt rules as necessary to implement and enforce this subchapter, including rules that:

(1) define relevant terms; and

(2) ensure implementation of this subchapter in a manner that 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).

(b) In adopting rules under this section, the coordinating board shall consult with relevant stakeholders.

SECTION 2. Sections 51.9365(b), (c), and (d), Education Code, are transferred to Subchapter E-3, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.283, Education Code, and amended to read as follows:

Sec. 51.283. ELECTRONIC REPORTING OPTION. (a) ~~(b)~~ Each postsecondary educational institution shall provide an option for a student enrolled at or an employee of the institution to electronically report to the institution an allegation of sexual harassment, sexual assault, dating violence, or stalking committed against or witnessed by the student or employee, regardless of the location at which the alleged offense occurred.

(b) ~~(c)~~ The electronic reporting option provided under Subsection (a) ~~(b)~~ must:

(1) enable a student or employee to report the alleged offense anonymously; and

(2) be easily accessible through a clearly identifiable link on the postsecondary educational institution's Internet website home page.

(c) ~~(d)~~ A protocol for reporting sexual assault adopted under Section 51.282 ~~[51.9363]~~ must comply with this section.

SECTION 3. Sections 51.9366(b), (c), (d), (e), and (f), Education Code, are transferred to Subchapter E-3, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.284, Education Code, and amended to read as follows:

Sec. 51.284. AMNESTY FOR STUDENTS REPORTING CERTAIN INCIDENTS. (a) ~~(b)~~ A postsecondary educational institution may not take any disciplinary action against a student enrolled at the institution who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the institution's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any.

(b) ~~[(e)]~~ A postsecondary educational institution may investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, or stalking was made in good faith.

(c) ~~[(d)]~~ A determination that a student is entitled to amnesty under Subsection (a) ~~[(b)]~~ is final and may not be revoked.

(d) ~~[(e)]~~ Subsection (a) ~~[(b)]~~ does not apply to a student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.

(e) ~~[(f)]~~ This section may not be construed to limit a postsecondary educational institution's ability to provide amnesty from application of the institution's policies in circumstances not described by Subsection (a) ~~[(b)]~~.

SECTION 4. The following provisions of the Education Code are repealed:

- (1) Section 51.9363;
- (2) the heading to Sections 51.9365 and 51.9366;
- (3) Sections 51.9365(a) and (e); and
- (4) Sections 51.9366(a) and (g).

SECTION 5. The changes in law made by this Act apply beginning August 1, 2020.

SECTION 6. Not later than September 1, 2021, the Texas Higher Education Coordinating Board shall submit its initial report required under Section 51.292(f), Education Code, as added by this Act.

SECTION 7. This Act takes effect September 1, 2019.

Representative Howard moved to adopt the conference committee report on **HB 1735**.

The motion to adopt the conference committee report on **HB 1735** prevailed by (Record 1954): 109 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bonnen; Bowers; Bucy; Burns; Burrows; Button; Canales; Clardy; Cole; Coleman; Collier; Cortez; Cyrier; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Lambert; Landgraf; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Biedermann; Buckley; Cain; Capriglione; Craddick; Dean; Frank; Harless; Hefner; Holland; King, P.; Krause; Lang; Leman; Metcalf; Middleton; Noble; Oliverson; Patterson; Sanford; Schaefer; Shaheen; Smith; Springer; Stickland; Swanson; Tinderholt; Toth; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

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

Absent — Calanni; Flynn; Frullo; Geren; Kuempel; Leach; Smithee.

STATEMENTS OF VOTE

When Record No. 1954 was taken, I was shown voting no. I intended to vote yes.

Buckley

When Record No. 1954 was taken, I was in the house but away from my desk. I would have voted yes.

Calanni

When Record No. 1954 was taken, I was shown voting yes. I intended to vote no.

Harris

When Record No. 1954 was taken, I was shown voting yes. I intended to vote no.

Landgraf

When Record No. 1954 was taken, I was shown voting yes. I intended to vote no.

Murr

When Record No. 1954 was taken, I was shown voting no. I intended to vote yes.

Shaheen

(Goldman in the chair)

HB 3148 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Parker submitted the following conference committee report on **HB 3148**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3148** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Bettencourt
Perry
Kolkhorst

Parker
Allison
Frank

Menéndez

Springer

Ortega

On the part of the senate

On the part of the house

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

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

SECTION 1. Subchapter B, Chapter 1003, Health and Safety Code, is amended by adding Sections 1003.0525 and 1003.0526 to read as follows:

Sec. 1003.0525. ADMINISTRATION OF SUBCHAPTER. The department shall administer this subchapter.

Sec. 1003.0526. INVESTIGATIONAL STEM CELL REGISTRY. The department shall establish and maintain an investigational stem cell registry that lists each physician who administers an investigational stem cell treatment under this subchapter.

SECTION 2. Section 1003.054(c), Health and Safety Code, is amended to read as follows:

(c) The executive commissioner by rule shall ~~may~~ adopt a form for the informed consent under this section. The form must provide notice that the department administers this subchapter.

SECTION 3. Section 1003.055(d), Health and Safety Code, is amended to read as follows:

(d) An institutional review board that oversees investigational stem cell treatments administered under this subchapter must meet one of the following conditions ~~be affiliated with~~:

(1) be affiliated with a medical school, as defined by Section 61.501, Education Code; ~~or~~

(2) be affiliated with a hospital licensed under Chapter 241 that has at least 150 beds;

(3) be accredited by the Association for the Accreditation of Human Research Protection Programs;

(4) be registered by the United States Department of Health and Human Services, Office for Human Research Protections, in accordance with 21 C.F.R. Part 56; or

(5) be accredited by a national accreditation organization acceptable to the Texas Medical Board.

SECTION 4. Section 1003.058(b), Health and Safety Code, is amended to read as follows:

(b) A governmental entity or an officer, employee, or agent of a governmental entity may not interfere with an eligible patient's access to or use of an investigational ~~stem cell treatment~~ [a] stem cell treatment authorized under this subchapter unless the treatment uses an adult stem cell product that is considered an adulterated or misbranded drug under Chapter 431. For purposes of this subsection, a governmental entity may not consider the adult stem cell product to be an adulterated or misbranded drug solely on the basis that the United States Food and Drug Administration has not approved the adult stem cell product.

SECTION 5. Subchapter B, Chapter 1003, Health and Safety Code, is amended by adding Section 1003.060 to read as follows:

Sec. 1003.060. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to:

(1) prohibit a physician from using adult stem cells for their intended homologous use if the stem cells are:

(A) produced by a manufacturer registered by the United States Food and Drug Administration; and

(B) commercially available; or

(2) require an institutional review board to oversee treatment using adult stem cells registered by the United States Food and Drug Administration for their intended homologous use.

SECTION 6. The Department of State Health Services may not establish the investigational stem cell registry described by Section 1003.0526, Health and Safety Code, as added by this Act, until September 1, 2027.

SECTION 7. This Act takes effect September 1, 2019.

Representative Parker moved to adopt the conference committee report on **HB 3148**.

The motion to adopt the conference committee report on **HB 3148** prevailed by (Record 1955): 141 Yeas, 0 Nays, 3 Present, not voting.

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

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

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

Absent — Deshotel; Frullo; Hernandez.

SB 2551 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Burrows submitted the conference committee report on **SB 2551**.

Representative Burrows moved to adopt the conference committee report on **SB 2551**.

The motion to adopt the conference committee report on **SB 2551** prevailed by (Record 1956): 140 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent — Bowers; Frullo; King, K.; Nevárez; Toth.

STATEMENT OF VOTE

When Record No. 1956 was taken, my vote failed to register. I would have voted yes.

Bowers

HB 1177 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Phelan submitted the following conference committee report on **HB 1177**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1177** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Creighton
Hall
Fallon

Phelan
G. Bonnen
Metcalf
Nevárez
White

On the part of the senate

On the part of the house

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

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

SECTION 1. Section 46.15, Penal Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) Section 46.02 does not apply to a person who carries a handgun if:

(1) the person carries the handgun while:

(A) evacuating from an area following the declaration of a state of disaster under Section 418.014, Government Code, or a local state of disaster under Section 418.108, Government Code, with respect to that area; or

(B) reentering that area following the person's evacuation;

(2) not more than 168 hours have elapsed since the state of disaster or local state of disaster was declared, or more than 168 hours have elapsed since the time the declaration was made and the governor has extended the period during which a person may carry a handgun under this subsection; and

(3) the person is not prohibited by state or federal law from possessing a firearm.

(l) Sections 46.02, 46.03(a)(1), (a)(2), (a)(3), and (a)(4), and 46.035(a), (a-1), (a-2), (a-3), (b)(1), (b)(5), and (b)(6) do not apply to a person who carries a handgun if:

(1) the person carries the handgun on the premises, as defined by the statute providing the applicable offense, of a location operating as an emergency shelter during a state of disaster declared under Section 418.014, Government Code, or a local state of disaster declared under Section 418.108, Government Code;

(2) the owner, controller, or operator of the premises or a person acting with the apparent authority of the owner, controller, or operator, authorized the carrying of the handgun;

(3) the person carrying the handgun complies with any rules and regulations of the owner, controller, or operator of the premises that govern the carrying of a handgun on the premises; and

(4) the person is not prohibited by state or federal law from possessing a firearm.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

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

Representative Phelan moved to adopt the conference committee report on **HB 1177**.

The motion to adopt the conference committee report on **HB 1177** prevailed by (Record 1957): 91 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddock; Cyrier; Darby; Davis, Y.; Dean; Farrar; Flynn; Frank; Geren; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Herrero; Holland; Huberty; Hunter; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Metcalf; Meyer; Middleton; Miller; Morales; Morrison; Murphy; Murr; Noble; Oliverson; Pacheco; 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 — Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Israel; Johnson, J.E.; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Muñoz; Neave; Nevárez; Ortega; 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; Goldman(C).

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

Absent — Deshotel; Frullo.

STATEMENTS OF VOTE

When Record No. 1957 was taken, I was shown voting yes. I intended to vote no.

Farrar

When Record No. 1957 was taken, I was shown voting yes. I intended to vote no.

Gutierrez

When Record No. 1957 was taken, I was shown voting yes. I intended to vote no.

Morales

HB 2858 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Toth submitted the following conference committee report on **HB 2858**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2858** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Creighton
Campbell
Johnson

Toth
Capriglione
Middleton
Patterson

On the part of the senate

On the part of the house

HB 2858, A bill to be entitled An Act relating to adoption of a uniform swimming pool and spa code for use in municipalities in this state.

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

SECTION 1. The heading to Subchapter C, Chapter 214, Local Government Code, is amended to read as follows:

SUBCHAPTER C. SWIMMING POOLS AND SPAS [~~POOL ENCLOSURES~~]

SECTION 2. Subchapter C, Chapter 214, Local Government Code, is amended by adding Section 214.103 to read as follows:

Sec. 214.103. INTERNATIONAL SWIMMING POOL AND SPA CODE.

(a) In this section, "International Swimming Pool and Spa Code" means the International Swimming Pool and Spa Code promulgated by the International Code Council.

(b) To protect the public health, safety, and welfare, the International Swimming Pool and Spa Code, as it existed on May 1, 2019, is adopted as the municipal swimming pool and spa code in this state.

(c) The International Swimming Pool and Spa Code applies to all construction, alteration, remodeling, enlargement, and repair of swimming pools and spas in a municipality that elects to regulate pools or spas, including under Section 214.101.

(d) A municipality may establish procedures for:

(1) the adoption of local amendments to the International Swimming Pool and Spa Code; and

(2) the administration and enforcement of the International Swimming Pool and Spa Code.

(e) A municipality may review and adopt amendments made by the International Code Council to the International Swimming Pool and Spa Code after May 1, 2019.

SECTION 3. This Act takes effect September 1, 2020.

Representative Toth moved to adopt the conference committee report on **HB 2858**.

The motion to adopt the conference committee report on **HB 2858** prevailed by (Record 1958): 135 Yeas, 6 Nays, 2 Present, not voting.

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

Nays — Burns; Cain; Krause; Lang; Patterson; Shaheen.

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

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

Absent — Deshotel; Frullo; González, M.; Tinderholt.

STATEMENTS OF VOTE

When Record No. 1958 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 1958 was taken, I was shown voting no. I intended to vote yes.

Patterson

When Record No. 1958 was taken, I was in the house but away from my desk. I would have voted yes.

Tinderholt

When Record No. 1958 was taken, I was shown voting yes. I intended to vote no.

Wilson

HB 3636 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Morrison submitted the following conference committee report on **HB 3636**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3636** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Kolkhorst
Whitmire
Perry
Huffman
Hall

Morrison
Cyrier
Gervin-Hawkins
Leman

On the part of the senate

On the part of the house

HB 3636, A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to DeWitt County.

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

SECTION 1. (a) Not later than December 31, 2029, and subject to Subsections (b), (c), and (d) of this section, the Texas Board of Criminal Justice shall transfer to DeWitt County the real property described by Section 2 of this Act.

(b) The transfer authorized by Subsection (a) of this section must be for consideration in an amount not less than the fair market value of the property. The historical fair market value of the real property as of December 2, 1992, shall be offered to establish the fair market value of the property.

(c) The General Land Office shall negotiate and close a transaction under this section on behalf of the Texas Board of Criminal Justice.

(d) Section 31.158, Natural Resources Code, does not apply to a transaction under this section.

SECTION 2. The real property held by the Texas Department of Criminal Justice is land being situated in DeWitt County, Texas, and more particularly described as follows:

BEING all that certain parcel or tract containing 100.00 Acres of land out of the Samuel Lockhart League A-28 located in DeWitt County, Texas, and being out of the easterly portion of a called 464.03-Acre tract described in deed to the Texas Department of Criminal Justice-State of Texas from the City of Cuero recorded in Vol. 360 Page 139 in the deed records of said County;

Said 100.00-Acre tract being bounded as follows:

1. On the north, by the northerly line of a said 464.03-Acre tract;
2. One the east, by the easterly line of said 464.03-Acre tract;
3. On the south, by the southerly line of said 464.03-Acre tract;
4. On the west, by a line being perpendicular to the southerly line of said 464.03-Acre tract, at a location sufficiently west of the easterly line of said 464.03-Acre tract so as to include exactly 100.00 Acres of land.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

Representative Morrison moved to adopt the conference committee report on **HB 3636**.

The motion to adopt the conference committee report on **HB 3636** prevailed by (Record 1959): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

HB 1734 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Holland submitted the following conference committee report on **HB 1734**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1734** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Lucio
Creighton
Huffman

Holland
Leach
J.E. Johnson

Powell
Taylor
On the part of the senate

Meyer
Martinez
On the part of the house

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

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

SECTION 1. Chapter 44, Education Code, is amended by adding Subchapter E and adding a subchapter heading to read as follows:

SUBCHAPTER E. LITIGATION INVOLVING SCHOOL DISTRICT FACILITY

SECTION 2. Section 46.0111, Education Code, is transferred to Subchapter E, Chapter 44, Education Code, as added by this Act, redesignated as Section 44.151, Education Code, and amended to read as follows:

Sec. 44.151 ~~[46.0111]~~. ACTIONS BROUGHT FOR DEFECTIVE DESIGN, CONSTRUCTION, RENOVATION, OR IMPROVEMENT OF SCHOOL DISTRICT [INSTRUCTIONAL] FACILITY. (a) In this section:

- (1) "Instructional facility" has the meaning assigned by Section 46.001.
- (2) "Net proceeds" means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.
- (3) ~~(2)~~ "State's share" means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Subchapter A, Chapter 46, [this subchapter] used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

(b) A school district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of a district [~~an instructional~~] facility financed by bonds [for which the district receives state assistance under this subchapter] shall provide the commissioner with written notice of the action by registered or certified mail, return receipt requested, not later than the 30th day after the date the action is filed. If the school district fails to comply with this subsection, the court or an arbitrator or other adjudicating authority shall dismiss the action without prejudice. The dismissal of an action under this subsection extends the statute of limitations on the action for a period of 90 days.

(b-1) The notice required under Subsection (b) must include:

- (1) a copy of the petition; and
- (2) an itemized list of the defects in the design, construction, renovation, or improvement for which the district is seeking damages under the action.

(c) In an action brought under Subsection (b) involving an instructional facility financed by bonds for which the school district receives state assistance under Subchapter A, Chapter 46, the [The] commissioner may join in the action on behalf of the state to protect the state's share in the action.

(d) A school district that brings an action under Subsection (b) shall use the net proceeds from the [an] action for:

(1) the [brought by the district for the defective design, construction, renovation, or improvement of an instructional facility financed by bonds for which the district receives state assistance under this subchapter to] repair of the defective design, construction, renovation, or improvement of the [instructional] facility on which the action is brought, including the repair of any ancillary damage to furniture and fixtures;

(2) the replacement of [or to replace] the facility on which the action is brought;

(3) the reimbursement of the district for a repair or replacement made under Subdivision (1) or (2); or

(4) any other purpose with written approval from the commissioner.

(d-1) Section 46.008 applies to the repair.

(e) A school district shall provide to the commissioner an itemized accounting of any repairs made under Subsection (d).

(f) The state's share resulting from an action brought under Subsection (b) involving an instructional facility financed by bonds for which the school district receives state assistance under Subchapter A, Chapter 46, is state property. The [school] district shall send to the comptroller any portion of the state's share not used by the [school] district to repair the defective design, construction, renovation, or improvement of the instructional facility on which the action is brought or to replace the facility. Section 42.258 applies to the state's share under this subsection.

SECTION 3. Subchapter E, Chapter 44, Education Code, as added by this Act, is amended by adding Section 44.152 to read as follows:

Sec. 44.152. ATTORNEY GENERAL ENFORCEMENT OF SCHOOL DISTRICT DUTIES FOLLOWING CERTAIN ACTIONS; REPORT. (a) If the attorney general believes that a school district has violated or is violating Section 44.151(d), (e), or (f), the attorney general may, after providing at least two weeks' notice to the district, bring an action on behalf of the state to enjoin the district from violating those sections.

(b) In an action brought under Subsection (a), the attorney general may request and the court may order any other appropriate relief that is in the public interest, including payment of:

(1) a civil penalty in an amount not to exceed \$20,000 for each violation of Section 44.151(d), (e), or (f);

(2) the attorney general's reasonable costs for investigating and prosecuting the violation; or

(3) if applicable, the amount of the state's share under Section 44.151(f).

(c) Not later than December 1 of each year, the attorney general shall submit to the governor, the lieutenant governor, the members of the legislature, and the commissioner a report on any actions brought under this section during the preceding year. The report must include the following information for each action:

- (1) the filing date;
- (2) the cause number;
- (3) the school district that is the subject of the action; and
- (4) the court in which the action was brought.

SECTION 4. Section 44.151, Education Code, as transferred, redesignated, and amended by this Act, applies only to an action brought on or after the effective date of this Act. An action brought before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

Representative Holland moved to adopt the conference committee report on **HB 1734**.

The motion to adopt the conference committee report on **HB 1734** prevailed by (Record 1960): 123 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cole; Coleman; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; 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; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Rodriguez; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas.

Nays — Anchia; Bernal; Blanco; Bucy; Calanni; Collier; Davis, Y.; González, J.; González, M.; Hinojosa; Lopez; Moody; Nevárez; Ortega; Reynolds; Romero; Rose; Rosenthal; Thierry; Turner, J.; Zwiener.

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

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

Absent — Hunter.

STATEMENTS OF VOTE

When Record No. 1960 was taken, I was shown voting yes. I intended to vote no.

Neave

When Record No. 1960 was taken, I was shown voting yes. I intended to vote no.

Ramos

When Record No. 1960 was taken, I was shown voting yes. I intended to vote no.

C. Turner

When Record No. 1960 was taken, I was shown voting yes. I intended to vote no.

Wu

HB 1313 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative P. King submitted the following conference committee report on **HB 1313**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1313** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Birdwell
Buckingham
Hinojosa
Lucio
Paxton

Sanford
Guillen
Murphy
Calanni
P. King

On the part of the senate

On the part of the house

HB 1313, A bill to be entitled An Act relating to ad valorem taxation.

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

SECTION 1. Section 11.26, Tax Code, is amended by amending Subsection (i) and adding Subsection (i-1) to read as follows:

(i) If an individual who qualifies for the exemption provided by Section 11.13(c) [~~for an individual 65 years of age or older~~] dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if:

(1) the surviving spouse is 55 years of age or older when the individual dies; and

(2) the residence homestead of the individual:

(A) is the residence homestead of the surviving spouse on the date that the individual dies; and

(B) remains the residence homestead of the surviving spouse.

(i-1) A limitation under Subsection (i) applicable to the residence homestead of the surviving spouse of an individual who was disabled and who died before January 1, 2020, is calculated as if the surviving spouse was entitled to the limitation when the individual died.

SECTION 2. Section 23.01(e), Tax Code, is amended to read as follows:

(e) Notwithstanding any provision of this subchapter to the contrary, if the appraised value of property in a tax year is lowered under Subtitle F, the appraised value of the property as finally determined under that subtitle is considered to be the appraised value of the property for that tax year. In the next [following] tax year in which the property is appraised, the chief appraiser may not increase the appraised value of the property unless the increase by the chief appraiser is reasonably supported by clear and convincing [substantial] evidence when all of the reliable and probative evidence in the record is considered as a whole. If the appraised value is finally determined in a protest under Section 41.41(a)(2) or an appeal under Section 42.26, the chief appraiser may satisfy the requirement to reasonably support by clear and convincing [substantial] evidence an increase in the appraised value of the property in the next [following] tax year in which the property is appraised by presenting evidence showing that the inequality in the appraisal of property has been corrected with regard to the properties that were considered in determining the value of the subject property. The burden of proof is on the chief appraiser to support an increase in the appraised value of property under the circumstances described by this subsection.

SECTION 3. Section 41.41, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) An appraisal district or the appraisal review board for an appraisal district may not require a property owner to pay a fee in connection with a protest filed by the owner with the board.

SECTION 4. This Act applies only to a tax year beginning on or after the effective date of this Act.

SECTION 5. This Act takes effect January 1, 2020.

Representative P. King moved to adopt the conference committee report on **HB 1313**.

The motion to adopt the conference committee report on **HB 1313** prevailed by (Record 1961): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

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

Absent — Herrero; Huberty.

HB 684 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Clardy submitted the following conference committee report on **HB 684**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 684** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hughes	Clardy
Bettencourt	Dutton
Campbell	M. González
Lucio	Meyer
Paxton	VanDeaver
On the part of the senate	On the part of the house

HB 684, A bill to be entitled An Act relating to the care of students with seizure disorders and the training requirements for certain school personnel regarding seizure recognition and related first aid.

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

SECTION 1. This Act may be cited as Sam's Law.

SECTION 2. Subchapter A, Chapter 38, Education Code, is amended by adding Sections 38.032 and 38.033 to read as follows:

Sec. 38.032. SEIZURE MANAGEMENT AND TREATMENT PLAN. (a) The parent or guardian of a student with a seizure disorder may seek care for the student's seizures while the student is at school or participating in a school activity by submitting to the school district at which the student is enrolled a copy

of a seizure management and treatment plan developed by the student's parent or guardian and the physician responsible for the student's seizure treatment. The plan must be submitted to and reviewed by the district:

- (1) before or at the beginning of the school year;
- (2) on enrollment of the student, if the student enrolls in the district after the beginning of the school year; or
- (3) as soon as practicable following a diagnosis of a seizure disorder for the student.

(b) A seizure management and treatment plan must:

- (1) identify the health care services the student may receive at school or while participating in a school activity;
- (2) evaluate the student's ability to manage and level of understanding of the student's seizures; and
- (3) be signed by the student's parent or guardian and the physician responsible for the student's seizure treatment.

(c) The care of a student with a seizure disorder by a district employee under a seizure management plan submitted under this section is incident to or within the scope of the duties of the employee's position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of Section 22.0511.

(d) The immunity from liability provided by Section 22.0511 applies to an action or failure to act by a district employee in administering a medication, assisting with self-administration, or otherwise providing for the care of a student under a seizure management plan submitted for the student under Subsection (a).

Sec. 38.033. SEIZURE RECOGNITION AND RELATED FIRST AID TRAINING. (a) A school nurse employed by a school district must complete an agency-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

(b) A school district employee, other than a school nurse, whose duties at the school include regular contact with students must complete an agency-approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

(c) The agency may approve an online course of instruction provided by a nonprofit national foundation that supports the welfare of individuals with epilepsy and seizure disorders to satisfy the training required under Subsection (a) or (b). An online course of instruction approved by the agency under this subsection that is provided to a school district must be provided by the nonprofit entity free of charge.

(d) The agency shall adopt rules as necessary to administer this section.

SECTION 3. Not later than December 1, 2019, the Texas Education Agency shall approve online courses of instruction to satisfy the training requirements of Section 38.033, Education Code, as added by this Act.

SECTION 4. The change in law made by this Act applies beginning with the 2019-2020 school year.

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

Representative Clardy moved to adopt the conference committee report on **HB 684**.

The motion to adopt the conference committee report on **HB 684** prevailed by (Record 1962): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Coleman; Dean.

HB 3582 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Murr submitted the following conference committee report on **HB 3582**:

Austin, Texas, May 23, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3582** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Menéndez
Flores

Murr
Smith

Buckingham
 Perry
 Zaffirini
 On the part of the senate

Pacheco
 Moody
 Wray
 On the part of the house

HB 3582, A bill to be entitled An Act relating to the punishment for certain intoxication offenses, the conditions of bond for defendants charged with certain intoxication offenses, and the eligibility for deferred adjudication community supervision of defendants who committed certain intoxication offenses.

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

SECTION 1. Article 17.441(a), Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Subsection (b), a magistrate shall require on release that a defendant charged with a subsequent offense under Section 49.04, 49.05, or 49.06 [~~Sections 49.04-49.06~~], Penal Code, or an offense under Section 49.045, 49.07, or 49.08 of that code:

(1) have installed on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant, a device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator; and

(2) not operate any motor vehicle unless the vehicle is equipped with that device.

SECTION 2. Article 42A.102(b), Code of Criminal Procedure, is amended to read as follows:

(b) In all other cases, the judge may grant deferred adjudication community supervision unless:

(1) the defendant is charged with an offense:

(A) under Section 49.045, 49.05, 49.065, 49.07, or 49.08 [~~Sections 49.04-49.08~~], Penal Code; ~~or~~

(B) under Section 49.04 or 49.06, Penal Code, and, at the time of the offense:

(i) the defendant held a commercial driver's license or a commercial learner's permit; or

(ii) the defendant's alcohol concentration, as defined by Section 49.01, Penal Code, was 0.15 or more;

(C) for which punishment may be increased under Section 49.09, Penal Code; or

(D) for which punishment may be increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any one of those subsections;

(2) the defendant:

(A) is charged with an offense under Section 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the victim, or a felony described by Article 42A.453(b); and

(B) has previously been placed on community supervision for an offense under Paragraph (A);

(3) the defendant is charged with an offense under:

(A) Section 21.02, Penal Code; or

(B) Section 22.021, Penal Code, that is punishable under Subsection (f) of that section or under Section 12.42(c)(3) or (4), Penal Code; or

(4) the defendant is charged with an offense under Section 19.02, Penal Code, except that the judge may grant deferred adjudication community supervision on determining that the defendant did not cause the death of the deceased, did not intend to kill the deceased or another, and did not anticipate that a human life would be taken.

SECTION 3. Article 42A.408, Code of Criminal Procedure, is amended by adding Subsections (e-1) and (e-2) to read as follows:

(e-1) Except as provided by Subsection (e-2), a judge granting deferred adjudication community supervision to a defendant for an offense under Section 49.04 or 49.06, Penal Code, shall require that the defendant as a condition of community supervision have an ignition interlock device installed on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant and that the defendant not operate any motor vehicle that is not equipped with that device. If the judge determines that the defendant is unable to pay for the ignition interlock device, the judge may impose a reasonable payment schedule, as provided by Subsection (f). If the defendant provides the court evidence under Section 708.158, Transportation Code, sufficient to establish that the defendant is indigent for purposes of that section, the judge may enter in the record a finding that the defendant is indigent and reduce the costs to the defendant by ordering a waiver of the installation charge for the ignition interlock device and a 50 percent reduction of the monthly device monitoring fee. A reduction in costs ordered under this subsection does not apply to any fees that may be assessed against the defendant if the ignition interlock device detects ethyl alcohol on the breath of the person attempting to operate the motor vehicle.

(e-2) A judge may waive the ignition interlock requirement under Subsection (e-1) for a defendant if, based on a controlled substance and alcohol evaluation of the defendant, the judge determines and enters in the record that restricting the defendant to the use of an ignition interlock is not necessary for the safety of the community.

SECTION 4. Section 411.072(a), Government Code, is amended to read as follows:

(a) This section applies only to a person who:

(1) was placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, Code of Criminal Procedure, for a misdemeanor other than a misdemeanor:

(A) under:

(i) Section 49.04 or 49.06, Penal Code; or

(ii) Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code; or

(B) with respect to which an affirmative finding under Article 42A.105(f), Code of Criminal Procedure, or former Section 5(k), Article 42.12, Code of Criminal Procedure, was filed in the papers of the case; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic offense that is punishable by fine only.

SECTION 5. Section 411.0725(a), Government Code, is amended to read as follows:

(a) This section applies only to a person placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, Code of Criminal Procedure, who:

(1) is not eligible to receive an order of nondisclosure of criminal history record information under Section 411.072; and

(2) was placed on deferred adjudication community supervision for an offense other than an offense under Section 49.04 or 49.06, Penal Code.

SECTION 6. Subchapter E-1, Chapter 411, Government Code, is amended by adding Section 411.0726 to read as follows:

Sec. 411.0726. PROCEDURE FOR DEFERRED ADJUDICATION COMMUNITY SUPERVISION; CERTAIN DRIVING WHILE INTOXICATED AND BOATING WHILE INTOXICATED MISDEMEANORS. (a) This section applies only to a person who was placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, Code of Criminal Procedure, for a misdemeanor:

(1) under Section 49.04 or 49.06, Penal Code; and

(2) with respect to which no affirmative finding under Article 42A.105(f), Code of Criminal Procedure, was filed in the papers of the case.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person may petition the court that placed the person on deferred adjudication community supervision for an order of nondisclosure if the person:

(1) receives a discharge and dismissal under Article 42A.111, Code of Criminal Procedure;

(2) satisfies the requirements of Section 411.074; and

(3) has never been previously convicted of or placed on deferred adjudication community supervision for another offense, other than a traffic offense that is punishable by fine only.

(c) A petition for an order of nondisclosure of criminal history record information filed under this section must include evidence that the person is entitled to file the petition.

(d) Except as provided by Subsection (e), after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of an order of nondisclosure of criminal history record information is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication community supervision.

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the

offense for which the order is sought resulted in a motor vehicle accident involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

(f) A person may petition the court that placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section only on or after the second anniversary of the date of completion of the deferred adjudication community supervision and the discharge and dismissal of the case.

SECTION 7. Sections 49.09(b) and (g), Penal Code, are amended to read as follows:

(b) An offense under Section 49.04, 49.045, 49.05, 49.06, or 49.065 is a felony of the third degree if it is shown on the trial of the offense that the person has previously been convicted:

(1) one time of an offense under Section 49.08 or an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of an offense under Section 49.08; or

(2) two times of any other offense relating to the operating of a motor vehicle while intoxicated, operating an aircraft while intoxicated, operating a watercraft while intoxicated, or operating or assembling an amusement ride while intoxicated.

(g) A conviction may be used for purposes of enhancement under this section or enhancement under Subchapter D, Chapter 12, but not under both this section and Subchapter D. For purposes of this section, a person is considered to have been convicted of an offense under Section 49.04 or 49.06 if the person was placed on deferred adjudication community supervision for the offense under Article 42A.102, Code of Criminal Procedure.

SECTION 8. (a) The change in law made by this Act to Article 17.441, Code of Criminal Procedure, applies to a defendant released on bond on or after the effective date of this Act, regardless of whether the offense for which the person was arrested occurred before, on, or after that date.

(b) The changes in law made by this Act to Articles 42A.102 and 42A.408, Code of Criminal Procedure, apply only to the eligibility for deferred adjudication community supervision of a defendant for an offense committed on or after the effective date of this Act. The eligibility for deferred adjudication community supervision of a defendant for an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(c) The changes in law made by this Act to Section 49.09, Penal Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. This Act takes effect September 1, 2019.

Representative Murr moved to adopt the conference committee report on **HB 3582**.

The motion to adopt the conference committee report on **HB 3582** prevailed by (Record 1963): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent — Geren.

HB 410 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative White submitted the following conference committee report on **HB 410**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 410** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Johnson	White
Flores	Price
Huffman	Sheffield
Nichols	Sherman
Rodriguez	Zedler
On the part of the senate	On the part of the house

HB 410, A bill to be entitled An Act relating to the regulation of certain low-volume and other livestock processing establishments.

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

SECTION 1. Section 433.0245, Health and Safety Code, is amended by adding Subsections (a-1), (e), and (f) and amending Subsections (b), (c), and (d) to read as follows:

(a-1) For purposes of this section, a low-volume livestock processing establishment:

(1) includes an establishment that processes fewer than 10,000 domestic rabbits or more than 1,000 but fewer than 10,000 poultry in a calendar year; and

(2) does not include an establishment that processes 1,000 or fewer poultry raised by the operator of the establishment in a calendar year.

(b) Except as provided by Subsections (e) and (f), a [~~A~~] low-volume livestock processing establishment that is exempt from federal inspection shall register with the department in accordance with rules adopted by the executive commissioner for registration.

(c) Except as provided by Subsections (e) and (f), a [~~A~~] low-volume livestock processing establishment that is exempt from federal inspection shall develop a sanitary operation procedures plan.

(d) Except as provided by Subsection (f), if [~~H~~] contaminated livestock can be reasonably traced to a low-volume livestock processing establishment that is exempt from federal inspection, the department may request the attorney general or the district or county attorney in the jurisdiction where the facility is located to institute a civil suit to enjoin the operation of the establishment until the department determines that the establishment has been sanitized and is operating safely.

(e) A low-volume livestock processing establishment that is exempt from federal inspection and processes fewer than 500 domestic rabbits in a calendar year is not required to comply with Subsection (b) or (c).

(f) An establishment described by Subsection (a-1)(2):

(1) is not subject to additional state regulation; and

(2) may sell poultry products directly to consumers.

SECTION 2. This Act takes effect September 1, 2019.

Representative White moved to adopt the conference committee report on **HB 410**.

The motion to adopt the conference committee report on **HB 410** prevailed by (Record 1964): 141 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano;

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

Nays — Buckley; Springer.

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

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

Absent — González, M.; Thierry.

STATEMENT OF VOTE

When Record No. 1964 was taken, I was shown voting no. I intended to vote yes.

Springer

HB 766 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the following conference committee report on **HB 766**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 766** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Watson	Huberty
Creighton	Guillen
Huffman	Stucky
Powell	Walle
Taylor	Howard
On the part of the senate	On the part of the house

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

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

SECTION 1. The heading to Section 54.352, Education Code, is amended to read as follows:

Sec. 54.352. DISABLED PEACE OFFICERS AND FIRE FIGHTERS [~~OPTIONAL EXEMPTION~~].

SECTION 2. Section 54.352, Education Code, is amended by amending Subsections (a), (g), and (h) and adding Subsection (b-1) to read as follows:

(a) The governing board of an institution of higher education shall ~~may~~ exempt a student from the payment of tuition and ~~required~~ fees ~~authorized by this chapter~~ for a course for which space is available if the student:

(1) is a resident of this state and has resided in this state for the 12 months immediately preceding the beginning of the semester or session for which an exemption is sought;

(2) is permanently disabled as a result of an injury suffered during the performance of a duty as:

(A) a peace officer of this state or a political subdivision of this state; or

(B) a fire fighter, as defined by Section 614.001, Government Code, employed by this state or a political subdivision of this state; and

(3) is unable to continue employment as a peace officer or fire fighter because of the disability.

(b-1) Notwithstanding Subsection (a), the governing board of an institution of higher education may not provide exemptions under this section to students enrolled in a specific course in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that course.

(g) For the purpose of [h] this section, an injury is suffered during the performance of a duty as a peace officer if the injury occurs [“injury suffered during the performance of a duty as a peace officer” means an injury occurring] as a result of the peace officer's performance of any of the following law enforcement duties:

(1) traffic enforcement or traffic control duties, including enforcement of traffic laws, investigation of vehicle accidents, or directing traffic;

(2) pursuit, arrest, or search of a person reasonably believed to have violated a law;

(3) investigation, including undercover investigation, of a criminal act;

(4) patrol duties, including automobile, bicycle, foot, air, or horse patrol;

(5) duties related to the transfer of prisoners; or

(6) training duties, including participation in any training required by the officer's employer or supervisor or by the Texas Commission on Law Enforcement.

(h) For the purpose of this section, a person [peace officer] is considered permanently disabled only if the chief administrative officer of the law enforcement agency, fire department, or other entity that employed the person [officer] at the time of the injury, as applicable, determines the person [officer] is permanently disabled and satisfies any requirement of an institution under Subsection (e).

SECTION 3. The changes in law made by this Act apply to an exemption from tuition and fees beginning with the 2019 fall semester.

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

Representative Huberty moved to adopt the conference committee report on **HB 766**.

The motion to adopt the conference committee report on **HB 766** prevailed by (Record 1965): 143 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Cain; Stickland.

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

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

HB 2764 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Frank submitted the following conference committee report on **HB 2764**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2764** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hughes
Flores

Frank
Moody

Kolkhorst
 Menéndez
 Perry
 On the part of the senate

Klick
 Minjarez
 Noble
 On the part of the house

HB 2764, A bill to be entitled An Act relating to minimum standards and caregiver training for substitute care providers for children in the conservatorship of the Department of Family and Protective Services.

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

SECTION 1. Section 42.042, Human Resources Code, is amended by adding Subsections (b-1) and (t) to read as follows:

(b-1) Not later than the earlier of December 31, 2020, or the date the commission conducts the next review required by Subsection (b), the commission shall create and implement a process to simplify, streamline, and provide for greater flexibility in the application of the minimum standards to licensed child-placing agencies, agency foster homes, and adoptive homes with the goal of increasing the number of foster and adoptive homes in this state. This subsection expires September 1, 2021.

(t) The commission by rule shall grant to each child-placing agency and each single source continuum contractor the authority to waive certain minimum standards related to preservice training, annual training, or other requirements that are not directly related to caring for the child for:

(1) the child's foster or prospective adoptive parent; or

(2) foster homes that have no citations or violations reported to the commission.

SECTION 2. Section 42.0537, Human Resources Code, is amended by amending Subsections (a) and (b) and adding Subsections (d), (e), and (f) to read as follows:

(a) The department and each single source continuum contractor shall include a provision in each contract with a child-placing agency with whom children in the managing conservatorship of the department are placed that requires the child-placing agency to provide [~~at least 35 hours of~~] competency-based, preservice training to a potential caregiver before the child-placing agency verifies or approves the caregiver as a foster or adoptive home. Except as provided by Subsection (d), the amount of training required by this subsection may not exceed 35 hours.

(b) The department shall adopt policies to ensure that each potential caregiver receives [~~at least 35 hours of~~] competency-based, preservice training before the department verifies or approves the caregiver as a foster or adoptive home. Except as provided by Subsection (d), the amount of training required by this subsection may not exceed 35 hours.

(d) The department and each single source continuum contractor providing foster care placement or case management services may include in each contract with a child-placing agency with whom children in the managing conservatorship of the department are placed provisions that:

(1) require the child-placing agency to, before verifying or approving a prospective caregiver as a foster or adoptive home, provide to the prospective caregiver competency-based, preservice training in addition to other training required under this section, based on the needs of the child being placed, including training regarding:

(A) the treatment of:

(i) children with complex medical needs;

(ii) children with emotional disorders;

(iii) children with intellectual or developmental disabilities;

and

(iv) victims of human trafficking; and

(B) any other situation the department determines would require additional training; and

(2) allow the child-placing agency to provide training, in addition to other training required under this section for a prospective caregiver, that:

(A) meets the eligibility standards for federal financial participation under the requirements of the federal Family First Prevention Services Act (Title VII, Div. E, Pub. L. No. 115-123);

(B) meets the standards set by a nationally recognized accrediting organization; or

(C) meets the standards described by Paragraphs (A) and (B).

(e) The department may require training in addition to other training required under this section described by Subsection (d)(2), as appropriate, for certified child-placing agencies operated by the department.

(f) A child-placing agency may issue a provisional verification as provided by Section 42.053(e) to a prospective foster caregiver while the caregiver completes the training required under Subsection (d).

SECTION 3. The changes in law made by this Act apply only to a contract for foster care services entered into or renewed on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2019.

Representative Frank moved to adopt the conference committee report on **HB 2764**.

The motion to adopt the conference committee report on **HB 2764** prevailed by (Record 1966): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; 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; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller;

Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Blanco.

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

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

Absent — Lambert; Stucky.

STATEMENTS OF VOTE

When Record No. 1966 was taken, I was shown voting no. I intended to vote yes.

Blanco

When Record No. 1966 was taken, I was shown voting yes. I intended to vote no.

Rose

HR 2181 - ADOPTED (by Guillen)

The following privileged resolution was laid before the house:

HR 2181

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, Regular Session, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 700** (the use of the skills development fund by certain entities and a study and report regarding the effectiveness of that fund) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 4. (a) The Texas Workforce Commission shall conduct a study on and develop recommendations for increasing the effectiveness of the skills development fund established under Chapter 303, Labor Code. The recommendations must include strategies for better achieving the fund's purposes, improving outcomes, and expanding participation in the opportunities available through the fund.

(b) Not later than December 1, 2020, the Texas Workforce Commission shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the legislative committees with appropriate jurisdiction a report detailing the commission's findings and recommendations under Subsection (a) of this section.

Explanation: This addition is necessary to provide for a study on and development of recommendations for increasing the effectiveness of the skills development fund established under Chapter 303, Labor Code.

HR 2181 was adopted by (Record 1967): 139 Yeas, 4 Nays, 2 Present, not voting.

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

Nays — Cain; Hunter; Stickland; Thierry.

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

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

Absent — Walle; White.

STATEMENT OF VOTE

When Record No. 1967 was taken, my vote failed to register. I would have voted yes.

White

HB 700 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Guillen submitted the following conference committee report on **HB 700**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 700** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Powell	Guillen
Creighton	Anderson
Fallon	Fierro
Flores	Lucio
Zaffirini	Wray
On the part of the senate	On the part of the house

HB 700, A bill to be entitled An Act relating to the use of the skills development fund by certain entities and a study and report regarding the effectiveness of that fund.

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

SECTION 1. Section 303.001(a), Labor Code, is amended to read as follows:

(a) The purpose of this chapter is to remove administrative barriers that impede the response of public community and technical colleges, community-based organizations, local workforce development boards, and the Texas A&M Engineering Extension Service to industry and workforce training needs and to develop incentives for public community and technical colleges, community-based organizations, local workforce development boards, and the Texas A&M Engineering Extension Service to provide customized assessment and training in a timely and efficient manner.

SECTION 2. Section 303.002(b), Labor Code, is amended to read as follows:

(b) A public community or technical college or the Texas A&M Engineering Extension Service may recover customized assessment and training costs incurred by the institution if:

- (1) there is an actual or projected labor shortage in the occupation in which training is provided that is not being met by an existing institution or program in the area; and
- (2) the wages at the time of job placement for individuals who successfully complete customized training at the public community or technical college or the Texas A&M Engineering Extension Service are equal to the prevailing wage for that occupation in the local labor market area.

SECTION 3. Sections 303.003(b), (f), (g), and (h), Labor Code, are amended to read as follows:

(b) The skills development fund may be used by public community and technical colleges, community-based organizations, local workforce development boards, and the Texas A&M Engineering Extension Service as start-up or emergency funds for the following job-training purposes:

- (1) developing customized training programs for businesses and trade unions; and
- (2) sponsoring small and medium-sized business networks and consortiums.

(f) The Texas A&M Engineering Extension Service shall focus the service's training activities under this chapter on programs that:

- (1) are statewide in nature; or
- (2) are not available from a local junior college district, a local technical college, or a consortium of junior college districts.

(g) This section does not prohibit the Texas A&M Engineering Extension Service from participating in a consortium of junior college districts or with a technical college that provides training under this chapter.

(h) A community-based organization may apply for money to participate in a training program only in partnership with a community and technical college or the Texas A&M Engineering Extension Service. A community-based organization providing services regulated by the state shall provide evidence of any certification, license, or registration required by law.

SECTION 4. (a) The Texas Workforce Commission shall conduct a study on and develop recommendations for increasing the effectiveness of the skills development fund established under Chapter 303, Labor Code. The recommendations must include strategies for better achieving the fund's purposes, improving outcomes, and expanding participation in the opportunities available through the fund.

(b) Not later than December 1, 2020, the Texas Workforce Commission shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the legislative committees with appropriate jurisdiction a report detailing the commission's findings and recommendations under Subsection (a) of this section.

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

Representative Guillen moved to adopt the conference committee report on **HB 700**.

The motion to adopt the conference committee report on **HB 700** prevailed by (Record 1968): 111 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Darby; 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; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Ortega; Pacheco; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smithee; Springer; Stephenson; Talarico; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wray; Wu; Zerwas; Zwiener.

Nays — Biedermann; Bonnen; Cain; Cyrier; Dean; Harless; Harris; Hefner; Holland; Hunter; King, P.; Krause; Landgraf; Lang; Middleton; Murr; Noble; Oliverson; Patterson; Schaefer; Shaheen; Stickland; Swanson; Thierry; Tinderholt; Toth; Wilson; Zedler.

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

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

Absent — Lambert; Paddie; Sanford; Smith; Stucky; White.

STATEMENTS OF VOTE

When Record No. 1968 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 1968 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 1968 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1968 was taken, my vote failed to register. I would have voted yes.

White

SB 621 - MOTION TO ADOPT CONFERENCE COMMITTEE REPORT

Representative Lambert submitted the conference committee report on **SB 621**.

(Speaker in the chair)

Representative Lambert moved to adopt the conference committee report on **SB 621**.

The motion to adopt the conference committee report on **SB 621** was lost by (Record 1969): 57 Yeas, 88 Nays, 1 Present, not voting. (The motion to reconsider the vote later today was lost by Record No. 2032.)

Yeas — Allison; Biedermann; Bonnen; Burns; Burrows; Cain; Canales; Capriglione; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Goldman; Harris; Hefner; Holland; Huberty; Kacal; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Meyer; Middleton; Murphy; Murr; Nevárez; Noble; Oliverson; Paddie; Parker; Patterson; Price; Raney; Sanford; Schaefer; Shaheen; Shine; Smith; Springer; Stickland; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bowers; Buckley; Bucy; Button; Calanni; Clardy; Cole; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar;

Fierro; Flynn; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; King, K.; King, P.; King, T.; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Neave; Ortega; Pacheco; Paul; Perez; Phelan; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Smithee; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

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

Absent — Geren.

HB 2747 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Ortega submitted the following conference committee report on **HB 2747**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2747** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Rodriguez

Huffman

Nichols

Hancock

Zaffirini

On the part of the senate

S. Thompson

Guillen

Landgraf

Ortega

Goldman

On the part of the house

HB 2747, A bill to be entitled An Act relating to the licensing and regulation of massage therapy.

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

SECTION 1. Section 455.202, Occupations Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A massage establishment may not:

(1) employ an individual who is not a United States citizen or a legal permanent resident with a valid work permit;

(2) employ a minor unless the minor's parent or legal guardian authorizes in writing the minor's employment by the establishment;

(3) allow a nude or partially nude employee to provide massage therapy or other massage services to a customer;

(4) allow any individual, including a client, student, license holder, or employee, to engage in sexual contact in the massage establishment; ~~[or]~~

(5) allow any individual, including a student, license holder, or employee, to practice massage therapy in the nude or in clothing designed to arouse or gratify the sexual desire of any individual; or

(6) allow any individual, including a student, license holder, or employee, to reside on the premises of the massage establishment.

(e) Subsection (b)(6) does not apply to:

(1) a place of business exempted under Section 455.155(c)(2) from the requirement to hold a license as a massage establishment; or

(2) a licensed massage therapist who practices as a solo practitioner and who is exempted under Section 455.155(b) from the requirement to hold a license as a massage establishment.

SECTION 2. Section 455.204, Occupations Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The license of a massage therapist that is posted under Subsection (b) must have attached to the front of the license a photograph of the massage therapist.

SECTION 3. Subchapter E, Chapter 455, Occupations Code, is amended by adding Section 455.207 to read as follows:

Sec. 455.207. POSTING OF CERTAIN NOTICES REQUIRED. (a) Each massage establishment and massage school shall display in the form and manner prescribed by the commission a sign concerning services and assistance available to victims of human trafficking.

(b) The sign required by this section must:

(1) be in English, Spanish, Korean, Mandarin, and any other language required by commission rule;

(2) include a toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking; and

(3) be displayed in a conspicuous place clearly visible to the public.

(c) The commission by rule shall establish requirements regarding the posting of signs under this section.

SECTION 4. Not later than March 1, 2020, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this Act to Chapter 455, Occupations Code.

SECTION 5. A massage establishment, as defined by Section 455.001, Occupations Code, shall comply with:

(1) Section 455.204(b-1), Occupations Code, as added by this Act, not later than January 1, 2020; and

(2) Section 455.207, Occupations Code, as added by this Act, not later than April 1, 2020.

SECTION 6. This Act takes effect September 1, 2019.

Representative Ortega moved to adopt the conference committee report on **HB 2747**.

The motion to adopt the conference committee report on **HB 2747** prevailed by (Record 1970): 91 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Beckley; Bell, K.; Bernal; Blanco; Bowers; Buckley; Bucy; Button; Calanni; Canales; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Muñoz; Neave; Nevárez; Ortega; Pacheco; Paddie; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Anderson; Ashby; Bailes; Bell, C.; Biedermann; Bonnen; Burns; Burrows; Cain; Capriglione; Clardy; Craddick; Cyrier; Dean; Flynn; Goldman; Harless; Harris; Hefner; Holland; King, P.; Krause; Kuempel; Landgraf; Lang; Leach; Leman; Metcalf; Middleton; Miller; Morrison; Murphy; Murr; Noble; Oliverson; Parker; Patterson; Phelan; Sanford; Schaefer; Shaheen; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Tinderholt; Toth; White; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

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

Absent — Klick.

STATEMENT OF VOTE

When Record No. 1970 was taken, I was shown voting yes. I intended to vote no.

Hunter

HR 2185 - ADOPTED (by Guillen)

The following privileged resolution was laid before the house:

HR 2185

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, Regular Session, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 4542** (reports by persons involved in the manufacture and distribution of alcoholic beverages for purposes of sales and use taxes) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 1. Subchapter A, Chapter 111, Tax Code, is amended by adding Section 111.0023 to read as follows:

Sec. 111.0023. Definition of Individual. For purposes of this title, "individual" means a natural person. The term does not include a partnership, limited liability partnership, corporation, banking corporation, savings and loan association, limited liability company, business trust, professional association, business association, joint venture, joint stock company, holding company, or other legal entity.

Explanation: The addition is necessary to include a definition of "individual" for Title 2, Tax Code.

HR 2185 was adopted by (Record 1971): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

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

Absent — Blanco; King, K.

HB 4542 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Guillen submitted the following conference committee report on **HB 4542**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 4542** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hinojosa
Hancock
Kolkhorst
Nelson

Buckingham
On the part of the senate

Guillen
Burrows
Murphy
Rodriguez

Wray
On the part of the house

HB 4542, A bill to be entitled An Act relating to reports by persons involved in the manufacture and distribution of alcoholic beverages for purposes of sales and use taxes.

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

SECTION 1. Subchapter A, Chapter 111, Tax Code, is amended by adding Section 111.0023 to read as follows:

Sec. 111.0023. Definition of Individual. For purposes of this title, "individual" means a natural person. The term does not include a partnership, limited liability partnership, corporation, banking corporation, savings and loan association, limited liability company, business trust, professional association, business association, joint venture, joint stock company, holding company, or other legal entity.

SECTION 2. Section 111.006, Tax Code, is amended by amending Subsection (h) and adding Subsection (j) to read as follows:

(h) The comptroller shall disclose information to a person regarding net sales by quantity, brand, and size that is submitted in a report required under Section 151.462 if:

(1) the person requesting the information holds a permit or license under Chapter 19, 20, 21, 37, 64, 65, or 66, Alcoholic Beverage Code; ~~and~~

(2) the request relates only to information regarding the sale of a product distributed by the person making the request ; and

(3) the comptroller determines that the information reported under Section 151.462 or in accordance with rules adopted under Subsection (j) is sufficiently detailed to protect the confidentiality of sales information relating to products not distributed by the person requesting the information.

(j) The comptroller may adopt rules to administer this section, including rules requiring a person requesting information under Subsection (h) to file reports on distributions of the person's products made to other persons.

SECTION 3. Section 151.461, Tax Code, is amended by adding Subdivision (1-a) and amending Subdivision (5) to read as follows:

(1-a) "Brewpub" means a brewpub for which a person holds a brewpub license under Chapter 74, Alcoholic Beverage Code.

(5) "Retailer" means a person required to hold:

(A) a wine and beer retailer's permit under Chapter 25, Alcoholic Beverage Code;

- (B) a wine and beer retailer's off-premise permit under Chapter 26, Alcoholic Beverage Code;
- (C) a temporary wine and beer retailer's permit or special three-day wine and beer permit under Chapter 27, Alcoholic Beverage Code;
- (D) a mixed beverage permit under Chapter 28, Alcoholic Beverage Code;
- (E) a daily temporary mixed beverage permit under Chapter 30, Alcoholic Beverage Code;
- (F) a private club registration permit under Chapter 32, Alcoholic Beverage Code;
- (G) a certificate issued to a fraternal or veterans organization under Section 32.11, Alcoholic Beverage Code;
- (H) a daily temporary private club permit under Subchapter B, Chapter 33, Alcoholic Beverage Code;
- (I) a temporary auction permit under Chapter 53, Alcoholic Beverage Code;
- (J) a retail dealer's on-premise license under Chapter 69, Alcoholic Beverage Code;
- (K) a temporary license under Chapter 72, Alcoholic Beverage Code; ~~[or]~~
- (L) a retail dealer's off-premise license under Chapter 71, Alcoholic Beverage Code, except for a dealer who also holds a package store permit under Chapter 22, Alcoholic Beverage Code; or
- (M) a brewpub license under Chapter 74, Alcoholic Beverage Code.

SECTION 4. Section 151.462, Tax Code, is amended to read as follows:

Sec. 151.462. REPORTS BY BREWERS, MANUFACTURERS, BREWPUBS, WHOLESALERS, AND DISTRIBUTORS. (a) The comptroller shall require each brewer, manufacturer, brewpub, wholesaler, distributor, or package store local distributor to file with the comptroller a report each month of alcoholic beverage sales to retailers in this state.

(b) Each brewer, manufacturer, brewpub, wholesaler, distributor, or package store local distributor shall file a separate report for each permit or license held on or before the 25th day of each month. The report must contain the following information for the preceding calendar month's sales in relation to each retailer:

(1) the brewer's, manufacturer's, brewpub's, wholesaler's, distributor's, or package store local distributor's name, address, taxpayer number and outlet number assigned by the comptroller, and alphanumeric permit or license number issued by the Texas Alcoholic Beverage Commission;

(2) the retailer's:

(A) name and address, including street name and number, city, and zip code;

(B) taxpayer number assigned by the comptroller; and

(C) alphanumeric permit or license number issued by the Texas Alcoholic Beverage Commission for each separate retail location or outlet to which the brewer, manufacturer, brewpub, wholesaler, distributor, or package store local distributor sold the alcoholic beverages that are listed on the report; and

(3) the monthly net sales made by the brewer, manufacturer, brewpub, wholesaler, distributor, or package store local distributor to the retailer for each outlet or location covered by a separate retail permit or license issued by the Texas Alcoholic Beverage Commission, including separate line items for:

- (A) the number of units of alcoholic beverages;
- (B) the individual container size and pack of each unit;
- (C) the brand name;
- (D) the type of beverage, such as distilled spirits, wine, or malt beverage;
- (E) the universal product code of the alcoholic beverage; and
- (F) the net selling price of the alcoholic beverage.

(c) Except as provided by this subsection, the brewer, manufacturer, brewpub, wholesaler, distributor, or package store local distributor shall file the report with the comptroller electronically. The comptroller may establish procedures to temporarily postpone the electronic reporting requirement for a brewer, manufacturer, brewpub, wholesaler, distributor, or package store local distributor who demonstrates to the comptroller an inability to comply because undue hardship would result if it were required to file the return electronically. If the comptroller determines that another technological method of filing the report is more efficient than electronic filing, the comptroller may establish procedures requiring its use by brewers, manufacturers, brewpubs, wholesalers, distributors, and package store local distributors.

SECTION 5. Subchapter I-1, Chapter 151, Tax Code, is amended by adding Section 151.4661 to read as follows:

Sec. 151.4661. APPLICABILITY TO CERTAIN BREWPUBS. This subchapter applies only to a brewpub that engages in activities authorized by Section 74.08, Alcoholic Beverage Code.

SECTION 6. Section 151.468(b), Tax Code, is amended to read as follows:

(b) In addition to the penalties imposed under Subsection (a), a brewer, manufacturer, brewpub, wholesaler, distributor, or package store local distributor shall pay the state a civil penalty of not less than \$25 or more than \$2,000 for each day a violation continues if the brewer manufacturer, brewpub, wholesaler, distributor, or package store local distributor:

- (1) violates this subchapter; or
- (2) violates a rule adopted to administer or enforce this subchapter.

SECTION 7. Section 151.470, Tax Code, is amended to read as follows:

Sec. 151.470. AUDIT; INSPECTION. The comptroller may audit, inspect, or otherwise verify a brewer's, manufacturer's, brewpub's, wholesaler's, distributor's, or package store local distributor's compliance with this subchapter.

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

Representative Guillen moved to adopt the conference committee report on **HB 4542**.

The motion to adopt the conference committee report on **HB 4542** prevailed by (Record 1972): 140 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Cain; Stickland.

Present, not voting — Mr. Speaker(C).

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

Absent — Kacal; King, K.; Paddie; Wilson.

SB 562 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Price submitted the conference committee report on **SB 562**.

Representative Price moved to adopt the conference committee report on **SB 562**.

The motion to adopt the conference committee report on **SB 562** prevailed by (Record 1973): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr;

Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

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

Absent — King, K.

SB 601 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Flynn submitted the conference committee report on **SB 601**.

Representative Flynn moved to adopt the conference committee report on **SB 601**.

The motion to adopt the conference committee report on **SB 601** prevailed by (Record 1974): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; 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 — Bohac; Davis, S.; Johnson, E.

Absent — King, K.; Paddie.

STATEMENT OF VOTE

When Record No. 1974 was taken, I was in the house but away from my desk. I would have voted yes.

Paddie

HB 510 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Wilson submitted the following conference committee report on **HB 510**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 510** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Schwertner	Wilson
Menéndez	Cyrier
Perry	Morrison
Campbell	Bucy
On the part of the senate	On the part of the house

HB 510, A bill to be entitled An Act relating to the power of certain counties to enact park use rules.

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

SECTION 1. Section 320.0455(a), Local Government Code, is amended to read as follows:

(a) This section applies to:

(1) a county with a population of 2.8 million or more; and

(2) a county with a population of more than 410,000 and less than 455,000.

SECTION 2. This Act takes effect September 1, 2019.

Representative Wilson moved to adopt the conference committee report on **HB 510**.

The motion to adopt the conference committee report on **HB 510** prevailed by (Record 1975): 141 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leman; Longoria; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez;

Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Tinderholt.

Present, not voting — Mr. Speaker(C).

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

Absent — Leach; Lucio; Meyer.

STATEMENT OF VOTE

When Record No. 1975 was taken, my vote failed to register. I would have voted yes.

Meyer

SB 815 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Moody submitted the conference committee report on **SB 815**.

Representative Moody moved to adopt the conference committee report on **SB 815**.

The motion to adopt the conference committee report on **SB 815** prevailed by (Record 1976): 102 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bowers; Buckley; Bucy; Burrows; Button; Calanni; Canales; Cole; Coleman; Collier; Cortez; Cyrier; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stickland; Swanson; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wray; Wu; Zwiener.

Nays — Allison; Ashby; Bailes; Bonnen; Burns; Cain; Capriglione; Clardy; Craddick; Dean; Goldman; Harris; Hefner; Holland; Lambert; Landgraf; Lang; Larson; Leman; Metcalf; Middleton; Miller; Murr; Noble; Parker; Patterson; Paul; Phelan; Price; Raney; Schaefer; Shaheen; Stephenson; Stucky; Talarico; Thompson, E.; Thompson, S.; Wilson; Zerwas.

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

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

Absent — Klick; Leach; Walle; Zedler.

STATEMENTS OF VOTE

When Record No. 1976 was taken, I was shown voting yes. I intended to vote no.

Anderson

When Record No. 1976 was taken, I was shown voting yes. I intended to vote no.

K. Bell

HR 2193 - ADOPTED (by C. Bell)

The following privileged resolution was laid before the house:

HR 2193

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, Regular Session, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 3745** (the Texas emissions reduction plan fund and account) to consider and take action on the following matter:

House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 1.07 of the bill, in amended Section 386.252(a)(9), Health and Safety Code, to read as follows:

(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;

Explanation: The change is necessary to ensure that sufficient funds are available to the Texas Commission on Environmental Quality for costs associated with the administration of the Texas emissions reduction plan.

HR 2193 was adopted by (Record 1977): 143 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer;

Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

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

HB 3745 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative C. Bell submitted the following conference committee report on **HB 3745**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3745** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Birdwell	C. Bell
Hinojosa	Capriglione
Hughes	M. González
Nelson	Longoria
Taylor	Zerwas
On the part of the senate	On the part of the house

HB 3745, A bill to be entitled An Act relating to the Texas emissions reduction plan fund and account.

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

ARTICLE 1. TEXAS EMISSIONS REDUCTION PLAN FUND AND
ACCOUNT

SECTION 1.01. 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 1.02. 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 1.03. 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 1.04. 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 1.05. 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 [~~+~~] ~~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 394].~~

SECTION 1.06. 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 1.07. 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 1.08. 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 1.09. 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, 2021.

SECTION 1.10. This article takes effect September 1, 2021.

ARTICLE 2. FUNDING SOURCES

SECTION 2.01. Section 151.0515(d), Tax Code, is amended to read as follows:

(d) This section expires on the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code [~~August 31, 2019~~].

SECTION 2.02. Section 152.0215(c), Tax Code, is amended to read as follows:

(c) This section expires on the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code [~~August 31, 2019~~].

SECTION 2.03. Section 501.138(b-3), Transportation Code, is amended to read as follows:

(b-3) This subsection and Subsection (b-2) expire on the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code [~~August 31, 2019~~].

SECTION 2.04. Section 502.358(c), Transportation Code, is amended to read as follows:

(c) This section expires on the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code [~~August 31, 2019~~].

SECTION 2.05. The heading to Section 548.5055, Transportation Code, is amended to read as follows:

Sec. 548.5055. TEXAS EMISSIONS [~~EMISSION~~] REDUCTION PLAN FEE.

SECTION 2.06. Sections 548.5055(b) and (c), Transportation Code, are amended to read as follows:

(b) The department shall remit fees collected under this section to the comptroller at the time and in the manner prescribed by the comptroller for deposit in the Texas emissions [~~emission~~] reduction plan fund.

(c) This section expires on the last day of the state fiscal biennium during which the conservation commission publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code [~~August 31, 2019~~].

SECTION 2.07. Sections 8(a-2) and (b), Chapter 755 (**SB 1731**), Acts of the 85th Legislature, Regular Session, 2017, are repealed.

ARTICLE 3. EFFECTIVE DATE

SECTION 3.01. Except as otherwise provided by this Act, this Act takes effect August 30, 2019.

Representative C. Bell moved to adopt the conference committee report on **HB 3745**.

The motion to adopt the conference committee report on **HB 3745** prevailed by (Record 1978): 145 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

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

SB 616 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie submitted the conference committee report on **SB 616**.

Representative Paddie moved to adopt the conference committee report on **SB 616**.

The motion to adopt the conference committee report on **SB 616** prevailed by (Record 1979): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz;

Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; 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 — Bohac; Davis, S.; Johnson, E.

SB 1096 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Oliverson submitted the conference committee report on **SB 1096**.

Representative Oliverson moved to adopt the conference committee report on **SB 1096**.

The motion to adopt the conference committee report on **SB 1096** prevailed by (Record 1980): 144 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Stickland.

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

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

STATEMENTS OF VOTE

When Record No. 1980 was taken, I was shown voting present, not voting. I intended to vote yes.

Neave

When Record No. 1980 was taken, I was shown voting yes. I intended to vote no.

Wilson

HB 234 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Krause submitted the following conference committee report on **HB 234**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 234** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Nelson
Campbell
Huffman
Nichols

Krause
Middleton
Phelan
Price
Wu

On the part of the senate

On the part of the house

HB 234, A bill to be entitled An Act relating to the local regulation of the sale of lemonade or other beverages by children.

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

SECTION 1. The heading to Chapter 250, Local Government Code, is amended to read as follows:

CHAPTER 250. MISCELLANEOUS REGULATORY AUTHORITY [~~OF MUNICIPALITIES AND COUNTIES~~]

SECTION 2. Chapter 250, Local Government Code, is amended by adding Section 250.009 to read as follows:

Sec. 250.009. CERTAIN SALES OF BEVERAGES BY CHILDREN. Notwithstanding any other law, a municipality, county, or other local public health authority may not adopt or enforce an ordinance, order, or rule that prohibits or regulates, including by requiring a license, permit, or fee, the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property or in a public park by an individual younger than 18 years of age.

SECTION 3. Chapter 202, Property Code, is amended by adding Section 202.020 to read as follows:

Sec. 202.020. CERTAIN SALES OF BEVERAGES BY CHILDREN. (a) A property owners' association of a residential subdivision may not adopt or enforce a restrictive covenant that prohibits or regulates, including by requiring a permit or fee, the occasional sale of lemonade or other nonalcoholic beverages

from a stand on property located in the subdivision by an individual younger than 18 years of age who has the permission of a property owner in the subdivision for the sale.

(b) A property owners' association:

(1) does not owe a duty of care to persons participating in a beverage sale described by Subsection (a); and

(2) is not liable for any injury to persons participating in a beverage sale described by Subsection (a), except for wilful or wanton acts or gross negligence of the association.

SECTION 4. This Act takes effect September 1, 2019.

Representative Krause moved to adopt the conference committee report on **HB 234**.

The motion to adopt the conference committee report on **HB 234** prevailed by (Record 1981): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Absent — Moody; Ramos.

SB 944 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Capriglione submitted the conference committee report on **SB 944**.

Representative Capriglione moved to adopt the conference committee report on **SB 944**.

The motion to adopt the conference committee report on **SB 944** prevailed by (Record 1982): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

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

Absent — White.

STATEMENT OF VOTE

When Record No. 1982 was taken, my vote failed to register. I would have voted yes.

White

SB 30 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Phelan submitted the conference committee report on **SB 30**.

Representative Phelan moved to adopt the conference committee report on **SB 30**.

The motion to adopt the conference committee report on **SB 30** prevailed by (Record 1983): 135 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cole; Coleman; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murr; Neave; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker;

Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; 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; Zedler; Zerwas; Zwiener.

Nays — Calanni; Collier; Dominguez; González, M.; Lopez; Ramos; Romero; Wu.

Present, not voting — Mr. Speaker(C).

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

Absent — Biedermann; Murphy; Nevárez.

HB 3842 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative T. King submitted the following conference committee report on **HB 3842**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3842** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hinojosa
Flores
Hughes
Zaffirini

T. King
Geren
Goldman
Canales
Harless

On the part of the senate

On the part of the house

HB 3842, A bill to be entitled An Act relating to the regulation of certain motor vehicle dealers; waiving certain fees.

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

SECTION 1. Subchapter B, Chapter 501, Transportation Code, is amended by adding Section 501.0236 to read as follows:

Sec. 501.0236. ISSUANCE OF TITLE AND PERMITS WHEN DEALER GOES OUT OF BUSINESS. (a) This section applies only to a person who is the purchaser of a motor vehicle for which the dealer:

(1) is required to apply for a title for the vehicle under Section 501.0234; and

(2) does not apply for the title because the dealer has gone out of business.

(b) A purchaser to whom this section applies may apply for:

(1) a title in the manner prescribed by the department by rule; and

(2) on expiration of the buyer's tag issued to the purchaser under Section 503.063, a 30-day permit under Section 502.095.

(c) An application for a title under this section must include a release of any recorded lien on the motor vehicle unless the only recorded lienholder is a dealer described by Subsection (a).

(d) The department shall waive the payment of fees for:

(1) a title issued to a purchaser described by this section, if the purchaser can show that fees for a title were paid to the dealer; and

(2) one 30-day permit issued to a purchaser described by this section.

(e) Notwithstanding Section 503.033(e), the department may recover against the surety bond executed by the dealer under Section 503.033 the amount of any fee waived for a title or permit issued under this section.

(f) The department shall adopt the rules necessary to implement this section.

SECTION 2. Section 503.027(a), Transportation Code, is amended to read as follows:

(a) ~~A [If a dealer consigns for sale more than five vehicles in a calendar year from a location other than the location for which the dealer holds a general distinguishing number, the] dealer must [also] hold a general distinguishing number for a [the] consignment location unless the consignment location is a wholesale motor vehicle auction.~~

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

Representative T. King moved to adopt the conference committee report on **HB 3842**.

The motion to adopt the conference committee report on **HB 3842** prevailed by (Record 1984): 128 Yeas, 14 Nays, 1 Present, not voting.

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

Nays — Biedermann; Cain; Hefner; Krause; Lang; Middleton; Patterson; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

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

Absent — Clardy; Martinez; Noble; Stephenson.

HB 1495 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Toth submitted the following conference committee report on **HB 1495**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1495** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Creighton

Fallon

Campbell

Flores

On the part of the senate

Bohac

Toth

Middleton

Noble

On the part of the house

HB 1495, A bill to be entitled An Act relating to the ethics of certain public officials, including certain disclosure requirements.

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

SECTION 1. This Act shall be cited as the J D Lambright Local Government Ethics Reform Act.

SECTION 2. 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 3. 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.

SECTION 4. Section 161.001, Local Government Code, is amended to read as follows:

Sec. 161.001. APPLICABILITY OF CHAPTER. This chapter applies only to:

(1) a county that:

(A) [(+) has a population of 800,000 or more;

(B) [(2) is located on the international border; and

(C) [(3) before September 1, 2009, had a county ethics board appointed by the commissioners court;

(2) a county that:

(A) has a population of 425,000 or more;

(B) is adjacent to a county with a population of 3.3 million or more; and

(C) contains a portion of the San Jacinto River; and

(3) a county that has a population of less than 40,000 that is adjacent to a county with a population of more than 3.3 million.

SECTION 5. Subchapter C, Chapter 161, Local Government Code, is amended by adding Section 161.107 to read as follows:

Sec. 161.107. DISCLOSURE OF CERTAIN CONTRACTS. (a) The commission shall prominently display on the county's Internet website the following regarding contracts for services executed by the county that would require a person to register as a lobbyist under Chapter 305, Government Code:

(1) the execution dates;

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

(3) the effective dates;

(4) the final amount of money the county 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 county.

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

(c) Information required to be displayed on a county's Internet website under this section is public information subject to disclosure under Chapter 552, Government Code.

SECTION 6. Chapter 170, Local Government Code, is amended by adding Section 170.002 to read as follows:

Sec. 170.002. CODE OF ETHICS FOR CERTAIN COMMISSIONERS COURTS. (a) This section applies to a county that has a population of less than 40,000 that is adjacent to a county with a population of more than 3.3 million.

(b) The commissioners court of a county subject to this section may adopt by order a code of ethics that provides standards of conduct for members of the commissioners court.

(c) If a commissioners court of a county subject to this section adopts a code of ethics under this section, the code of ethics must require each member of the commissioners court to file a conflicts disclosure statement that is in addition to the statement required by Section 176.003.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

HB 1495 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of the conference committee report on **HB 1495** under Rule 8, Section 3, of the House Rules. The point of order was overruled and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on House Bill 1495

Announced in the House on May 26, 2019

Representative Y. Davis raises a point of order against further consideration of the conference committee report on **HB 1495** under Rule 8, Section 3, of the House Rules on the grounds that the bill contains more than one subject.

Ms. Davis argues that the provision requiring political subdivisions to itemize their lobbying expenditures in their operating budgets constitutes a second subject.

Each element of the conference committee report relates to the single subject of ethics of local public servants and associated disclosure requirements. The complained-of language is on this subject. Thus, the bill does not contain more than one subject, and does not violate the constitutional rule.

Accordingly, the point of order is respectfully overruled.

Representative Toth moved to adopt the conference committee report on **HB 1495**.

The motion to adopt the conference committee report on **HB 1495** prevailed by (Record 1985): 116 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Beckley; Bell, K.; Bernal; Blanco; Bonnen; Bowers; Buckley; Bucy; Button; Cain; Capriglione; Clardy; Coleman; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dutton; Farrar; Fierro; Flynn; Frank; Geren; Gervin-Hawkins; Goldman; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Herrero; Hinojosa; Holland; Howard;

Huberty; Hunter; Israel; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Rodriguez; Romero; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; Vo; Walle; White; Wilson; Wray; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cole; Collier; Davis, Y.; González, J.; González, M.; Gutierrez; Longoria; Lopez; Rose; Stickland.

Present, not voting — Mr. Speaker(C).

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

Absent — Bailes; Bell, C.; Burns; Burrows; Calanni; Canales; Dominguez; Frullo; Hernandez; Johnson, J.D.; Johnson, J.E.; King, K.; Lucio; Morrison; Reynolds; Sherman; Turner, C.; VanDeaver; Wu.

STATEMENTS OF VOTE

When Record No. 1985 was taken, my vote failed to register. I would have voted yes.

C. Bell

When Record No. 1985 was taken, I was shown voting no. I intended to vote yes.

Biedermann

When Record No. 1985 was taken, I was in the house but away from my desk. I would have voted yes.

Calanni

When Record No. 1985 was taken, I was shown voting no. I intended to vote yes.

Longoria

When Record No. 1985 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

SB 1991 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Klick submitted the conference committee report on **SB 1991**.

Representative Klick moved to adopt the conference committee report on **SB 1991**.

The motion to adopt the conference committee report on **SB 1991** prevailed by (Record 1986): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; 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; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

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

Absent — Farrar; Johnson, J.D.; Moody.

HR 2191 - ADOPTED
(by G. Bonnen)

The following privileged resolution was laid before the house:

HR 2191

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, Regular Session, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 2327** (preauthorization of certain medical care and health care services by certain health benefit plan issuers and to the regulation of utilization review, independent review, and peer review for health benefit plan and workers' compensation coverage) to consider and take action on the following matter:

House Rule 13, Section 9(a)(1), is suspended to permit the conference committee to amend text not in disagreement in proposed SECTION 3.02 of the bill, in the transition language, to read as follows:

SECTION 3.02. The changes in law made by Article 2 of this Act apply only to utilization, independent, or peer review requested on or after September 1, 2020. Utilization, independent, or peer review requested before September 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.

Explanation: The change is necessary to delay the implementation of Article 2 of the bill by a year.

HR 2191 was adopted by (Record 1987): 143 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

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

Absent — Farrar; Thompson, S.

HB 2327 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative G. Bonnen submitted the following conference committee report on **HB 2327**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2327** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Buckingham
Campbell
Menéndez
Schwertner
On the part of the senate

G. Bonnen
Oliverson
C. Turner
Zerwas
On the part of the house

HB 2327, A bill to be entitled An Act relating to preauthorization of certain medical care and health care services by certain health benefit plan issuers and to the regulation of utilization review, independent review, and peer review for health benefit plan and workers' compensation coverage.

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

ARTICLE 1. PREAUTHORIZATION

SECTION 1.01. Section 843.348(b), Insurance Code, is amended to read as follows:

(b) A health maintenance organization that uses a preauthorization process for health care services shall provide each participating physician or provider, not later than the fifth ~~fourth~~ business day after the date a request is made, a list of health care services that ~~[do not]~~ require preauthorization and information concerning the preauthorization process.

SECTION 1.02. Subchapter J, Chapter 843, Insurance Code, is amended by adding Sections 843.3481, 843.3482, 843.3483, and 843.3484 to read as follows:

Sec. 843.3481. POSTING OF PREAUTHORIZATION REQUIREMENTS.

(a) A health maintenance organization that uses a preauthorization process for health care services shall make the requirements and information about the preauthorization process readily accessible to enrollees, physicians, providers, and the general public by posting the requirements and information on the health maintenance organization's Internet website.

(b) The preauthorization requirements and information described by Subsection (a) must:

(1) be posted:

(A) conspicuously in a location on the Internet website that does not require the use of a log-in or other input of personal information to view the information; and

(B) in a format that is easily searchable and accessible;

(2) be written in plain language that is easily understandable by enrollees, physicians, providers, and the general public;

(3) include a detailed description of the preauthorization process and procedure; and

(4) include an accurate and current list of the health care services for which the health maintenance organization requires preauthorization that includes the following information specific to each service:

(A) the effective date of the preauthorization requirement;

(B) a list or description of any supporting documentation that the health maintenance organization requires from the physician or provider ordering or requesting the service to approve a request for that service;

(C) the applicable screening criteria using Current Procedural Terminology codes and International Classification of Diseases codes; and

(D) statistics regarding preauthorization approval and denial rates for the service in the preceding year and for each previous year the preauthorization requirement was in effect, including statistics in the following categories:

(i) physician or provider type and specialty, if any;

- (ii) indication offered;
- (iii) reasons for request denial;
- (iv) denials overturned on internal appeal;
- (v) denials overturned on external appeal; and
- (vi) total annual preauthorization requests, approvals, and

denials for the service.

Sec. 843.3482. CHANGES TO PREAUTHORIZATION REQUIREMENTS. (a) Except as provided by Subsection (b), not later than the 60th day before the date a new or amended preauthorization requirement takes effect, a health maintenance organization that uses a preauthorization process for health care services shall provide each participating physician or provider written notice of the new or amended preauthorization requirement and disclose the new or amended requirement in the health maintenance organization's newsletter or network bulletin, if any.

(b) For a change in a preauthorization requirement or process that removes a service from the list of health care services requiring preauthorization or amends a preauthorization requirement in a way that is less burdensome to enrollees or participating physicians or providers, a health maintenance organization shall provide each participating physician or provider written notice of the change in the preauthorization requirement and disclose the change in the health maintenance organization's newsletter or network bulletin, if any, not later than the fifth day before the date the change takes effect.

(c) Not later than the fifth day before the date a new or amended preauthorization requirement takes effect, a health maintenance organization shall update its Internet website to disclose the change to the health maintenance organization's preauthorization requirements or process and the date and time the change is effective.

Sec. 843.3483. REMEDY FOR NONCOMPLIANCE; AUTOMATIC WAIVER. In addition to any other penalty or remedy provided by law, a health maintenance organization that uses a preauthorization process for health care services that violates this subchapter with respect to a required publication, notice, or response regarding its preauthorization requirements, including by failing to comply with any applicable deadline for the publication, notice, or response, waives the health maintenance organization's preauthorization requirements with respect to any health care service affected by the violation, and any health care service affected by the violation is considered preauthorized by the health maintenance organization.

Sec. 843.3484. EFFECT OF PREAUTHORIZATION WAIVER. A waiver of preauthorization requirements under Section 843.3483 may not be construed to:

(1) authorize a physician or provider to provide health care services outside of the physician's or provider's applicable scope of practice as defined by state law; or

(2) require the health maintenance organization to pay for a health care service provided outside of the physician's or provider's applicable scope of practice as defined by state law.

SECTION 1.03. Section 1301.135(a), Insurance Code, is amended to read as follows:

(a) An insurer that uses a preauthorization process for medical care or ~~and~~ health care services shall provide to each preferred provider, not later than the fifth ~~fourth~~ business day after the date a request is made, a list of medical care and health care services that require preauthorization and information concerning the preauthorization process.

SECTION 1.04. Subchapter C-1, Chapter 1301, Insurance Code, is amended by adding Sections 1301.1351, 1301.1352, 1301.1353, and 1301.1354 to read as follows:

Sec. 1301.1351. POSTING OF PREAUTHORIZATION REQUIREMENTS. (a) An insurer that uses a preauthorization process for medical care or health care services shall make the requirements and information about the preauthorization process readily accessible to insureds, physicians, health care providers, and the general public by posting the requirements and information on the insurer's Internet website.

(b) The preauthorization requirements and information described by Subsection (a) must:

(1) be posted:

(A) conspicuously in a location on the Internet website that does not require the use of a log-in or other input of personal information to view the information; and

(B) in a format that is easily searchable and accessible;

(2) be written in plain language that is easily understandable by insureds, physicians, health care providers, and the general public;

(3) include a detailed description of the preauthorization process and procedure; and

(4) include an accurate and current list of medical care and health care services for which the insurer requires preauthorization that includes the following information specific to each service:

(A) the effective date of the preauthorization requirement;

(B) a list or description of any supporting documentation that the insurer requires from the physician or health care provider ordering or requesting the service to approve a request for the service;

(C) the applicable screening criteria using Current Procedural Terminology codes and International Classification of Diseases codes; and

(D) statistics regarding the insurer's preauthorization approval and denial rates for the medical care or health care service in the preceding year and for each previous year the preauthorization requirement was in effect, including statistics in the following categories:

(i) physician or health care provider type and specialty, if any;

(ii) indication offered;

(iii) reasons for request denial;

(iv) denials overturned on internal appeal;

(v) denials overturned on external appeal; and

(vi) total annual preauthorization requests, approvals, and denials for the service.

(c) The provisions of this section may not be waived, voided, or nullified by contract.

Sec. 1301.1352. CHANGES TO PREAUTHORIZATION REQUIREMENTS. (a) Except as provided by Subsection (b), not later than the 60th day before the date a new or amended preauthorization requirement takes effect, an insurer that uses a preauthorization process for medical care or health care services shall provide to each preferred provider written notice of the new or amended preauthorization requirement and disclose the new or amended requirement in the insurer's newsletter or network bulletin, if any.

(b) For a change in a preauthorization requirement or process that removes a service from the list of medical care or health care services requiring preauthorization or amends a preauthorization requirement in a way that is less burdensome to insureds, physicians, or health care providers, an insurer shall provide each preferred provider written notice of the change in the preauthorization requirement and disclose the change in the insurer's newsletter or network bulletin, if any, not later than the fifth day before the date the change takes effect.

(c) Not later than the fifth day before the date a new or amended preauthorization requirement takes effect, an insurer shall update its Internet website to disclose the change to the insurer's preauthorization requirements or process and the date and time the change is effective.

(d) The provisions of this section may not be waived, voided, or nullified by contract.

Sec. 1301.1353. REMEDY FOR NONCOMPLIANCE; AUTOMATIC WAIVER. (a) In addition to any other penalty or remedy provided by law, an insurer that uses a preauthorization process for medical care or health care services that violates this subchapter with respect to a required publication, notice, or response regarding its preauthorization requirements, including by failing to comply with any applicable deadline for the publication, notice, or response, waives the insurer's preauthorization requirements with respect to any medical care or health care service affected by the violation, and any medical care or health care service affected by the violation is considered preauthorized by the insurer.

(b) The provisions of this section may not be waived, voided, or nullified by contract.

Sec. 1301.1354. EFFECT OF PREAUTHORIZATION WAIVER. (a) A waiver of preauthorization requirements under Section 1301.1353 may not be construed to:

(1) authorize a physician or health care provider to provide medical care or health care services outside of the physician's or health care provider's applicable scope of practice as defined by state law; or

(2) require the insurer to pay for a medical care or health care service provided outside of the physician's or health care provider's applicable scope of practice as defined by state law.

(b) The provisions of this section may not be waived, voided, or nullified by contract.

ARTICLE 2. UTILIZATION, INDEPENDENT, AND PEER REVIEW

SECTION 2.01. Section 4201.002(12), Insurance Code, is amended to read as follows:

(12) "Provider of record" means the physician or other health care provider with primary responsibility for the health care, ~~treatment, and~~ services provided to or requested on behalf of an enrollee or the physician or other health care provider that has provided or has been requested to provide the health care services to the enrollee. The term includes a health care facility where the health care services are ~~if treatment is~~ provided on an inpatient or outpatient basis.

SECTION 2.02. Sections 4201.151 and 4201.152, Insurance Code, are amended to read as follows:

Sec. 4201.151. UTILIZATION REVIEW PLAN. A utilization review agent's utilization review plan, including reconsideration and appeal requirements, must be reviewed by a physician licensed to practice medicine in this state and conducted in accordance with standards developed with input from appropriate health care providers and approved by a physician licensed to practice medicine in this state.

Sec. 4201.152. UTILIZATION REVIEW UNDER ~~[DIRECTION OF]~~ PHYSICIAN. A utilization review agent shall conduct utilization review under the supervision and direction of a physician licensed to practice medicine in this ~~by a~~ state ~~[licensing agency in the United States]~~.

SECTION 2.03. Subchapter D, Chapter 4201, Insurance Code, is amended by adding Section 4201.1525 to read as follows:

Sec. 4201.1525. UTILIZATION REVIEW BY PHYSICIAN. (a) A utilization review agent that uses a physician to conduct utilization review may only use a physician licensed to practice medicine in this state.

(b) A payor that conducts utilization review on the payor's own behalf is subject to Subsection (a) as if the payor were a utilization review agent.

SECTION 2.04. Section 4201.153(d), Insurance Code, is amended to read as follows:

(d) Screening criteria must be used to determine only whether to approve the requested treatment. Before issuing an adverse determination, a utilization review agent must obtain a determination of medical necessity by referring a proposed ~~[A]~~ denial of requested treatment ~~[must be referred]~~ to:

(1) an appropriate physician, dentist, or other health care provider; or
(2) if the treatment is requested, ordered, provided, or to be provided by a physician, a physician licensed to practice medicine in this state who is of the same or a similar specialty as that physician ~~[to determine medical necessity]~~.

SECTION 2.05. Sections 4201.155, 4201.206, and 4201.251, Insurance Code, are amended to read as follows:

Sec. 4201.155. LIMITATION ON NOTICE REQUIREMENTS AND REVIEW PROCEDURES. (a) A utilization review agent may not establish or impose a notice requirement or other review procedure that is contrary to the requirements of the health insurance policy or health benefit plan.

(b) This section may not be construed to release a health insurance policy or health benefit plan from full compliance with this chapter or other applicable law.

Sec. 4201.206. OPPORTUNITY TO DISCUSS TREATMENT BEFORE ADVERSE DETERMINATION. (a) Subject to Subsection (b) and the notice requirements of Subchapter G, before an adverse determination is issued by a utilization review agent who questions the medical necessity, the [or] appropriateness, or the experimental or investigational nature[er] of a health care service, the agent shall provide the health care provider who ordered, requested, provided, or is to provide the service a reasonable opportunity to discuss with a physician licensed to practice medicine in this state the patient's treatment plan and the clinical basis for the agent's determination.

(b) If the health care service described by Subsection (a) was ordered, requested, or provided, or is to be provided by a physician, the opportunity described by that subsection must be with a physician licensed to practice medicine in this state who is of the same or a similar specialty as that physician.

Sec. 4201.251. DELEGATION OF UTILIZATION REVIEW. A utilization review agent may delegate utilization review to qualified personnel in the hospital or other health care facility in which the health care services to be reviewed were or are to be provided. The delegation does not release the agent from the full responsibility for compliance with this chapter or other applicable law, including the conduct of those to whom utilization review has been delegated.

SECTION 2.06. Sections 4201.252(a) and (b), Insurance Code, are amended to read as follows:

(a) Personnel employed by or under contract with a utilization review agent to perform utilization review must be appropriately trained and qualified and meet the requirements of this chapter and other applicable law, including licensing requirements.

(b) Personnel, other than a physician licensed to practice medicine in this state, who obtain oral or written information directly from a patient's physician or other health care provider regarding the patient's specific medical condition, diagnosis, or treatment options or protocols must be a nurse, physician assistant, or other health care provider qualified and licensed or otherwise authorized by law and the appropriate licensing agency in this state to provide the requested service.

SECTION 2.07. Section 4201.356, Insurance Code, is amended to read as follows:

Sec. 4201.356. DECISION BY PHYSICIAN REQUIRED; SPECIALTY REVIEW. (a) The procedures for appealing an adverse determination must provide that a physician licensed to practice medicine in this state makes the decision on the appeal, except as provided by Subsection (b) or (c).

(b) For a health care service ordered, requested, provided, or to be provided by a physician, the procedures for appealing an adverse determination must provide that a physician licensed to practice medicine in this state who is of the same or a similar specialty as that physician makes the decision on appeal, except as provided by Subsection (c).

(c) If not later than the 10th working day after the date an appeal is denied the enrollee's health care provider states in writing good cause for having a particular type of specialty provider review the case, a health care provider who is of the same or a similar specialty as the health care provider who would typically manage the medical or dental condition, procedure, or treatment under consideration for review and who is licensed or otherwise authorized by the appropriate licensing agency in this state to manage the medical or dental condition, procedure, or treatment shall review the decision denying the appeal. The specialty review must be completed within 15 working days of the date the health care provider's request for specialty review is received.

SECTION 2.08. Sections 4201.357(a), (a-1), and (a-2), Insurance Code, are amended to read as follows:

(a) The procedures for appealing an adverse determination must include, in addition to the written appeal, a procedure for an expedited appeal of a denial of emergency care, ~~or~~ a denial of continued hospitalization, or a denial of another service if the requesting health care provider includes a written statement with supporting documentation that the service is necessary to treat a life-threatening condition or prevent serious harm to the patient. That procedure must include a review by a health care provider who:

(1) has not previously reviewed the case; ~~and~~

(2) is of the same or a similar specialty as the health care provider who would typically manage the medical or dental condition, procedure, or treatment under review in the appeal; and

(3) for a review of a health care service:

(A) ordered, requested, provided, or to be provided by a health care provider who is not a physician, is licensed or otherwise authorized by the appropriate licensing agency in this state to provide the service in this state; or

(B) ordered, requested, provided, or to be provided by a physician, is licensed to practice medicine in this state.

(a-1) The procedures for appealing an adverse determination must include, in addition to the written appeal and the appeal described by Subsection (a), a procedure for an expedited appeal of a denial of prescription drugs or intravenous infusions for which the patient is receiving benefits under the health insurance policy. That procedure must include a review by a health care provider who:

(1) has not previously reviewed the case; ~~and~~

(2) is of the same or a similar specialty as the health care provider who would typically manage the medical or dental condition, procedure, or treatment under review in the appeal; and

(3) for a review of a health care service:

(A) ordered, requested, provided, or to be provided by a health care provider who is not a physician, is licensed or otherwise authorized by the appropriate licensing agency in this state to provide the service in this state; or

(B) ordered, requested, provided, or to be provided by a physician, is licensed to practice medicine in this state.

(a-2) An adverse determination under Section 1369.0546 is entitled to an expedited appeal. The physician or, if appropriate, other health care provider deciding the appeal must consider atypical diagnoses and the needs of atypical patient populations. The physician must be licensed to practice medicine in this state and the health care provider must be licensed or otherwise authorized by the appropriate licensing agency in this state.

SECTION 2.09. Section 4201.359, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) A physician described by Subsection (b)(2) must comply with this chapter and other applicable laws and be licensed to practice medicine in this state. A health care provider described by Subsection (b)(2) must comply with this chapter and other applicable laws and be licensed or otherwise authorized by the appropriate licensing agency in this state.

SECTION 2.10. Sections 4201.453 and 4201.454, Insurance Code, are amended to read as follows:

Sec. 4201.453. UTILIZATION REVIEW PLAN. A specialty utilization review agent's utilization review plan, including reconsideration and appeal requirements, must be:

(1) reviewed by a health care provider of the appropriate specialty who is licensed or otherwise authorized to provide the specialty health care service in this state; and

(2) conducted in accordance with standards developed with input from a health care provider of the appropriate specialty who is licensed or otherwise authorized to provide the specialty health care service in this state.

Sec. 4201.454. UTILIZATION REVIEW UNDER DIRECTION OF PROVIDER OF SAME SPECIALTY. A specialty utilization review agent shall conduct utilization review under the direction of a health care provider who is of the same specialty as the agent and who is licensed or otherwise authorized to provide the specialty health care service in this [by a] state [licensing agency in the United States].

SECTION 2.11. Sections 4201.455(a) and (b), Insurance Code, are amended to read as follows:

(a) Personnel who are employed by or under contract with a specialty utilization review agent to perform utilization review must be appropriately trained and qualified and meet the requirements of this chapter and other applicable law of this state, including licensing laws.

(b) Personnel who obtain oral or written information directly from a physician or other health care provider must be a nurse, physician assistant, or other health care provider of the same specialty as the agent and who are licensed or otherwise authorized to provide the specialty health care service in this [by a] state [licensing agency in the United States].

SECTION 2.12. Sections 4201.456 and 4201.457, Insurance Code, are amended to read as follows:

Sec. 4201.456. OPPORTUNITY TO DISCUSS TREATMENT BEFORE ADVERSE DETERMINATION. Subject to the notice requirements of Subchapter G, before an adverse determination is issued by a specialty utilization

review agent who questions the medical necessity, the ~~[or]~~ appropriateness, or the experimental or investigational nature~~[;]~~ of a health care service, the agent shall provide the health care provider who ordered, requested, provided, or is to provide the service a reasonable opportunity to discuss the patient's treatment plan and the clinical basis for the agent's determination with a health care provider who is:

- (1) of the same specialty as the agent; and
- (2) licensed or otherwise authorized to provide the specialty health care service in this state.

Sec. 4201.457. APPEAL DECISIONS. A specialty utilization review agent shall comply with the requirement that a physician or other health care provider who makes the decision in an appeal of an adverse determination must be:

- (1) of the same or a similar specialty as the health care provider who would typically manage the specialty condition, procedure, or treatment under review in the appeal; and
- (2) licensed or otherwise authorized to provide the health care service in this state.

SECTION 2.13. Section 4202.002, Insurance Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The standards adopted under Subsection (b)(3) must:

- (1) ensure that personnel conducting independent review for a health care service are licensed or otherwise authorized to provide the same or a similar health care service in this state; and
- (2) be consistent with the licensing laws of this state.

SECTION 2.14. Section 408.0043, Labor Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), if a health care service is requested, ordered, provided, or to be provided by a physician, a person described by Subsection (a)(1), (2), or (3) who reviews the service with respect to a specific workers' compensation case must be of the same or a similar specialty as that physician.

SECTION 2.15. Subchapter B, Chapter 151, Occupations Code, is amended by adding Section 151.057 to read as follows:

Sec. 151.057. APPLICATION TO UTILIZATION REVIEW. (a) In this section:

(1) "Adverse determination" means a determination that health care services provided or proposed to be provided to an individual in this state by a physician or at the request or order of a physician are not medically necessary or are experimental or investigational.

(2) "Payor" has the meaning assigned by Section 4201.002, Insurance Code.

(3) "Utilization review" has the meaning assigned by Section 4201.002, Insurance Code, and the term includes a review of:

(A) a step therapy protocol exception request under Section 1369.0546, Insurance Code; and

(B) prescription drug benefits under Section 1369.056, Insurance Code.

(4) "Utilization review agent" means:

(A) an entity that conducts utilization review under Chapter 4201, Insurance Code;

(B) a payor that conducts utilization review on the payor's own behalf or on behalf of another person or entity;

(C) an independent review organization certified under Chapter 4202, Insurance Code; or

(D) a workers' compensation health care network certified under Chapter 1305, Insurance Code.

(b) A person who does the following is considered to be engaged in the practice of medicine in this state and is subject to appropriate regulation by the board:

(1) makes on behalf of a utilization review agent or directs a utilization review agent to make an adverse determination, including:

(A) an adverse determination made on reconsideration of a previous adverse determination;

(B) an adverse determination in an independent review under Subchapter I, Chapter 4201, Insurance Code;

(C) a refusal to provide benefits for a prescription drug under Section 1369.056, Insurance Code; or

(D) a denial of a step therapy protocol exception request under Section 1369.0546, Insurance Code;

(2) serves as a medical director of an independent review organization certified under Chapter 4202, Insurance Code;

(3) reviews or approves a utilization review plan under Section 4201.151, Insurance Code;

(4) supervises and directs utilization review under Section 4201.152, Insurance Code; or

(5) discusses a patient's treatment plan and the clinical basis for an adverse determination before the adverse determination is issued, as provided by Section 4201.206, Insurance Code.

(c) For purposes of Subsection (b), a denial of health care services based on the failure to request prospective or concurrent review is not considered an adverse determination.

SECTION 2.16. Section 1305.351(d), Insurance Code, is amended to read as follows:

(d) A ~~[Notwithstanding Section 4201.152, a]~~ utilization review agent or an insurance carrier that uses doctors to perform reviews of health care services provided under this chapter, including utilization review, or peer reviews under Section 408.0231(g), Labor Code, may only use doctors licensed to practice in this state.

SECTION 2.17. Section 1305.355(d), Insurance Code, is amended to read as follows:

(d) The department shall assign the review request to an independent review organization. An [~~Notwithstanding Section 4202.002, an~~] independent review organization that uses doctors to perform reviews of health care services under this chapter may only use doctors licensed to practice in this state.

SECTION 2.18. Section 408.023(h), Labor Code, is amended to read as follows:

(h) A [~~Notwithstanding Section 4201.152, Insurance Code, a~~] utilization review agent or an insurance carrier that uses doctors to perform reviews of health care services provided under this subtitle, including utilization review, may only use doctors licensed to practice in this state.

SECTION 2.19. Section 413.031(e-2), Labor Code, is amended to read as follows:

(e-2) An [~~Notwithstanding Section 4202.002, Insurance Code, an~~] independent review organization that uses doctors to perform reviews of health care services provided under this title may only use doctors licensed to practice in this state.

ARTICLE 3. TRANSITIONS; EFFECTIVE DATE

SECTION 3.01. The changes in law made by Article 1 of this Act apply only to a request for preauthorization of medical care or health care services made on or after January 1, 2020, under a health benefit plan delivered, issued for delivery, or renewed on or after that date. A request for preauthorization of medical care or health care services made before January 1, 2020, or on or after January 1, 2020, under a health benefit plan delivered, issued for delivery, or renewed before that date 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.

SECTION 3.02. The changes in law made by Article 2 of this Act apply only to utilization, independent, or peer review requested on or after September 1, 2020. Utilization, independent, or peer review requested before September 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.

SECTION 3.03. This Act takes effect September 1, 2019.

Representative G. Bonnen moved to adopt the conference committee report on **HB 2327**.

The motion to adopt the conference committee report on **HB 2327** prevailed by (Record 1988): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller;

Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

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

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

Absent — Goldman; King, T.; Thompson, S.

STATEMENT OF VOTE

When Record No. 1988 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

HB 1973 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Button submitted the following conference committee report on **HB 1973**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1973** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Nelson
Alvarado
Campbell
Huffman
Watson

Button
Shaheen
Rodriguez
Swanson
Goodwin

On the part of the senate

On the part of the house

HB 1973, A bill to be entitled An Act relating to the system by which an application for a low income housing tax credit is scored.

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

SECTION 1. Section 2306.6710, Government Code, is amended by adding Subsection (g) to read as follows:

(g) If no written statement is received for an application under Subsection (b)(1)(J), the department shall use the maximum number of points that could have been awarded under that paragraph to increase the maximum number of points

that may be awarded for that application under Subsection (b)(1)(B). If awarding points under Subsection (b)(1)(B)(iii), the department shall reallocate the points from the scoring category provided by Subsection (b)(1)(J) equally between the political subdivisions described by Subsection (b)(1)(B)(iii). In awarding points transferred under this subsection from the scoring category provided by Subsection (b)(1)(J) to the scoring category provided by Subsection (b)(1)(B), the department shall award:

- (1) positive points for positive resolutions adopted;
- (2) negative points for negative resolutions adopted; and
- (3) zero points for neutral resolutions adopted.

SECTION 2. The change in law made by this Act applies only to an application for low income housing tax credits that is submitted to the Texas Department of Housing and Community Affairs during an application cycle that is based on the 2020 qualified allocation plan or a subsequent plan adopted by the governing board of the department. An application that is submitted during an application cycle that is based on an earlier qualified allocation plan is governed by the law in effect on the date the application cycle began, and the former law is continued in effect for that purpose.

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

Representative Button moved to adopt the conference committee report on **HB 1973**.

The motion to adopt the conference committee report on **HB 1973** prevailed by (Record 1989): 126 Yeas, 14 Nays, 1 Present, not voting.

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

Nays — Cain; Craddick; Frank; Hefner; Herrero; Krause; Parker; Ramos; Rodriguez; Romero; Stickland; Stucky; Thompson, E.; White.

Present, not voting — Mr. Speaker(C).

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

Absent — Dutton; Guerra; Hernandez; Johnson, J.E.; Sherman; Swanson.

STATEMENTS OF VOTE

When Record No. 1989 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 1989 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1989 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez

When Record No. 1989 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 1989 was taken, my vote failed to register. I would have voted yes.

Swanson

When Record No. 1989 was taken, I was shown voting yes. I intended to vote no.

Wilson

When Record No. 1989 was taken, I was shown voting yes. I intended to vote no.

Zerwas

SB 1257 - MOTION TO ADOPT CONFERENCE COMMITTEE REPORT

Representative Leach submitted the conference committee report on **SB 1257**.

Representative Leach moved to adopt the conference committee report on **SB 1257**.

The motion was withdrawn.

HB 492 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Shine submitted the following conference committee report on **HB 492**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 492** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Taylor	Shine
Bettencourt	Burrows
Creighton	Murphy
Hinojosa	Martinez Fischer
Paxton	Darby
On the part of the senate	On the part of the house

HB 492, A bill to be entitled An Act relating to a temporary exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster.

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

SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by adding Section 11.35 to read as follows:

Sec. 11.35. TEMPORARY EXEMPTION FOR QUALIFIED PROPERTY DAMAGED BY DISASTER. (a) In this section, "qualified property" means property that:

(1) consists of:

(A) tangible personal property used for the production of income;

(B) an improvement to real property; or

(C) a manufactured home as that term is defined by Section 1201.003, Occupations Code, that is used as a dwelling, regardless of whether the owner of the manufactured home elects to treat the manufactured home as real property under Section 1201.2055, Occupations Code;

(2) is located in an area declared by the governor to be a disaster area following a disaster;

(3) is at least 15 percent damaged by the disaster, as determined by the chief appraiser under this section; and

(4) for property described by Subdivision (1)(A), is the subject of a rendition statement or property report filed by the property owner under Section 22.01 that demonstrates that the property had taxable situs in the disaster area for the tax year in which the disaster occurred.

(b) A person is entitled to an exemption from taxation by a taxing unit of a portion of the appraised value of qualified property that the person owns in an amount determined under Subsection (h).

(c) Notwithstanding Subsection (b), if the governor first declares territory in a taxing unit to be a disaster area as a result of a disaster on or after the date a taxing unit adopts a tax rate for the tax year in which the declaration is issued, a person is not entitled to the exemption for that tax year unless the governing body of the taxing unit adopts the exemption in the manner provided by law for official action by the body.

(d) An exemption adopted by the governing body of a taxing unit under Subsection (c) must:

(1) specify the disaster to which the exemption pertains; and

(2) be adopted not later than the 60th day after the date the governor first declares territory in the taxing unit to be a disaster area as a result of the disaster.

(e) A taxing unit the governing body of which adopts an exemption under Subsection (c) shall, not later than the seventh day after the date the governing body adopts the exemption, notify the chief appraiser of each appraisal district in which the taxing unit participates, the assessor for the taxing unit, and the comptroller of the adoption of the exemption.

(f) On receipt of an application for the exemption authorized by this section, the chief appraiser shall determine whether any item of qualified property that is the subject of the application is at least 15 percent damaged by the disaster and assign to each such item of qualified property a damage assessment rating of Level I, Level II, Level III, or Level IV, as appropriate, as provided by Subsection (g). In determining the appropriate damage assessment rating, the chief appraiser may rely on information provided by a county emergency management authority, the Federal Emergency Management Agency, or any other source the chief appraiser considers appropriate.

(g) The chief appraiser shall assign to an item of qualified property:

(1) a Level I damage assessment rating if the property is at least 15 percent, but less than 30 percent, damaged, meaning that the property suffered minimal damage and may continue to be used as intended;

(2) a Level II damage assessment rating if the property is at least 30 percent, but less than 60 percent, damaged, which, for qualified property described by Subsection (a)(1)(B) or (C), means that the property has suffered only nonstructural damage, including nonstructural damage to the roof, walls, foundation, or mechanical components, and the waterline, if any, is less than 18 inches above the floor; or

(3) a Level III damage assessment rating if the property is at least 60 percent damaged but is not a total loss, which, for qualified property described by Subsection (a)(1)(B) or (C), means that the property has suffered significant structural damage requiring extensive repair due to the failure or partial failure of structural elements, wall elements, or the foundation, or the waterline is at least 18 inches above the floor; or

(4) a Level IV damage assessment rating if the property is a total loss, meaning that repair of the property is not feasible.

(h) Subject to Subsection (i), the amount of the exemption authorized by this section for an item of qualified property is determined by multiplying the appraised value, determined for the tax year in which the disaster occurred, of the property by:

(1) 15 percent, if the property is assigned a Level I damage assessment rating;

(2) 30 percent, if the property is assigned a Level II damage assessment rating;

(3) 60 percent, if the property is assigned a Level III damage assessment rating; or

(4) 100 percent, if the property is assigned a Level IV damage assessment rating.

(i) If a person qualifies for the exemption authorized by this section after the beginning of the tax year, the amount of the exemption is calculated by multiplying the amount determined under Subsection (h) by a fraction, the denominator of which is 365 and the numerator of which is the number of days remaining in the tax year after the day on which the governor first declares the area in which the person's qualified property is located to be a disaster area, including the day on which the governor makes the declaration.

(j) If a person qualifies for the exemption authorized by this section after the amount of the tax due on the qualified property is calculated and the effect of the qualification is to reduce the amount of the tax due on the property, the assessor for each applicable taxing unit shall recalculate the amount of the tax due on the property and correct the tax roll. If the tax bill has been mailed and the tax on the property has not been paid, the assessor shall mail a corrected tax bill to the person in whose name the property is listed on the tax roll or to the person's authorized agent. If the tax on the property has been paid, the tax collector for the taxing unit shall refund to the person who paid the tax the amount by which the payment exceeded the tax due. No interest is due on an amount refunded under this subsection.

(k) The exemption authorized by this section expires as to an item of qualified property on January 1 of the first tax year in which the property is reappraised under Section 25.18.

SECTION 2. Section 11.42(e), Tax Code, is amended to read as follows:

(e) A person who qualifies for an exemption under Section 11.131 or 11.35 after January 1 of a tax year may receive the exemption for the applicable portion of that tax year immediately on qualification for the exemption.

SECTION 3. Section 11.43, Tax Code, is amended by amending Subsection (c) and adding Subsection (s) to read as follows:

(c) An exemption provided by Section 11.13, 11.131, 11.132, 11.133, 11.134, 11.17, 11.18, 11.182, 11.1827, 11.183, 11.19, 11.20, 11.21, 11.22, 11.23(a), (h), (j), (j-1), or (m), 11.231, 11.254, 11.27, 11.271, 11.29, 11.30, 11.31, ~~or~~ 11.315, or 11.35, once allowed, need not be claimed in subsequent years, and except as otherwise provided by Subsection (e), the exemption applies to the property until it changes ownership or the person's qualification for the exemption changes. However, except as provided by Subsection (r), the chief appraiser may require a person allowed one of the exemptions in a prior year to file a new application to confirm the person's current qualification for the exemption by delivering a written notice that a new application is required, accompanied by an appropriate application form, to the person previously allowed the exemption. If the person previously allowed the exemption is 65 years of age or older, the chief appraiser may not cancel the exemption due to the person's failure to file the new application unless the chief appraiser complies with the requirements of Subsection (q), if applicable.

(s) A person who qualifies for an exemption under Section 11.35(b) must apply for the exemption not later than the 105th day after the date the governor declares the area in which the person's qualified property is located to be a disaster area. A person who qualifies for an exemption under Section 11.35(c) must apply for the exemption not later than the 45th day after the date the governing body of the taxing unit adopts the exemption. The chief appraiser may extend the deadlines prescribed by this subsection for good cause shown.

SECTION 4. Section 11.45, Tax Code, is amended by adding Subsection (e) to read as follows:

(e) If the chief appraiser approves, modifies, or denies an application for an exemption under Section 11.35, the chief appraiser shall deliver a written notice of the approval, modification, or denial to the applicant not later than the fifth day after the date the chief appraiser makes the determination. The notice must include the damage assessment rating assigned by the chief appraiser to each item of qualified property that is the subject of the application and a brief explanation of the procedures for protesting the chief appraiser's determination. The notice required under this subsection is in lieu of any notice that would otherwise be required under Subsection (d).

SECTION 5. Section 26.012(15), Tax Code, is amended to read as follows:

(15) "Lost property levy" means the amount of taxes levied in the preceding year on property value that was taxable in the preceding year but is not taxable in the current year because the property is exempt in the current year under a provision of this code other than Section 11.251, ~~or~~ 11.253, or 11.35, the property has qualified for special appraisal under Chapter 23 in the current year, or the property is located in territory that has ceased to be a part of the taxing unit since the preceding year.

SECTION 6. Section 41.03(a), Tax Code, is amended to read as follows:

(a) A taxing unit is entitled to challenge before the appraisal review board:

(1) the level of appraisals of any category of property in the district or in any territory in the district, but not the appraised value of a single taxpayer's property;

(2) an exclusion of property from the appraisal records;

(3) a grant in whole or in part of a partial exemption, other than an exemption under Section 11.35;

(4) a determination that land qualifies for appraisal as provided by Subchapter C, D, E, or H, Chapter 23; or

(5) a failure to identify the taxing unit as one in which a particular property is taxable.

SECTION 7. Section 41.41, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), a property owner is entitled to protest before the appraisal review board only the following actions of the chief appraiser in relation to an exemption under Section 11.35:

(1) the modification or denial of an application for an exemption under that section; or

(2) the determination of the appropriate damage assessment rating for an item of qualified property under that section.

SECTION 8. Section 41.44(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsections (b), (c), (c-1), and (c-2), to be entitled to a hearing and determination of a protest, the property owner initiating the protest must file a written notice of the protest with the appraisal review board having authority to hear the matter protested:

(1) not later than May 15 or the 30th day after the date that notice to the property owner was delivered to the property owner as provided by Section 25.19, whichever is later;

(2) in the case of a protest of a change in the appraisal records ordered as provided by Subchapter A of this chapter or by Chapter 25, not later than the 30th day after the date notice of the change is delivered to the property owner;

(3) in the case of a determination that a change in the use of land appraised under Subchapter C, D, E, or H, Chapter 23, has occurred, not later than the 30th day after the date the notice of the determination is delivered to the property owner; ~~or~~

(4) in the case of a determination of eligibility for a refund under Section 23.1243, not later than the 30th day after the date the notice of the determination is delivered to the property owner; or

(5) in the case of a protest of the modification or denial of an application for an exemption under Section 11.35, or the determination of an appropriate damage assessment rating for an item of qualified property under that section, not later than the 30th day after the date the property owner receives the notice required under Section 11.45(e).

SECTION 9. Section 403.302(d), Government Code, is amended to read as follows:

(d) For the purposes of this section, "taxable value" means the market value of all taxable property less:

(1) the total dollar amount of any residence homestead exemptions lawfully granted under Section 11.13(b) or (c), Tax Code, in the year that is the subject of the study for each school district;

(2) one-half of the total dollar amount of any residence homestead exemptions granted under Section 11.13(n), Tax Code, in the year that is the subject of the study for each school district;

(3) the total dollar amount of any exemptions granted before May 31, 1993, within a reinvestment zone under agreements authorized by Chapter 312, Tax Code;

(4) subject to Subsection (e), the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone created on or before May 31, 1999, or is proposed to be included within the boundaries of a reinvestment zone as the boundaries of the zone and the proposed portion of tax increment paid into the tax increment fund by a school district are described in a written notification provided by the municipality or the board of directors of the zone to the governing bodies of the other taxing units in the manner provided by former

Section 311.003(e), Tax Code, before May 31, 1999, and within the boundaries of the zone as those boundaries existed on September 1, 1999, including subsequent improvements to the property regardless of when made;

(B) generates taxes paid into a tax increment fund created under Chapter 311, Tax Code, under a reinvestment zone financing plan approved under Section 311.011(d), Tax Code, on or before September 1, 1999; and

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

(5) the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone:

(i) created on or before December 31, 2008, by a municipality with a population of less than 18,000; and

(ii) the project plan for which includes the alteration, remodeling, repair, or reconstruction of a structure that is included on the National Register of Historic Places and requires that a portion of the tax increment of the zone be used for the improvement or construction of related facilities or for affordable housing;

(B) generates school district taxes that are paid into a tax increment fund created under Chapter 311, Tax Code; and

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

(6) the total dollar amount of any exemptions granted under Section 11.251 or 11.253, Tax Code;

(7) the difference between the comptroller's estimate of the market value and the productivity value of land that qualifies for appraisal on the basis of its productive capacity, except that the productivity value estimated by the comptroller may not exceed the fair market value of the land;

(8) the portion of the appraised value of residence homesteads of individuals who receive a tax limitation under Section 11.26, Tax Code, on which school district taxes are not imposed in the year that is the subject of the study, calculated as if the residence homesteads were appraised at the full value required by law;

(9) a portion of the market value of property not otherwise fully taxable by the district at market value because of:

(A) action required by statute or the constitution of this state, other than Section 11.311, Tax Code, that, if the tax rate adopted by the district is applied to it, produces an amount equal to the difference between the tax that the district would have imposed on the property if the property were fully taxable at market value and the tax that the district is actually authorized to impose on the property, if this subsection does not otherwise require that portion to be deducted; or

(B) action taken by the district under Subchapter B or C, Chapter 313, Tax Code, before the expiration of the subchapter;

(10) the market value of all tangible personal property, other than manufactured homes, owned by a family or individual and not held or used for the production of income;

(11) the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.06, Tax Code;

(12) the portion of the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.065, Tax Code; ~~and~~

(13) the amount by which the market value of a residence homestead to which Section 23.23, Tax Code, applies exceeds the appraised value of that property as calculated under that section; and

(14) the total dollar amount of any exemptions granted under Section 11.35, Tax Code.

SECTION 10. Section 23.02, Tax Code, is repealed.

SECTION 11. Section 11.35, Tax Code, as added by this Act, applies only to ad valorem taxes imposed for a tax year that begins on or after the effective date of this Act.

SECTION 12. This Act takes effect January 1, 2020, but only if the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, authorizing the legislature to provide for a temporary exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

Representative Shine moved to adopt the conference committee report on **HB 492**.

The motion to adopt the conference committee report on **HB 492** prevailed by (Record 1990): 146 Yeas, 0 Nays, 1 Present, not voting.

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

HJR 34 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Shine submitted the following conference committee report on **HJR 34**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HJR 34** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Bettencourt	Shine
Creighton	Burrows
Hancock	Murphy
Hinojosa	Martinez Fischer
Paxton	Darby
On the part of the senate	On the part of the house

HJR 34, A joint resolution 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.

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

SECTION 1. Section 2, Article VIII, Texas Constitution, is amended by adding Subsection (e) to read as follows:

(e) The Legislature by general law may provide that a person who owns property located in an area declared by the governor to be a disaster area following a disaster is entitled to a temporary exemption from ad valorem taxation by a political subdivision of a portion of the appraised value of that property. The general law may provide that if the governor first declares territory in the political subdivision to be a disaster area as a result of a disaster on or after the date the political subdivision adopts a tax rate for the tax year in which the declaration is issued, a person is entitled to the exemption authorized by this subsection for that tax year only if the exemption is adopted by the governing body of the political subdivision. The Legislature by general law may prescribe the method of determining the amount of the exemption authorized by this subsection and the duration of the exemption and may provide additional eligibility requirements for the exemption.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2019. The ballot shall be printed to permit voting for or against the proposition: "The 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."

Representative Shine moved to adopt the conference committee report on **HJR 34**.

The motion to adopt the conference committee report on **HJR 34** prevailed by (Record 1991): 144 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Zedler.

Present, not voting — Mr. Speaker(C).

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

Absent — Button.

STATEMENT OF VOTE

When Record No. 1991 was taken, I was shown voting no. I intended to vote yes.

Zedler

HB 2726 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Kuempel submitted the following conference committee report on **HB 2726**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2726** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Creighton
Birdwell
Campbell
Hinojosa
Nichols

Kuempel
Kacal
Morrison
Zedler

On the part of the senate

On the part of the house

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

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

SECTION 1. Section 382.004, Health and Safety Code, is amended to read as follows:

Sec. 382.004. CONSTRUCTION WHILE PERMIT AMENDMENT APPLICATION PENDING. (a) To the extent permissible under federal law, ~~[and]~~ notwithstanding Section 382.0518, and except as provided by Subsection (c), a person who submits an application for a permit amendment [for a modification of or a lesser change to an existing facility under this subtitle] may, at the person's own risk, begin construction related to the application after the executive director has issued a draft permit including the permit amendment [the application is submitted and before the commission has issued the permit].

(b) The commission may not consider construction begun under this section in determining whether to grant the permit amendment sought in the application.

(c) A person may not begin construction under this section if the facility that is the subject of the permit amendment is a concrete batch plant located within 880 yards of a property that is used as a residence.

(d) The commission shall adopt rules to implement this section.

SECTION 2. The changes in law made by this Act apply only to an application for a permit amendment filed with the Texas Commission on Environmental Quality on or after the effective date of this Act. An application for a permit amendment filed before the effective date of this Act is governed by the law in effect on the date of filing, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect January 1, 2020.

Representative Kuempel moved to adopt the conference committee report on **HB 2726**.

The motion to adopt the conference committee report on **HB 2726** prevailed by (Record 1992): 113 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins;

Goldman; González, M.; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; 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; Lopez; Lozano; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Romero; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; Walle; White; Wilson; Wray; Zedler; Zerwas.

Nays — Anchia; Bernal; Biedermann; Blanco; Bucy; Canales; Cole; Coleman; Fierro; González, J.; Goodwin; Hernandez; Hinojosa; Longoria; Lucio; Martinez; Martinez Fischer; Moody; Morales; Neave; Nevárez; Ramos; Rodriguez; Rose; Rosenthal; Talarico; Turner, C.; Vo; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

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

Absent — Calanni; Herrero; Shine.

STATEMENTS OF VOTE

When Record No. 1992 was taken, I was shown voting yes. I intended to vote no.

Allen

When Record No. 1992 was taken, I was shown voting yes. I intended to vote no.

Bowers

When Record No. 1992 was taken, I was in the house but away from my desk. I would have voted yes.

Calanni

When Record No. 1992 was taken, I was shown voting yes. I intended to vote no.

Meza

When Record No. 1992 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

SB 619 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie submitted the conference committee report on **SB 619**.

SB 619 - REMARKS

REPRESENTATIVE M. GONZÁLEZ: First and foremost, thank you Representative Hinojosa. You have been a champion. Representative Meyer, you have been great. There couldn't be so many people on this house floor who have been fighting for special education. Here's something that you said that's extremely important, that there are parents with kids who have special needs who have lost trust in TEA. And what your amendment, or Representative Meyer's amendment that got put on this bill, what it would have done is—because I do know TEA is trying to make changes, but what we have as a responsibility to do as legislators is to rebuild trust and faith. We can't do that if we don't have an institutional process. We cannot do that if we don't do this small sunset review to help our parents have faith so we can make sure that the kids don't fall through the cracks. Is that correct?

REPRESENTATIVE HINOJOSA: That's correct. And I think it's important to note that we have not passed a TEA sunset bill since the 1980s. We are in a situation here where we said, well, let's focus our review on what we know we've had a challenge with—and challenge is an understatement, right? Because we've been found to have violated federal law. So let's focus on our special education program so we can give it the transparency and oversight it deserves. Because yes, we are trying to build confidence at minimum, but I think, too, we'll never get it right unless we have an opportunity to hear from those parents and teachers in the trenches who are dealing with this in the classroom every day. And we will definitely need to engage them to make sure that we are doing right by our students in special education.

M. GONZÁLEZ: What everybody standing up there is asking for is for us to use the tools that we are given as a legislature to ensure that our agencies are working to the best of their abilities, specifically for the most vulnerable when we're talking about special education. This is not to say that TEA isn't doing their job. This is to say that TEA—there have been problems in the past. We have a job to make sure those problems still don't exist. That is our job as state representatives, and then we have a responsibility to build faith and trust in our agencies. And that can only be done if we are assessing these agencies, particularly when we know we've had problems in the past.

HINOJOSA: Absolutely. Thank you, I think you summed it up perfectly.

Representative Paddie moved to adopt the conference committee report on **SB 619**.

The motion to adopt the conference committee report on **SB 619** prevailed by (Record 1993): 143 Yeas, 1 Nays, 2 Present, not voting.

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

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

Nays — Stickland.

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

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

Absent — Johnson, J.D.

REMARKS ORDERED PRINTED

Representative Goodwin moved to print remarks between Representative M. González and Representative Hinojosa on **SB 619**.

The motion prevailed.

HB 722 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Larson submitted the following conference committee report on **HB 722**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 722** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Perry
Creighton
Johnson
Kolkhorst
Rodriguez
On the part of the senate

Larson
Dominguez
Farrar
Metcalf
Price
On the part of the house

HB 722, A bill to be entitled An Act relating to the development of brackish groundwater.

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

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1015 to read as follows:

Sec. 36.1015. RULES FOR PERMITS IN BRACKISH GROUNDWATER PRODUCTION ZONES. (a) In this section:

(1) "Designated brackish groundwater production zone" means an aquifer, subdivision of an aquifer, or geologic stratum designated under Section 16.060(b)(5).

(2) "Development board" means the Texas Water Development Board.

(3) "Gulf Coast Aquifer" means the system of hydrogeologic units that run along the Gulf Coast from the Sabine River to the Rio Grande, including:

(A) the Catahoula confining system, including the Frio Formation, the Anahuac Formation, and the Catahoula Tuff or Sandstone;

(B) the Jasper Aquifer, including the Oakville Sandstone and Fleming Formation;

(C) the Burkeville confining system separating the Jasper Aquifer from the Evangeline Aquifer;

(D) the Evangeline Aquifer, including the Goliad Sand; and

(E) the Chicot Aquifer, including the Willis Sand, the Bentley Formation, the Montgomery Formation, the Beaumont Clay, and alluvial deposits at the surface.

(b) The requirements of this section do not apply to a district that:

(1) overlies the Dockum Aquifer; and

(2) includes wholly or partly 10 or more counties.

(c) A district located over any part of a designated brackish groundwater production zone may adopt rules to govern the issuance of permits under this section for the completion and operation of a well for the withdrawal of brackish groundwater from a designated brackish groundwater production zone and shall adopt rules described by this subsection if the district receives a petition from a person with a legally defined interest in groundwater in the district. The district must adopt the rules not later than the 180th day after the date the district receives the petition. Rules adopted under this subsection apply only to a permit for a project described by Subsection (d).

(d) A person may obtain a permit under rules adopted under this section for projects including:

(1) a municipal project designed to treat brackish groundwater to drinking water standards for the purpose of providing a public source of drinking water; and

(2) an electric generation project to treat brackish groundwater to water quality standards sufficient for the project needs.

(e) The rules adopted under this section must:

(1) provide for processing an application for a brackish groundwater production zone operating permit in the same manner as an application for an operating permit for a fresh groundwater well, except as provided by this section;

(2) allow withdrawals and rates of withdrawal of brackish groundwater from a designated brackish groundwater production zone not to exceed and consistent with the withdrawal amounts identified in Section 16.060(e);

(3) provide for a minimum term of 30 years for a permit issued for a well that produces brackish groundwater from a designated brackish groundwater production zone;

(4) require implementation of a monitoring system recommended by the development board to monitor water levels and water quality in the same or an adjacent aquifer, subdivision of an aquifer, or geologic stratum in which the designated brackish groundwater production zone is located;

(5) for a project located in a designated brackish groundwater production zone in the Gulf Coast Aquifer, require reasonable monitoring by the district of land elevations to determine if production from the project is causing or is likely to cause subsidence during the permit term;

(6) require from the holder of a permit issued under rules adopted under this section annual reports that must include:

(A) the amount of brackish groundwater withdrawn;

(B) the average monthly water quality of the brackish groundwater withdrawn and in the monitoring wells; and

(C) aquifer levels in both the designated brackish groundwater production zone and in any aquifer, subdivision of an aquifer, or geologic stratum for which the permit requires monitoring;

(7) provide greater access to brackish groundwater by simplifying procedure, avoiding delay in permitting, saving expense for the permit seeker, and providing flexibility to permit applicants and the district;

(8) be consistent with and not impair property rights described by Sections 36.002(a) and (b); and

(9) specify all additional information that must be included in an application.

(f) Additional information required under Subsection (e)(9) must be reasonably related to an issue the district is authorized to consider.

(g) An application for a brackish groundwater production zone operating permit must include:

(1) the proposed well field design compared to the designated brackish groundwater production zone;

(2) the requested maximum groundwater withdrawal rate for the proposed project;

(3) the number and location of monitoring wells needed to determine the effects of the proposed project on water levels and water quality in the same or an adjacent aquifer, subdivision of an aquifer, or geologic stratum in which the designated brackish groundwater production zone is located; and

(4) a report that includes:

(A) a simulation of the projected effects of the proposed production on water levels and water quality in the same or an adjacent aquifer, subdivision of an aquifer, or geologic stratum in which the designated brackish groundwater production zone is located;

(B) a description of the model used for the simulation described by Paragraph (A); and

(C) sufficient information for a technical reviewer to understand the parameters and assumptions used in the model described by Paragraph (B).

(h) The district shall submit the application to the development board and the development board shall conduct a technical review of the application. The development board shall submit a report of the review of the application that includes:

(1) findings regarding the compatibility of the proposed well field design with the designated brackish groundwater production zone; and

(2) recommendations for the monitoring system described by Subsection (e)(4).

(i) The district may not schedule a hearing on the application until the district receives the report from the development board described by Subsection (h).

(j) The district shall provide the reports required under Subsection (e)(6) to the development board. Not later than the 120th day after the date the development board receives a request from the district, the development board shall investigate and issue a report on whether brackish groundwater production under the project that is the subject of the report from the designated brackish groundwater production zone is projected to cause:

(1) significant aquifer level declines in the same or an adjacent aquifer, subdivision of an aquifer, or geologic stratum that were not anticipated by the development board in the designation of the zone;

(2) negative effects on quality of water in an aquifer, subdivision of an aquifer, or geologic stratum; or

(3) for a project located in a designated brackish groundwater production zone in the Gulf Coast Aquifer, subsidence during the permit term.

(k) After receiving from the development board a report issued under Subsection (j) and after notice and hearing subject to Subchapter M, the district may:

(1) amend the applicable permit to establish a production limit necessary to mitigate any negative effects identified by the report;

(2) approve a mitigation plan that alleviates any negative effects identified by the report; or

(3) both amend the permit to establish a production limit and approve a mitigation plan.

(l) Rules adopted under this section must provide that the production authorized from a designated brackish groundwater production zone is in addition to the amount of managed available groundwater provided under Section 36.108. To the extent possible, a district shall issue permits up to the point that the total volume of exempt and permitted groundwater production in a designated brackish groundwater production zone equals the amount of brackish groundwater that may be produced annually to achieve the groundwater availability described by the development board in its designation of the brackish groundwater production zone under Section 16.060(e).

(m) A district may not adopt rules limiting access to the production of groundwater within a designated brackish groundwater production zone to only those projects described by Subsection (d).

(n) The district may grant or deny an application to extend a term under this section only using rules that were in effect at the time the application was submitted.

(o) An application for a permit under this section is governed solely by district rules consistent with this section.

SECTION 2. The Texas Water Development Board is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the board may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

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

Representative Larson moved to adopt the conference committee report on **HB 722**.

The motion to adopt the conference committee report on **HB 722** prevailed by (Record 1994): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

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

Absent — González, J.

SB 604 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie submitted the conference committee report on **SB 604**.

Representative Paddie moved to adopt the conference committee report on **SB 604**.

The motion to adopt the conference committee report on **SB 604** prevailed by (Record 1995): 145 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

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

HB 3808 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Walle submitted the following conference committee report on **HB 3808**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3808** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Powell
Creighton
Flores
Menéndez
Taylor
On the part of the senate

Walle
Cain
Rosenthal
Stickland
C. Turner
On the part of the house

HB 3808, A bill to be entitled An Act relating to measures to facilitate the timely graduation of and attainment of marketable skills by students in public higher education.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9358 to read as follows:

Sec. 51.9358. DESIGNATION OF SUPPORT SERVICES LIAISON OFFICER TO ASSIST STUDENTS. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

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

(b) Each institution of higher education shall designate at least one employee of the institution to act as a liaison officer for current or incoming students at the institution. The liaison officer shall provide to the students comprehensive information regarding support services and other resources available to the students, including:

(1) resources to access:

(A) medical and behavioral health coverage and services; and

(B) public benefit programs, including programs related to food security, affordable housing, and housing subsidies;

(2) public benefit program case management assistance and counseling;

(3) parenting and child care resources;

(4) employment assistance;

(5) financial counseling and tax preparation assistance;

(6) transportation assistance;

(7) student academic success strategies; and

(8) any other resources developed by the institution to assist the students.

(c) An institution of higher education may designate under Subsection (b) the same employee to act as liaison officer as the employee designated under Section 51.9356 to act as liaison officer for current and incoming students at the institution who were formerly in the conservatorship of the Department of Family and Protective Services.

SECTION 2. Section 51.9685(a)(2), Education Code, is amended to read as follows:

(2) "Institution of higher education" has ~~and "public junior college" have~~ the meaning ~~[meanings]~~ assigned by Section 61.003.

SECTION 3. Section 51.9685, Education Code, is amended by amending Subsections (b), (c), and (g) to read as follows:

(b) Except as otherwise provided by Subsection (c), each student enrolled in an associate or bachelor's degree program at an institution of higher education shall file a degree plan with the institution after the 12th class day but before ~~[not later than]~~ the end of the ~~[second regular]~~ semester or term immediately following the semester or term in which the student earned a cumulative total of 30 ~~[45]~~ or more semester credit hours for coursework successfully completed by the student,

including transfer courses, international baccalaureate courses, dual credit courses, and any other course for which the institution the student attends has awarded the student college course credit, including course credit awarded by examination.

(c) A student to whom Subsection (b) [this section] applies who begins the student's first semester or term at an institution of higher education with 30 [45] or more semester credit hours of course credit for courses described by Subsection (b) shall file a degree plan with the institution after the 12th class day but before [not later than] the end of that [the student's second regular] semester or term [at the institution].

(g) The Texas Higher Education Coordinating Board, in consultation with institutions of higher education, shall [may] adopt rules as necessary for the administration of this section, including rules to ensure compliance with this section. In adopting those rules, the coordinating board shall use the negotiated rulemaking procedures under Chapter 2008, Government Code.

SECTION 4. Section 56.074, Education Code, is amended to read as follows:

Sec. 56.074. ELIGIBLE INSTITUTION; PARTICIPATION REQUIREMENTS. (a) An eligible institution is:

(1) an institution of higher education; or
(2) a private or independent college, university, association, agency, institution, or facility that is located in this state which meets program standards and accreditation comparable to public institutions as determined by the board.

(b) To participate in the Texas college work-study program, an eligible institution must:

(1) provide employment to an eligible student in nonpartisan and nonsectarian activities;

(2) provide, insofar as is practicable, employment to an eligible student that is related to the student's academic interests;

(3) use work-study program positions only to supplement and not supplant positions normally filled by persons not eligible to participate in the work-study program;

(4) provide from sources other than federal college work-study program funds a percentage of an employed student's wages that is equal to the percentage of a student's wages that the eligible institution would be required to provide to the student in that academic year under the federal college work-study program; and

(5) provide from sources other than federal college work-study funds 100 percent of other employee benefits for the employed student.

SECTION 5. Section 56.078, Education Code, is amended to read as follows:

Sec. 56.078. FUNDING. Funding to cover the state's contribution toward the funding of the work-study program under this subchapter and the Texas WORKS internship program under Subchapter E-1 is payable from funds appropriated for that purpose.

SECTION 6. Section 56.082, Education Code, is amended to read as follows:

Sec. 56.082. ANNUAL REPORT. Not later than January 1 of each year, the Texas Higher Education Coordinating Board shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over higher education and post on the coordinating board's Internet website a report on the Texas college work-study program and the Texas WORKS internship program under Subchapter E-1. The report must include the total number of students employed through the programs [~~program~~], disaggregated by:

- (1) race, ethnicity, and gender;
- (2) major and certificate or degree program;
- (3) classification as a freshman, sophomore, junior, or senior or the equivalent;
- (4) enrollment in a full course load or less than a full course load, as determined by the coordinating board;
- (5) the employment position's location on or off campus; and
- (6) the employer's status as a for-profit or nonprofit entity.

SECTION 7. Chapter 56, Education Code, is amended by adding Subchapter E-1 to read as follows:

SubCHAPTER E-1. TEXAS WORKING OFF-CAMPUS: REINFORCING KNOWLEDGE AND SKILLS (WORKS) INTERNSHIP PROGRAM

Sec. 56.0851. DEFINITIONS. In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Eligible wages" means gross wages paid to an individual student in the student's program employment.

(3) "Program" or "Texas WORKS internship program" means the Texas Working Off-Campus: Reinforcing Knowledge and Skills (WORKS) Internship Program.

Sec. 56.0852. PROGRAM NAME. The student financial assistance program authorized by this subchapter is the Texas Working Off-Campus: Reinforcing Knowledge and Skills (WORKS) Internship Program.

Sec. 56.0853. PURPOSE. The purpose of the program is to provide jobs funded in part by the State of Texas to enable students employed through the program to attend public or private institutions of higher education in Texas while exploring career options and strengthening marketable skills.

Sec. 56.0854. ADMINISTRATION. (a) The coordinating board shall administer the program and collaborate with eligible employers to provide students employed through the program with employment funded in part by the state.

(b) The coordinating board shall establish criteria to ensure that:

(1) a participating employer is reimbursed under the program at the rate established by the coordinating board only for fully paid eligible wages; and

(2) marketable skills to be strengthened or gained through a student's internship position are identified.

(c) The coordinating board shall develop a standard contract establishing the roles and responsibilities of eligible employers, base wages and minimum work hours for students employed through the program, and any other provisions identified by the coordinating board as necessary to administer the program. The coordinating board shall use the standard contract as a model for the memorandum of understanding required to be entered into by eligible employers.

(d) The coordinating board may use funds appropriated for the Texas college work-study program and the Texas WORKS internship program to establish and maintain an online portal for use by students and participating entities in fulfilling their responsibilities for participation in the Texas WORKS internship program. The coordinating board may use funds appropriated for the Texas college work-study program and the Texas WORKS internship program to cover the expenses and personnel costs of administering and assessing the Texas WORKS internship program.

(e) If funding for the program is insufficient to cover the cost of all students eligible for the program, as provided by coordinating board rule, priority for funding is based on eligibility criteria established by coordinating board rule to further the purposes of the program.

(f) Funds received by students employed through the program as eligible wages are not considered as financial aid for the academic year in which the funds are earned.

Sec. 56.0855. ELIGIBLE EMPLOYER. (a) The coordinating board may enter into agreements with employers that participate in the program.

(b) To be eligible to enter into an agreement with the coordinating board to participate in the program, an employer must:

(1) except as provided by Subsection (c), be a private nonprofit or for-profit entity or a governmental entity;

(2) demonstrate the administrative and financial capacity to carry out the employer's responsibilities under the program, including the ability to pay full wages and benefits to a student employed through the program;

(3) enter into a memorandum of understanding with the coordinating board;

(4) provide employment to a student employed through the program in nonpartisan and nonsectarian activities that relate to the student's long-term career interests;

(5) use program positions only to supplement and not supplant positions normally filled by persons who are not eligible to participate in the program, as provided by coordinating board rule;

(6) provide the entirety of an employed student's wages and employee benefits;

(7) submit eligible wages to the coordinating board for reimbursement;
and

(8) comply with other requirements adopted by the coordinating board under this subchapter.

(c) An employer is not eligible to participate in the program if the employer is:

- (1) a public or private institution of higher education in Texas; or
- (2) a career school or college, as defined by Section 132.001.

Sec. 56.0856. ADOPTION OF RULES. (a) The coordinating board shall adopt reasonable rules, consistent with the purpose of the program, to enforce the requirements, conditions, and limitations provided by this subchapter.

(b) The coordinating board shall adopt rules necessary to ensure compliance with the Civil Rights Act of 1964, Title VI (Pub. L. No. 88-352), concerning nondiscrimination in admissions or employment.

Sec. 56.0857. ONLINE LIST OF TEXAS WORKS EMPLOYMENT OPPORTUNITIES. The coordinating board shall:

(1) establish and maintain an online listing of Texas WORKS internship program employment opportunities available to students, sortable by employer, and include other relevant features such as job description, job field, or skills required, as appropriate; and

(2) ensure that the list is easily accessible to the public through a clearly identifiable link that appears in a prominent place on the coordinating board's Internet website.

SECTION 8. Section 130.0104(c), Education Code, is amended to read as follows:

(c) In complying with the requirements regarding the filing of a degree plan under ~~[Notwithstanding]~~ Section 51.9685, ~~[before the beginning of the regular semester or term immediately following the semester or term in which]~~ a student enrolled ~~[successfully completes a cumulative total of 30 or more semester credit hours for coursework]~~ in a multidisciplinary studies associate degree program established under this section ~~[-, the student]~~ must meet with an academic advisor to complete a degree plan ~~[-, as defined by Section 51.9685(a)(1);]~~ that:

(1) accounts for all remaining credit hours required for the completion of the degree program; and

(2) emphasizes:

(A) the student's transition to a particular four-year college or university that the student chooses; and

(B) preparations for the student's intended field of study or major at the four-year college or university.

SECTION 9. Sections 51.9685(c-1) and 56.076(b), Education Code, are repealed.

SECTION 10. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2020 summer term.

(b) Section 51.9358, Education Code, as added by this Act, and Sections 51.9685 and 130.0104, Education Code, as amended by this Act, apply beginning with the 2019-2020 academic year.

SECTION 11. As soon as practicable after the effective date of this Act, the commissioner of the Texas Higher Education Coordinating Board shall develop the rules and procedures necessary for the implementation of Subchapter E-1, Chapter 56, Education Code, as added by this Act.

SECTION 12. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

Representative Walle moved to adopt the conference committee report on **HB 3808**.

The motion to adopt the conference committee report on **HB 3808** prevailed by (Record 1996): 132 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Cyrier; Darby; Davis, Y.; 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; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; 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.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Craddick; Krause; Lang; Middleton; Schaefer; Stickland; Tinderholt; Toth; Wilson.

Present, not voting — Mr. Speaker(C).

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

Absent — Dean; Israel; King, K.

STATEMENTS OF VOTE

When Record No. 1996 was taken, I was in the house but away from my desk. I would have voted no.

Dean

When Record No. 1996 was taken, I was shown voting yes. I intended to vote no.

Patterson

When Record No. 1996 was taken, I was shown voting yes. I intended to vote no.

Swanson

HB 2911 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Klick submitted the following conference committee report on **HB 2911**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2911** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hughes
Creighton
Menéndez

Klick
Bucy
Cortez
Goldman
Israel

On the part of the senate

On the part of the house

HB 2911, A bill to be entitled An Act relating to voter registration.

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

SECTION 1. Section 13.002(i), Election Code, is amended to read as follows:

(i) An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must submit ~~[include with the person's application]~~:

(1) written documentation:

(A) from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B) from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2) a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101.

SECTION 2. Section 13.004(c), Election Code, is amended to read as follows:

(c) The following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code:

(1) a social security number;

(2) a Texas driver's license number;

(3) a number of a personal identification card issued by the Department of Public Safety;

(4) ~~[an indication that an applicant is interested in working as an election judge;~~

~~(5)~~ the residence address of the applicant, if the applicant is a federal judge or state judge, as defined by Section 13.0021, the spouse of a federal judge or state judge, or an individual to whom Section 552.1175, Government Code, applies and the applicant:

(A) included an affidavit with the registration application describing the applicant's status under this subdivision, including an affidavit under Section 13.0021 if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge;

(B) provided the registrar with an affidavit describing the applicant's status under this subdivision, including an affidavit under Section 15.0215 if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge; or

(C) provided the registrar with a completed form approved by the secretary of state for the purpose of notifying the registrar of the applicant's status under this subdivision;

(5) ~~(6)~~ the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence as defined by Section 71.004, Family Code, who provided the registrar with:

(A) a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence;

(6) ~~(7)~~ the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons who provided the registrar with:

(A) a copy of a protective order issued under Chapter 7A or Article 6.09, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons; or

(7) ~~(8)~~ the residence address of the applicant, if the applicant:

(A) is a participant in the address confidentiality program administered by the attorney general under Subchapter C, Chapter 56, Code of Criminal Procedure; and

(B) provided the registrar with proof of certification under Article 56.84, Code of Criminal Procedure.

SECTION 3. Section 13.072(d), Election Code, is amended to read as follows:

(d) If an application clearly indicates that the applicant resides in another county, the registrar shall forward the application to the other county's registrar not later than the second day after the date the application is received [~~and, if the other county is not contiguous, shall deliver written notice of that action to the applicant not later than the seventh day after the date the application is received~~]. The date of submission of a completed application to the wrong registrar is considered to be the date of submission to the proper registrar for purposes of determining the effective date of the registration.

SECTION 4. Section 13.142(a), Election Code, is amended to read as follows:

(a) After approval of a registration application, the registrar shall:

(1) prepare a voter registration certificate [~~in duplicate~~] and issue the original certificate to the applicant; and

(2) enter the applicant's county election precinct number and registration number on the applicant's registration application.

SECTION 5. Section 13.143(d-2), Election Code, is amended to read as follows:

(d-2) For a registration application submitted by telephonic facsimile machine to be effective, a copy of the original registration application containing the voter's original signature must be submitted by personal delivery or mail and be received by the registrar not later than the fourth business day after the transmission by telephonic facsimile machine is received.

SECTION 6. Section 15.001(a), Election Code, is amended to read as follows:

(a) Each voter registration certificate issued must contain:

(1) the voter's name in the form indicated by the voter, subject to applicable requirements prescribed by Section 13.002 and by rule of the secretary of state;

(2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail and a concise description of the location of the voter's residence;

(3) the [~~month, day, and~~] year of the voter's birth;

(4) the number of the county election precinct in which the voter resides;

(5) the voter's effective date of registration if an initial certificate;

(6) the voter's registration number;

(7) an indication of the period for which the certificate is issued;

(8) a statement explaining the circumstances under which the voter will receive a new certificate;

(9) a space for stamping the voter's political party affiliation;

(10) a statement that voting with the certificate by a person other than the person in whose name the certificate is issued is a felony;

(11) a space for the voter's signature;

(12) a statement that the voter must sign the certificate personally, if able to sign, immediately on receipt;

(13) a space for the voter to correct the information on the certificate followed by a signature line;

(14) the statement: "If any information on this certificate changes or is incorrect, correct the information in the space provided, sign below, and return this certificate to the voter registrar.";

(15) the registrar's mailing address and telephone number; and

(16) the jurisdictional or distinguishing number for the following territorial units in which the voter resides, as determined by the voter registrar:

- (A) congressional district;
- (B) state senatorial district;
- (C) state representative district;
- (D) commissioners precinct;
- (E) justice precinct;
- (F) city election precinct; and
- (G) school district election precinct.

SECTION 7. Section 15.022(a), Election Code, is amended to read as follows:

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1) after receipt of a notice of a change in registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3) after receipt of any affidavits executed under Section 63.006, following an election;

(4) after receipt of a voter's statement of residence executed under Section 63.0011;

(5) before the effective date of the abolishment of a county election precinct or a change in its boundary;

(6) after receipt of United States Postal Service information indicating an address reclassification;

(7) after receipt of a voter's response under Section 15.053; ~~or~~

(8) after receipt of a registration application or change of address under Chapter 20; or

(9) on discovering a data entry error has been made.

SECTION 8. Section 15.023, Election Code, is amended to read as follows:

Sec. 15.023. TIME FOR CERTAIN DELETIONS FROM SUSPENSE LIST. If the name of a voter ~~[whose residence is changed]~~ on the list of registered voters ~~[registration records to another county election precinct in the same county]~~ appears on the suspense list, the voter's name shall be deleted from the list on the date the voter provides a completed application to register to vote in accordance with Section 13.002 ~~[voter's registration in the precinct of new residence becomes effective]~~.

SECTION 9. Section 15.051(d), Election Code, is amended to read as follows:

(d) The registrar shall maintain with the voter's record an indication that a confirmation notice was sent to the voter ~~[a list of the confirmation notices mailed to voters, which for each notice must include the voter's name and the date the notice is mailed. The registrar shall maintain and retain the list in accordance with rules prescribed by the secretary of state].~~

SECTION 10. Section 15.053(a), Election Code, is amended to read as follows:

(a) ~~The [Not later than the 30th day after the date a confirmation notice is mailed, the]~~ voter shall submit to the registrar a written, signed response to the notice that confirms the voter's current residence. The response must contain all of the information that a person must include in an application to register to vote under Section 13.002.

SECTION 11. Section 15.082(b), Election Code, is amended to read as follows:

(b) ~~The [fee for each] list shall be provided in accordance with Chapter 552, Government Code [or portion of a list furnished under this section may not exceed the actual expense incurred in reproducing the list or portion for the person requesting it and shall be uniform for each type of copy furnished. The registrar shall make reasonable efforts to minimize the reproduction expenses].~~

SECTION 12. Section 16.031(a), Election Code, is amended to read as follows:

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b), ~~[or]~~ 15.021, or 18.0681(d) or a response under Section 15.053 that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has applied for a limited ballot in another county;

(5) notice from a voter registration official in another state that the voter has registered to vote outside this state;

(6) notice from the early voting clerk under Section 101.053 that a federal postcard application submitted by an applicant states a voting residence address located outside the registrar's county; or

(7) notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or personal identification card number issued by the Department of Public Safety or social security number.

SECTION 13. Section 16.032, Election Code, is amended to read as follows:

Sec. 16.032. CANCELLATION FOLLOWING END OF SUSPENSE LIST PERIOD. If on November 30 following the second general election for state and county officers that occurs after the date the voter's name is entered on the suspense list a registered voter's name appears on the suspense list, the registrar shall cancel the voter's registration unless the name is to be deleted from the list under Section 15.022 or 15.023.

SECTION 14. Sections 16.0921(a) and (b), Election Code, are amended to read as follows:

(a) Except as provided by Subsection (c), on the filing of a sworn statement under Section 16.092 alleging a ground based on residence, the registrar shall promptly deliver to the voter whose registration is challenged a confirmation notice in accordance with Section 15.051, unless the residential address provided in the challenge for the voter is different from the voter's current residential address indicated on the registration records.

(b) If the voter is delivered a confirmation notice [~~fails to submit a response to the registrar in accordance with Section 15.053~~], the registrar shall enter the voter's name on the suspense list.

SECTION 15. Section 18.002(c), Election Code, is amended to read as follows:

(c) An additional copy of each list shall be furnished for use in early voting and as needed in order to ensure all voters eligible to vote in an election appear correctly on the original list.

SECTION 16. Section 18.003(c), Election Code, is amended to read as follows:

(c) An additional copy of each list shall be furnished for use in early voting and as needed in order to ensure all voters eligible to vote in an election appear correctly on the original list.

SECTION 17. Section 18.005(a), Election Code, is amended to read as follows:

- (a) Each original and supplemental list of registered voters must:
- (1) contain the voter's name, date of birth, and registration number as provided by the statewide computerized voter registration list;
 - (2) contain the voter's residence address, except as provided by Subsections (b) and (c) [~~or Section 18.0051~~];
 - (3) be arranged alphabetically by voter name; and
 - (4) contain the notation required by Section 15.111.

SECTION 18. Sections 18.061(b) and (d), Election Code, are amended to read as follows:

- (b) The statewide computerized voter registration list must:
- (1) contain the name and registration information of each voter registered in the state;
 - (2) assign a unique identifier to each registered voter; and
 - (3) be available to any county election official in the state through immediate electronic access.

(d) The secretary of state may contract with counties to provide them with electronic data services to facilitate the implementation and maintenance of the statewide computerized voter registration list. The secretary shall use funds collected under the contracts to defray expenses incurred in implementing and maintaining the statewide computerized voter registration list.

SECTION 19. Section 18.0681(d), Election Code, is amended to read as follows:

(d) If the secretary of state determines that a voter on the registration list has more than one registration record on file based on a strong match, the secretary shall send notice of the determination to the voter registrar of the [each] county with the oldest registration record in which the voter is registered to vote. If the voter records identified are:

(1) located in the same county, the voter registrar may merge the records following a determination that each record belongs to the same voter using the procedure for the correction of registration records under Section 15.022; or

(2) located in more than one county, the registrar of the county with the oldest record may deliver a written confirmation notice in accordance with Section 15.051 or cancel the registration of the voter in accordance with Section 16.031(a)(1), provided that the voter's record in the county with the newest registration record is not on the suspense list.

SECTION 20. Section 18.069, Election Code, is amended to read as follows:

Sec. 18.069. VOTING HISTORY. Not later than the 30th day after the date of the primary, runoff primary, or general election or any special election ordered by the governor, the general custodian of election records [registrar] shall electronically submit to the secretary of state the record of each voter participating in the election. The record must include a notation of whether the voter voted on election day, voted early by personal appearance, voted early by mail under Chapter 86, or voted early by mail under Chapter 101.

SECTION 21. The following provisions of the Election Code are repealed:

- (1) Sections 15.082(c) and (d);
- (2) Subchapter F, Chapter 15;
- (3) Section 18.0051; and
- (4) Section 18.008(c).

SECTION 22. This Act takes effect September 1, 2019.

Representative Klick moved to adopt the conference committee report on **HB 2911**.

The motion to adopt the conference committee report on **HB 2911** prevailed by (Record 1997): 139 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; 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; 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; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Cole; Dutton; Minjarez; Romero; Schaefer.

Present, not voting — Mr. Speaker(C).

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

Absent — Longoria.

STATEMENTS OF VOTE

When Record No. 1997 was taken, my machine malfunctioned and I was shown voting no. I intended to vote yes.

Cain

When Record No. 1997 was taken, I was shown voting no. I intended to vote yes.

Cole

When Record No. 1997 was taken, I was shown voting no. I intended to vote yes.

Minjarez

When Record No. 1997 was taken, I was shown voting no. I intended to vote yes.

Schaefer

HR 2188 - ADOPTED (by Leach)

The following privileged resolution was laid before the house:

HR 2188

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, Regular Session, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 891** (the operation and administration of and practice in and grants provided by courts in the judicial branch of state government; increasing and imposing fees; creating a criminal offense) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to ARTICLE 13 of the bill:

SECTION 13.01. Section 231.103(a), Family Code, is amended to read as follows:

(a) The Title IV-D agency may:

(1) charge a reasonable application fee;

(2) charge a \$35 [~~\$25~~] annual service fee; and

(3) to the extent permitted by federal law, recover costs for the services provided in a Title IV-D case.

Explanation: The addition is necessary to amend the Family Code to provide for an increase of the annual service fee charged by the Title IV-D agency.

HR 2188 was adopted by (Record 1998): 141 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

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

Absent — Davis, Y.; Dean; Geren; Shine.

STATEMENT OF VOTE

When Record No. 1998 was taken, I was in the house but away from my desk. I would have voted yes.

Dean

SB 891 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Leach submitted the conference committee report on **SB 891**.

Representative Leach moved to adopt the conference committee report on **SB 891**.

The motion to adopt the conference committee report on **SB 891** prevailed by (Record 1999): 144 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Cain; Stickland.

Present, not voting — Mr. Speaker(C).

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

SB 911 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Nevárez submitted the conference committee report on **SB 911**.

Representative Nevárez moved to adopt the conference committee report on **SB 911**.

The motion to adopt the conference committee report on **SB 911** prevailed by (Record 2000): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz;

Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; 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 — Bohac; Davis, S.; Johnson, E.

SB 621 - NOTICE GIVEN

At 7:38 p.m., pursuant to the provisions of Rule 7, Section 37(c), of the House Rules, Representative Clardy gave notice that he would, in one hour, move to reconsider the vote by which the motion to adopt the conference committee report on **SB 621** was lost by Record No. 1969.

SB 916 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Zerwas submitted the conference committee report on **SB 916**.

Representative Zerwas moved to adopt the conference committee report on **SB 916**.

The motion to adopt the conference committee report on **SB 916** prevailed by (Record 2001): 128 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Bailes; Beckley; 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, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Biedermann; Cain; Frank; Hefner; Krause; Lang; Middleton; Murr; Patterson; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Wilson; Zedler.

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

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

Absent — Johnson, J.D.

SB 799 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Murphy submitted the conference committee report on **SB 799**.

Representative Murphy moved to adopt the conference committee report on **SB 799**.

The motion to adopt the conference committee report on **SB 799** prevailed by (Record 2002): 145 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

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

SB 1151 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Geren submitted the conference committee report on **SB 1151**.

Representative Geren moved to adopt the conference committee report on **SB 1151**.

The motion to adopt the conference committee report on **SB 1151** prevailed by (Record 2003): 145 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

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

Absent — Hunter.

SB 11 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative G. Bonnen submitted the conference committee report on **SB 11**.

Representative G. Bonnen moved to adopt the conference committee report on **SB 11**.

The motion to adopt the conference committee report on **SB 11** prevailed by (Record 2004): 137 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; 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, Y.; Dean; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Hefner; Lang; Schaefer; Stickland; Swanson; Wilson.

Present, not voting — Tinderholt.

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

Absent — Deshotel.

STATEMENT OF VOTE

When Record No. 2004 was taken, I was excused because of illness in the family. I would have voted yes.

S. Davis

REASON FOR VOTE

Security in our schools is a serious priority in order to protect the children of our state. There are many aspects of **SB 11** that could directly affect a company in which I am a senior partner, therefore, I feel obligated to vote "present, not voting" on this bill.

Tinderholt

SB 2138 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Zerwas submitted the conference committee report on **SB 2138**.

Representative Zerwas moved to adopt the conference committee report on **SB 2138**.

The motion to adopt the conference committee report on **SB 2138** prevailed by (Record 2005): 125 Yeas, 21 Nays, 1 Present, not voting.

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

Nays — Biedermann; Cain; Cyrier; Dean; Hefner; Krause; Lang; Leach; Middleton; Murr; Oliverson; Patterson; Schaefer; Shaheen; Springer; Stickland; Swanson; Tinderholt; Toth; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

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

STATEMENT OF VOTE

When Record No. 2005 was taken, I was shown voting yes. I intended to vote no.

Harris

HB 3193 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Hinojosa submitted the following conference committee report on **HB 3193**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3193** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Johnson
Hinojosa
Kolkhorst
Schwertner

Hinojosa
Frank
Klick
Noble
Rose

On the part of the senate

On the part of the house

HB 3193, A bill to be entitled An Act relating to the licensing of a home and community support services agency; increasing fees.

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

SECTION 1. Section 142.006(b), Health and Safety Code, is amended to read as follows:

(b) A license issued under this chapter expires three [~~two~~] years after the date of issuance. The executive commissioner by rule may adopt a system under which licenses expire on various dates during the three-year [~~two-year~~] period. For the year in which a license expiration date is changed, the commission [~~department~~] shall prorate the license fee on a monthly basis. Each license holder shall pay only that portion of the license fee allocable to the number of months for which the license is valid. A license holder shall pay the total license renewal fee at the time of renewal. The commission [~~department~~] may issue an initial license for a shorter term to conform expiration dates for a locality or an applicant. The commission [~~department~~] may issue a temporary license to an applicant for an initial license.

SECTION 2. Section 142.010(a), Health and Safety Code, is amended to read as follows:

(a) The executive commissioner by rule shall set license fees for home and community support services agencies in amounts that are reasonable to meet the costs of administering this chapter, except that the fees may not be less than \$600 or more than \$2,625 [~~\$2,000~~] for a license to provide home health, hospice, habilitation, or personal assistance services.

SECTION 3. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 4. This Act takes effect September 1, 2019.

Representative Hinojosa moved to adopt the conference committee report on **HB 3193**.

The motion to adopt the conference committee report on **HB 3193** prevailed by (Record 2006): 146 Yeas, 0 Nays, 1 Present, not voting.

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

HB 496 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Gervin-Hawkins submitted the following conference committee report on **HB 496**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 496** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Campbell

Hinojosa

Taylor

Fallon

Lucio

On the part of the senate

Allison

G. Bonnen

Cortez

Oliverson

Gervin-Hawkins

On the part of the house

HB 496, A bill to be entitled An Act relating to traumatic injury response protocol and the use of bleeding control stations in public schools.

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

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.030 to read as follows:

Sec. 38.030. TRAUMATIC INJURY RESPONSE PROTOCOL. (a) Each school district and open-enrollment charter school shall develop and annually make available a protocol for school employees and volunteers to follow in the event of a traumatic injury.

(b) The protocol required under this section must:

(1) provide for a school district or open-enrollment charter school to maintain and make available to school employees and volunteers bleeding control stations, as described by Subsection (d), for use in the event of a traumatic injury involving blood loss;

(2) ensure that bleeding control stations are stored in easily accessible areas of the campus that are selected by the district's school safety and security committee or the charter school's governing body;

(3) require that agency-approved training on the use of a bleeding control station in the event of an injury to another person be provided to:

(A) each school district peace officer commissioned under Section 37.081 or school security personnel employed under that section who provides security services at the campus;

(B) each school resource officer who provides law enforcement at the campus; and

(C) all other district or school personnel who may be reasonably expected to use a bleeding control station; and

(4) require the district or charter school to annually offer instruction on the use of a bleeding control station from a school resource officer or other appropriate district or school personnel who has received the training under Subdivision (3) to students enrolled at the campus in grade seven or higher.

(c) A district's school safety and security committee or the charter school's governing body may select, as easily accessible areas of the campus at which bleeding control stations may be stored, areas of the campus where automated external defibrillators are stored.

(d) A bleeding control station required under this section must contain all of the following required supplies in quantities determined appropriate by the superintendent of the district or the director of the school:

(1) tourniquets approved for use in battlefield trauma care by the armed forces of the United States;

(2) chest seals;

(3) compression bandages;

(4) bleeding control bandages;

(5) space emergency blankets;

(6) latex-free gloves;

(7) markers;

(8) scissors; and

(9) instructional documents developed by the American College of Surgeons or the United States Department of Homeland Security detailing methods to prevent blood loss following a traumatic event.

(e) In addition to the items listed under Subsection (d), a school district or open-enrollment charter school may also include in a bleeding control station any medical material or equipment that:

(1) may be readily stored in a bleeding control station;

(2) may be used to adequately treat an injury involving traumatic blood loss; and

(3) is approved by local law enforcement or emergency medical services personnel.

(f) To satisfy the training requirement of Subsection (b)(3), the agency may approve a course of instruction that has been developed or endorsed by:

(1) the American College of Surgeons or a similar organization; or

(2) the emergency medicine department of a health-related institution of higher education or a hospital.

(g) The course of instruction for training described under Subsection (f) may not be provided as an online course. The course of instruction must use nationally recognized, evidence-based guidelines for bleeding control and must incorporate instruction on the psychomotor skills necessary to use a bleeding control station in the event of an injury to another person, including instruction on proper chest seal placement.

(h) The course of instruction described under Subsection (f) may be provided by emergency medical technicians, paramedics, law enforcement officers, firefighters, representatives of the organization or institution that developed or endorsed the training, educators, other public school employees, or other similarly qualified individuals. A course of instruction described under Subsection (f) is not required to provide for certification in bleeding control. If the course of instruction does provide for certification in bleeding control, the instructor must be authorized to provide the instruction for the purpose of certification by the organization or institution that developed or endorsed the course of instruction.

(i) The good faith use of a bleeding control station by a school district or open-enrollment charter school employee to control the bleeding of an injured person is incident to or within the scope of the duties of the employee's position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of Section 22.0511, and a school district or open-enrollment charter school and the employees of the district or school are immune from civil liability, as provided by that section, from damages or injuries resulting from that good faith use of a bleeding control station. A school district or open-enrollment charter school volunteer is immune from civil liability from damages or injuries resulting from the good faith use of a bleeding control station to the same extent as a professional employee of the district or school, as provided by Section 22.053.

(j) Nothing in this section limits the immunity from liability of a school district, open-enrollment charter school, or district or school employee or volunteer under:

(1) Sections 22.0511 and 22.053;

(2) Section 101.051, Civil Practice and Remedies Code; or

(3) any other applicable law.

(k) This section does not create a cause of action against a school district or open-enrollment charter school or the employees or volunteers of the district or school.

SECTION 2. (a) Not later than October 1, 2019, the Texas Education Agency shall approve a course of instruction on the use of a bleeding control station that is appropriate to satisfy the requirement under Section 38.030, Education Code, as added by this Act.

(b) As soon as practicable after the effective date of this Act, and not later than January 1, 2020, each school district and open-enrollment charter school shall develop and implement the traumatic injury response protocol required by Section 38.030, Education Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

Representative Gervin-Hawkins moved to adopt the conference committee report on **HB 496**.

The motion to adopt the conference committee report on **HB 496** prevailed by (Record 2007): 124 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Leman;

Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales; Morrison; Muñoz; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Smithee; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zerwas; Zwiener.

Nays — Biedermann; Burns; Cain; Craddick; Hefner; Hunter; Krause; Landgraf; Lang; Middleton; Miller; Murr; Patterson; Price; Schaefer; Shaheen; Smith; Springer; Stickland; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

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

Absent — Murphy.

SB 982 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Zerwas submitted the conference committee report on **SB 982**.

Representative Zerwas moved to adopt the conference committee report on **SB 982**.

The motion to adopt the conference committee report on **SB 982** prevailed by (Record 2008): 146 Yeas, 0 Nays, 1 Present, not voting.

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

HR 2190 - ADOPTED
(by G. Bonnen)

The following privileged resolution was laid before the house:

HR 2190

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, Regular Session, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 12** (the contributions to and benefits under the Teacher Retirement System of Texas) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 3 of the bill, by amending Section 825.4035(a), Government Code, to read as follows:

(a) This section:

(1) except as provided by Subdivision (2), applies only to an employer that is a public school or regional education service center that [who] reports to the retirement system under Section 825.403 the employment of a member [for whom the employer is not making contributions to the federal Old Age, Survivors, and Disability Insurance program]; and

(2) does not apply to an employer that is an institution of higher education.

Explanation: The change is necessary to require only employers that are public schools, other than institutions of higher education, and regional education service centers that report to the Teacher Retirement System of Texas the employment of a member of the retirement system to contribute to the retirement system the amounts prescribed by Section 825.4035, Government Code, regardless of whether the employers are making contributions to the federal Old-Age, Survivors, and Disability Insurance program for that member.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following proposed SECTION 2 to the bill, amending the heading to Section 825.4035, Government Code:

SECTION 2. The heading to Section 825.4035, Government Code, is amended to read as follows:

Sec. 825.4035. EMPLOYER CONTRIBUTIONS FOR CERTAIN EMPLOYED MEMBERS [~~FOR WHOM THE EMPLOYER IS NOT MAKING CONTRIBUTIONS TO THE FEDERAL OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM~~].

Explanation: The change is necessary to ensure the heading of Section 825.4035, Government Code, accurately describes the substance of that section, as amended.

(3) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to change, alter, or amend text and to add text on a matter not in disagreement in proposed SECTION 6 of the bill, the effective date provision of the bill, to read as follows:

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

Explanation: This change is necessary to allow the bill to take effect immediately.

HR 2190 was adopted by (Record 2009): 139 Yeas, 6 Nays, 1 Present, not voting.

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

Nays — Cain; Middleton; Schaefer; Stickland; White; Wilson.

Present, not voting — Mr. Speaker(C).

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

Absent — Frullo.

STATEMENTS OF VOTE

When Record No. 2009 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

When Record No. 2009 was taken, I was shown voting no. I intended to vote yes.

Wilson

SB 12 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative G. Bonnen submitted the conference committee report on **SB 12**.

Representative G. Bonnen moved to adopt the conference committee report on **SB 12**.

The motion to adopt the conference committee report on **SB 12** prevailed by (Record 2010): 145 Yeas, 1 Nays, 0 Present, not voting.

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

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

Absent — Wilson.

STATEMENT OF VOTE

When Record No. 2010 was taken, I was excused because of illness in the family. I would have voted yes.

S. Davis

SB 12 - STATEMENT FOR INCLUSION IN THE JOURNAL

Representative Rodriguez submitted the following statement for inclusion in the journal:

Members, I appreciate the work that went into **SB 12** and I intend to support the bill because we clearly need to infuse more funds into TRS. Our retirees deserve a 13th check, and this is very important to their families. However, I have serious concerns about the inequitable treatment of certain school districts under the language added to **SB 12**.

School districts including Austin ISD, Pharr-San Juan-Alamo ISD, San Antonio ISD, and many others (55 in total) decided to pay into Social Security instead of TRS back in the 1980s. When Senator Robert Duncan passed a bill in the 83rd Legislative Session requiring school districts to contribute 1.5 percent into TRS for the first time, he exempted school districts that pay into Social Security for their employees.

The reason he exempted these districts is because it is appropriate to require the vast majority of districts that do not contribute to Social Security to pay into TRS. These districts save about \$1.5 billion a year by not paying Social Security taxes on their employees, so it is reasonable to have them contribute a smaller amount than they would pay into Social Security to strengthen the TRS fund. But under the language added to **SB 12**, this exemption is repealed. School districts that are obligated to pay into Social Security under these decades-old agreements will be required to pay into both Social Security and TRS.

Districts that pay into Social Security are already at a competitive disadvantage in salaries when it comes to attracting and retaining new teachers and other employees. There are only 19 Texas school districts mandated by the Social Security Act of 1983 to participate in Social Security for all employees. Thirty-six districts cover all employees except those classified as professionals. **SB 12** will require these 55 school districts to pay into two systems, Social Security and TRS, year after year.

Take Austin ISD, for example. In 2017, AISD paid more than \$32.2 million in employer's Social Security contributions. **SB 12** will force AISD to pay an additional \$8-10 million into TRS each year from now on. I encourage members who represent school districts that pay into Social Security to find out how much **SB 12** will cost their districts.

Members, I support our efforts to shore up TRS, but I think it is important for the body to know that **SB 12** does so at great cost to 55 school districts across the state. We should not be repealing this exemption.

Rodriguez and Middleton

HR 2187 - ADOPTED
(by Leach)

The following privileged resolution was laid before the house:

HR 2187

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 2342** (the jurisdiction of, and practices and procedures in civil cases before, justice courts, county courts, statutory county courts, and district courts) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 35 of the bill, in a transition provision of the bill, to read as follows:

SECTION 35. Not later than January 1, 2021, the Supreme Court of Texas shall adopt rules as necessary to implement Section 22.004(h-1), Government Code, as added by this Act.

Explanation: The change is necessary to provide the Supreme Court of Texas additional time to adopt rules as necessary to implement certain provisions added by the Act.

(2) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 37 of the bill, in the effective date provision of the bill, to read as follows:

SECTION 37. This Act takes effect September 1, 2020.

Explanation: The change is necessary to delay by one year the effective date of the Act.

HR 2187 was adopted by (Record 2011): 131 Yeas, 12 Nays, 1 Present, not voting.

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

Nays — Anchia; Bowers; Collier; Deshotel; Dominguez; González, M.; Lopez; Muñoz; Neave; Ramos; Rose; Stickland.

Present, not voting — Mr. Speaker(C).

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

Absent — Farrar; Sanford; Wilson.

SB 2342 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Leach submitted the conference committee report on **SB 2342**.

(Goldman in the chair)

Representative Leach moved to adopt the conference committee report on **SB 2342**.

The motion to adopt the conference committee report on **SB 2342** prevailed by (Record 2012): 91 Yeas, 48 Nays, 3 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Cortez; Craddick; Cyrier; Darby; Dean; Farrar; Flynn; Frank; Harless; Harris; Hefner; Hernandez; Holland; Huberty; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Lucio; Martinez; Metcalf; Meyer; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Murphy; Murr; Nevárez; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Rodriguez; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Cole; Collier; Davis, Y.; Deshotel; Dominguez; Dutton; Fierro; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hinojosa; Howard; Israel; Johnson, J.D.; Longoria; Lopez; Martinez Fischer; Meza; Muñoz; Neave; Ortega; Perez; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Zwiener.

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

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

Absent — Guillen; Gutierrez; Herrero; Wu; Zerwas.

STATEMENTS OF VOTE

When Record No. 2012 was taken, I was shown voting no. I intended to vote yes.

Fierro

When Record No. 2012 was taken, I was shown voting no. I intended to vote yes.

Frullo

When Record No. 2012 was taken, my vote failed to register. I would have voted no.

Gutierrez

When Record No. 2012 was taken, I was shown voting yes. I intended to vote no.

Morales

When Record No. 2012 was taken, I was shown voting yes. I intended to vote no.

Thierry

(Speaker in the chair)

HB 2143 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative J. Turner submitted the following conference committee report on **HB 2143**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2143** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Whitmire
Campbell
Hancock
Menéndez
Nichols

On the part of the senate

J. Turner
Wray
Darby
Patterson
Cole

On the part of the house

HB 2143, A bill to be entitled An Act relating to the eligibility of a first responder for workers' compensation benefits for post-traumatic stress disorder.

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

SECTION 1. Section 504.019, Labor Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Post-traumatic stress disorder suffered by a first responder is a compensable injury under this subtitle only if it is based on a diagnosis that:

(1) the disorder is caused by one or more events ~~[an event]~~ occurring in the course and scope of the first responder's employment; and

(2) the preponderance of the evidence indicates that the event or events were ~~[was]~~ a producing cause ~~[substantial contributing factor]~~ of the disorder.

(c) For purposes of this subtitle, the date of injury for post-traumatic stress disorder suffered by a first responder is the date on which the first responder first knew or should have known that the disorder may be related to the first responder's employment.

SECTION 2. The change in law made by this Act applies only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law as it existed on the date the compensable injury occurred, and the former law is continued in effect for that purpose.

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

HB 2143 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PATTERSON: Representative Turner, thank you for bringing this bill forward. I plan on voting for it, but I just want to ask you a few questions for legislative intent if that's okay. The language in the conference committee report says that the on-the-job traumatic events must be a "producing cause" of the PTSD. Is that correct?

REPRESENTATIVE J. TURNER: That's correct.

PATTERSON: Is this language that various stakeholders have agreed upon?

J. TURNER: Yes, this is agreed-upon language.

PATTERSON: I want to ask how the language would apply in the context of a first responder who has experienced traumatic events both in his or her service as a first responder and outside of his or her service as a first responder—for example, a first responder who has also served our country in the military in a combat situation and has experienced traumatic events there. Let's assume both events from his or her military service and his or her service as a first responder have contributed to the individual's PTSD. Would this language allow the first responder to obtain workers' compensation coverage for PTSD in that circumstance?

J. TURNER: The answer is, it depends. The condition would be compensable if the traumatic events experienced during the individual's service as a first responder would have been independently sufficient to cause a PTSD condition. But if the events experienced as a first responder would not have independently caused PTSD and the PTSD was a result of traumatic events outside of his or her job as a first responder, the condition would not be compensable.

PATTERSON: So to summarize, under this bill, in order for the first responder to receive workers' compensation for PTSD resulting from on-the-job traumatic events, what must occur?

J. TURNER: It has to be shown by a preponderance of the evidence that the traumatic event or events occurring within the course and scope of employment were a substantial contributing factor of the PTSD and that those events would have been sufficient to cause PTSD even if other events or experiences may also have contributed to the condition.

PATTERSON: So Representative Turner, is there any intent here to change the current causation standard that exists in this section of code?

J. TURNER: No, there is not.

REMARKS ORDERED PRINTED

Representative Patterson moved to print remarks between Representative J. Turner and Representative Patterson on **HB 2143**.

The motion prevailed.

Representative J. Turner moved to adopt the conference committee report on **HB 2143**.

The motion to adopt the conference committee report on **HB 2143** prevailed by (Record 2013): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; 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; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

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

Absent — Farrar; Lucio.

HB 1523 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Nevárez submitted the following conference committee report on **HB 1523**:

Austin, Texas, May 24, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1523** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Buckingham

Birdwell

Menéndez

Nichols

Watson

On the part of the senate

Nevárez

Harless

Lambert

Paddie

S. Thompson

On the part of the house

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

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

ARTICLE 1. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND
LAND SURVEYORS

SECTION 1.01. The heading to Chapter 1001, Occupations Code, is amended to read as follows:

CHAPTER 1001. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND
LAND SURVEYORS

SECTION 1.02. Section 1001.002, Occupations Code, is amended by amending Subdivision (1) and adding Subdivision (3) to read as follows:

(1) "Board" means the Texas Board of Professional Engineers and Land Surveyors.

(3) "Land surveyor," "licensed state land surveyor," "professional surveying," "registered professional land surveyor," and "state land surveying" have the meanings assigned by Section 1071.002.

SECTION 1.03. Section 1001.004(e), Occupations Code, is amended to read as follows:

(e) This chapter does not:

(1) prevent a person from identifying the person in the name and trade of any engineers' labor organization with which the person is affiliated;

(2) prohibit or otherwise restrict a person from giving testimony or preparing an exhibit or document for the sole purpose of being placed in evidence before an administrative or judicial tribunal, subject to the board's disciplinary powers under Subchapter J regarding negligence, incompetency, or misconduct in the practice of engineering; or

(3) ~~repeal or amend a law affecting or regulating a licensed state land surveyor; or~~

~~(4)~~ affect or prevent the practice of any other legally recognized profession by a member of the profession who is licensed by the state or under the state's authority.

SECTION 1.04. Section 1001.005, Occupations Code, is amended to read as follows:

Sec. 1001.005. APPLICATION OF SUNSET ACT. The Texas Board of Professional Engineers and Land Surveyors is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2025.

SECTION 1.05. Section 1001.064, Occupations Code, is amended to read as follows:

Sec. 1001.064. STATE LAND SURVEYORS. A licensed state land surveyor is exempt from the requirements of this chapter regulating the practice of engineering in performing the ~~the~~ state land surveyor's duties.

SECTION 1.06. The heading to Subchapter C, Chapter 1001, Occupations Code, is amended to read as follows:

SUBCHAPTER C. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND
LAND SURVEYORS

SECTION 1.07. Section 1001.101(a), Occupations Code, is amended to read as follows:

(a) The Texas Board of Professional Engineers and Land Surveyors consists of nine members appointed by the governor with the advice and consent of the senate as follows:

- (1) five ~~[six]~~ engineers; ~~[and]~~
- (2) one land surveyor; and
- (3) three members who represent the public.

SECTION 1.08. Subchapter C, Chapter 1001, Occupations Code, is amended by adding Section 1001.1011 to read as follows:

Sec. 1001.1011. EX OFFICIO MEMBER. The commissioner of the General Land Office or a licensed state land surveyor employee of the General Land Office designated by the commissioner as director of surveying shall serve as an ex officio, nonvoting member of the board.

SECTION 1.09. Section 1001.102, Occupations Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) A person may not be a public member of the board if the person or the person's spouse:

- (1) is registered, certified, or licensed by a regulatory agency in the field of engineering or land surveying;
- (2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the board;
- (3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the board; or
- (4) uses or receives a substantial amount of tangible goods, services, or money from the board other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

(d) A land surveyor member of the board:

- (1) must be:
 - (A) a licensed state land surveyor actively engaged in the practice of state land surveying for not less than the five years preceding appointment; or
 - (B) a registered professional land surveyor actively engaged in the practice of professional surveying in this state for not less than the five years preceding appointment; and
- (2) may not be licensed as an engineer.

SECTION 1.10. Section 1001.103(a-1), Occupations Code, is amended to read as follows:

(a-1) A person may not be a member of the board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of engineering or land surveying; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of engineering or land surveying.

SECTION 1.11. Section 1001.105, Occupations Code, is amended to read as follows:

Sec. 1001.105. PARTICIPATION OF PUBLIC MEMBERS. (a) The board by majority vote may limit the participation of public members in evaluating license, registration, or certification applications.

(b) This section does not apply to the evaluation of license, registration, or certification applications at an official meeting of the board.

SECTION 1.12. Section 1001.107, Occupations Code, is amended to read as follows:

Sec. 1001.107. PER DIEM. Each [A] board member, other than the commissioner of the General Land Office, is entitled to receive a per diem as set by the General Appropriations Act for each day that the member engages in the business of the board.

SECTION 1.13. Section 1001.112(b), Occupations Code, is amended to read as follows:

(b) The training program must provide the person with information regarding:

(1) this chapter and Chapter 1071;

(2) the programs operated by the board;

(3) the role and functions of the board;

(4) the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the board;

(6) the results of the most recent formal audit of the board;

(7) the requirements of:

(A) the open meetings law, Chapter 551, Government Code;

(B) the public information law, Chapter 552, Government Code;

(C) the administrative procedure law, Chapter 2001, Government Code; and

(D) other laws relating to public officials, including conflict-of-interest laws; and

(8) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

SECTION 1.14. Section 1001.201, Occupations Code, is amended to read as follows:

Sec. 1001.201. GENERAL POWERS AND DUTIES. (a) The board shall administer and enforce this chapter and Chapter 1071.

(b) The board may spend money for any purpose the board considers reasonably necessary for the proper performance of its duties under this chapter and Chapter 1071.

SECTION 1.15. Section 1001.202, Occupations Code, is amended to read as follows:

Sec. 1001.202. RULES. The board may adopt and enforce any rule or bylaw necessary to perform its duties, govern its proceedings, and regulate the practice of engineering and land surveying.

SECTION 1.16. Sections 1001.203(b) and (c), Occupations Code, are amended to read as follows:

(b) Except as provided by Subsection (a), the board may not adopt rules restricting advertising or competitive bidding by a person regulated by the board [~~license holder~~] except to prohibit false, misleading, or deceptive practices.

(c) In its rules to prohibit false, misleading, or deceptive practices by a person regulated by the board, the board may not include a rule that:

- (1) restricts the use of any medium for advertising;
- (2) restricts the use of the person's [~~a license holder's~~] personal appearance or voice in an advertisement;
- (3) relates to the size or duration of an advertisement by the person [~~license holder~~]; or
- (4) restricts the person's [~~license holder's~~] advertisement under a trade name.

SECTION 1.17. Section 1001.204, Occupations Code, is amended to read as follows:

Sec. 1001.204. FEES. (a) The board shall establish [~~the following~~] fees in amounts reasonable and necessary to cover the costs of administering this chapter and Chapter 1071, including:

- (1) license, registration, and certification fees [~~fee~~];
- (2) renewal fee [~~annual~~] and late renewal fee [~~fees~~];
- (3) reciprocal license fee;
- (4) duplicate license fee;
- (5) [~~engineer in training certificate fee;~~
- [~~(6)~~] roster [~~of engineers~~] fee;
- [~~(6)~~] [~~(7)~~] examination fee;
- [~~(8)~~] registration fee for engineering firm; and
- [~~(9)~~] [~~(9)~~] inactive status fee.

(b) Fee revenue may not exceed the amount reasonable and necessary to administer this chapter and Chapter 1071.

(c) General revenue of the state may not be used to pay the costs of administering this chapter and Chapter 1071 in an amount that exceeds the amount of fees received under this chapter and Chapter 1071.

SECTION 1.18. Section 1001.205, Occupations Code, is amended to read as follows:

Sec. 1001.205. REDUCED FEES: ELDERLY, DISABLED, INACTIVE STATUS. (a) For purposes of this section, a person is disabled if the person has a mental or physical impairment that substantially limits the ability of the person to earn a living as an engineer or land surveyor, other than an impairment caused by a current addiction to the use of alcohol or an illegal drug or controlled substance.

(b) The board by rule may adopt reduced license fees and [~~annual~~] renewal fees for engineers and land surveyors who are:

(1) at least 65 years of age; or

(2) disabled and not actively engaged in the practice of engineering or land surveying.

(c) A person entitled to reduced fees under Subsection (b)(2) shall notify the board that the person has resumed the active practice of engineering or land surveying not later than the 15th day after the date the person resumes active practice.

SECTION 1.19. Section 1001.207, Occupations Code, is amended to read as follows:

Sec. 1001.207. STANDARDS OF CONDUCT AND ETHICS. The board may establish standards of conduct and ethics for engineers and land surveyors in keeping with the purposes and intent of this chapter and Chapter 1071 and to ensure strict compliance with and enforcement of this chapter and Chapter 1071.

SECTION 1.20. The heading to Section 1001.208, Occupations Code, is amended to read as follows:

Sec. 1001.208. ROSTER OF ENGINEERS AND LAND SURVEYORS.

SECTION 1.21. Section 1001.209, Occupations Code, is amended to read as follows:

Sec. 1001.209. REGISTER OF APPLICANTS. The board shall maintain a register of each application for a license or registration under this chapter or Chapter 1071 [~~applications~~] that shows:

(1) the name, age, and residence of each applicant;

(2) the date of the application;

(3) the applicant's place of business;

(4) the applicant's educational and other qualifications;

(5) whether an examination was required;

(6) whether the applicant was issued or denied a license or registration;

(7) the date of board action; and

(8) any other information the board considers necessary.

SECTION 1.22. Section 1001.210, Occupations Code, is amended to read as follows:

Sec. 1001.210. CONTINUING EDUCATION PROGRAMS FOR ENGINEERS. (a) The board shall recognize, prepare, or administer continuing education programs for engineers [~~its license holders~~]. An engineer [~~A license holder~~] must participate in the programs to the extent required by the board to keep the engineer's [~~person's~~] license.

(b) The board may not require an engineer [~~a license holder~~] to obtain more than 15 hours of continuing education annually. The board shall permit an engineer [~~a license holder~~] to certify at the time the license is renewed that the engineer [~~license holder~~] has complied with the board's continuing education requirements.

(c) The board shall permit an engineer [~~a license holder~~] to receive continuing education credit for educational, technical, ethical, or professional management activities related to the practice of engineering, including:

(1) successfully completing or auditing a course sponsored by an institution of higher education;

(2) successfully completing a course certified by a professional or trade organization;

(3) attending a seminar, tutorial, short course, correspondence course, videotaped course, or televised course;

(4) participating in an in-house course sponsored by a corporation or other business entity;

(5) teaching a course described by Subdivisions (1)-(4);

(6) publishing an article, paper, or book on the practice of engineering;

(7) making or attending a presentation at a meeting of a technical or engineering management society or organization or writing a paper presented at such a meeting;

(8) participating in the activities of a professional society or association, including serving on a committee of the organization; and

(9) engaging in self-directed study.

(d) An engineer [~~A license holder~~] may not receive more than five continuing education credit hours annually for engaging in self-directed study.

SECTION 1.23. Section 1001.212, Occupations Code, is amended to read as follows:

Sec. 1001.212. CONFIDENTIALITY OF CERTAIN INFORMATION RELATED TO [~~LICENSE~~] APPLICATION. (a) A statement made by a person providing a reference for an applicant and other pertinent information compiled by or submitted to the board relating to an applicant for licensing, registration, or certification [~~a license~~] under this chapter or Chapter 1071 is privileged and confidential.

(b) Information described by Subsection (a) may be used only by the board or its employees or agents who are directly involved in the application or licensing, registration, or certification process. The information is not subject to discovery, subpoena, or other disclosure.

SECTION 1.24. Section 1001.213(a), Occupations Code, is amended to read as follows:

(a) The board may request and, if necessary, compel by subpoena:

(1) the attendance of a witness for examination under oath; and

(2) the production for inspection or copying of records, documents, and other evidence relevant to the investigation of an alleged violation of this chapter or Chapter 1071.

SECTION 1.25. Subchapter E, Chapter 1001, Occupations Code, is amended by adding Section 1001.216 to read as follows:

Sec. 1001.216. ADVISORY COMMITTEES. (a) The board shall appoint an advisory committee for the purpose of providing advice and recommendations to the board on matters related to the regulation of land surveying. The advisory committee must consist of five or more individuals appointed by the board, at least five of whom must be land surveyors.

(b) The board may not adopt a rule related to the scope of practice of, the professional or technical standards for, or the standards of conduct and ethics for land surveyors before considering advice and recommendations from the advisory committee described in Subsection (a).

(c) The board may appoint additional advisory committees to provide advice and recommendations to the board on any other matter relevant to the administration of this chapter or Chapter 1071.

SECTION 1.26. Section 1001.251(a), Occupations Code, is amended to read as follows:

(a) The board shall prepare information of consumer interest describing:

(1) the regulatory functions of the board under this chapter and Chapter 1071; and

(2) the procedures by which consumer complaints are filed with and resolved by the board.

SECTION 1.27. Sections 1001.252(a) and (d), Occupations Code, are amended to read as follows:

(a) The board shall adopt rules that permit the board to receive and investigate a confidential complaint against a [~~license holder or other~~] person who may have violated this chapter or Chapter 1071. The board shall maintain the confidentiality of the complaint during the investigation.

(d) The board shall consider any written grievance against a [~~license holder or other~~] person filed with the board as a complaint.

SECTION 1.28. Chapter 1001, Occupations Code, is amended by adding Subchapter F-1 to read as follows:

SUBCHAPTER F-1. GENERAL LICENSE, REGISTRATION, AND CERTIFICATION REQUIREMENT

Sec. 1001.271. DEFINITION. In this subchapter, "license" means a license, certification, registration, or other authorization that is issued by the board under this chapter or Chapter 1071.

SECTION 1.29. Section 1001.3035, Occupations Code, is transferred to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, redesignated as Section 1001.272, Occupations Code, and amended to read as follows:

Sec. 1001.272 [~~1001.3035~~]. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE ISSUANCE. (a) This section applies only to an applicant for a license or registration as an engineer, licensed state land surveyor, or registered professional land surveyor.

(b) The board shall require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by the board, to the board or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(c) ~~(b)~~ The board may not issue a license to a person who does not comply with the requirement of Subsection (b) ~~(c)~~.

(d) ~~(c)~~ The board shall conduct a criminal history check of each applicant for a license using information:

(1) provided by the individual under this section; and

(2) made available to the board by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(e) ~~(d)~~ The board may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history check.

SECTION 1.30. Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, is amended by adding Section 1001.2721 to read as follows:

Sec. 1001.2721. EXAMINATION DEVELOPMENT AND ADMINISTRATION. Notwithstanding any other law, the board may adopt, recognize, develop, or contract for an examination required by this chapter or Chapter 1071, including the administration of the examination.

SECTION 1.31. Section 1001.306, Occupations Code, is transferred to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, redesignated as Section 1001.273, Occupations Code, and amended to read as follows:

Sec. 1001.273 ~~[1001.306]~~. EXAMINATION RESULTS. (a) Not later than the 30th day after the date a person takes an ~~[a licensing]~~ examination under this chapter or Chapter 1071, the board shall notify the person of the results of the examination.

(a-1) If the examination is graded or reviewed by a testing service:

(1) the board shall notify the person of the results of the examination not later than the 14th day after the date the board receives the results from the testing service; and

(2) if notice of the examination results will be delayed for longer than 90 days after the examination date, the board shall notify the person of the reason for the delay before the 90th day.

(b) The board may require a testing service to notify a person of the results of the person's examination.

(c) If requested in writing by a person who fails an ~~[a licensing]~~ examination administered under this chapter or Chapter 1071, the board shall furnish the person with an analysis of the person's performance on the examination.

(d) Examination results reported under this section must include a numerical score and an indication of whether the person passed or failed the examination.

SECTION 1.32. Sections 1001.307 and 1001.352, Occupations Code, are transferred to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, and redesignated as Sections 1001.274 and 1001.275, Occupations Code, respectively, to read as follows:

Sec. 1001.274 [~~1001.307~~]. REEXAMINATION. The board may permit reexamination of an applicant on payment of an appropriate reexamination fee in an amount set by the board.

Sec. 1001.275 [~~1001.352~~]. NOTICE OF LICENSE EXPIRATION. Not later than the 30th day before the date a person's license is scheduled to expire, the board shall send written notice of the impending expiration to the person at the person's last known address according to the records of the board.

SECTION 1.33. Sections 1001.353 and 1001.3535, Occupations Code, are transferred to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, redesignated as Sections 1001.276 and 1001.277, Occupations Code, respectively, and amended to read as follows:

Sec. 1001.276 [~~1001.353~~]. PROCEDURE FOR RENEWAL. (a) A person who is otherwise eligible to renew a license may renew an unexpired license by paying the required [~~annual~~] renewal fee to the board before the expiration date of the license. A person whose license has expired may not engage in activities that require a license until the license has been renewed.

(b) A person whose license has been expired for 90 days or less may renew the license by paying to the board the required [~~annual~~] renewal fee and a late renewal fee.

(c) A person whose license has been expired for more than 90 days but less than two years may renew the license by paying to the board the required [~~annual~~] renewal fee and a late renewal fee for each delinquent year or part of a year.

(d) A person whose license has been expired for two years or more may not renew the license. The person may obtain a new license by complying with the requirements and procedures, including the examination requirements, for obtaining an original license.

Sec. 1001.277 [~~1001.3535~~]. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) This section applies only to an applicant for renewal of a license or registration as an engineer, licensed state land surveyor, or registered professional land surveyor.

(b) An applicant renewing a license [~~issued under this chapter~~] shall submit a complete and legible set of fingerprints for purposes of performing a criminal history check of the applicant as provided by Section 1001.272 [~~1001.3035~~].

(c) [~~(b)~~] The board may not renew the license of a person who does not comply with the requirement of Subsection (b) [~~(b)~~].

(d) [~~(c)~~] A license holder is not required to submit fingerprints under this section for the renewal of the license if the license holder has previously submitted fingerprints under:

(1) Section 1001.272 [~~1001.3035~~] for the initial issuance of the license;
or

(2) this section as part of a prior license renewal.

SECTION 1.34. Section 1001.354, Occupations Code, is transferred to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, and redesignated as Section 1001.278, Occupations Code, to read as follows:

Sec. 1001.278 [~~1001.354~~]. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE PRACTITIONER. (a) A person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date of application may obtain a new license without reexamination.

(b) The person must pay to the board a fee that is equal to two times the normally required renewal fee for the license.

SECTION 1.35. Section 1001.355, Occupations Code, is transferred to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, redesignated as Section 1001.279, Occupations Code, and amended to read as follows:

Sec. 1001.279 [~~1001.355~~]. INACTIVE STATUS. (a) An engineer or land surveyor may request inactive status at any time. An engineer or land surveyor [~~A license holder~~] on inactive status may not practice engineering or land surveying, as applicable.

(b) An engineer or land surveyor [~~A license holder~~] on inactive status must pay a [~~an annual~~] fee in an amount and at times prescribed [~~set~~] by the board.

(c) An engineer or land surveyor [~~A license holder~~] on inactive status is not required to:

(1) comply with the continuing education requirements adopted by the board under Section 1001.210 or 1071.305, as applicable; or

(2) take an examination for reinstatement to active status.

(d) To return to active status, an engineer or land surveyor [~~a license holder~~] on inactive status must:

(1) file with the board a written notice requesting reinstatement to active status;

(2) pay the fee for the [~~annual~~] renewal of the license; and

(3) provide evidence satisfactory to the board that the person has complied with the continuing education requirements adopted by the board under Section 1001.210 or 1071.305, as applicable.

SECTION 1.36. The heading to Subchapter G, Chapter 1001, Occupations Code, is amended to read as follows:

SUBCHAPTER G. ENGINEERING LICENSE REQUIREMENTS

SECTION 1.37. Section 1001.305, Occupations Code, is amended to read as follows:

Sec. 1001.305. WAIVER OF EXAMINATION REQUIREMENT. The board by rule may waive all or part of the examination requirement for an applicant for the issuance or reissuance of a license under this chapter. The board may not waive the requirement unless the board first determines that:

(1) the applicant possesses sufficient qualifications to justify the waiver; and

(2) issuing or reissuing the license to the applicant does not pose a threat to the public health, safety, or welfare.

SECTION 1.38. Section 1001.311, Occupations Code, is amended to read as follows:

Sec. 1001.311. APPLICATION BY NONRESIDENT. (a) A person who holds a license or certificate of registration issued by another state or a foreign country may apply under this chapter for a license in this state.

(b) The board may waive any prerequisite to obtaining a license under this chapter for an applicant after reviewing the applicant's credentials and determining that the applicant holds a license issued by another jurisdiction that has licensing requirements substantially equivalent to those of this state.

SECTION 1.39. Section 1001.312, Occupations Code, is amended to read as follows:

Sec. 1001.312. REPLACEMENT LICENSE. The board, subject to board rules, may issue a new license to replace a license issued under this chapter that is lost, destroyed, or mutilated.

SECTION 1.40. The heading to Subchapter H, Chapter 1001, Occupations Code, is amended to read as follows:

SUBCHAPTER H. ENGINEERING LICENSE RENEWAL

SECTION 1.41. Section 1001.452, Occupations Code, is amended to read as follows:

Sec. 1001.452. GROUNDS FOR DISCIPLINARY ACTION. A person is subject to disciplinary action under Section 1001.451 for:

(1) a violation of this chapter or a board rule adopted under this chapter;

(2) fraud or deceit in obtaining a license;

(3) a documented instance of retaliation by an applicant against an individual who has served as a reference for that applicant;

(4) gross negligence, incompetency, or misconduct in the practice of engineering; or

(5) a failure to timely provide plans or specifications to the Texas Department of Licensing and Regulation as required by Chapter 469, Government Code [~~Article 9102, Revised Statutes~~].

SECTION 1.42. Section 1001.501, Occupations Code, is amended to read as follows:

Sec. 1001.501. IMPOSITION OF ADMINISTRATIVE PENALTY. The board may impose an administrative penalty on a person who violates this chapter or Chapter 1071 or a rule adopted or order issued under this chapter or Chapter 1071.

SECTION 1.43. Section 1001.502, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The amount of an administrative penalty may not exceed:

(1) \$5,000 for each violation of this chapter or a rule adopted or order issued under this chapter; and

(2) \$1,500 for each violation of Chapter 1071 or a rule adopted or order issued under Chapter 1071.

(a-1) Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

SECTION 1.44. Sections 1001.551(a) and (d), Occupations Code, are amended to read as follows:

(a) In addition to any other action authorized by law, the board may bring an action in the board's name to enjoin a person from violating this chapter or Chapter 1071 or a board rule adopted under this chapter or Chapter 1071.

(d) In an action for an injunction under this section, the defendant may assert and prove as a complete defense to the action that the board deprived the defendant of a license, certificate, or registration by a board action or proceeding that was:

- (1) arbitrary or capricious;
- (2) contrary to law; or
- (3) conducted without due process of law.

SECTION 1.45. Section 1001.5511, Occupations Code, is amended to read as follows:

Sec. 1001.5511. CEASE AND DESIST ORDER. If it appears to the board that a person who is not licensed, certified, or registered under this chapter or Chapter 1071 is violating this chapter or Chapter 1071, a rule adopted under this chapter or Chapter 1071, or another state statute or rule relating to the practice of engineering or land surveying, the board, after notice and opportunity for a hearing, may issue a cease and desist order prohibiting the person from engaging in the activity.

SECTION 1.46. Section 1001.552(a), Occupations Code, is amended to read as follows:

- (a) A person commits an offense if the person:
- (1) engages in the practice of engineering without being licensed or exempted from the licensing requirement under this chapter;
 - (2) violates this chapter with respect to the regulation of engineering;
 - (3) presents or attempts to use as the person's own the engineering license or seal of another; or
 - (4) gives false evidence of any kind to the board or a board member in obtaining an engineering [a] license.

SECTION 1.47. Section 1001.553, Occupations Code, is amended to read as follows:

Sec. 1001.553. REPORT OF VIOLATION. A public official shall report a violation of this chapter or Chapter 1071 to the proper authorities.

SECTION 1.48. Section 1001.554, Occupations Code, is amended to read as follows:

Sec. 1001.554. PRESENTATION OF COMPLAINTS BY BOARD; ASSISTANCE AT TRIAL. (a) A member of the board may present to a prosecuting officer a complaint relating to a violation of this chapter or Chapter 1071.

(b) The board through its members, officers, counsel, and agents and subject to the control of the prosecuting officer may assist in the trial of a case involving an alleged violation of this chapter or Chapter 1071.

SECTION 1.49. Section 1001.555(a), Occupations Code, is amended to read as follows:

(a) The attorney general shall:

- (1) act as legal advisor of the board;
- (2) provide legal assistance to the board as necessary to enforce this chapter or Chapter 1071 and make those laws [~~#~~] effective; and
- (3) represent the board in an action brought to enforce this chapter or Chapter 1071.

SECTION 1.50. Section 1001.556, Occupations Code, is amended to read as follows:

Sec. 1001.556. APPEAL BOND. The board is not required to give an appeal bond in a cause arising under this chapter or Chapter 1071.

SECTION 1.51. Section 1071.002(1), Occupations Code, is amended to read as follows:

(1) "Board" means the Texas Board of Professional Engineers and Land Surveyors [~~Surveying~~].

SECTION 1.52. Section 1071.254, Occupations Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) An applicant for registration as a registered professional land surveyor must:

- (1) hold a certificate as a surveyor-in-training;
- (2) have at least two years of experience satisfactory to the board as a surveyor-in-training in performing surveying in delegated responsible charge as a subordinate to a surveyor registered or licensed to engage in the practice of surveying in this state or in another state having registration or licensing requirements equivalent to the requirements of this state; and

(3) [~~if the application is filed after January 1, 2003,~~] have earned an associate or [a] bachelor's degree from an accredited institution of higher education that included at least 32 semester hours in a combination of courses acceptable to the board in:

- (A) civil engineering;
- (B) land surveying;
- (C) mathematics;
- (D) photogrammetry;
- (E) forestry;
- (F) land law; or
- (G) the physical sciences.

(c) The board by rule may authorize the waiver of the requirement that an applicant for registration as a registered professional land surveyor have a bachelor's degree if the board determines:

(1) the applicant possesses sufficient qualifications to justify the waiver; and

(2) the applicant's registration does not pose a threat to the public health, safety, or welfare.

SECTION 1.53. The heading to Section 1071.301, Occupations Code, is amended to read as follows:

Sec. 1071.301. LICENSE TERM AND [~~ANNUAL~~] RENEWAL [~~REQUIRED~~].

SECTION 1.54. Section 1071.301, Occupations Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) The board by rule shall provide:

(1) that each certificate of registration or license under this chapter is valid for a term of one year or two years; and

(2) for the renewal of the certificate or license.

(a-1) The board by rule may adopt a system under which certificates of registration and licenses expire on various dates during the year.

(a-2) For the year in which the certificate or license expiration date is changed, the board shall prorate certificate and license fees on a monthly basis so that each certificate or license holder pays only that portion of the certificate or license fee that is allocable to the number of months during which the certificate or license is valid. On renewal of the certificate or license on the new expiration date, the total certificate or license renewal fee is payable.

SECTION 1.55. Section 1071.352(a-2), Occupations Code, is amended to read as follows:

(a-2) The board may refuse to issue or renew and may suspend or revoke the registration of a business entity and may impose an administrative penalty under Subchapter K, Chapter 1001, against the owner of a business entity for a violation of this chapter by an employee, agent, or other representative of the entity, including a registered professional land surveyor employed by the entity.

SECTION 1.56. Section 1071.401(a), Occupations Code, is amended to read as follows:

(a) The board shall revoke, suspend, or refuse to renew a certificate of registration or license, place on probation a person whose certificate or license has been suspended, or reprimand a registration holder or license holder for:

(1) fraud or deceit in obtaining a certificate or license under this chapter;

(2) gross negligence, incompetence, or misconduct in the practice of surveying as a land surveyor; or

(3) a violation of this chapter or a board rule adopted under this chapter.

SECTION 1.57. Sections 1071.4035(a) and (b), Occupations Code, are amended to read as follows:

(a) The board by rule shall establish guidelines for an informal settlement conference related to a complaint filed with the board regarding conduct regulated under this chapter.

(b) Subject to Subsection (c), the board may order a person licensed or registered under this chapter to pay restitution to a consumer as provided in an agreement resulting from an informal settlement conference instead of or in addition to assessing an administrative penalty under Subchapter K, Chapter 1001 [~~this chapter~~].

SECTION 1.58. The following provisions of the Occupations Code are repealed:

- (1) Section 1071.003;
- (2) Subchapter B, Chapter 1071;
- (3) Subchapter C, Chapter 1071;
- (4) Subchapter D, Chapter 1071;
- (5) Subchapter E, Chapter 1071;
- (6) Section 1071.255(c);
- (7) Section 1071.257;
- (8) Section 1071.258;
- (9) Section 1071.263;
- (10) Section 1071.302;
- (11) Section 1071.303;
- (12) Sections 1071.402(b), (c), (d), (e), (f), and (g);
- (13) Subchapter J, Chapter 1071;
- (14) Section 1071.501;
- (15) Section 1071.502; and
- (16) Subchapter L, Chapter 1071.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Section 150.003(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) This section applies only to a licensed or registered professional who provides architectural or engineering services if the services:

- (1) are authorized, as appropriate for the professional, in:
 - (A) Chapter 1001, Occupations Code;
 - (B) Chapter 1051, Occupations Code;
 - (C) 22 T.A.C. Part 6 (Texas Board of Professional Engineers and Land Surveyors), Chapter 137 (Compliance and Professionalism); and
 - (D) 22 T.A.C. Part 1 (Texas Board of Architectural Examiners), Chapter 1 (Architects), Subchapter H (Professional Conduct);
- (2) subject to Subsection (d), are provided voluntarily and without compensation or the expectation of compensation;
- (3) are in response to and provided during the duration of a proclaimed state of emergency under Section 433.001, Government Code, or a declared state of disaster under Section 418.014, Government Code;
- (4) are provided at the request or with the approval of a federal, state, or local public official acting in an official capacity in response to the proclaimed state of emergency or declared disaster, including a law enforcement official, public safety official, or building inspection official; and
- (5) are related to a structure, building, roadway, piping, or other system, either publicly or privately owned.

SECTION 2.02. Section 411.122(d), Government Code, is amended to read as follows:

(d) The following state agencies are subject to this section:

- (1) Texas Appraiser Licensing and Certification Board;
- (2) Texas Board of Architectural Examiners;
- (3) Texas Board of Chiropractic Examiners;
- (4) State Board of Dental Examiners;
- (5) Texas Board of Professional Engineers and Land Surveyors;
- (6) Texas Funeral Service Commission;
- (7) Texas Board of Professional Geoscientists;
- (8) ~~[Department of State]~~ Health and Human Services Commission, except as provided by Section 411.110, and agencies attached to the commission ~~[department]~~, including:

(A) Texas State Board of Examiners of Marriage and Family Therapists;

(B) Texas State Board of Examiners of Professional Counselors;

and
(C) Texas State Board of Social Worker Examiners;

(9) ~~[Texas Board of Professional Land Surveying;~~
~~(10)]~~ Texas Department of Licensing and Regulation, except as provided by Section 411.093;

~~(10) [(11)]~~ Texas Commission on Environmental Quality;

~~(11) [(12)]~~ Texas Board of Occupational Therapy Examiners;

~~(12) [(13)]~~ Texas Optometry Board;

~~(13) [(14)]~~ Texas State Board of Pharmacy;

~~(14) [(15)]~~ Texas Board of Physical Therapy Examiners;

~~(15) [(16)]~~ Texas State Board of Plumbing Examiners;

~~(16) [(17) Texas State Board of Podiatric Medical Examiners;~~

~~(18)]~~ Texas State Board of Examiners of Psychologists;

~~(17) [(19)]~~ Texas Real Estate Commission;

~~(18) [(20)]~~ Texas Department of Transportation;

~~(19) [(21)]~~ State Board of Veterinary Medical Examiners;

~~(20) [(22)]~~ Texas Department of Housing and Community Affairs;

~~(21) [(23)]~~ secretary of state;

~~(22) [(24)]~~ state fire marshal;

~~(23) [(25)]~~ Texas Education Agency;

~~(24) [(26)]~~ Department of Agriculture; and

~~(25) [(27)]~~ Texas Department of Motor Vehicles.

SECTION 2.03. Section 469.104, Government Code, is amended to read as follows:

Sec. 469.104. FAILURE TO SUBMIT PLANS AND SPECIFICATIONS. The commission shall report to the Texas Board of Architectural Examiners, the Texas Board of Professional Engineers and Land Surveyors, or another appropriate licensing authority the failure of any architect, interior designer, landscape architect, or engineer to submit or resubmit in a timely manner plans and specifications to the department as required by this subchapter.

SECTION 2.04. Section 472.001, Government Code, is amended to read as follows:

Sec. 472.001. APPLICABILITY OF CHAPTER. This chapter applies to:

- (1) the Texas State Board of Public Accountancy;
- (2) the Texas Board of Professional Engineers and Land Surveyors; and
- (3) the Texas Board of Architectural Examiners.

SECTION 2.05. Section 472.102(c), Government Code, is amended to read as follows:

(c) The Texas State Board of Public Accountancy shall annually remit \$703,344 to the general revenue fund, the Texas Board of Professional Engineers and Land Surveyors shall annually remit \$373,900 to the general revenue fund, and the Texas Board of Architectural Examiners shall annually remit \$510,000 to the general revenue fund.

SECTION 2.06. Section 2054.352(a), Government Code, is amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353:

- (1) Texas Board of Chiropractic Examiners;
- (2) Judicial Branch Certification Commission;
- (3) State Board of Dental Examiners;
- (4) Texas Funeral Service Commission;
- (5) ~~Texas Board of Professional Land Surveying~~;
- ~~(6)~~ Texas Medical Board;
- ~~(6)~~ ~~(7)~~ Texas Board of Nursing;
- ~~(7)~~ ~~(8)~~ Texas Optometry Board;
- ~~(8)~~ ~~(9)~~ Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;
- ~~(9)~~ ~~(10)~~ Texas State Board of Pharmacy;
- ~~(10)~~ ~~(11)~~ Executive Council of Physical Therapy and Occupational Therapy Examiners;
- ~~(11)~~ ~~(12)~~ Texas State Board of Plumbing Examiners;
- ~~(12)~~ ~~(13)~~ ~~Texas State Board of Podiatric Medical Examiners~~;
- ~~(14)~~ Texas State Board of Examiners of Psychologists;
- ~~(13)~~ ~~(15)~~ State Board of Veterinary Medical Examiners;
- ~~(14)~~ ~~(16)~~ Texas Real Estate Commission;
- ~~(15)~~ ~~(17)~~ Texas Appraiser Licensing and Certification Board;
- ~~(16)~~ ~~(18)~~ Texas Department of Licensing and Regulation;
- ~~(17)~~ ~~(19)~~ Texas State Board of Public Accountancy;
- ~~(18)~~ ~~(20)~~ State Board for Educator Certification;
- ~~(19)~~ ~~(21)~~ Texas Board of Professional Engineers and Land Surveyors;
- ~~(20)~~ ~~(22)~~ ~~Department of State~~ Health and Human Services Commission;
- ~~(21)~~ ~~(23)~~ Texas Board of Architectural Examiners;
- ~~(22)~~ ~~(24)~~ Texas Racing Commission;
- ~~(23)~~ ~~(25)~~ Texas Commission on Law Enforcement; and
- ~~(24)~~ ~~(26)~~ Texas Private Security Board.

SECTION 2.07. Section 2166.202(b), Government Code, is amended to read as follows:

(b) The commission, in consultation with the Texas Board of Architectural Examiners and the Texas Board of Professional Engineers and Land Surveyors, shall adopt by rule criteria to evaluate the competence and qualifications of a prospective private design professional.

SECTION 2.08. Section 361.901(6), Health and Safety Code, is amended to read as follows:

(6) "Licensed professional engineer" means a person licensed as an engineer by the Texas Board of Professional Engineers and Land Surveyors.

SECTION 2.09. Section 366.071(c), Health and Safety Code, is amended to read as follows:

(c) A person who conducts preconstruction site evaluations, including visiting a site and performing a soil analysis, a site survey, or other activities necessary to determine the suitability of a site for an on-site sewage disposal system must hold a license issued by the commission under Chapter 37, Water Code, unless the person is licensed by the Texas Board of Professional Engineers and Land Surveyors as an engineer.

SECTION 2.10. Sections 2210.2515(c) and (d), Insurance Code, are amended to read as follows:

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

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

(2) completes a sealed post-construction evaluation report that confirms compliance with the applicable building code under the plan of operation.

(d) A person may apply to the department on a form prescribed by the department for a certificate of compliance for an ongoing improvement. Except as provided by Subsection (e), the department shall issue a certificate of compliance for an ongoing improvement if a qualified inspector under Section 2210.254 inspects the ongoing improvement in accordance with commissioner rule and affirms that the improvement:

(1) conforms to a design of the improvement that has a seal affixed by a professional engineer licensed by the Texas Board of Professional Engineers and Land Surveyors and complies with the applicable building code under the plan of operation; or

(2) complies with the applicable building code under the plan of operation.

SECTION 2.11. Section 89.023(a), Natural Resources Code, is amended to read as follows:

(a) The commission may grant an extension of the deadline for plugging an inactive well if the operator maintains a current organization report with the commission as required by Section 91.142 and if, on or before the date of renewal of the operator's organization report as required by that section, the operator files with the commission an application for an extension that includes:

(1) an affirmation that complies with Section 89.029;

(2) a statement that the operator has, and on request will provide, evidence of a good faith claim to a continuing right to operate the well; and

(3) at least one of the following:

(A) documentation that since the preceding date that the operator's organization report was required to be renewed the operator has plugged, or restored to active operation as defined by commission rule, a number of inactive wells equal to or greater than 10 percent of the number of inactive wells operated by the operator on that date;

(B) an abeyance of plugging report on a form approved by the commission that:

(i) is in the form of a certification signed by a person licensed by the Texas Board of Professional Engineers and Land Surveyors as an engineer or by the Texas Board of Professional Geoscientists;

(ii) includes:

(a) an affirmation by the licensed person that the well has:

(1) a reasonable expectation of economic value in excess of the cost of plugging the well for the duration of the period covered by the report, based on the cost calculation for plugging an inactive well; and

(2) a reasonable expectation of being restored to a beneficial use that will prevent waste of oil or gas resources that otherwise would not be produced if the well were plugged; and

(b) appropriate documentation demonstrating the basis for the affirmation of the well's future utility; and

(iii) specifies the field and the covered wells within that field in a format prescribed by the commission;

(C) a statement that the well is part of an enhanced oil recovery project;

(D) if the operator of the well is not currently otherwise required by commission rule or order to conduct a fluid level or hydraulic pressure test of the well, documentation of the results of a successful fluid level or hydraulic pressure test of the well conducted in accordance with the commission's rules in effect at the time the test is conducted;

(E) a supplemental bond, letter of credit, or cash deposit sufficient for each well specified in the application that:

(i) complies with the requirements of Chapter 91; and

(ii) is of an amount at least equal to the cost calculation for plugging an inactive well for each well specified in the application;

(F) documentation of the deposit with the commission each time the operator files an application of an amount of escrow funds as prescribed by commission rule that equal at least 10 percent of the total cost calculation for plugging an inactive well for each well specified in the application; or

(G) if the operator is a publicly traded entity:

(i) the following documents:

(a) a copy of the operator's federal documents filed to comply with Financial Accounting Standards Board Statement No. 143, Accounting for Asset Retirement Obligations; and

(b) an original, executed Uniform Commercial Code Form 1 Financing Statement, filed with the secretary of state, that:

(1) names the operator as the "debtor" and the Railroad Commission of Texas as the "secured creditor"; and

(2) specifies the funds covered by the documents described by Sub-subparagraph (a) in the amount of the cost calculation for plugging an inactive well for each well specified in the application; or

(ii) a blanket bond in the amount of the lesser of:

(a) the cost calculation for plugging any inactive wells; or

(b) \$2 million.

SECTION 2.12. Section 1002.004(j), Occupations Code, is amended to read as follows:

(j) The board and the Texas Board of Professional Engineers and Land Surveyors by rule, memorandum of understanding, or other appropriate procedure or document shall jointly resolve any conflict between this chapter or a rule adopted under this chapter and Chapter 1001 or a rule adopted under that chapter.

SECTION 2.13. Sections 1051.607(b), (g), and (h), Occupations Code, are amended to read as follows:

(b) An engineer may not engage or offer to engage in the practice of architecture unless:

(1) the engineer is listed under Subsection (a); and

(2) the engineer is in good standing with the Texas Board of Professional Engineers and Land Surveyors.

(g) The board and the Texas Board of Professional Engineers and Land Surveyors shall pay equally the costs of a contested case.

(h) The Texas Board of Professional Engineers and Land Surveyors has exclusive regulatory oversight over an engineer listed under Subsection (a).

SECTION 2.14. Section 223.151, Transportation Code, is amended to read as follows:

Sec. 223.151. APPLICABILITY. This subchapter:

(1) applies to services of a technical expert, including an archeologist, biologist, geologist, or historian, to conduct an environmental or cultural assessment required by state or federal law for a transportation project under the authority or jurisdiction of the department; and

(2) does not apply to services defined as engineering by the Texas Board of Professional Engineers and Land Surveyors under Chapter 1001, Occupations Code.

SECTION 2.15. Section 26.3573(u), Water Code, is amended to read as follows:

(u) The petroleum storage tank remediation account may not be used to pay for a site remediation that involves the installation or construction of on-site equipment, structures, or systems used in the extraction or management of wastes, except for soil excavation and landfill disposal or well sampling and monitoring, unless:

(1) the plans and specifications for the equipment, structures, or systems are sealed by an engineer licensed by the Texas Board of Professional Engineers and Land Surveyors; and

(2) the equipment, structures, or systems are constructed under the supervision of an engineer licensed by the Texas Board of Professional Engineers and Land Surveyors.

SECTION 2.16. Sections 26.364(b), (c), and (e), Water Code, are amended to read as follows:

(b) The commission, on the request of an engineer licensed by the Texas Board of Professional Engineers and Land Surveyors, shall register the engineer in the program.

(c) An engineer registered in the program may contract to perform corrective action under this subchapter unless the Texas Board of Professional Engineers and Land Surveyors determines the engineer is not qualified to perform a corrective action.

(e) The commission may not adopt minimum qualifications for an engineer licensed by the Texas Board of Professional Engineers and Land Surveyors to contract with an eligible owner or operator to perform a corrective action under this subchapter.

SECTION 2.17. Sections 26.366(b), (c), and (e), Water Code, are amended to read as follows:

(b) The commission, on the request of an engineer licensed by the Texas Board of Professional Engineers and Land Surveyors, shall license the engineer in the program.

(c) An engineer licensed in the program may supervise a corrective action under this subchapter unless the Texas Board of Professional Engineers and Land Surveyors determines the engineer is not qualified to supervise a corrective action.

(e) The commission may not adopt minimum qualifications for an engineer licensed by the Texas Board of Professional Engineers and Land Surveyors to supervise a corrective action under this subchapter.

ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

SECTION 3.01. (a) The Texas Board of Professional Land Surveying is abolished but continues in existence until September 1, 2020, for the sole purpose of transferring obligations, property, rights, powers, and duties to the Texas Board of Professional Engineers and Land Surveyors as created by this Act. The Texas

Board of Professional Engineers and Land Surveyors assumes all of the obligations, property, rights, powers, and duties of the Texas Board of Professional Land Surveying as they exist immediately before the effective date of this Act. All unexpended funds appropriated to the Texas Board of Professional Land Surveying are transferred to the Texas Board of Professional Engineers and Land Surveyors.

(b) The Texas Board of Professional Engineers and Land Surveyors and the Texas Board of Professional Land Surveying shall, in consultation with appropriate state entities, ensure that the transfer of the obligations, property, rights, powers, and duties of the Texas Board of Professional Land Surveying to the Texas Board of Professional Engineers and Land Surveyors is completed not later than September 1, 2020.

(c) All rules of the Texas Board of Professional Land Surveying are continued in effect as rules of the Texas Board of Professional Engineers and Land Surveyors until superseded by a rule of the Texas Board of Professional Engineers and Land Surveyors. A certificate, license, registration, or other authorization issued by the Texas Board of Professional Land Surveying is continued in effect as provided by the law in effect immediately before the effective date of this Act. An application for a certificate, license, registration, or other authorization pending on the effective date of this Act is continued without change in status after the effective date of this Act. A complaint, investigation, contested case, or other proceeding pending on the effective date of this Act is continued without change in status after the effective date of this Act.

SECTION 3.02. The change in law made by this Act to Section 1001.101, Occupations Code, does not affect the entitlement of a member serving on the Texas Board of Professional Engineers immediately before the effective date of this Act to continue to serve for the remainder of the member's term. As the terms of board members expire, the governor shall appoint or reappoint members to the Texas Board of Professional Engineers and Land Surveyors who have the qualifications required for members under Sections 1001.101 and 1001.102, Occupations Code, as amended by this Act.

SECTION 3.03. (a) Except as provided by Subsection (b) of this section, Section 1001.112, Occupations Code, as amended by this Act, applies to a member of the Texas Board of Professional Engineers and Land Surveyors appointed before, on, or after the effective date of this Act.

(b) A member of a board who, before the effective date of this Act, completed the training program required by Section 1001.112, Occupations Code, as that section existed before the effective date of this Act, is required to complete additional training only on the subjects added by this Act to the training program. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after September 1, 2020, until the member completes the additional training.

SECTION 3.04. Sections 1001.272 and 1001.277, Occupations Code, as transferred, redesignated, and amended by this Act, with respect to an application for a license or registration or renewal of a license or registration for a registered professional land surveyor or licensed state land surveyor, apply only to an

application filed with the Texas Board of Professional Engineers and Land Surveyors on or after September 1, 2020. An application filed before September 1, 2020, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3.05. Section 1071.254(a), Occupations Code, as amended by this Act, applies only to an application for registration as a registered professional land surveyor that is filed on or after the effective date of this Act. An application for a registration that was filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 3.06. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 3.07. This Act takes effect September 1, 2019.

Representative Nevárez moved to adopt the conference committee report on **HB 1523**.

The motion to adopt the conference committee report on **HB 1523** prevailed by (Record 2014): 144 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

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

Absent — Farrar.

HR 2194 - ADOPTED
(by J.E. Johnson)

The following privileged resolution was laid before the house:

HR 2194

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, Regular Session, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1742** (physician and health care provider directories, preauthorization, utilization review, independent review, and peer review for certain health benefit plans and workers' compensation coverage) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the conference committee to add text on a matter not included in either the house or senate version of the bill by adding the following new ARTICLE to the bill:

ARTICLE 4. JOINT INTERIM STUDY

SECTION 4.01. CREATION OF JOINT INTERIM COMMITTEE. (a) A joint interim committee is created to study, review, and report on the use of prior authorization and utilization review processes by private health benefit plan issuers in this state, as provided by Section 4.02 of this article, and propose reforms under that section related to the transparency of and improving patient outcomes under the prior authorization and utilization review processes used by private health benefit plan issuers in this state.

(b) The joint interim committee shall be composed of four senators appointed by the lieutenant governor and four members of the house of representatives appointed by the speaker of the house of representatives.

(c) The lieutenant governor and speaker of the house of representatives shall each designate a co-chair from among the joint interim committee members.

(d) The joint interim committee shall convene at the joint call of the co-chairs.

(e) The joint interim committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.

SECTION 4.02. INTERIM STUDY REGARDING PRIOR AUTHORIZATION AND UTILIZATION REVIEW PROCESSES. (a) The joint interim committee created by Section 4.01 of this article shall study data and other information available from the Texas Department of Insurance, the office of public insurance counsel, or other sources the committee determines relevant to examine and analyze the transparency of and improving patient outcomes under the prior authorization and utilization review processes used by private health benefit plan issuers in this state.

(b) The joint interim committee shall propose reforms based on the study required under Subsection (a) of this section to improve the transparency of and patient outcomes under prior authorization and utilization review processes in this state.

(c) The joint interim committee shall prepare a report of the findings and proposed reforms.

SECTION 4.03. COMMITTEE FINDINGS AND PROPOSED REFORMS. (a) Not later than December 1, 2020, the joint interim committee created under Section 4.01 of this article shall submit to the lieutenant governor, the speaker of the house of representatives, and the governor the report prepared under Section 4.02 of this article. The joint interim committee shall include in its report recommendations of specific statutory and regulatory changes that appear necessary from the committee's study under Section 4.02 of this article.

(b) Not later than the 60th day after the effective date of this Act, the lieutenant governor and speaker of the house of representatives shall appoint the members of the joint interim committee in accordance with Section 4.01 of this article.

SECTION 4.04. ABOLITION OF COMMITTEE. The joint interim committee created under Section 4.01 of this article is abolished and this article expires December 15, 2020.

Explanation: The addition is necessary to provide for the interim study of the use of prior authorization and utilization review processes by health benefit plan issuers in this state and the proposal of reforms to improve the transparency of and patient outcomes under those processes.

HR 2194 was adopted by (Record 2015): 103 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Bailes; Beckley; Bell, K.; Bernal; Blanco; Bonnen; Bowers; Buckley; Bucy; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zedler; Zerwas; Zwiener.

Nays — Anderson; Bell, C.; Biedermann; Burns; Burrows; Cain; Craddick; Cyrier; Dean; Frank; Goldman; Harless; Harris; Hefner; Holland; King, P.; Krause; Landgraf; Lang; Leach; Leman; Metcalf; Middleton; Miller; Murr; Noble; Parker; Patterson; Paul; Phelan; Sanford; Schaefer; Shaheen; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Wilson; Wray.

Present, not voting — Mr. Speaker(C).

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

Absent — Farrar.

SB 1742 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative J.E. Johnson submitted the conference committee report on **SB 1742**.

Representative J.E. Johnson moved to adopt the conference committee report on **SB 1742**.

The motion to adopt the conference committee report on **SB 1742** prevailed by (Record 2016): 104 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Bailes; Beckley; Bell, K.; Bernal; Blanco; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Darby; Davis, Y.; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Larson; Longoria; Lopez; Lozano; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Muñoz; Murphy; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stucky; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; Vo; Walle; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Anderson; Ashby; Bell, C.; Biedermann; Burns; Cain; Cyrier; Dean; Frank; Harless; Harris; Hefner; Holland; King, P.; Krause; Landgraf; Lang; Leach; Leman; Metcalf; Middleton; Miller; Morrison; Murr; Noble; Parker; Patterson; Paul; Phelan; Schaefer; Stephenson; Stickland; Swanson; Thompson, E.; Tinderholt; VanDeaver; Wilson.

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

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

Absent — Farrar; Hunter; Lucio; Smithee.

STATEMENTS OF VOTE

When Record No. 2016 was taken, I was shown voting yes. I intended to vote no.

K. Bell

When Record No. 2016 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 2016 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 2016 was taken, my vote failed to register. I would have voted yes.

Smithee

When Record No. 2016 was taken, I was shown voting yes. I intended to vote no.

Stucky

When Record No. 2016 was taken, I was shown voting present, not voting. I intended to vote yes.

White

HR 2195 - ADOPTED
(by Sheffield)

The following privileged resolution was laid before the house:

HR 2195

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, Regular Session, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 3284** (the prescribing and dispensing of controlled substances under the Texas Controlled Substances Act; authorizing a fee; providing for administrative penalties; creating criminal offenses) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement by omitting SECTION 1 of the house engrossment of **HB 3284** and the corresponding SECTION of the bill as the bill was amended by the senate adding Section 481.0755, Health and Safety Code, which reads as follows:

SECTION 1. Subchapter C, Chapter 481, Health and Safety Code, is amended by adding Section 481.0755 to read as follows:

Sec. 481.0755. WRITTEN, ORAL, AND TELEPHONICALLY COMMUNICATED PRESCRIPTIONS. (a) Notwithstanding Sections 481.073, 481.074, and 481.075, a person prescribing or dispensing a controlled substance must use the electronic prescription record and may not use a written, oral, or telephonically communicated prescription.

(b) A prescriber may issue a written, oral, or telephonically communicated prescription for a controlled substance as authorized under this subchapter only if the prescription is issued:

(1) by a veterinarian;
(2) in circumstances in which electronic prescribing is not available due to temporary technological or electronic failure, as prescribed by board rule;

(3) by a practitioner to be dispensed by a pharmacy located outside this state, as prescribed by board rule;

(4) when the prescriber and dispenser are the same entity;

(5) in circumstances in which necessary elements are not supported by the most recent electronic prescription drug software;

(6) for a drug for which the United States Food and Drug Administration requires additional information in the prescription that is not possible with electronic prescribing;

(7) for a non-patient-specific prescription pursuant to a standing order, approved protocol for drug therapy, collaborative drug management, or comprehensive medication management, in response to a public health emergency or in other circumstances in which the practitioner may issue a non-patient-specific prescription;

(8) for a drug under a research protocol;

(9) by a prescriber who is employed by or is practicing a health care profession at a health-related institution, as defined by Section 62.161, Education Code, as added by Chapter 448 (HB 7), Acts of the 84th Legislature, 2015;

(10) by a practitioner who has received a waiver under Subsection (c) from the requirement to use electronic prescribing; or

(11) under circumstances in which the practitioner has the present ability to submit an electronic prescription but reasonably determines that it would be impractical for the patient to obtain the drugs prescribed under the electronic prescription in a timely manner and that a delay would adversely impact the patient's medical condition.

(c) The board shall adopt rules establishing a process by which a practitioner may request and receive a waiver under Subsection (b)(10), not to exceed one year, from the requirement to use electronic prescribing. The board shall adopt rules establishing the eligibility for a waiver, including:

(1) economic hardship;

(2) technological limitations not reasonably within the control of the practitioner; or

(3) other exceptional circumstances demonstrated by the practitioner.

(d) A written, oral, or telephonically communicated prescription must comply with the applicable requirements prescribed by Sections 481.074 and 481.075.

(e) A dispensing pharmacist who receives a controlled substance prescription in a manner other than electronically is not required to verify that the prescription is exempt from the requirement that it be submitted electronically.

(f) The board shall enforce this section.

Explanation: This change is necessary to avoid conflicting with language in **HB 2174** that also adds Section 481.0755, Health and Safety Code. The house has concurred in the senate amendments to **HB 2174**.

(2) House Rule 13, Sections 9(a)(1) and (2), are suspended to permit the committee to change and omit text not in disagreement in SECTIONS 6 and 9 of the house engrossment of **HB 3284** and the corresponding SECTIONS of the bill as the bill was amended by the senate to strike references to Section 481.0755, Health and Safety Code.

Explanation: This change is necessary to conform cross-references to the omission of proposed Section 481.0755, Health and Safety Code.

(3) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement by omitting SECTION 13 of the house engrossment of **HB 3284** and the corresponding SECTION of the bill as the bill was amended by the senate, which reads as follows:

SECTION 13. Section 481.0755, Health and Safety Code, as added by this Act, applies only to a prescription issued on or after the effective date of this Act.

Explanation: This change is necessary to conform to the omission of proposed Section 481.0755, Health and Safety Code.

HR 2195 was adopted by (Record 2017): 139 Yeas, 4 Nays, 1 Present, not voting.

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

Nays — Biedermann; Cain; Stickland; Zedler.

Present, not voting — Mr. Speaker(C).

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

Absent — Calanni; Farrar; Thierry.

STATEMENT OF VOTE

When Record No. 2017 was taken, I was in the house but away from my desk. I would have voted yes.

Calanni

HB 3284 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Sheffield submitted the following conference committee report on **HB 3284**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3284** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Nelson	Sheffield
Campbell	Howard
Schwertner	Moody
Seliger	Stucky
Watson	

On the part of the senate

On the part of the house

HB 3284, bill to be entitled An Act relating to the prescribing and dispensing of controlled substances under the Texas Controlled Substances Act; authorizing a fee; providing for administrative penalties; creating criminal offenses.

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

SECTION 1. Section 481.076, Health and Safety Code, is amended by amending Subsections (a), (f), (g), and (h) and adding Subsection (a-6) to read as follows:

(a) The board may not permit any person to have access to information submitted to the board under Section 481.074(q) or 481.075 except:

(1) the board, the Texas Medical Board, the Texas Department of Licensing and Regulation, with respect to the regulation of podiatrists [~~State Board of Podiatric Medical Examiners~~], the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, the Texas Board of Nursing, or the Texas Optometry Board for the purpose of:

(A) investigating a specific license holder; or

(B) monitoring for potentially harmful prescribing or dispensing patterns or practices under Section 481.0762;

(2) an [~~authorized officer or member of the department or~~] authorized employee of the board engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(3) the department or other [~~on behalf of a~~] law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state, if the board is provided a warrant, subpoena, or other court order compelling the disclosure;

(4) a medical examiner conducting an investigation;

(5) provided that accessing the information is authorized under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) and regulations adopted under that Act:

(A) a pharmacist or a pharmacy technician, as defined by Section 551.003, Occupations Code, acting at the direction of a pharmacist; or

(B) a practitioner who:

(i) is a physician, dentist, veterinarian, podiatrist, optometrist, or advanced practice nurse or is a physician assistant described by Section 481.002(39)(D) or an employee or other agent of a practitioner acting at the direction of a practitioner; and

(ii) is inquiring about a recent Schedule II, III, IV, or V prescription history of a particular patient of the practitioner;

(6) a pharmacist or practitioner who is inquiring about the person's own dispensing or prescribing activity; ~~or~~

(7) one or more states or an association of states with which the board has an interoperability agreement, as provided by Subsection (j);

(8) a health care facility certified by the federal Centers for Medicare and Medicaid Services; or

(9) the patient, the patient's parent or legal guardian, if the patient is a minor, or the patient's legal guardian, if the patient is an incapacitated person, as defined by Section 1002.017(2), Estates Code, inquiring about the patient's prescription record, including persons who have accessed that record.

(a-6) A patient, the patient's parent or legal guardian, if the patient is a minor, or the patient's legal guardian, if the patient is an incapacitated person, as defined by Section 1002.017(2), Estates Code, is entitled to a copy of the patient's prescription record as provided by Subsection (a)(9), including a list of persons who have accessed that record, if a completed patient data request form and any supporting documentation required by the board is submitted to the board. The board may charge a reasonable fee for providing the copy. The board shall adopt rules to implement this subsection, including rules prescribing the patient data request form, listing the documentation required for receiving a copy of the prescription record, and setting the fee.

(f) If the board accesses ~~[director permits access to]~~ information under Subsection (a)(2) relating to a person licensed or regulated by an agency listed in Subsection (a)(1), the board ~~[director]~~ shall notify and cooperate with that agency regarding the disposition of the matter before taking action against the person, unless the board ~~[director]~~ determines that notification is reasonably likely to interfere with an administrative or criminal investigation or prosecution.

(g) If the board provides ~~[director permits]~~ access to information under Subsection (a)(3) relating to a person licensed or regulated by an agency listed in Subsection (a)(1), the board ~~[director]~~ shall notify that agency of the disclosure of the information not later than the 10th working day after the date the information is disclosed.

(h) If the board ~~[director]~~ withholds notification to an agency under Subsection (f), the board ~~[director]~~ shall notify the agency of the disclosure of the information and the reason for withholding notification when the board ~~[director]~~ determines that notification is no longer likely to interfere with an administrative or criminal investigation or prosecution.

SECTION 2. Section 481.0766, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) The board shall make the information reported under Subsection (a) available to the State Board of Veterinary Medical Examiners for the purpose of routine inspections and investigations.

SECTION 3. Subchapter C, Chapter 481, Health and Safety Code, is amended by adding Sections 481.0767, 481.0768, and 481.0769 to read as follows:

Sec. 481.0767. ADVISORY COMMITTEE. (a) The board shall establish an advisory committee to make recommendations regarding information submitted to the board and access to that information under Sections 481.074, 481.075, 481.076, and 481.0761, including recommendations for:

(1) operational improvements to the electronic system that stores the information, including implementing best practices and improvements that address system weaknesses and workflow challenges;

(2) resolutions to identified data concerns;

(3) methods to improve data accuracy, integrity, and security and to reduce technical difficulties; and

(4) the addition of any new data set or service to the information submitted to the board or the access to that information.

(b) The board shall appoint the following members to the advisory committee:

(1) a physician licensed in this state who practices in pain management;

(2) a physician licensed in this state who practices in family medicine;

(3) a physician licensed in this state who performs surgery;

(4) a physician licensed in this state who practices in emergency medicine at a hospital;

(5) a physician licensed in this state who practices in psychiatry;

(6) an oral and maxillofacial surgeon;

(7) a physician assistant or advanced practice registered nurse to whom a physician has delegated the authority to prescribe or order a drug;

(8) a pharmacist working at a chain pharmacy;

(9) a pharmacist working at an independent pharmacy;

(10) an academic pharmacist; and

(11) two representatives of the health information technology industry, at least one of whom is a representative of a company whose primary line of business is electronic medical records.

(c) Members of the advisory committee serve three-year terms. Each member shall serve until the member's replacement has been appointed.

(d) The advisory committee shall annually elect a presiding officer from its members.

(e) The advisory committee shall meet at least two times a year and at the call of the presiding officer or the board.

(f) A member of the advisory committee serves without compensation but may be reimbursed by the board for actual expenses incurred in performing the duties of the advisory committee.

Sec. 481.0768. ADMINISTRATIVE PENALTY: DISCLOSURE OR USE OF INFORMATION. (a) A person authorized to receive information under Section 481.076(a) may not disclose or use the information in a manner not authorized by this subchapter or other law.

(b) A regulatory agency that issues a license, certification, or registration to a prescriber or dispenser shall periodically update the administrative penalties, or any applicable disciplinary guidelines concerning the penalties, assessed by that agency for conduct that violates Subsection (a).

(c) The agency shall set the penalties in an amount sufficient to deter the conduct.

Sec. 481.0769. CRIMINAL OFFENSES RELATED TO PRESCRIPTION INFORMATION. (a) A person authorized to receive information under Section 481.076(a) commits an offense if the person discloses or uses the information in a manner not authorized by this subchapter or other law.

(b) A person requesting information under Section 481.076(a-6) commits an offense if the person makes a material misrepresentation or fails to disclose a material fact in the request for information under that subsection.

(c) An offense under Subsection (a) is a Class A misdemeanor.

(d) An offense under Subsection (b) is a Class C misdemeanor.

SECTION 4. Section 801.307, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The board by rule shall require a veterinarian to complete two hours of continuing education related to opioid abuse and controlled substance diversion, inventory, and security every two years to renew a license to practice veterinary medicine.

SECTION 5. Section 481.003(a), Health and Safety Code, is amended to read as follows:

(a) The director may adopt rules to administer and enforce this chapter, other than Sections 481.073, 481.074, 481.075, 481.076, 481.0761, 481.0762, 481.0763, 481.0764, 481.0765, ~~and~~ 481.0766, 481.0767, 481.0768, and 481.0769. The board may adopt rules to administer Sections 481.073, 481.074, 481.075, 481.076, 481.0761, 481.0762, 481.0763, 481.0764, 481.0765, ~~and~~ 481.0766, 481.0767, 481.0768, and 481.0769.

SECTION 6. Section 481.128(a), Health and Safety Code, is amended to read as follows:

(a) A registrant or dispenser commits an offense if the registrant or dispenser knowingly:

(1) distributes, delivers, administers, or dispenses a controlled substance in violation of Subchapter C ~~[Sections 481.070-481.075];~~

(2) manufactures a controlled substance not authorized by the person's Federal Drug Enforcement Administration registration or distributes or dispenses a controlled substance not authorized by the person's registration to another registrant or other person;

(3) refuses or fails to make, keep, or furnish a record, report, notification, order form, statement, invoice, or information required by this chapter;

(4) prints, manufactures, possesses, or produces an official prescription form without the approval of the board;

(5) delivers or possesses a counterfeit official prescription form;

(6) refuses an entry into a premise for an inspection authorized by this chapter;

(7) refuses or fails to return an official prescription form as required by Section 481.075(k);

(8) refuses or fails to make, keep, or furnish a record, report, notification, order form, statement, invoice, or information required by a rule adopted by the director or the board; or

(9) refuses or fails to maintain security required by this chapter or a rule adopted under this chapter.

SECTION 7. Section 481.129(a), Health and Safety Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly:

(1) distributes as a registrant or dispenser a controlled substance listed in Schedule I or II, unless the person distributes the controlled substance as authorized under the federal Controlled Substances Act (21 U.S.C. Section 801 et seq.);

(2) uses in the course of manufacturing, prescribing, or distributing a controlled substance a Federal Drug Enforcement Administration registration number that is fictitious, revoked, suspended, or issued to another person;

(3) issues a prescription bearing a forged or fictitious signature;

(4) uses a prescription issued to another person to prescribe a Schedule II controlled substance;

(5) possesses, obtains, or attempts to possess or obtain a controlled substance or an increased quantity of a controlled substance:

(A) by misrepresentation, fraud, forgery, deception, or subterfuge;

(B) through use of a fraudulent prescription form; ~~or~~

(C) through use of a fraudulent oral or telephonically communicated prescription; or

(D) through the use of a fraudulent electronic prescription; or

(6) furnishes false or fraudulent material information in or omits material information from an application, report, record, or other document required to be kept or filed under this chapter.

SECTION 8. Section 554.051(a-1), Occupations Code, is amended to read as follows:

(a-1) The board may adopt rules to administer Sections 481.073, 481.074, 481.075, 481.076, 481.0761, 481.0762, 481.0763, 481.0764, 481.0765, ~~and~~ 481.0766, 481.0767, 481.0768, and 481.0769, Health and Safety Code.

SECTION 9. Section 565.003, Occupations Code, is amended to read as follows:

Sec. 565.003. ADDITIONAL GROUNDS FOR DISCIPLINE REGARDING APPLICANT FOR OR HOLDER OF NONRESIDENT PHARMACY LICENSE. Unless compliance would violate the pharmacy or drug

statutes or rules in the state in which the pharmacy is located, the board may discipline an applicant for or the holder of a nonresident pharmacy license if the board finds that the applicant or license holder has failed to comply with:

(1) Subchapter C, Chapter 481 [~~Section 481.074 or 481.075~~], Health and Safety Code;

(2) Texas substitution requirements regarding:

(A) the practitioner's directions concerning generic substitution;

(B) the patient's right to refuse generic substitution; or

(C) notification to the patient of the patient's right to refuse substitution;

(3) any board rule relating to providing drug information to the patient or the patient's agent in written form or by telephone; or

(4) any board rule adopted under Section 554.051(a) and determined by the board to be applicable under Section 554.051(b).

SECTION 10. Sections 481.076(a-3), (a-4), and (a-5), Health and Safety Code, are repealed.

SECTION 11. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 12. Notwithstanding Section 24, Chapter 485 (**HB 2561**), Acts of the 85th Legislature, Regular Session, 2017, Section 481.0764(a), Health and Safety Code, as added by that Act, applies only to:

(1) a prescriber, other than a veterinarian, who issues a prescription for a controlled substance on or after March 1, 2020; or

(2) a person authorized by law to dispense a controlled substance, other than a veterinarian, who dispenses a controlled substance on or after March 1, 2020.

SECTION 13. Section 481.0768(a), Health and Safety Code, as added by this Act, applies only to conduct that occurs on or after the effective date of this Act.

SECTION 14. Section 801.307(a-1), Occupations Code, as added by this Act, applies only to the renewal of a license to practice veterinary medicine on or after September 1, 2020. The renewal of a license before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

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

Representative Sheffield moved to adopt the conference committee report on **HB 3284**.

The motion to adopt the conference committee report on **HB 3284** prevailed by (Record 2018): 139 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; 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, Y.; Dean; Deshotel; Dominguez; Dutton; 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; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Schaefer; Stickland.

Present, not voting — Mr. Speaker(C).

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

Absent — Farrar; Lambert; Meza.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 4 and 6).

SB 6 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Morrison submitted the conference committee report on **SB 6**.

Representative Morrison moved to adopt the conference committee report on **SB 6**.

The motion to adopt the conference committee report on **SB 6** prevailed by (Record 2019): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; 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); Davis, Y.

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

Absent — Farrar; Frank.

STATEMENT OF VOTE

When Record No. 2019 was taken, my vote failed to register. I would have voted yes.

Frank

HR 2189 - ADOPTED (by Krause)

The following privileged resolution was laid before the house:

HR 2189

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1207** (the operation and administration of Medicaid, including the Medicaid managed care program and the medically dependent children (MDCP) waiver program) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following SECTION to the bill:

SECTION 2. Section 531.024, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The rules promulgated under Subsection (a)(7) must provide due process to an applicant for Medicaid services and to a Medicaid recipient who seeks a Medicaid service, including a service that requires prior authorization. The rules must provide the protections for applicants and recipients required by 42 C.F.R. Part 431, Subpart E, including requiring that:

(1) the written notice to an individual of the individual's right to a hearing must:

(A) contain an explanation of the circumstances under which Medicaid is continued if a hearing is requested; and

(B) be delivered by mail, and postmarked [mailed] at least 10 business days, before the date the individual's Medicaid eligibility or service is scheduled to be terminated, suspended, or reduced, except as provided by 42 C.F.R. Section 431.213 or 431.214; and

(2) if a hearing is requested before the date a Medicaid recipient's service, including a service that requires prior authorization, is scheduled to be terminated, suspended, or reduced, the agency may not take that proposed action before a decision is rendered after the hearing unless:

(A) it is determined at the hearing that the sole issue is one of federal or state law or policy; and

(B) the agency promptly informs the recipient in writing that services are to be terminated, suspended, or reduced pending the hearing decision.

(c) The commission shall develop a process to address a situation in which:

(1) an individual does not receive adequate notice as required by Subsection (b)(1); or

(2) the notice required by Subsection (b)(1) is delivered without a postmark.

Explanation: This addition is necessary to change the requirements for notice of a right to a hearing for an applicant for Medicaid services and a Medicaid recipient.

(2) House Rule 13, Section 9(a)(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following text to SECTION 3 of the bill:

(a) To the extent of any conflict, Section 531.024162, Government Code, as added by this section, prevails over any provision of another Act of the 86th Legislature, Regular Session, 2019, relating to notice requirements regarding Medicaid coverage or prior authorization denials or incomplete requests, that becomes law.

Explanation: This addition is necessary to provide that the amendment adding Section 531.024162, Government Code, prevails over other similar amendments made by the 86th Legislature.

HR 2189 was adopted by (Record 2020): 142 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Cain; Stickland.

Present, not voting — Mr. Speaker(C).

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

Absent — Darby; Farrar.

SB 1207 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Krause submitted the conference committee report on **SB 1207**.

Representative Krause moved to adopt the conference committee report on **SB 1207**.

The motion to adopt the conference committee report on **SB 1207** prevailed by (Record 2021): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

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

Absent — Farrar.

HB 3800 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. Thompson submitted the following conference committee report on **HB 3800**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3800** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Huffman
Flores
Nelson
Perry
Whitmire

S. Thompson
Nevárez
Collier
Lang

On the part of the senate

On the part of the house

HB 3800, A bill to be entitled An Act relating to required reporting of human trafficking cases by certain law enforcement entities and by prosecutors.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.305 to read as follows:

Art. 2.305. REPORT REQUIRED CONCERNING HUMAN TRAFFICKING CASES. (a) This article applies only to:

(1) a municipal police department, sheriff's department, constable's office, county attorney's office, district attorney's office, and criminal district attorney's office, as applicable, in a county with a population of more than 50,000; and

(2) the Department of Public Safety.

(b) An entity described by Subsection (a) that investigates the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:

(1) the offense being investigated, including a brief description of the alleged prohibited conduct;

(2) regarding each person suspected of committing the offense and each victim of the offense:

(A) the person's:

(i) age;

(ii) gender; and

(iii) race or ethnicity, as defined by Article 2.132; and

(B) the case number associated with the offense and the person suspected of committing the offense;

(3) the date, time, and location of the alleged offense;

(4) the type of human trafficking involved, including:

(A) forced labor or services, as defined by Section 20A.01, Penal

Code;

(B) causing the victim by force, fraud, or coercion to engage in prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(3), Penal Code; or

(C) causing a child victim by any means to engage in, or become the victim of, prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(7), Penal Code;

(5) if available, information regarding any victims' service organization or program to which the victim was referred as part of the investigation; and

(6) the disposition of the investigation, regardless of the manner of disposition.

(c) An attorney representing the state who prosecutes the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, which may involve human trafficking, shall submit to the attorney general the following information:

(1) the offense being prosecuted, including a brief description of the alleged prohibited conduct;

(2) any other charged offense that is part of the same criminal episode out of which the offense described by Subdivision (1) arose;

(3) the information described by Subsections (b)(2), (3), (4), and (5);
and

(4) the disposition of the prosecution, regardless of the manner of disposition.

(d) The attorney general shall enter into a contract with a university that provides for the university's assistance in the collection and analysis of information received under this article.

(e) In consultation with the entities described by Subsection (a), the attorney general shall adopt rules to administer this article, including rules prescribing:

(1) the form and manner of submission of a report required by Subsection (b) or (c); and

(2) additional information to include in a report required by Subsection (b) or (c).

SECTION 2. Notwithstanding Article 2.305, Code of Criminal Procedure, as added by this Act:

(1) the Department of Public Safety of the State of Texas is not required to comply with that article until August 1, 2020; and

(2) an entity described by Subsection (a) of that article, other than the Department of Public Safety of the State of Texas:

(A) if located in a county with a population of more than 500,000, is not required to comply with that article until August 1, 2020; and

(B) if located in a county with a population of 500,000 or less, is not required to comply with that article until August 1, 2021.

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

Representative S. Thompson moved to adopt the conference committee report on **HB 3800**.

The motion to adopt the conference committee report on **HB 3800** prevailed by (Record 2022): 145 Yeas, 0 Nays, 1 Present, not voting.

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

González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

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

Absent — Farrar.

HR 2196 - ADOPTED
(by Goldman)

The following privileged resolution was laid before the house:

HR 2196

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, Regular Session, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 2847** (the licensing and regulation of certain occupations, activities, and agreements; providing a civil penalty; authorizing fees; requiring an occupational registration and an occupational license) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding SECTION 14.007 to the bill, adding Section 1603.208, Occupations Code, to read as follows:

SECTION 14.007. Subchapter E, Chapter 1603, Occupations Code, is amended by adding Section 1603.208 to read as follows:

Sec. 1603.208. DIGITALLY PREARRANGED REMOTE SERVICES.

(a) In this section:

(1) "Digital network" means any online-enabled application, Internet website, or system offered or used by a remote service business that allows a client to arrange for a digitally prearranged remote service.

(2) "Digitally prearranged remote service" means a barbering or cosmetology service performed for compensation by a person holding a license, certificate of registration, or permit under Chapter 1601 or 1602 or this chapter that is:

(A) prearranged through a digital network; and

(B) performed at a location other than a place of business that is licensed or permitted under Chapter 1601 or 1602 or this chapter.

(3) "Remote service business" means a corporation, partnership, sole proprietorship, or other entity that, for compensation, enables a client to schedule a digitally prearranged remote service with a person holding a license, certificate of registration, or permit under Chapter 1601 or 1602 or this chapter.

(b) The commission shall adopt rules to administer this section, including rules that:

(1) set minimum standards for:

(A) the operation of a remote service business; and

(B) the sanitation requirements for performing a digitally prearranged remote service;

(2) determine activities within the scope of barbering and cosmetology that may be performed as a digitally prearranged remote service; and

(3) establish procedures for inspecting and auditing the records of a remote service business and of a person who performs a digitally prearranged remote service.

(c) Sections 1601.453, 1601.455, 1602.251(c), and 1602.407 do not apply to a digitally prearranged remote service scheduled through a remote service business.

(d) A person who holds a license, certificate of registration, or permit to practice barbering or cosmetology and who performs a digitally prearranged remote service shall:

(1) comply with this section and the rules adopted under this section;
and

(2) practice within the scope of the person's license, certificate of registration, or permit.

(e) A remote service business may not offer a barbering or cosmetology service that requires treating or removing a person's hair by:

(1) coloring;

(2) processing;

(3) bleaching;

(4) dyeing;

(5) tinting; or

(6) using a cosmetic preparation.

(f) Before a person licensed, registered, or permitted to practice barbering or cosmetology performs a digitally prearranged remote service for a client requesting the service, a remote service business shall provide through the entity's digital network:

(1) the following information regarding the person who will perform the service:

(A) the person's first and last name;

(B) the number of the person's license, certificate of registration, or permit, as applicable; and

(C) a photograph of the person;

(2) the following information regarding the business:

(A) Internet website address; and

(B) telephone number; and

(3) the department's Internet website address and telephone number and notice that the client may contact the department to file a complaint against the business or person.

(g) Within a reasonable time after completion of a digitally prearranged remote service, the remote service business shall issue to the client who requested the service a receipt that includes:

(1) the date the service was provided;

(2) a description of the service;

(3) the first and last name of the person who performed the service;

(4) the number of the person's license, certificate of registration, or permit, as applicable;

(5) the following information regarding the business:

(A) Internet website address; and

(B) telephone number; and

(6) the department's Internet website address and telephone number and notice that the client may contact the department to file a complaint against the business or person.

(h) A remote service business shall maintain each record showing compliance with this section and the rules adopted under this section until at least the fifth anniversary of the date the record was generated.

(i) A remote service business shall terminate a person's access to the business's digital network if the business or department determines the person violated:

(1) this chapter;

(2) a rule adopted under this chapter;

(3) Chapter 1601 or 1602; or

(4) a rule adopted under Chapter 1601 or 1602.

Explanation: The addition is necessary to regulate companies that prearrange barbering and cosmetology services outside of certain facilities.

HR 2196 was adopted by (Record 2023): 129 Yeas, 14 Nays, 1 Present, not voting.

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

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

Nays — Allen; Anchia; Ashby; Beckley; González, J.; González, M.; Guillen; Harless; Lopez; Neave; Pacheco; Ramos; Rose; Stickland.

Present, not voting — Mr. Speaker(C).

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

Absent — Farrar; Herrero; Israel.

HB 2847 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Goldman submitted the following conference committee report on **HB 2847**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2847** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hancock	Goldman
Seliger	Hernandez
Creighton	Paddie
On the part of the senate	On the part of the house

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
ARTICLE 1. EXCESS WEAR AND USE WAIVERS FOR LEASES OF
MOTOR VEHICLES

SECTION 1.001. Subtitle B, Title 5, Business & Commerce Code, is amended by adding Chapter 94 to read as follows:

CHAPTER 94. EXCESS WEAR AND USE WAIVERS FOR LEASES OF
MOTOR VEHICLES

Sec. 94.001. DEFINITIONS. In this chapter:

(1) "Excess wear and use waiver" means a provision of or addendum to a lease agreement under which the lessor agrees to not hold a lessee liable for all or part of the excess wear and use to a motor vehicle.

(2) "Lease agreement" means an agreement, including any addendum to the agreement, entered into in this state under which a lessee pays a fee or other consideration to a lessor for the right to possession and use of a motor

vehicle for a term of more than 180 days, regardless of whether the agreement provides the lessee an option to purchase or otherwise become the owner of the motor vehicle upon the expiration of the term of the agreement.

(3) "Lessee" means an individual who acquires the right to possession and use of a motor vehicle under a lease agreement primarily for personal, family, or household purposes.

(4) "Lessor" means a person who, in the ordinary course of business, regularly leases, offers to lease, or arranges for the lease of a motor vehicle under a lease agreement. Unless the context clearly indicates otherwise, the term includes an assignee of the lessor.

(5) "Motor vehicle" has the meaning assigned by Section 541.201, Transportation Code.

Sec. 94.002. CONTRACT FOR EXCESS WEAR AND USE WAIVER. A lessee may contract with a lessor for an excess wear and use waiver in connection with a lease agreement.

Sec. 94.003. RESTRICTIONS ON LESSOR CONCERNING EXCESS WEAR AND USE WAIVER. A lessor may not:

(1) sell an excess wear and use waiver, unless:

(A) the lease agreement containing the excess wear and use waiver complies with this chapter; and

(B) the lessee agrees to the excess wear and use waiver in writing;

or

(2) impose or require the purchase of an excess wear and use waiver as a condition of entering into a lease agreement.

Sec. 94.004. REQUIRED NOTICE. An excess wear and use waiver must be in writing and include a notice substantially similar to the following:

"This excess wear and use waiver is optional, is not a condition of leasing the vehicle, and is being provided for an additional charge to cover your responsibility for any excess wear and use to the leased vehicle."

Sec. 94.005. REQUIRED DISCLOSURES. A lease agreement that includes an excess wear and use waiver must disclose:

(1) the total charge for the excess wear and use waiver; and

(2) any exclusions or limitations on the amount of excess wear and use that may be waived under the excess wear and use waiver.

Sec. 94.006. RELATIONSHIP TO INSURANCE. An excess wear and use waiver is not insurance.

Sec. 94.007. CIVIL PENALTY. A lessor that violates this chapter is liable for a civil penalty in an amount of not less than \$500 or more than \$1,000 for each violation.

Sec. 94.008. INJUNCTIVE RELIEF. A person injured or threatened with injury by a violation of this chapter may seek injunctive relief against the person committing or threatening to commit the violation.

Sec. 94.009. SUIT FOR CIVIL PENALTY OR INJUNCTIVE RELIEF. The attorney general or a county or district attorney may bring an action in the name of the state for a civil penalty under Section 94.007, injunctive relief under Section 94.008, or both.

SECTION 1.002. The change in law made by this article applies only to a lease agreement entered into on or after the effective date of this Act. A lease agreement entered into before the effective date of this Act is governed by the law in effect on the date the lease agreement was entered into, and the former law is continued in effect for that purpose.

ARTICLE 2. DRIVER EDUCATION

SECTION 2.001. Section 1001.001(7), Education Code, is amended to read as follows:

(7) "Driver education school" means an enterprise that:

(A) maintains a place of business or solicits business in this state;

and

(B) is operated by an individual, association, partnership, or corporation for educating and training persons ~~[at a primary or branch location]~~ in driver education or driver education instructor development.

SECTION 2.002. Section 1001.151(e), Education Code, is amended to read as follows:

(e) The commission may establish a fee for an application for approval to offer a driver education course ~~[by an alternative method of instruction under Section 1001.3541].~~

SECTION 2.003. Section 1001.204(b), Education Code, is amended to read as follows:

(b) The department shall approve an application for a driver education school license if the application is submitted on a form approved by the department ~~[executive director]~~, the application is accompanied by ~~[includes]~~ the fee, and the department determines ~~[on inspection of the premises of the school, it is determined]~~ that the school:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality in the classroom and behind the wheel, if applicable;

(3) has instructors who have adequate educational qualifications and experience;

(4) provides to each student before enrollment:

(A) a copy of:

(i) the refund policy;

(ii) the schedule of tuition, fees, and other charges; and

(iii) the regulations relating to absence, grading policy, and

rules of operation and conduct; and

(B) the department's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to the department;

(5) maintains adequate records as prescribed by the department to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(6) on completion of training, issues each student a certificate indicating the course name and satisfactory completion;

(7) complies with all county, municipal, state, and federal regulations, including fire, building, and sanitation codes and assumed name registration, if applicable;

(8) is financially sound and capable of fulfilling its commitments for training;

(9) maintains and publishes as part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(10) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department;

(11) does not use a name similar to the name of another existing school or tax-supported educational institution in this state, unless specifically approved in writing by the executive director;

(12) submits to the department for approval the applicable course hour lengths and curriculum content for each course offered by the school;

(13) does not owe an administrative penalty for a violation of this chapter; ~~and~~

(14) meets any additional criteria required by the department, including any applicable inspection requirements; and

(15) provides adequate testing and security measures for the school's method of instruction.

SECTION 2.004. Section 1001.2513, Education Code, is amended to read as follows:

Sec. 1001.2513. CONFIDENTIALITY OF INFORMATION. A social security number, driver's license number, other identification number, or fingerprint record [Information] collected for [about] a person to comply with Section 1001.2511, ~~including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records~~]:

(1) may not be released except:

(A) to provide relevant information to driver education schools or otherwise to comply with Section 1001.2511;

(B) by court order; or

(C) with the consent of the person who is the subject of the information;

(2) is not subject to disclosure as provided by Chapter 552, Government Code; and

(3) shall be destroyed by the requestor or any subsequent holder of the information not later than the first anniversary of the date the information is received.

SECTION 2.005. Subchapter F, Chapter 1001, Education Code, is amended by adding Sections 1001.2531, 1001.2532, 1001.2533, 1001.2534, and 1001.2535 to read as follows:

Sec. 1001.2531. DRIVER EDUCATION INSTRUCTOR REQUIREMENTS. (a) The commission by rule shall establish standards for a driver education instructor to be certified as a teaching assistant, driver education teacher, or supervising teacher.

(b) An applicant for a driver education instructor license under this section must:

(1) apply to the department on a form prescribed by the department and under rules adopted by the commission;

(2) submit with the application a nonrefundable application fee in an amount set by commission rule; and

(3) present satisfactory evidence to the department that the applicant:

(A) is at least 21 years of age;

(B) holds a high school diploma or high school equivalency certificate; and

(C) meets any other requirement established by commission rule.

Sec. 1001.2532. TEACHING ASSISTANT. (a) A teaching assistant is a driver education instructor who is authorized to teach or provide only behind-the-wheel training.

(b) To be eligible to be certified as a teaching assistant, a driver education instructor must:

(1) have successfully completed:

(A) six semester hours of driver and traffic safety education from an accredited college or university; or

(B) a teaching assistant development course approved by the department; and

(2) pass any required examination.

Sec. 1001.2533. DRIVER EDUCATION TEACHER. (a) A driver education teacher is a driver education instructor who is authorized to teach or provide behind-the-wheel training and classroom training.

(b) To be eligible to be certified as a driver education teacher, a driver education instructor must:

(1) have successfully completed:

(A) nine semester hours of driver and traffic safety education from an accredited college or university; or

(B) a driver education teacher development course approved by the department; and

(2) pass any required examination.

Sec. 1001.2534. SUPERVISING TEACHER. (a) A supervising teacher is a driver education instructor who is authorized to teach instructor training classes.

(b) To be eligible to be certified as a supervising teacher, a driver education instructor must have:

(1) been certified as a driver education teacher for at least one year; and

(2) successfully completed:

(A) 15 semester hours of driver and traffic safety education from an accredited college or university; or

(B) a supervising teacher development course approved by the department.

(c) The commission, department, or executive director may adopt an alternative method to determine or verify an instructor's eligibility under Subsection (b).

Sec. 1001.2535. DEVELOPMENT COURSE FOR TEACHING ASSISTANT, DRIVER EDUCATION TEACHER, OR SUPERVISING TEACHER. The classroom portion of a development course required for certification as a teaching assistant, driver education teacher, or supervising teacher may be completed online.

SECTION 2.006. Subchapter H, Chapter 1001, Education Code, is amended by adding Section 1001.3542 to read as follows:

Sec. 1001.3542. METHOD OF INSTRUCTION FOR DRIVER EDUCATION COURSE. A driver education school may teach a driver education course by any method approved by the department, including an alternative method under Section 1001.3541 or a traditional method under Subchapter C.

SECTION 2.007. The following provisions of the Education Code are repealed:

- (1) Sections 1001.253, 1001.254, and 1001.256; and
- (2) Section 1001.3541(b).

SECTION 2.008. (a) As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt rules to implement Section 1001.204(b), Education Code, as amended by this article, and Section 1001.2531, Education Code, as added by this article.

(b) A driver education instructor license issued under Section 1001.253, Education Code, before the repeal of that section by this article, continues to be valid until the license expires, and former Section 1001.253, Education Code, is continued in effect for that purpose.

(c) A person who holds on the effective date of this Act a driver education instructor license described by former Section 1001.253(b), Education Code, is entitled on expiration of that license to issuance of a driver education instructor license certified as a teaching assistant under Section 1001.2532, Education Code, as added by this article, if the person otherwise meets the requirements for renewal of a driver education instructor license certified as a teaching assistant.

(d) A person who holds on the effective date of this Act a driver education instructor license described by former Section 1001.253(c), Education Code, is entitled on expiration of that license to issuance of a driver education instructor license certified as a driver education teacher under Section 1001.2533, Education Code, as added by this article, if the person otherwise meets the requirements for renewal of a driver education instructor license certified as a driver education teacher.

(e) A person who holds on the effective date of this Act a driver education instructor license described by former Section 1001.253(e), Education Code, is entitled on expiration of that license to issuance of a driver education instructor

license certified as a supervising teacher under Section 1001.2534, Education Code, as added by this article, if the person otherwise meets the requirements for renewal of a driver education instructor license certified as a supervising teacher.

(f) The changes in law made by this article do not affect the validity of a disciplinary action or other proceeding that was initiated before the effective date of this Act and that is pending before a court or other governmental entity on the effective date of this Act.

(g) Sections 1001.2531, 1001.2532, 1001.2533, and 1001.2534, Education Code, as added by this article, apply only to an application for, or renewal of, an instructor license submitted to the Texas Department of Licensing and Regulation on or after the effective date of this Act. An application submitted before that date is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

ARTICLE 3. LASER HAIR REMOVAL

SECTION 3.001. Subchapter M, Chapter 401, Health and Safety Code, is amended by adding Section 401.509 to read as follows:

Sec. 401.509. CONTINUING EDUCATION. The commission by rule shall establish continuing education requirements for renewal of a certificate under this subchapter.

SECTION 3.002. As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt the rules necessary to implement Section 401.509, Health and Safety Code, as added by this article.

ARTICLE 4. PHARMACISTS

SECTION 4.001. Section 481.075(i), Health and Safety Code, is amended to read as follows:

(i) Each dispensing pharmacist shall:

(1) fill in on the official prescription form or note in the electronic prescription record each item of information given orally to the dispensing pharmacy under Subsection (h) and the date the prescription is filled, and:

(A) for a written prescription, fill in the dispensing pharmacist's signature; or

(B) for an electronic prescription, appropriately record the identity of the dispensing pharmacist in the electronic prescription record;

(2) retain with the records of the pharmacy for at least two years:

(A) the official prescription form or the electronic prescription record, as applicable; and

(B) the name or other patient identification required by Section 481.074(m) or (n); ~~and~~

(3) send all required information, including any information required to complete an official prescription form or electronic prescription record, to the board by electronic transfer or another form approved by the board not later than the next business day after the date the prescription is completely filled; and

(4) if the pharmacy does not dispense any controlled substance prescriptions during a period of seven consecutive days, send a report to the board indicating that the pharmacy did not dispense any controlled substance prescriptions during that period, unless the pharmacy has obtained a waiver or permission to delay reporting to the board.

SECTION 4.002. Sections 481.076(a) and (k), Health and Safety Code, are amended to read as follows:

(a) The board may not permit any person to have access to information submitted to the board under Section 481.074(q) or 481.075 except:

(1) the board, the Texas Medical Board, the Texas Department of Licensing and Regulation, with respect to the regulation of podiatrists [~~State Board of Podiatric Medical Examiners~~], the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, the Texas Board of Nursing, or the Texas Optometry Board for the purpose of:

(A) investigating a specific license holder; or

(B) monitoring for potentially harmful prescribing or dispensing patterns or practices under Section 481.0762;

(2) an authorized officer or member of the department or authorized employee of the board engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(3) the department on behalf of a law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(4) a medical examiner conducting an investigation;

(5) provided that accessing the information is authorized under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) and regulations adopted under that Act:

(A) a pharmacist or a pharmacist-intern, pharmacy technician, or pharmacy technician trainee, as defined by Section 551.003, Occupations Code, acting at the direction of a pharmacist, who is inquiring about a recent Schedule II, III, IV, or V prescription history of a particular patient of the pharmacist; or

(B) a practitioner who:

(i) is a physician, dentist, veterinarian, podiatrist, optometrist, or advanced practice nurse or is a physician assistant described by Section 481.002(39)(D) or an employee or other agent of a practitioner acting at the direction of a practitioner; and

(ii) is inquiring about a recent Schedule II, III, IV, or V prescription history of a particular patient of the practitioner;

(6) a pharmacist or practitioner who is inquiring about the person's own dispensing or prescribing activity or a practitioner who is inquiring about the prescribing activity of an individual to whom the practitioner has delegated prescribing authority; or

(7) one or more states or an association of states with which the board has an interoperability agreement, as provided by Subsection (j).

(k) A person authorized to access information under Subsection (a)(4) or (5) who is registered with the board for electronic access to the information is entitled to directly access the information available from other states pursuant to an interoperability agreement described by Subsection (j).

SECTION 4.003. Section 481.0766(a), Health and Safety Code, is amended to read as follows:

(a) A wholesale distributor shall report to the board the distribution of all Schedules II, III, IV, and V controlled substances ~~[information that the distributor is required to report to the Automation of Reports and Consolidated Orders System (ARCOS) of the Federal Drug Enforcement Administration for the distribution of a controlled substance]~~ by the distributor to a person in this state. The distributor shall report the information to the board in the same format and with the same frequency as the information is reported to the Federal Drug Enforcement Administration [ARCOS].

SECTION 4.004. Section 481.353(a), Health and Safety Code, is amended to read as follows:

(a) The work group shall meet when necessary as determined by the board ~~[at least quarterly]~~.

SECTION 4.005. Section 560.051(f), Occupations Code, is amended to read as follows:

(f) A Class E pharmacy license or nonresident pharmacy license may be issued to a pharmacy located in another state whose primary business is to:

(1) [(A)] dispense a prescription drug or device under a prescription drug order[;] and

[(B)] deliver the drug or device to a patient, including a patient in this state, by United States mail, common carrier, or delivery service;

(2) process a prescription drug order for a patient, including a patient in this state; or

(3) perform another pharmaceutical service, as defined by board rule.

SECTION 4.006. The following provisions of the Occupations Code are repealed:

(1) Sections 554.016, 556.0555, 560.001(c), 560.0525, 561.003(f), 562.101(f-1), and 562.111; and

(2) Subchapter E, Chapter 562.

SECTION 4.007. To the extent of any conflict, Section 481.076(a), Health and Safety Code, as amended by this article, prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 5. ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT

SECTION 5.001. Chapter 754, Health and Safety Code, is amended by adding Section 754.026 to read as follows:

Sec. 754.026. DISCLOSURE OF E-MAIL ADDRESS. Notwithstanding any other law, an e-mail address provided to the department relating to an inspection or review of plans under this chapter is not confidential and is subject to disclosure under Chapter 552, Government Code.

ARTICLE 6. BOILERS

SECTION 6.001. Section 755.025, Health and Safety Code, is amended by adding Subsection (h) to read as follows:

(h) Notwithstanding any other law, an e-mail address provided to the department relating to an inspection under this chapter is not confidential and is subject to disclosure under Chapter 552, Government Code.

SECTION 6.002. Section 755.029(c), Health and Safety Code, is amended to read as follows:

(c) A certificate of operation must be posted [~~under glass~~] in a conspicuous place on or near the boiler for which it is issued.

ARTICLE 7. TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 7.001. Section 51.203, Occupations Code, is amended to read as follows:

Sec. 51.203. RULES REGARDING PROGRAMS REGULATED BY DEPARTMENT. (a) The commission shall adopt rules as necessary to implement each law establishing a program regulated by the department.

(b) Notwithstanding any other law, for each program regulated by the department, including a program under which a license is issued by the department, the commission by rule may establish:

- (1) the length of a license term, not to exceed two years;
- (2) a fee for the issuance or renewal of a license; and
- (3) any continuing education required to renew a license.

SECTION 7.002. Section 51.2031(a-2), Occupations Code, is amended to read as follows:

(a-2) For each rule proposed under Subsection (a-1), the commission shall either adopt the rule as proposed or return the rule to the advisory board for revision. The commission retains authority for final adoption of all rules and is responsible for ensuring compliance with all laws regarding the rulemaking process. [~~This subsection and Subsection (a-1) expire September 1, 2019.~~]

SECTION 7.003. Section 51.252, Occupations Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (e) to read as follows:

(b) The department shall maintain a file on each written complaint filed with the department. The file must include:

- (1) except for a complaint described by Subsection (b-1), the name of the person who filed the complaint;
- (2) the date the complaint is received by the department;
- (3) the subject matter of the complaint;
- (4) the name of each person contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint; and
- (6) an explanation of the reason the file was closed, if the department closed the file without taking action other than to investigate the complaint.

(b-1) The department may accept, but is not required to investigate, a complaint that lacks sufficient information to identify the source or the name of the person who filed the complaint.

(e) The department may contract with a qualified individual, including an advisory board member unless otherwise prohibited by law, to assist the department with reviewing or investigating complaints filed with the department. Except for an act of the individual involving fraud, conspiracy, or malice, an individual with whom the department contracts under this subsection is immune from liability and may not be subject to a suit for damages for any act arising from the performance of the individual's duties in:

(1) participating in an informal conference to determine the facts of a complaint;

(2) evaluating evidence in a complaint and offering an expert opinion or technical guidance on an alleged violation of:

(A) a law establishing a regulatory program administered by the department; or

(B) a rule adopted or order issued by the executive director or commission;

(3) testifying at a hearing regarding a complaint; or

(4) making an evaluation, report, or recommendation regarding a complaint.

SECTION 7.004. Subchapter E, Chapter 51, Occupations Code, is amended by adding Section 51.254 to read as follows:

Sec. 51.254. CONFIDENTIALITY OF COMPLAINT AND DISCIPLINARY INFORMATION. (a) In this section, unless the context requires otherwise:

(1) "Disciplinary action" includes, with respect to any person subject to regulation by the department or the commission:

(A) enforcement activity, prosecution, discipline, or penalization; and

(B) any related complaint, investigation, or resolution of a complaint or investigation.

(2) "Patient" includes:

(A) a patient;

(B) a client; and

(C) an authorized representative of a patient or client.

(b) This section applies to health-related professions regulated by this state the administration of which is assigned to the department by law, including the following professions:

(1) athletic trainers regulated under Chapter 451;

(2) behavior analysts regulated under Chapter 506;

(3) dietitians regulated under Chapter 701;

(4) dyslexia practitioners and dyslexia therapists regulated under Chapter 403;

(5) hearing instrument fitters and dispensers regulated under Chapter 402;

(6) massage therapists regulated under Chapter 455;

(7) midwives regulated under Chapter 203;

(8) orthotists and prosthetists regulated under Chapter 605;

(9) podiatrists regulated under Chapter 202; and

(10) speech-language pathologists and audiologists regulated under Chapter 401.

(c) Except as otherwise provided by this section, a complaint and investigation concerning a person to whom this section applies and all information and materials subpoenaed or compiled by the department in connection with the complaint and investigation are confidential and not subject to:

(1) disclosure under Chapter 552, Government Code; or

(2) disclosure, discovery, subpoena, or other means of legal compulsion for their release to any person.

(d) A complaint or investigation subject to this section and all information and materials subpoenaed or compiled by the department in connection with the complaint and investigation may be disclosed to:

(1) persons involved with the department in a disciplinary action;

(2) a respondent or the respondent's authorized representative;

(3) a governmental agency, if:

(A) the disclosure is required or permitted by law; and

(B) the agency obtaining the disclosure protects the identity of any patient whose records are examined;

(4) a professional licensing, credentialing, or disciplinary entity in another jurisdiction;

(5) a peer assistance program approved by the commission under Chapter 467, Health and Safety Code, including a properly established peer assistance program in another jurisdiction;

(6) a peer review committee reviewing a license holder's application for privileges or the license holder's qualifications related to retaining the privileges;

(7) a law enforcement agency; and

(8) a person engaged in bona fide research, if all individual-identifying information has been deleted.

(e) Notwithstanding any other provision of this section, if a department investigation would be jeopardized by the release or disclosure, the department may temporarily withhold or otherwise refrain from releasing or disclosing to any person any information or materials that the department would otherwise be required to release or disclose.

(f) The department may not be compelled to release or disclose complaint and investigation information or materials to a person listed in Subsection (d) if the department has not issued a notice of alleged violation related to the information or materials.

(g) The department may release or disclose complaint and investigation information or materials in accordance with Subsection (d) at any stage of a disciplinary action.

(h) The department shall protect the identity of any patient whose records are examined in connection with a disciplinary action, other than a patient who:

(1) initiates the disciplinary action;

(2) is a witness in the disciplinary action; or

(3) has submitted a written consent to release the records.

(i) Notices of alleged violation issued by the department against respondents, disciplinary proceedings of the department, commission, or executive director, and final disciplinary actions, including warnings and reprimands, by the department, commission, or executive director are not confidential and are subject to disclosure in accordance with Chapter 552, Government Code.

SECTION 7.005. Section 202.2032(c), Occupations Code, is amended to read as follows:

(c) Notwithstanding any confidentiality requirements under Chapter 552, Government Code, Chapter 51, or this chapter, a complaint filed with the department by an insurance agent, insurer, pharmaceutical company, or third-party administrator against a license holder must include the name and address of the insurance agent, insurer, pharmaceutical company, or third-party administrator filing the complaint.

SECTION 7.006. Section 202.404(e), Occupations Code, is amended to read as follows:

(e) The department shall protect the identity of a patient whose podiatric records are examined or provided under Subsection (c) [~~or (d)~~], other than a patient who:

(1) is covered under Subsection (a)(1); or

(2) has submitted written consent to the release of the patient's podiatric records as provided by Section 202.406.

SECTION 7.007. Section 202.509(g), Occupations Code, is amended to read as follows:

(g) The department's disclosure of information under Subsection [~~(b), (d), or~~] (f) of this section, Section 202.2031, or Section 202.2032 does not constitute a waiver of privilege or confidentiality under this chapter or any other law.

SECTION 7.008. The following provisions of the Occupations Code are repealed:

(1) Section 202.404(d);

(2) Sections 202.509(a), (b), (c), (d), and (h);

(3) Section 401.2535;

(4) Section 402.154;

(5) Section 451.110;

(6) Section 506.202;

(7) Subchapter E, Chapter 605; and

(8) Subchapter E, Chapter 701.

SECTION 7.009. The changes in law made by this article apply to a disciplinary action initiated before the effective date of this Act that has not resulted in a final order issued on or before the effective date of this Act and to a disciplinary action initiated on or after the effective date of this Act.

ARTICLE 8. PODIATRISTS

SECTION 8.001. Section 202.2032(d), Occupations Code, is amended to read as follows:

(d) ~~The [Not later than the 15th day after the date the complaint is filed with the department, the] department shall notify the license holder who is the subject of the complaint of the name and address of the insurance agent, insurer, pharmaceutical company, or third-party administrator who filed the complaint, unless the notice would jeopardize an investigation.~~

SECTION 8.002. Subchapter E, Chapter 202, Occupations Code, is amended by adding Section 202.204 to read as follows:

Sec. 202.204. EXPERT WITNESS. (a) In this section, "expert witness" means a podiatrist or other qualified individual with whom the department contracts to assist the department with reviewing, investigating, or prosecuting complaints filed under this chapter.

(b) The department may contract with an expert witness, including an advisory board member under Section 202.051(a)(1), to assist the department with reviewing, investigating, or prosecuting a complaint filed under this chapter.

(c) Except for an act by an expert witness involving fraud, conspiracy, or malice, an expert witness is immune from liability and may not be subject to a suit for damages for any act arising from the performance of the expert witness's duties in:

(1) participating in an informal conference to determine the facts of a complaint;

(2) evaluating evidence in a complaint and offering an opinion or technical guidance on an alleged violation of this chapter or a rule adopted under this chapter;

(3) testifying at a hearing regarding a complaint; or

(4) making an evaluation, report, or recommendation regarding a complaint.

SECTION 8.003. Section 202.253(a-1), Occupations Code, is amended to read as follows:

(a-1) The commission or department may refuse to admit a person to an examination, and may refuse to issue a license to practice podiatry to a person, for:

(1) presenting a license, certificate, or diploma that was illegally or fraudulently obtained or engaging in fraud or deception in passing the examination;

(2) being convicted of[+:

~~[(A) a felony;~~

~~[(B) a crime that involves moral turpitude; or~~

~~[(C)] an offense under Section 202.606;~~

(3) engaging in habits of intemperance or drug addiction that in the department's opinion would endanger the health, well-being, or welfare of patients;

(4) engaging in grossly unprofessional or dishonorable conduct of a character that in the department's opinion is likely to deceive or defraud the public;

(5) directly or indirectly violating or attempting to violate this chapter or a rule adopted under this chapter as a principal, accessory, or accomplice;

(6) using any advertising statement of a character tending to mislead or deceive the public;

(7) advertising professional superiority or the performance of professional service in a superior manner;

(8) purchasing, selling, bartering, or using or offering to purchase, sell, barter, or use a podiatry degree, license, certificate, diploma, or a transcript of a license, certificate, or diploma, in or incident to an application for a license to practice podiatry;

(9) altering, with fraudulent intent, a podiatry license, certificate, diploma, or a transcript of a podiatry license, certificate, or diploma;

(10) using a podiatry license, certificate, or diploma, or a transcript of a podiatry license, certificate, or diploma, that has been fraudulently purchased, issued, counterfeited, or materially altered;

(11) impersonating, or acting as proxy for, another person in a podiatry license examination;

(12) impersonating a license holder, or permitting another person to use the license holder's license to practice podiatry in this state, to treat or offer to treat, by any method, conditions and ailments of human feet;

(13) directly or indirectly employing a person whose license to practice podiatry has been suspended or associating in the practice of podiatry with a person whose license to practice podiatry has been suspended or who has been convicted of the unlawful practice of podiatry in this state or elsewhere;

(14) wilfully making in the application for a license to practice podiatry a material misrepresentation or material untrue statement;

(15) being unable to practice podiatry with reasonable skill and safety to a patient because of age, illness, drunkenness, or excessive use of drugs, narcotics, chemicals, or other substances or as a result of a mental or physical condition;

(16) failing to practice podiatry in an acceptable manner consistent with public health and welfare;

(17) being removed, suspended, or disciplined in another manner by the podiatrist's peers in a professional podiatry association or society, whether local, regional, state, or national in scope, or being disciplined by a licensed hospital or the medical staff of a hospital, including removal, suspension, limitation of hospital privileges, or other disciplinary action, if the commission or department determines that the action was:

(A) based on unprofessional conduct or professional incompetence likely to harm the public; and

(B) appropriate and reasonably supported by evidence submitted to the association, society, hospital, or medical staff; or

(18) having repeated or recurring meritorious health care liability claims filed against the podiatrist that in the commission's or department's opinion are evidence of professional incompetence likely to injure the public.

SECTION 8.004. Subchapter H, Chapter 202, Occupations Code, is amended by adding Section 202.354 to read as follows:

Sec. 202.354. DELEGATION OF CERTAIN ACTS. (a) A podiatrist may delegate to a qualified and properly trained podiatric medical assistant acting under the podiatrist's supervision any podiatric medical act that a reasonable and prudent podiatrist would find within the scope of sound medical judgment to delegate if:

(1) in the opinion of the delegating podiatrist, the medical act:

(A) can be properly and safely performed by the podiatric medical assistant to whom the podiatric medical act is delegated; and

(B) is performed in a customary manner and not in violation of any other statute; and

(2) the podiatric medical assistant to whom the podiatric medical act is delegated does not represent to the public that the medical assistant is authorized to practice podiatry.

(b) A delegating podiatrist is responsible for a podiatric medical act performed by the podiatric medical assistant to whom the podiatrist delegates the act.

(c) The department may determine whether:

(1) an act constitutes the practice of podiatric medicine; and

(2) a podiatric medical act may be properly or safely delegated by podiatrists.

SECTION 8.005. Section 202.602(a), Occupations Code, is amended to read as follows:

(a) The department [~~commission by rule~~] shall develop a system to identify and monitor a podiatrist's compliance with this chapter and any [~~The system must include:~~

[(1) ~~procedures for determining whether a podiatrist is in compliance with an~~] order issued by the commission or executive director under this chapter [~~; and~~

[(2) ~~a method of identifying and monitoring each podiatrist who represents a risk to the public~~].

SECTION 8.006. Subchapter D, Chapter 601, Occupations Code, is amended by adding Section 601.157 to read as follows:

Sec. 601.157. PERSON SUPERVISED BY PODIATRIST. A person is not required to hold a certificate issued under this chapter to perform a radiologic procedure if:

(1) the procedure is performed under the supervision of a podiatrist; and

(2) the person:

(A) is registered with the Texas Department of Licensing and Regulation to assist a podiatrist; and

(B) complies with rules adopted under Section 601.252(e).

SECTION 8.007. Section 601.251, Occupations Code, is amended to read as follows:

Sec. 601.251. APPLICABILITY. This subchapter applies to the:

(1) Texas Board of Nursing;

(2) Texas Board of Chiropractic Examiners;

- (3) State Board of Dental Examiners;
- (4) Texas Medical Board;
- (5) Texas Department of Licensing and Regulation, with respect to the department's authority to regulate podiatrists [~~State Board of Podiatric Medical Examiners~~]; and
- (6) Texas Physician Assistant Board.

SECTION 8.008. Section 601.252, Occupations Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) Rules adopted under this section by the Texas Commission of Licensing and Regulation must:

(1) require an authorized person who performs radiologic procedures under the delegation of a podiatrist, other than a registered nurse, to register with the Texas Department of Licensing and Regulation;

(2) establish reasonable and necessary fees to cover the administrative costs incurred by the Texas Department of Licensing and Regulation in administering a registration program created under this subsection;

(3) establish grounds for the suspension, revocation, or nonrenewal of a registration issued under this subsection; and

(4) establish standards for training and supervising the operators of podiatric equipment, including standards for curricula and instructors.

(f) In adopting rules under Subsection (e), the Texas Commission of Licensing and Regulation may take into account whether the radiologic procedure will be performed by a registered nurse.

SECTION 8.009. Sections 202.2025 and 202.6011, Occupations Code, are repealed.

SECTION 8.010. Section 202.2032, Occupations Code, as amended by this article, applies only to a complaint filed under Chapter 202, Occupations Code, on or after the effective date of this Act. A complaint filed before the effective date of this Act is governed by the law in effect on the date the complaint was filed, and the former law is continued in effect for that purpose.

SECTION 8.011. Section 202.253(a-1), Occupations Code, as amended by this article, applies only to a conviction that occurs on or after the effective date of this Act. A conviction that occurs before the effective date of this Act is governed by the law in effect on the date the conviction occurred, and the former law is continued in effect for that purpose.

SECTION 8.012. To the extent of any conflict, Section 601.251, Occupations Code, as amended by this article, prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 9. MIDWIVES

SECTION 9.001. Section 203.056, Occupations Code, is amended to read as follows:

Sec. 203.056. PRESIDING OFFICER. The presiding officer of the commission shall designate a ~~[public]~~ member of the advisory board to serve as the presiding officer of the advisory board to serve for a term of one year. The presiding officer of the advisory board may vote on any matter before the advisory board.

SECTION 9.002. Section 203.152, Occupations Code, is repealed.

SECTION 9.003. Section 203.056, Occupations Code, as amended by this article, does not affect the entitlement of a member of the Midwives Advisory Board who is serving as the presiding officer of the advisory board immediately before the effective date of this Act to continue to serve in that capacity for the remainder of the member's term as presiding officer.

ARTICLE 10. AUDIOLOGISTS

SECTION 10.001. Section 401.403(b), Occupations Code, is amended to read as follows:

(b) A person who holds a license ~~[meets the requirements of this chapter for licensing]~~ as an audiologist or audiologist intern and who fits and dispenses hearing instruments must:

(1) ~~[register with the department the person's intention to fit and dispense hearing instruments;~~

~~[(2)]~~ comply with rules adopted under this chapter related to fitting and dispensing hearing instruments [the profession's code of ethics];

(2) ~~[(3)]~~ comply with the federal Food and Drug Administration guidelines for fitting and dispensing hearing instruments;

(3) ~~[(4)]~~ when providing services in this state, use a written contract that contains the department's name, mailing address, ~~[and]~~ telephone number, and Internet website address; and

(4) ~~[(5)]~~ follow the guidelines adopted by commission rule for a 30-day trial period on every hearing instrument purchased.

ARTICLE 11. ORTHOTIC AND PROSTHETIC TECHNICIANS

SECTION 11.001. The following provisions of the Occupations Code are repealed:

(1) Sections 605.002(19), (20), and (21); and

(2) Section 605.259.

SECTION 11.002. (a) On the effective date of this Act, a registered orthotic technician or registered prosthetic technician certificate issued under former Section 605.259, Occupations Code, expires.

(b) As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall repeal all rules regarding the regulation of orthotic and prosthetic technicians adopted under Chapter 605, Occupations Code.

SECTION 11.003. The change in law made by this article does not affect the validity of a proceeding pending before a court or other governmental entity on the effective date of this Act.

ARTICLE 12. DIETITIANS

SECTION 12.001. Section 701.151(b), Occupations Code, is amended to read as follows:

(b) The commission or the department, as appropriate, shall:

- (1) ~~adopt an official seal;~~
[~~2~~] adopt and publish a code of ethics;
- (2) [~~3~~] establish the qualifications and fitness of applicants for licenses, including renewed and reciprocal licenses;
- [~~4~~] ~~revoke, suspend, or deny a license, probate a license suspension, or reprimand a license holder for a violation of this chapter, a rule adopted under this chapter, or the code of ethics;~~ and
- (3) [~~5~~] request and receive any necessary assistance from state educational institutions or other state agencies.

SECTION 12.002. Sections 701.155 and 701.353, Occupations Code, are repealed.

ARTICLE 13. INTERIOR DESIGNERS

SECTION 13.001. Section 1051.451, Occupations Code, is amended to read as follows:

Sec. 1051.451. IMPOSITION OF ADMINISTRATIVE PENALTY. (a) Except as provided by Subsection (b), the [The] board may impose an administrative penalty on a person who engages in conduct for which the person is subject to disciplinary action under this subtitle, regardless of whether the person holds a certificate of registration issued under this subtitle.

(b) The board may not impose an administrative penalty under this subtitle on a person for conduct related to the practice of interior design unless the person holds a certificate of registration as an interior designer.

SECTION 13.002. Section 1053.251(a), Occupations Code, is amended to read as follows:

(a) On a determination that a ground for disciplinary action exists under Section 1053.252, the board shall:

- (1) revoke, suspend, or refuse to renew a certification of registration;
 - (2) reprimand a certificate holder; or
 - (3) impose an administrative penalty on a certificate holder [~~person~~]
- under Subchapter I, Chapter 1051.

SECTION 13.003. Subchapter H, Chapter 1053, Occupations Code, is repealed.

SECTION 13.004. Sections 1051.451 and 1053.251(a), Occupations Code, as amended by this article, apply only to the imposition of an administrative penalty for a violation that occurs on or after the effective date of this Act. The imposition of an administrative penalty for a violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION 13.005. The repeal by this article of Subchapter H, Chapter 1053, Occupations Code, does not apply to an offense committed under that subchapter before the effective date of the repeal. An offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

ARTICLE 14. BARBERS AND COSMETOLOGISTS

SECTION 14.001. Section 1602.254(b), Occupations Code, is amended to read as follows:

(b) To be eligible for an operator license, an applicant must meet the requirements of Subsection (c) or:

- (1) be at least 17 years of age;
- (2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and

(3) have completed:

(A) 1,000 [~~1,500~~] hours of instruction in a licensed beauty culture school; or

(B) 1,000 hours of instruction in beauty culture courses and 500 hours of related high school courses prescribed by the commission in a vocational cosmetology program in a public school.

SECTION 14.002. Section 1602.255(c), Occupations Code, is amended to read as follows:

(c) The commission shall adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of cosmetology defined in Sections 1602.002(a)(2), (4), (5), (6) [~~1602.002(a)(5)~~], (7), (8), (9), [~~and~~] (10), and (11).

SECTION 14.003. Section 1602.261(a), Occupations Code, is amended to read as follows:

(a) A person holding a manicurist/esthetician specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a)(4) through (10) [~~(9)~~].

SECTION 14.004. Section 1602.305(a), Occupations Code, is amended to read as follows:

(a) A person holding a specialty shop license may maintain an establishment in which only the practice of cosmetology as defined in Section 1602.002(a)(2), (4), (5), (6), (7), (8), (9), [~~or~~] (10), or (11) is performed.

SECTION 14.005. Section 1602.451(a), Occupations Code, is amended to read as follows:

(a) The holder of a private beauty culture school license shall:

- (1) maintain a sanitary establishment;
- (2) maintain on duty one licensed instructor for each 25 students in attendance;
- (3) maintain a daily record of students' attendance;
- (4) establish regular class and instruction hours and grades;
- (5) require a school term of not less than six [~~nine~~] months and not less than 1,000 [~~1,500~~] hours instruction for a complete course in cosmetology;
- (6) require a school term of not less than 600 hours instruction for a complete course in manicuring;
- (7) hold examinations before issuing diplomas;
- (8) maintain a copy of the school's curriculum in a conspicuous place and verify that the curriculum is being followed;

(9) publish in the school's catalogue and enrollment contract a description of the refund policy required under Section 1602.458; and

(10) provide the department with information on:

(A) the current course completion rates of students who attend a course of instruction offered by the school; and

(B) job placement rates and employment rates of students who complete the course of instruction.

SECTION 14.006. Section 1603.104, Occupations Code, is amended by amending Subsection (b) and adding Subsections (c) and (c-1) to read as follows:

(b) Except as otherwise provided by this section, at ~~At~~ least once every four ~~two~~ years, the department shall inspect each shop or other facility that holds a license, certificate, or permit in which the practice of barbering or cosmetology is performed under this chapter, Chapter 1601, or Chapter 1602.

(c) At ~~, and at~~ least twice per year, the department shall inspect each school in which barbering or cosmetology is taught under this chapter, Chapter 1601, or Chapter 1602.

(c-1) At least once every two years, the department shall inspect each specialty shop that holds a license, certificate, or permit issued under this chapter, Chapter 1601, or Chapter 1602 and at which the practices described by Section 1601.002(1)(E) or (F) or 1602.002(a)(8) or (9) are performed.

SECTION 14.007. Subchapter E, Chapter 1603, Occupations Code, is amended by adding Section 1603.208 to read as follows:

Sec. 1603.208. DIGITALLY PREARRANGED REMOTE SERVICES.

(a) In this section:

(1) "Digital network" means any online-enabled application, Internet website, or system offered or used by a remote service business that allows a client to arrange for a digitally prearranged remote service.

(2) "Digitally prearranged remote service" means a barbering or cosmetology service performed for compensation by a person holding a license, certificate of registration, or permit under Chapter 1601 or 1602 or this chapter that is:

(A) prearranged through a digital network; and

(B) performed at a location other than a place of business that is licensed or permitted under Chapter 1601 or 1602 or this chapter.

(3) "Remote service business" means a corporation, partnership, sole proprietorship, or other entity that, for compensation, enables a client to schedule a digitally prearranged remote service with a person holding a license, certificate of registration, or permit under Chapter 1601 or 1602 or this chapter.

(b) The commission shall adopt rules to administer this section, including rules that:

(1) set minimum standards for:

(A) the operation of a remote service business; and

(B) the sanitation requirements for performing a digitally prearranged remote service;

(2) determine activities within the scope of barbering and cosmetology that may be performed as a digitally prearranged remote service; and

(3) establish procedures for inspecting and auditing the records of a remote service business and of a person who performs a digitally prearranged remote service.

(c) Sections 1601.453, 1601.455, 1602.251(c), and 1602.407 do not apply to a digitally prearranged remote service scheduled through a remote service business.

(d) A person who holds a license, certificate of registration, or permit to practice barbering or cosmetology and who performs a digitally prearranged remote service shall:

(1) comply with this section and the rules adopted under this section;
and

(2) practice within the scope of the person's license, certificate of registration, or permit.

(e) A remote service business may not offer a barbering or cosmetology service that requires treating or removing a person's hair by:

(1) coloring;

(2) processing;

(3) bleaching;

(4) dyeing;

(5) tinting; or

(6) using a cosmetic preparation.

(f) Before a person licensed, registered, or permitted to practice barbering or cosmetology performs a digitally prearranged remote service for a client requesting the service, a remote service business shall provide through the entity's digital network:

(1) the following information regarding the person who will perform the service:

(A) the person's first and last name;

(B) the number of the person's license, certificate of registration, or permit, as applicable; and

(C) a photograph of the person;

(2) the following information regarding the business:

(A) Internet website address; and

(B) telephone number; and

(3) the department's Internet website address and telephone number and notice that the client may contact the department to file a complaint against the business or person.

(g) Within a reasonable time after completion of a digitally prearranged remote service, the remote service business shall issue to the client who requested the service a receipt that includes:

(1) the date the service was provided;

(2) a description of the service;

(3) the first and last name of the person who performed the service;

(4) the number of the person's license, certificate of registration, or permit, as applicable;

(5) the following information regarding the business:

(A) Internet website address; and

(B) telephone number; and

(6) the department's Internet website address and telephone number and notice that the client may contact the department to file a complaint against the business or person.

(h) A remote service business shall maintain each record showing compliance with this section and the rules adopted under this section until at least the fifth anniversary of the date the record was generated.

(i) A remote service business shall terminate a person's access to the business's digital network if the business or department determines the person violated:

(1) this chapter;

(2) a rule adopted under this chapter;

(3) Chapter 1601 or 1602; or

(4) a rule adopted under Chapter 1601 or 1602.

SECTION 14.008. Section 1603.255, Occupations Code, is amended to read as follows:

Sec. 1603.255. EARLY EXAMINATION. The department may allow for the early written examination of a student who has completed the following number of hours of instruction in a department-approved training program:

(1) 1,000 hours for a student seeking a Class A barber certificate [~~or operator license~~] in a private barber [~~or cosmetology~~] school; [~~or~~]

(2) 900 hours for a student seeking an operator license in a private cosmetology school; or

(3) 900 hours for a student seeking a Class A barber certificate or operator license in a publicly funded barber or cosmetology school.

SECTION 14.009. Section 1603.256(c), Occupations Code, is amended to read as follows:

(c) The following persons may administer a practical examination required under this subchapter:

(1) the department; [~~or~~]

(2) a person with whom the department contracts under Section 1603.252;

(3) a barber school, private beauty culture school, or public secondary or postsecondary beauty culture school that is approved by the department to administer the examination under Section 1603.252; or

(4) the Windham School District.

SECTION 14.010. As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt rules implementing Chapters 1602 and 1603, Occupations Code, as amended by this article.

SECTION 14.011. The change in law made by this article to Section 1602.254(b), Occupations Code, applies only to an application for an operator license submitted on or after September 1, 2020. An application for an operator

license submitted before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 14.012. The changes in law made by this article to Section 1603.255, Occupations Code, apply only to a person who applies to take an early examination for a barbering or cosmetology license on or after the effective date of this Act. A person who applies to take an early examination before the effective date of this Act is governed by the law in effect on the date the person applies, and the former law is continued in effect for that purpose.

ARTICLE 15. USED AUTOMOTIVE PARTS RECYCLERS

SECTION 15.001. Section 2309.102(a), Occupations Code, is amended to read as follows:

(a) The commission shall adopt rules for licensing used automotive parts recyclers ~~[and used automotive parts employees]~~.

SECTION 15.002. The heading to Section 2309.106, Occupations Code, is amended to read as follows:

Sec. 2309.106. PERIODIC ~~[AND RISK-BASED]~~ INSPECTIONS.

SECTION 15.003. Section 2309.106(a), Occupations Code, is amended to read as follows:

(a) The department shall inspect each used automotive parts recycling facility at least once every ~~four~~ ^{two} years.

SECTION 15.004. The following provisions of the Occupations Code are repealed:

- (1) Sections 2309.106(c) and (d); and
- (2) Section 2309.154.

SECTION 15.005. (a) On the effective date of this Act, a used automotive parts employee license issued under former Section 2309.154, Occupations Code, expires.

(b) As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall repeal all rules regarding the regulation of used automotive parts employees adopted under Chapter 2309, Occupations Code.

SECTION 15.006. (a) The change in law made by this article to Chapter 2309, Occupations Code, does not affect the validity of a proceeding pending before a court or other governmental entity on the effective date of this Act.

(b) An offense or other violation of law committed before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

ARTICLE 16. IMPLEMENTATION; EFFECTIVE DATE

SECTION 16.001. The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that

purpose, the commission and the department may, but are not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 16.002. This Act takes effect September 1, 2019.

Representative Goldman moved to adopt the conference committee report on **HB 2847**.

The motion to adopt the conference committee report on **HB 2847** prevailed by (Record 2024): 100 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Allison; Anchia; Anderson; Bailes; Bell, C.; Bell, K.; Biedermann; Blanco; Bonnen; Buckley; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Cole; Collier; Cortez; Craddick; Cyrier; Darby; Dean; Dominguez; Dutton; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Goodwin; Guerra; Harless; Harris; Hefner; Hernandez; Holland; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; Klick; Krause; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Middleton; Miller; Minjarez; Morales; Morrison; Murr; Nevárez; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Perez; Phelan; Raney; Raymond; Romero; Sanford; Schaefer; Shaheen; Sheffield; Smith; Smithee; Springer; Stephenson; Stickland; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Allen; Ashby; Beckley; Bernal; Bowers; Bucy; Clardy; Coleman; Davis, Y.; Deshotel; Farrar; González, J.; González, M.; Guillen; Gutierrez; Herrero; Howard; Huberty; King, K.; King, T.; Kuempel; Lambert; Lopez; Martinez; Martinez Fischer; Meza; Moody; Muñoz; Murphy; Neave; Ortega; Pacheco; Price; Ramos; Reynolds; Rodriguez; Rose; Shine; Stucky; VanDeaver; Vo; Walle.

Present, not voting — Mr. Speaker(C).

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

Absent — Hinojosa; Rosenthal; Sherman; Thompson, S.

STATEMENTS OF VOTE

When Record No. 2024 was taken, I was shown voting no. I intended to vote yes.

Howard

When Record No. 2024 was taken, I was shown voting yes. I intended to vote no.

Larson

When Record No. 2024 was taken, my vote failed to register. I would have voted yes.

Rosenthal

When Record No. 2024 was taken, I was in the house but away from my desk. I would have voted yes.

Sherman

When Record No. 2024 was taken, I was shown voting no. I intended to vote yes.

Vo

HB 3557 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie submitted the following conference committee report on **HB 3557**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3557** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Birdwell
Fallon
Flores
Hughes

Paddie
Craddick
Leach

On the part of the senate

On the part of the house

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

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

SECTION 1. This Act shall be known as the Critical Infrastructure Protection Act.

SECTION 2. Subtitle B, Title 4, Government Code, is amended by adding Chapter 424 to read as follows:

CHAPTER 424. PROTECTION OF CRITICAL INFRASTRUCTURE
FACILITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 424.001. DEFINITION. In this chapter, "critical infrastructure facility" has the meaning assigned by Section 423.0045(a)(1-a) and also includes:

(1) any pipeline transporting oil or gas or the products or constituents of oil or gas; and

(2) a facility or pipeline described by this section that is under construction and all equipment and appurtenances used during that construction.

SUBCHAPTER B. CRIMINAL LIABILITY

Sec. 424.051. OFFENSE: DAMAGING OR DESTROYING CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense if, without the effective consent of the owner, the person enters or remains on or in a critical infrastructure facility and intentionally or knowingly damages or destroys the facility.

(b) An offense under this section is a felony of the third degree.

(c) If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

(d) It is a defense to prosecution under this section that the damage caused to the critical infrastructure facility was only superficial.

Sec. 424.052. OFFENSE: IMPAIRING OR INTERRUPTING OPERATION OF CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense if, without the effective consent of the owner, the person enters or remains on or in a critical infrastructure facility and intentionally or knowingly impairs or interrupts the operation of the facility.

(b) An offense under this section is a state jail felony.

(c) If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Sec. 424.053. OFFENSE: INTENT TO DAMAGE OR DESTROY CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense if, without the effective consent of the owner, the person enters or remains on or in a critical infrastructure facility with the intent to damage or destroy the facility.

(b) An offense under this section is a state jail felony.

(c) If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

(d) It is a defense to prosecution under this section that the actor intended to cause only superficial damage to the critical infrastructure facility.

Sec. 424.054. OFFENSE: INTENT TO IMPAIR OR INTERRUPT OPERATION OF CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense if, without the effective consent of the owner, the person enters or remains on or in a critical infrastructure facility with the intent to impair or interrupt the operation of the facility.

(b) An offense under this section is a Class A misdemeanor.

(c) If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Sec. 424.055. PUNISHMENT FOR CORPORATIONS AND ASSOCIATIONS. Notwithstanding Section 12.51, Penal Code, a court shall sentence a corporation or association adjudged guilty of an offense under this subchapter to pay a fine not to exceed \$500,000.

Sec. 424.056. RESTITUTION. If a defendant is convicted of an offense under this subchapter and the offense results in damage to or destruction of property, a court may, in accordance with Article 42.037, Code of Criminal Procedure, order the defendant to make restitution to the owner of the damaged or destroyed property, or the owner's designee, in an amount equal to the value of the property on the date of the damage or destruction.

SUBCHAPTER C. CIVIL LIABILITY

Sec. 424.101. CIVIL LIABILITY FOR DAMAGE TO CRITICAL INFRASTRUCTURE FACILITY. (a) A defendant who engages in conduct constituting an offense under Section 424.051, 424.052, 424.053, or 424.054 is liable to the property owner, as provided by this subchapter, for damages arising from that conduct.

(b) It is not a defense to liability under this section that a defendant has been acquitted or has not been prosecuted or convicted under Section 424.051, 424.052, 424.053, or 424.054, or has been convicted of a different offense or of a different type or class of offense, for the conduct that is alleged to give rise to liability under this section.

Sec. 424.102. CERTAIN ADDITIONAL LIABILITY. In addition to any liability under Section 424.101, an organization that, acting through an officer, director, or other person serving in a managerial capacity, knowingly compensates a person for engaging in conduct occurring on the premises of a critical infrastructure facility is liable to the property owner, as provided by this subchapter, for damages arising from the conduct if the conduct constituted an offense under Section 424.051, 424.052, 424.053, or 424.054.

Sec. 424.103. DAMAGES. (a) A claimant who prevails in a suit under this subchapter shall be awarded:

- (1) actual damages; and
- (2) court costs.

(b) In addition to an award under Subsection (a), a claimant who prevails in a suit under this subchapter may recover exemplary damages.

Sec. 424.104. CAUSE OF ACTION CUMULATIVE. The cause of action created by this subchapter is cumulative of any other remedy provided by common law or statute.

Sec. 424.105. NONAPPLICABILITY. The following provisions of the Civil Practice and Remedies Code do not apply to a cause of action arising under this subchapter:

- (1) Chapter 27; and
- (2) Section 41.008.

SECTION 3. Section 423.0045(a)(1), Government Code, as amended by Chapters 824 (HB 1643) and 1010 (HB 1424), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(1) "Correctional facility" means:

- (A) a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice;
- (B) a municipal or county jail;

(C) a confinement facility operated by or under contract with the Federal Bureau of Prisons; or

(D) a secure correctional facility or secure detention facility, as defined by Section 51.02, Family Code.

SECTION 4. Section 423.0045(a)(1-a), Government Code, as added by Chapter 1010 (**HB 1424**), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to conform to the changes made to Section 423.0045(a)(1), Government Code, by Chapter 824 (**HB 1643**), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

(1-a) "Critical infrastructure facility" means:

(A) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

(i) a petroleum or alumina refinery;

(ii) an electrical power generating facility, substation, switching station, or electrical control center;

(iii) a chemical, polymer, or rubber manufacturing facility;

(iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(v) a natural gas compressor station;

(vi) a liquid natural gas terminal or storage facility;

(vii) a telecommunications central switching office or any structure used as part of a system to provide wired or wireless telecommunications services;

(viii) a port, railroad switching yard, trucking terminal, or other freight transportation facility;

(ix) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;

(x) a transmission facility used by a federally licensed radio or television station;

(xi) a steelmaking facility that uses an electric arc furnace to make steel;

(xii) a dam that is classified as a high hazard by the Texas Commission on Environmental Quality; or

(xiii) a concentrated animal feeding operation, as defined by Section 26.048, Water Code; or

(B) if enclosed by a fence or other physical barrier obviously designed to exclude intruders:

(i) any portion of an aboveground oil, gas, or chemical pipeline;

(ii) an oil or gas drilling site;

(iii) a group of tanks used to store crude oil, such as a tank battery;

(iv) an oil, gas, or chemical production facility;

(v) an oil or gas wellhead; or

(vi) any oil and gas facility that has an active flare.

SECTION 5. The change in law made by this Act in adding Subchapter C, Chapter 424, Government Code, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 6. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

HB 3557 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ZWIENER: As you know, I've had concerns about this bill all session because I'm worried it might be used as a hammer against both landowners and peaceful protestors. With that in mind, I'd like to ask you some questions both about the content of the conference report and for legislative intent.

REPRESENTATIVE PADDIE: Sure.

ZWIENER: First question, when **HB 3557** was laid out in the house, you agreed to take an amendment that removed the words "deface" and "damage." The senate version reinserted the word "damage" but not the word "deface." I would like to clarify that acts of defacement are distinct from damage, given that the original language had differentiated these actions. Is that your intent?

PADDIE: Yes, and as I just stated, it's again worth noting that the conference report actually adds that language, "defense of prosecution" if the damage that's done is "superficial," which would include things like defacing with spray paint or stickers or something like that. That is correct.

ZWIENER: And then when Senator Birdwell added the word "damages" back into the bill, he stated in committee that it was intended to assure that you could be subjected to a third-degree felony not just for totally destroying private property but also for substantial damage. Is that your understanding?

PADDIE: Yes, and I think that the challenge here is that it's tough to determine what "destroyed" means where something can be seriously damaged or rendered inoperable or cause harm to individuals or even the environment, and so I think that's why that's in there.

ZWIENER: And is it fair to say that the intent of including the word "damage" is for substantial acts of damage, not minor damage like "tampering," "vandalizing," or "defacing"—words which were removed from the original bill?

PADDIE: I would say "tampering" would very likely be meant to be included in this bill if, you know, someone tampers with a pipeline—shutting off a valve or opening up a valve—which would very much be included under this bill, I believe. But again, it would be something more substantial like that as opposed to some of the things like defacement or things like that.

ZWIENER: Okay. So the intent of this legislation is not to make acts such as graffititiing or stickering on critical infrastructure facilities a third-degree felony just like kidnapping or arson?

PADDIE: That's correct.

ZWIENER: Thank you. I'd like to move on to the section about impairing or interrupting operations. One of the senate amendments moved impairing or interrupting operation of a critical infrastructure facility from a third-degree felony to a Class A misdemeanor with \$10,000 fine. The conference report moved that back up to a state jail felony. Can you explain why impairing or interrupting the operations of a facility is worthy of the same punishment as the crimes of endangering a child and sexual coercion?

PADDIE: It is correct that we went back to that language, which I would point out is changing it back to the original house language, so basically retaining what we already passed. And again, a reminder that this is to say that prosecutors have discretion in charging and sentence recommendations here. So when we see these in here, these are not floors, these are ceilings. I trust prosecutors to make a determination based on the activity itself as to whether or not it warrants the full level of a state jail felony or something less than that. I trust that they'll do that.

ZWIENER: Are you aware that the State of Louisiana is currently involved in a lawsuit with nonprofit groups and individuals who've been prosecuted under similar legislation for protesting pipelines?

PADDIE: I'm not aware of the case you're talking about. However, I did, in doing a little investigation, determine that the Louisiana legislation itself is still pending in legislation. So I don't know exactly how that can be the case. But to answer your question directly, I'm not familiar with the case in Louisiana.

ZWIENER: Okay. Well, there may be new legislation pending, but there was an existing statute that made it a felony.

PADDIE: Okay. I'll have to take your word on that.

ZWIENER: Do you see standard peaceful protest activities such as sit-ins or blocking a road as impairing or interrupting the operations of a facility under this law?

PADDIE: The way I would answer that is it's important to remember that to be liable under this bill, **HB 3557**, you have to enter or remain on the property. If you're protesting on adjacent land or a road, that would not bring you under this bill.

ZWIENER: So if somebody trespassed and was engaged in a peaceful protest, that would be a felony under this bill? If they did a sit-in on private property.

PADDIE: I'm sorry, repeat your question.

ZWIENER: So if somebody entered a property, did a sit-in, and refused to leave, your intention is that they should be able to be prosecuted with a felony under this bill?

PADDIE: That would be up to the discretion of the prosecutor, but they could be charged if they're, in fact, trespassing. Again, to be clear, I want to make sure that I'm not misunderstood here. They would have to be—again, to be under this bill, they are actually trespassing and committing the acts.

ZWIENER: Now, I know you and I had a conversation about how this bill lacks some of the language that we see in the trespass statute about either requiring a property to be clearly posted "no trespassing" or that somebody has to be asked to leave before they're trespassing. That language isn't in that statute. Is it your intention that that same standard under the standard criminal trespassing statute apply to this legislation?

PADDIE: Obviously, it is not in the bill as it is in that standard, but you know the scenario I imagine here, too. If that's the case and someone maybe unknowingly is trespassing and they get asked to leave—they're made aware of that—I think in many cases they're going to do that and it's not like they're not going to be charged at that point with that. I mean, hey, if you're on private property, we need you to leave—I think in most cases people are going to do that.

ZWIENER: But to be clear, this statute does not contain language to allow for that at this time?

PADDIE: To include the notice requirements? Is that what you're saying?

ZWIENER: Yes.

PADDIE: It does not include that.

ZWIENER: What about a situation such as a landowner blocking entry to their own property where there has been an easement taken under eminent domain? Would the landowner blocking that entry potentially be a felony under this bill?

PADDIE: Potentially, yes. But again, prosecutors have the discretion on these cases on a case-by-case basis. But the easement agreement itself provides for the access for this easement. So whether or not they have access or not to that is covered under the easement agreement.

ZWIENER: I'd like to move on to the sections about corporations and associations. The first section does not state if it's a conviction for a misdemeanor or a felony if a corporation or association is pursued under this code. Can you clarify your intent there?

PADDIE: On the corporate portion?

ZWIENER: Yes.

PADDIE: The corporate punishment applies to all sections created in **HB 3557**. We changed this in the house to be an "up to" language so it's not—even though there is a cap of \$500,000, it could be something that's less than that. Again,

that's left to the discretion of the prosecutor. In regard to the fine itself, a corporate fine is—really the only way that you punish a corporation is monetarily because you cannot jail a corporation. So that is why it's like that in the bill.

ZWIENER: That leads into the question of this fine. This is a fine for corporation or association of up to \$500,000. I would add that that's in addition to mandatory restitution for any damages that's already in the bill. Can you clarify why such a discrepancy for a fine between the individual and a fine for a corporation or association? Because I think we both know that the groups who are most likely to be assessed a fine under this are nonprofits that are funded primarily by small member contributions. The language says corporation, but we're looking at small nonprofits, not a big corporate behemoth.

PADDIE: Sure, and again, I would go back to the discretion piece of what level between \$0 and \$500,000 that would be, and I would assume that would be taken into account. But again, the corporate fine is higher because that's the only way you can punish a corporation. Unlike an individual, where you and I can be jailed, a corporation cannot.

Representative Paddie moved to adopt the conference committee report on **HB 3557**.

The motion to adopt the conference committee report on **HB 3557** prevailed by (Record 2025): 97 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Blanco; Bonnen; Buckley; Burns; Burrows; Button; Cain; Calanni; Capriglione; Clardy; Coleman; Cortez; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Goldman; Guillen; Gutierrez; Harless; Harris; Hefner; Herrero; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Martinez; Metcalf; Meyer; Middleton; Miller; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tindholt; Toth; VanDeaver; Vo; Walle; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Canales; Cole; Collier; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; Lucio; Martinez Fischer; Meza; Minjarez; Moody; Morales; Neave; Nevárez; Ortega; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

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

STATEMENT OF VOTE

When Record No. 2025 was taken, I was shown voting no. I intended to vote yes.

Romero

REMARKS ORDERED PRINTED

Representative J. Turner moved to print remarks between Representative Zwiener and Representative Paddie on **HB 3557**.

The motion prevailed.

HR 2205 - ADOPTED (by Huberty)

The following privileged resolution was laid before the house:

HR 2205

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, Regular Session, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 3906** (the assessment of public school students, including the development and administration of assessment instruments, and technology permitted for use by students) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new language to SECTION 1 of the bill, amending Section 39.022, Education Code, to read as follows:

(b) It is the policy of this state that the statewide assessment program be designed to:

- (1) provide assessment instruments that are as short as practicable; and
- (2) minimize the disruption to the educational program.

Explanation: The addition is necessary to provide a general statement of state policy regarding the design of the statewide assessment program.

(2) House Rule 13, Sections 9(a)(1) and (4), are suspended to permit the committee to change text not in disagreement and to add text on a matter not included in either the house or senate version of the bill in SECTION 3 of the bill, amending Section 32.023(a-12), Education Code, to read as follows:

(a-12) An assessment instrument adopted or developed under Subsection (a) may not have more than three parts. A part of an assessment instrument must be designed so that:

(1) if administered to students in grades three through five, 85 percent of students will be able to complete that part [~~the assessment instrument~~] within 60 [~~120~~] minutes; and

(2) if administered to students in grades five [~~six~~] through eight, 85 percent of students will be able to complete that part [~~the assessment instrument~~] within 75 [~~180~~] minutes.

Explanation: This change is necessary to limit the number of parts of an assessment instrument and to modify the requirements relating to the design of an assessment instrument to apply to parts of an assessment instrument.

(3) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new language to SECTION 3 of the bill, amending Section 39.023, Education Code, to read as follows:

(a-16) An assessment instrument under this section may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program as provided under this code.

Explanation: The addition is necessary to prohibit the Texas Education Agency from administering a statewide accountability assessment instrument to kindergarten students except in limited, specified circumstances.

(4) House Rule 13, Section 9(a)(1), is suspended to permit the committee to alter text not in disagreement in SECTION 3 of the bill, amending Section 32.023(c), Education Code, by striking "~~The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).~~" and substituting "The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).".

Explanation: The alteration is necessary to restore language in the current law regarding the duty of the State Board of Education to adopt a schedule for the administration of end-of-course assessment instruments that was bracketed out by both the house and senate versions of the bill.

(5) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 9. The Texas Education Agency is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Texas Education Agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

Explanation: The addition is necessary to ensure fiscal responsibility by providing that the Texas Education Agency is required to implement a provision of the Act only if the legislature appropriates money specifically for that purpose.

HR 2205 - REMARKS

REPRESENTATIVE TOTH: Mr. Huberty, bottom line, does **HB 3906** increase or decrease STAAR testing?

REPRESENTATIVE HUBERTY: It will decrease testing, but I have the bill that is coming up, and I can explain that a bit more.

HR 2205 was adopted by (Record 2026): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

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

Absent — Thierry.

STATEMENT OF VOTE

When Record No. 2026 was taken, my vote failed to register. I would have voted yes.

Thierry

HB 3906 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the following conference committee report on **HB 3906**:

Austin, Texas, May 25, 2019

The Honorable Dan Patrick
President of the Senate

The Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3906** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Taylor
Bettencourt
Campbell
Fallon
Watson
On the part of the senate

Huberty
Bernal
M. González
VanDeaver
K. Bell
On the part of the house

HB 3906, A bill to be entitled An Act relating to the assessment of public school students, including the development and administration of assessment instruments, and technology permitted for use by students.

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

SECTION 1. Section 39.022, Education Code, is amended to read as follows:

Sec. 39.022. ASSESSMENT PROGRAM. (a) The State Board of Education by rule shall create and implement a statewide assessment program that is knowledge- and skills-based to ensure school accountability for student achievement that achieves the goals provided under Section 4.002. After adopting rules under this section, the State Board of Education shall consider the importance of maintaining stability in the statewide assessment program when adopting any subsequent modification of the rules.

(b) It is the policy of this state that the statewide assessment program be designed to:

- (1) provide assessment instruments that are as short as practicable; and
- (2) minimize the disruption to the educational program.

SECTION 2. Effective September 1, 2021, Section 39.023(a), Education Code, is amended to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading~~[, writing]~~, mathematics, social studies, and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through ~~[seven without the aid of technology and in grade] eight [with the aid of technology on any assessment instrument that includes algebra];~~

(2) reading, annually in grades three through eight;

(3) ~~[writing, including spelling and grammar, in grades four and seven;~~

~~[(4)]~~ social studies, in grade eight;

(4) ~~[(5)]~~ science, in grades five and eight; and

~~[(5)]~~ ~~[(6)]~~ any other subject and grade required by federal law.

SECTION 3. Section 39.023, Education Code, is amended by amending Subsections (a), (a-12), (a-13), (b-1), (c), and (c-3) and adding Subsections (a-4), (a-14), (a-15), (a-16), (c-7), (c-8), and (o) to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through ~~[seven without the aid of technology and in grade] eight [with the aid of technology on any assessment instrument that includes algebra];~~

(2) reading, annually in grades three through eight;

(3) writing, including spelling and grammar, in grades four and seven;

(4) social studies, in grade eight;

(5) science, in grades five and eight; and

(6) any other subject and grade required by federal law.

(a-4) For purposes of Subsection (a)(1), the State Board of Education by rule may designate sections of a mathematics assessment instrument for a grade level that:

(1) may be completed with the aid of technology; and

(2) must be completed without the aid of technology.

(a-12) An assessment instrument adopted or developed under Subsection (a) may not have more than three parts. A part of an assessment instrument must be designed so that:

(1) if administered to students in grades three through five, 85 percent of students will be able to complete that part [the assessment instrument] within 60 [120] minutes; and

(2) if administered to students in grades five [six] through eight, 85 percent of students will be able to complete that part [the assessment instrument] within 75 [180] minutes.

(a-13) The amount of time allowed for administration of an assessment instrument adopted or developed under Subsection (a) may not exceed eight hours, and the administration may occur in multiple parts over more than [one] day.

(a-14) Subsections (a-12) and (a-13) do not apply to the administration of assessment instruments for a grade level if, as a result of the time restriction imposed, the assessment instrument no longer:

(1) complies with federal law; or

(2) is valid and reliable, based on findings and recommendations made by the advisory committees established under Section 39.02302.

(a-15) Subsections (a-12) and (a-13) do not apply to a classroom portfolio method used to assess writing performance.

(a-16) An assessment instrument under this section may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program as provided under this code.

(b-1) The agency, in conjunction with appropriate interested persons, shall redevelop assessment instruments adopted or developed under Subsection (b) for administration to significantly cognitively disabled students in a manner consistent with federal law. An assessment instrument under this subsection may not require a teacher to prepare tasks or materials for a student who will be administered such an assessment instrument. A classroom portfolio method used to assess writing performance may require a teacher to prepare tasks and materials [Assessment instruments adopted or developed under this subsection shall be administered not later than the 2014-2015 school year].

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I end-of-course assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both

reading and writing [~~in the same assessment instrument~~] and must provide a single score. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. An end-of-course assessment instrument may be administered in multiple parts over more than one day. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

(c-3) Except as provided by Subsection (c-7), in [H] adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall ensure that [require:

(1) assessment instruments administered under Subsection (a) or (c) are not [to be] administered on the first instructional day of a week [a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year; and

(2) the spring administration of end-of-course assessment instruments under Subsection (e) to occur in each school district not earlier than the first full week in May, except that the spring administration of the end-of-course assessment instruments in English I and English II must be permitted to occur at an earlier date].

(c-7) Subsection (c-3) does not apply to a classroom portfolio method used to assess writing performance if student performance under that method is less than 50 percent of a student's overall assessed performance in writing.

(c-8) Beginning with the 2022-2023 school year, an assessment instrument developed under Subsection (a) or (c) may not present more than 75 percent of the questions in a multiple choice format.

(o) The agency shall adopt or develop optional interim assessment instruments for each subject or course for each grade level subject to assessment under this section. A school district may not be required to administer interim assessment instruments adopted or developed under this subsection. An interim assessment instrument:

(1) must be:

(A) predictive of the assessment instrument for the applicable subject or course for that grade level required under this section; and

(B) administered electronically; and

(2) may not be used for accountability purposes.

SECTION 4. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02302 to read as follows:

Sec. 39.02302. ADVISORY COMMITTEES FOR ASSESSMENT INSTRUMENTS. (a) The commissioner shall appoint a technical advisory committee to advise the commissioner and the agency regarding the development

of valid and reliable assessment instruments for purposes of this chapter. The members of the committee must be experts on educational assessments and psychometrics.

(b) The commissioner shall appoint an educator advisory committee to advise the commissioner and the agency regarding the development of academically appropriate assessment instruments for purposes of this chapter. The members of the committee must include experts in curriculum and instruction.

(c) The agency may compensate a member of the technical or educator advisory committee or reimburse the member for expenses incurred in the performance of duties related to the member's service on the committee.

(d) The selection of or payment to a member of the technical or educator advisory committee is not subject to Chapter 2110 or 2254, Government Code.

SECTION 5. Section 39.0234, Education Code, is amended to read as follows:

Sec. 39.0234. ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS [~~BY COMPUTER~~]. [~~(a)~~] The agency shall ensure that assessment instruments required under Section 39.023 are capable of being administered electronically [~~by computer~~]. [~~The commissioner may not require a school district or open enrollment charter school to administer an assessment instrument by computer.~~]

SECTION 6. Subchapter B, Chapter 39, Education Code, is amended by adding Sections 39.02341, 39.0236, and 39.0237 to read as follows:

Sec. 39.02341. TRANSITION TO ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) The agency, in consultation with the State Board of Education, shall develop a transition plan to administer all assessment instruments required under Section 39.023 electronically beginning not later than the 2022-2023 school year. The plan must:

(1) evaluate the availability of Internet access for each school district in this state;

(2) identify changes to state law or policy necessary to improve the availability of Internet access described by Subdivision (1);

(3) evaluate the state's experience with administering online assessment instruments, including the occurrence or effects of power outages or other types of disruptions of Internet service, and actions taken by the state to mitigate the occurrence and effect of those disruptions; and

(4) identify and evaluate actions taken by the state to improve the administration of online assessment instruments.

(b) The agency shall implement the transition plan beginning on September 1, 2021. In order to ensure legislative approval of the transition plan, this subsection expires August 31, 2021.

(c) Not later than December 1, 2020, the agency shall submit to the governor, the lieutenant governor, and the members of the legislature a report on the plan developed under Subsection (a). The report must include:

(1) information from school districts assessing the needs of those districts in transitioning to electronic administration;

(2) any recommended changes to state law to assist in the transition;
and

(3) a recommended timeline for statewide implementation of electronic administration.

(d) This section expires September 1, 2023.

Sec. 39.0236. INTEGRATED FORMATIVE ASSESSMENT PILOT PROGRAM. (a) The agency shall establish a pilot program in which participating school districts administer to students integrated formative assessment instruments for subjects or courses for a grade level subject to assessment under Section 28.006 or 39.023.

(b) A school district may elect to participate in the pilot program.

(c) A school district's participation in the pilot program does not affect the district's obligations regarding the administration of assessment instruments required under Section 39.023.

(d) Not later than December 1 of each even-numbered year, the agency shall submit to the governor, the lieutenant governor, and the members of the legislature a report on the pilot program that includes:

(1) an analysis of whether the administration of integrated formative assessment instruments under the pilot program provided any improvement in instructional support during the preceding two school years; and

(2) a determination of the feasibility of replacing the assessment instruments required under Section 39.023 with integrated formative assessment instruments.

Sec. 39.0237. CONSIDERATION OF PREKINDERGARTEN ASSESSMENT INSTRUMENTS PROHIBITED. Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose under this chapter or Chapter 39A.

SECTION 7. Subchapter Z, Chapter 25, Education Code, is amended by adding Section 25.904 to read as follows:

Sec. 25.904. USE OF CALCULATOR APPLICATION IN PLACE OF GRAPHING CALCULATOR. (a) A school district shall permit a student enrolled in a course that requires the student to use a graphing calculator to use a calculator application on a computing device, including a personal, laptop, or tablet computer, that provides the same functionality, unless the district makes available to the student a graphing calculator at no cost to the student.

(b) A school district may adopt policies related to student use of a computing device under this section.

(c) To the extent this section conflicts with Section 37.082, this section prevails.

SECTION 8. The Texas Education Agency may use not more than \$35 million annually of foundation school program funds appropriated to the agency to implement a provision of this Act.

SECTION 9. The Texas Education Agency is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Texas Education Agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 10. Unless this Act provides for an effective date later than September 1, 2019, this Act applies beginning with the 2019-2020 school year.

SECTION 11. Except as otherwise provided by this Act:

(1) this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

HB 3906 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE VANDEAVER: Chairman, thank you for working with us on this bill. I know that when it came back we had some real concerns, and I just want to get some legislative intent. It provides that the STAAR test be divided into up to three parts and requires a student be able to complete each part in 60 minutes if they're in grades three through five and 75 minutes in grades five through eight. I want to ask, is it your intention that each part of the test will only test the subject matter that was covered since the previous test administration and that no part will be cumulative in the content covered?

REPRESENTATIVE HUBERTY: That is correct, Mr. VanDeaver. And as you know, we vetted this issue, and we're testing children in April for stuff that we're teaching them in October. I'm not suggesting that we expect them to not retain that knowledge, but we expect them to learn as they go. So we're getting diagnostic testing is what we're doing. So we're going from a one moment in time to diagnostic testing, which we, as you have heard, think is very important for us.

VANDEAVER: Absolutely, thank you. And you've already spoken of this, but I just want to reiterate. It's been speculated that this bill somehow requires all students in pre-kindergarten and kindergarten to be tested under the STAAR test. Please speak to that again, if you would.

HUBERTY: Yes. Mr. VanDeaver, as you know, currently in statute today, we have a diagnostic test, an assessment to determine the baseline for where those children are in kindergarten. So there is no STAAR testing. I repeat, there is no STAAR testing that is going to be required. The commissioner is not going to be able to develop a STAAR test that we're going to give to our babies to teach them. That is not what we're doing. What we're doing is we're saying, "what do they know, what don't they know," so that we can make sure we provide them the best possible information. We're putting an additional \$1.8 billion into pre-K funding and in kindergarten and K-2 readiness, and we just need to know where

those children are at. And by the way, it's prohibited for any accountability purposes. The commissioner is prohibited from using any of that for accountability purposes.

VANDEAVER: Okay, thank you. Section 4 of the bill requires the appointment of an educator advisory committee that will advise the commissioner and the agency regarding the development of academically appropriate assessment instruments. Is it your intention that this committee include practitioners and that it exclude anyone who is associated with any testing company who contracts with the state?

HUBERTY: Yes, sir, absolutely. We want to make sure that the people that are going to be involved in this and involved in designing this test—and again, we took it back and put it back to State Board of Education, making sure that they're involved in this process as we go forward. And very importantly on this, we want practitioners that are actually on the ground teaching these assessments, making sure that they're involved in the process and that we don't have the testing companies that we pay multimillion dollar contracts to involved in this in any form or fashion. It needs to be our practitioners that are designing these assessments for our children, aligned with the TEKS. And by the way, we passed in the bill—in several bills and certainly in **HB 3** we said this—is that we have to make sure. We're doing a study to make sure because we have this STAAR issue related to, you know, is it at grade level? What scores are we using? What are we doing to make sure it is all at grade level? So yes, sir, we're doing that as well.

VANDEAVER: Great, thank you. Final question, Section 39 of the bill provides for the development of a transition plan for electronic administration of assessment instruments. That section expires September 21, 2023. Does this mean that the legislature will be required to act before the electronic testing is required?

HUBERTY: Yes, sir, it does. What that means—and as you know, Mr. VanDeaver, you asked us to do this—is that we want to start getting them to online. But as you and I discussed this, our concern is that if it didn't work, what was the mechanism for us—to stop them? And so we said the senate and the house—and certainly the governor has to sign it—but we have to agree to allow them to continue because we expire this in that particular time and moment. So yes, sir.

REMARKS ORDERED PRINTED

Representative VanDeaver moved to print remarks between Representative Huberty and Representative VanDeaver on **HB 3906** and between Representative Huberty and Representative Toth on **HR 2205**.

The motion prevailed.

Representative Huberty moved to adopt the conference committee report on **HB 3906**.

The motion to adopt the conference committee report on **HB 3906** prevailed by (Record 2027): 146 Yeas, 0 Nays, 1 Present, not voting.

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

HCR 191 - ADOPTED
(by Huberty)

The following privileged resolution was laid before the house:

HCR 191

WHEREAS, **HB 3906** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED by the 86th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction:

In SECTION 3 of the bill, in amended Section 39.023(a-12), Education Code, strike Subdivision (1) and substitute the following:

(1) if administered to students in grades three and four [~~through five~~], 85 percent of students will be able to complete that part [~~the assessment instrument~~] within 60 [~~120~~] minutes; and

HCR 191 was adopted by (Record 2028): 146 Yeas, 0 Nays, 1 Present, not voting.

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

González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; 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 — Bohac; Davis, S.; Johnson, E.

HR 2198 - ADOPTED
(by S. Thompson)

The following privileged resolution was laid before the house:

HR 2198

BE IT RESOLVED by the House of Representatives of the State of Texas, 86th Legislature, Regular Session, 2019, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 20** (the prevention of, reporting regarding, investigation of, prosecution of, criminal and civil penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses, to treatment, services, and compensation available to victims of those offenses, and to orders of nondisclosure for certain persons who are victims of certain of those offenses) to consider and take action on the following matters:

(1) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to change, alter, or amend text and to add text on a matter not in disagreement in the transition language provided by proposed SECTION 2.06 of the senate engrossment of **SB 20** and provided by the corresponding section of the bill as the bill was amended by the house, to read as follows:

SECTION 2.06. (a) Except as provided by Subsection (b) of this section, the change in law made by this article applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) Subsection (a) of this section does not apply to Section 402.035(f-3), Government Code, as added by this article.

Explanation: This change is necessary to provide for a transition for Section 402.035(f-3), Government Code, as added by the house.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new ARTICLES to the bill:

ARTICLE 5. SEX TRAFFICKING PREVENTION AND VICTIM
TREATMENT PROGRAMS

SECTION 5.01. Subtitle B, Title 2, Health and Safety Code, is amended by adding Chapter 50 to read as follows:

CHAPTER 50. SEX TRAFFICKING PREVENTION AND VICTIM
TREATMENT PROGRAMS

SUBCHAPTER A. TREATMENT PROGRAM FOR VICTIMS OF CHILD
SEX TRAFFICKING

Sec. 50.0001. DEFINITIONS. In this subchapter:

(1) "Child sex trafficking" has the meaning assigned by Section 772.0062, Government Code.

(2) "Program" means the treatment program for victims of child sex trafficking established under this subchapter.

Sec. 50.0002. ESTABLISHMENT; PURPOSE. The commission, in collaboration with the institution designated under Section 50.0003, shall establish a program to improve the quality and accessibility of care for victims of child sex trafficking in this state.

Sec. 50.0003. DESIGNATION OF INSTITUTION; OPERATION OF PROGRAM. (a) The commission shall designate a health-related institution of higher education to operate the program.

(b) The designated institution shall improve the quality and accessibility of care for victims of child sex trafficking by:

(1) dedicating a unit at the institution to provide or contract for inpatient care for victims of child sex trafficking;

(2) dedicating a unit at the institution to provide or contract for outpatient care for victims of child sex trafficking;

(3) creating opportunities for research and workforce expansion related to treatment of victims of child sex trafficking; and

(4) assisting other health-related institutions of higher education in this state to establish similar programs.

(c) The commission shall solicit and review applications from health-related institutions of higher education before designating an institution under this section.

Sec. 50.0004. FUNDING. In addition to money appropriated by the legislature, the designated institution may accept gifts, grants, and donations from any public or private person for the purpose of carrying out the program.

Sec. 50.0005. RULES. The executive commissioner shall adopt rules necessary to implement this subchapter.

SUBCHAPTER B. MATCHING GRANT PROGRAM FOR MUNICIPAL SEX
TRAFFICKING PREVENTION PROGRAMS

Sec. 50.0051. ESTABLISHMENT OF MATCHING GRANT PROGRAM.

(a) The commission shall establish a matching grant program to award to a municipality a grant in an amount equal to the amount committed by the municipality for the development of a sex trafficking prevention needs assessment. A municipality that is awarded a grant must develop the needs assessment in collaboration with a local institution of higher education and on completion submit a copy of the needs assessment to the commission.

(b) A sex trafficking prevention needs assessment developed under Subsection (a) must outline:

(1) the prevalence of sex trafficking crimes in the municipality;
(2) strategies for reducing the number of sex trafficking crimes in the municipality; and

(3) the municipality's need for additional funding for sex trafficking prevention programs and initiatives.

Sec. 50.0052. APPLICATION. (a) A municipality may apply to the commission in the form and manner prescribed by the commission for a matching grant under this subchapter. To qualify for a grant, an applicant must:

(1) develop a media campaign and appoint a municipal employee to oversee the program; and

(2) provide proof that the applicant is able to obtain or secure municipal money in an amount at least equal to the amount of the awarded grant.

(b) The commission shall review applications for a matching grant submitted under this section and award matching grants to each municipality that demonstrates in the application the most effective strategies for reducing the number of sex trafficking crimes in the municipality and the greatest need for state funding.

(c) The commission may provide a grant under Subsection (b) only in accordance with a contract between the commission and the municipality. The contract must include provisions under which the commission is granted sufficient control to ensure the public purpose of sex trafficking prevention is accomplished and the state receives the return benefit.

Sec. 50.0053. FUNDING. In addition to money appropriated by the legislature, the commission may solicit and accept gifts, grants, or donations from any source to administer and finance the matching grant program established under this subchapter.

SUBCHAPTER C. SEX TRAFFICKING PREVENTION GRANT PROGRAM
FOR LOCAL LAW ENFORCEMENT

Sec. 50.0101. ESTABLISHMENT OF GRANT PROGRAM. (a) The office of the governor, in collaboration with the Child Sex Trafficking Prevention Unit established under Section 772.0062, Government Code, shall establish and administer a grant program to train local law enforcement officers to recognize signs of sex trafficking.

(b) The office of the governor may establish eligibility criteria for a grant applicant.

(c) A grant awarded under this section must include provisions under which the office of the governor is provided sufficient control to ensure the public purpose of sex trafficking prevention is accomplished and the state receives the return benefit.

Sec. 50.0102. FUNDING. In addition to money appropriated by the legislature, the office of the governor may solicit and accept gifts, grants, or donations from any source to administer and finance the grant program established under this subchapter.

SECTION 5.02. As soon as practicable after the effective date of this Act:

(1) the executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement Subchapters A and B, Chapter 50, Health and Safety Code, as added by this article; and

(2) the governor shall adopt rules as necessary to implement Subchapter C, Chapter 50, Health and Safety Code, as added by this article.

SECTION 5.03. A state agency is required to implement a provision of this article only if the legislature appropriates money to the agency specifically for the purpose of implementing the applicable provision. If the legislature does not appropriate money specifically for the purpose of implementing the applicable provision, the agency may, but is not required to, implement the provision using other appropriations available for that purpose.

ARTICLE 6. PROHIBITION ON CERTAIN BIDS AND CONTRACTS RELATED TO PERSONS INVOLVED IN HUMAN TRAFFICKING

SECTION 6.01. Subchapter A, Chapter 2155, Government Code, is amended by adding Section 2155.0061 to read as follows:

Sec. 2155.0061. PROHIBITION ON CERTAIN BIDS AND CONTRACTS RELATED TO PERSONS INVOLVED IN HUMAN TRAFFICKING. (a) A state agency may not accept a bid or award a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been convicted of any offense related to the direct support or promotion of human trafficking.

(b) A bid or award subject to the requirements of this section must include the following statement:

"Under Section 2155.0061, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate."

(c) If a state agency determines that an individual or business entity holding a state contract was ineligible to have the bid accepted or contract awarded under this section, the state agency may immediately terminate the contract without further obligation to the vendor.

(d) This section does not create a cause of action to contest a bid or award of a state contract.

SECTION 6.02. Section 2155.077(a-1), Government Code, is amended to read as follows:

(a-1) The commission shall bar a vendor from participating in state contracts that are subject to this subtitle, including contracts for which purchasing authority is delegated to a state agency, if the vendor has been:

(1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; ~~[or]~~

(2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or

(3) convicted of any offense related to the direct support or promotion of human trafficking.

SECTION 6.03. Section 2155.0061, Government Code, as added by this article, applies only in relation to a state contract for which the request for bids or proposals or other applicable expressions of interest are made public on or after the effective date of this Act.

SECTION 6.04. Section 2155.077, Government Code, as amended by this article, applies only to a contract entered into on or after the effective date of this Act.

Explanation: The addition is necessary to add programs for sex trafficking prevention and sex trafficking victim treatment and to prohibit certain bids and contracts related to persons involved in human trafficking.

HR 2198 was adopted by (Record 2029): 141 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Biedermann; Cain; Stickland.

Present, not voting — Mr. Speaker(C).

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

Absent — Dutton; Stucky.

SB 20 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. Thompson submitted the conference committee report on **SB 20**.

Representative S. Thompson moved to adopt the conference committee report on **SB 20**.

The motion to adopt the conference committee report on **SB 20** prevailed by (Record 2030): 146 Yeas, 0 Nays, 1 Present, not voting.

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

SCR 66 - ADOPTED
(S. Thompson - House Sponsor)

The following privileged resolution was laid before the house:

SCR 66, Instructing the enrolling clerk of the senate to make corrections in **SB 20**.

SCR 66 was adopted by (Record 2031): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; 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 — Bohac; Davis, S.; Johnson, E.

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. 40 and Senate List No. 33).

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. 5).

SB 621 - MOTION TO RECONSIDER VOTE

Representative Clardy moved to reconsider the vote by which the motion to adopt the conference committee report on **SB 621** was lost by Record No. 1969.

The motion to reconsider was lost by (Record 2032): 68 Yeas, 76 Nays, 1 Present, not voting.

Yeas — Allison; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Capriglione; Clardy; Cole; Craddick; Cyrier; Darby; Dean; Dutton; Frank; Frullo; Geren; Goldman; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Meyer; Middleton; Miller; Morrison; Murphy; Murr; Nevárez; Noble; Oliverson; Paddie; Parker; Patterson; Price; Raney; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Anderson; Ashby; Beckley; Bernal; Blanco; Bowers; Bucy; Button; Cain; Calanni; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dominguez; Farrar; Fierro; Flynn; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, K.; King, T.; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Minjarez; Moody; Morales; Muñoz; Neave; Ortega; Pacheco; Paul; Perez;

Phelan; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Stephenson; Stickland; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

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

Absent — Canales; Lopez.

STATEMENT OF VOTE

When Record No. 2032 was taken, I was shown voting yes. I intended to vote no.

Dutton

PROVIDING FOR ADJOURNMENT

At 9:33 p.m., Representative P. King moved that, at the conclusion of the signing of bills and resolutions and the receipt of messages from the senate, the house adjourn until 10 a.m. tomorrow in memory of Roger Grizzard of Weatherford.

The motion prevailed.

(Geren in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 9:56 a.m. Monday, May 27, adjourned until 10 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 39

HB 5, HB 29, HB 69, HB 101, HB 279, HB 292, HB 356, HB 368, HB 396, HB 406, HB 463, HB 489, HB 515, HB 539, HB 555, HB 651, HB 685, HB 687, HB 696, HB 706, HB 771, HB 803, HB 831, HB 956, HB 996, HB 1112, HB 1135, HB 1343, HB 1401, HB 1404, HB 1474, HB 1524, HB 1532, HB 1574, HB 1614, HB 1697, HB 1709, HB 1771, HB 1806, HB 1850, HB 1900, HB 2042, HB 2305, HB 2318, HB 2363, HB 2364, HB 2365, HB 2718, HB 2757, HB 2794, HB 2810, HB 2813, HB 2816, HB 2856, HB 3091, HB 3117, HB 3124, HB 3145, HB 3147, HB 3163, HB 3203, HB 3247, HB 3252, HB 3306, HB 3314, HB 3345, HB 3428, HB 3522, HB 3635, HB 3703, HB 3704, HB 3716, HB 3884, HB 3965, HB 4075, HB 4129, HB 4158, HB 4166, HB 4258, HB 4350,

HB 4559, HB 4635, HB 4672, HB 4673, HB 4674, HB 4698, HB 4704, HB 4709, HB 4716, HB 4719, HB 4720, HB 4721, HB 4725, HB 4728, HB 4729, HB 4731, HB 4734, HB 4741, HB 4744, HB 4747, HB 4754, HB 4762, HCR 76, HCR 86, HCR 117, HCR 148, HCR 177, HCR 180

House List No. 40

HB 8, HB 16, HB 19, HB 26, HB 36, HB 72, HB 76, HB 123, HB 170, HB 191, HB 207, HB 305, HB 391, HB 448, HB 475, HB 548, HB 601, HB 616, HB 721, HB 864, HB 872, HB 888, HB 906, HB 907, HB 914, HB 933, HB 963, HB 965, HB 1025, HB 1026, HB 1028, HB 1048, HB 1051, HB 1063, HB 1078, HB 1120, HB 1140, HB 1174, HB 1215, HB 1244, HB 1263, HB 1277, HB 1421, HB 1548, HB 1552, HB 1590, HB 1731, HB 1742, HB 1824, HB 1849, HB 1869, HB 1941, HB 1949, HB 1999, HB 2041, HB 2048, HB 2050, HB 2053, HB 2102, HB 2103, HB 2112, HB 2159, HB 2169, HB 2174, HB 2190, HB 2195, HB 2199, HB 2218, HB 2261, HB 2325, HB 2335, HB 2345, HB 2348, HB 2384, HB 2422, HB 2424, HB 2439, HB 2446, HB 2477, HB 2481, HB 2486, HB 2536, HB 2546, HB 2584, HB 2586, HB 2590, HB 2620, HB 2628, HB 2640, HB 2706, HB 2729, HB 2758, HB 2763, HB 2771, HB 2782, HB 2784, HB 2910, HB 2913, HB 2944, HB 2978, HB 2984, HB 3012, HB 3081, HB 3082, HB 3143, HB 3195, HB 3224, HB 3227, HB 3231, HB 3285, HB 3301, HB 3304, HB 3312, HB 3316, HB 3374, HB 3390, HB 3460, HB 3531, HB 3630, HB 3642, HB 3648, HB 3668, HB 3714, HB 3782, HB 3803, HB 3809, HB 3867, HB 3871, HB 3875, HB 3911, HB 3980, HB 4032, HB 4090, HB 4150, HB 4182, HB 4260, HB 4280, HB 4298, HB 4310, HB 4372, HB 4390, HB 4429, HB 4455, HB 4531, HB 4533, HB 4541, HB 4544, HB 4614, HB 4637, HB 4644, HB 4653, HB 4657, HB 4661, HB 4662, HB 4668, HB 4676, HB 4677, HB 4678, HB 4687, HB 4688, HB 4689, HB 4693, HB 4697, HB 4699, HB 4702, HB 4703, HB 4706, HB 4710, HB 4714, HB 4730, HB 4742, HB 4752

Senate List No. 33

SB 8, SB 18, SB 58, SB 241, SB 355, SB 483, SB 520, SB 568, SB 583, SB 592, SB 668, SB 712, SB 751, SB 820, SB 1017, SB 1083, SB 1138, SB 1200, SB 1451, SB 1454, SB 1504, SB 1511, SB 1519, SB 1564, SB 1570, SB 1757, SB 1804, SB 1995, SB 2104, SB 2117, SB 2128, SB 2136, SB 2156, SB 2272, SB 2283, SB 2452, SB 2530, SB 2552, SB 2553, SJR 79

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Sunday, May 26, 2019

The Honorable Speaker of the House

House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 4748 Dutton SPONSOR: Miles
Relating to the authority of the Near Northside Management District to impose a sales and use tax and finance a project or service.
(Committee Substitute/Amended)

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

SCR 65 Hughes SPONSOR: Schaefer
In memory of William James "Jamie" Boring.

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

SB 1804 (26 Yeas, 4 Nays)

SB 2104 (30 Yeas, 0 Nays)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 3 (30 Yeas, 0 Nays)

HB 812 (30 Yeas, 0 Nays)

HB 1504 (30 Yeas, 0 Nays)

HB 2402 (26 Yeas, 4 Nays)

HB 2858 (30 Yeas, 0 Nays)

HB 3582 (30 Yeas, 0 Nays)

HB 3842 (29 Yeas, 1 Nay)

HB 4749 (28 Yeas, 2 Nays)

SB 2 (21 Yeas, 9 Nays)

SB 18 (29 Yeas, 1 Nay)

SB 355 (30 Yeas, 0 Nays)

SB 562 (30 Yeas, 0 Nays)

SB 568 (30 Yeas, 0 Nays)

SB 583 (29 Yeas, 1 Nay)

SB 616 (30 Yeas, 0 Nays)

SB 668 (29 Yeas, 1 Nay)

SB 1511 (30 Yeas, 0 Nays)

SB 2432 (27 Yeas, 3 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 26, 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 CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 390 (31 Yeas, 0 Nays)

SB 1845 (29 Yeas, 2 Nays)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 410 (31 Yeas, 0 Nays)

HB 722 (31 Yeas, 0 Nays)

HB 766 (29 Yeas, 2 Nays)

HB 3745 (30 Yeas, 1 Nay)

SB 601 (31 Yeas, 0 Nays)

SB 621 (19 Yeas, 12 Nays)

SB 2551 (30 Yeas, 1 Nay)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 26, 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:

SCR 67 Nelson

Instructing the enrolling clerk of the senate to make corrections in S.B. No. 500.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 234	(31 Yeas, 0 Nays)
HB 492	(31 Yeas, 0 Nays)
HB 496	(25 Yeas, 6 Nays)
HB 510	(30 Yeas, 1 Nay)
HB 684	(31 Yeas, 0 Nays)
HB 700	(29 Yeas, 2 Nays)
HB 1495	(30 Yeas, 1 Nay)
HB 1734	(31 Yeas, 0 Nays)
HB 1735	(31 Yeas, 0 Nays)
HB 1973	(31 Yeas, 0 Nays)
HB 2143	(31 Yeas, 0 Nays)
HB 2747	(31 Yeas, 0 Nays)
HB 2764	(31 Yeas, 0 Nays)
HB 3148	(31 Yeas, 0 Nays)
HB 4542	(31 Yeas, 0 Nays)
HJR 34	(31 Yeas, 0 Nays)
SB 6	(31 Yeas, 0 Nays)
SB 12	(31 Yeas, 0 Nays)
SB 30	(31 Yeas, 0 Nays)
SB 500	(30 Yeas, 1 Nay)
SB 604	(31 Yeas, 0 Nays)
SB 891	(31 Yeas, 0 Nays)
SB 944	(31 Yeas, 0 Nays)
SB 982	(31 Yeas, 0 Nays)
SB 1096	(30 Yeas, 1 Nay)
SB 1151	(31 Yeas, 0 Nays)
SB 1207	(30 Yeas, 1 Nay)
SB 1991	(31 Yeas, 0 Nays)
SB 2138	(31 Yeas, 0 Nays)

SB 2342 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 26, 2019 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1 (31 Yeas, 0 Nays)

HB 1313 (31 Yeas, 0 Nays)

HB 1355 (31 Yeas, 0 Nays)

HB 3193 (31 Yeas, 0 Nays)

HB 3636 (31 Yeas, 0 Nays)

HB 3808 (31 Yeas, 0 Nays)

SB 11 (30 Yeas, 1 Nay)

SB 20 (31 Yeas, 0 Nays)

SB 619 (30 Yeas, 1 Nay)

SB 799 (31 Yeas, 0 Nays)

SB 815 (31 Yeas, 0 Nays)

SB 911 (31 Yeas, 0 Nays)

SB 916 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 26, 2019 - 5

The Honorable Speaker of the House

House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 181 Oliverson SPONSOR: Kolkhorst
Instructing the enrolling clerk of the house to make corrections in H.B. No. 4686.

HCR 182 Deshotel SPONSOR: Watson
Instructing the enrolling clerk of the house to make corrections in H.B. No. 680.

HCR 183 Thompson, Ed SPONSOR: Hughes
Instructing the enrolling clerk of the house to make corrections in H.B. No. 1755.

HCR 184 Phelan SPONSOR: Nichols
Instructing the enrolling clerk of the house to make corrections in H.B. 1397.

HCR 185 Martinez SPONSOR: Hinojosa
Instructing the enrolling clerk of the house to make corrections in H.B. No. 109.

HCR 186 Darby SPONSOR: Taylor
Instructing the enrolling clerk of the house to make technical corrections to House Bill No. 3371.

HCR 187 Miller SPONSOR: Creighton
Instructing the enrolling clerk of the house to make corrections in H.B. No. 4712.

HCR 189 Geren SPONSOR: Hancock
Instructing the enrolling clerk of the house to make corrections in H.B. No. 4181.

HCR 190 Zerwas SPONSOR: Nelson
Instructing the enrolling clerk of the house to make corrections in H.B. No. 1.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1053 (27 Yeas, 4 Nays)

HB 1177 (16 Yeas, 15 Nays)

HB 1523 (31 Yeas, 0 Nays)

HB 2726 (20 Yeas, 11 Nays)

HB 2847 (29 Yeas, 2 Nays)

HB 3284 (30 Yeas, 1 Nay)

HB 3557 (19 Yeas, 12 Nays)

HB 3800 (31 Yeas, 0 Nays)

HB 3906 (31 Yeas, 0 Nays)

SB 1742 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 26, 2019 - 6

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SCR 66 Huffman

Instructing the enrolling clerk of the senate to make corrections in S.B. No. 20.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENROLLED

May 25 - HB 8, HB 16, HB 19, HB 26, HB 36, HB 72, HB 76, HB 123, HB 170, HB 191, HB 207, HB 305, HB 391, HB 448, HB 463, HB 475, HB 548, HB 601, HB 616, HB 721, HB 864, HB 872, HB 888, HB 906, HB 907, HB 914, HB 933, HB 963, HB 965, HB 1025, HB 1026, HB 1028, HB 1048, HB 1051, HB 1063, HB 1078, HB 1112, HB 1120, HB 1140, HB 1174, HB 1215, HB 1244, HB 1263, HB 1277, HB 1421, HB 1548, HB 1552, HB 1590, HB 1731, HB 1742, HB 1806, HB 1824, HB 1849, HB 1941, HB 1949, HB 1999, HB 2041, HB 2048, HB 2050, HB 2053, HB 2102, HB 2103, HB 2112, HB 2159, HB 2169, HB 2174, HB 2190, HB 2199, HB 2218, HB 2261, HB 2325, HB 2335, HB 2345, HB 2348, HB 2363, HB 2384, HB 2422, HB 2424, HB 2439, HB 2446, HB 2477, HB 2481, HB 2486, HB 2546, HB 2584, HB 2586, HB 2590, HB 2620, HB 2628, HB 2640, HB 2706, HB 2718, HB 2729, HB 2758, HB 2763, HB 2771, HB 2782, HB 2784, HB 2856, HB 2910, HB 2913, HB 2944, HB 2978, HB 2984, HB 3012, HB 3081, HB 3082, HB 3143, HB 3195, HB 3224, HB 3227, HB 3231, HB 3285, HB 3301, HB 3304, HB 3312, HB 3316, HB 3345, HB 3374, HB 3390, HB 3428, HB 3460, HB 3531, HB 3630, HB 3642, HB 3648, HB 3668, HB 3703, HB 3704, HB 3714, HB 3782, HB 3803, HB 3809, HB 3867, HB 3871, HB 3875, HB 3884, HB 3911, HB 3965, HB 3980, HB 4090, HB 4129, HB 4150, HB 4158,

HB 4166, HB 4182, HB 4258, HB 4260, HB 4298, HB 4310, HB 4372, HB 4390, HB 4429, HB 4455, HB 4531, HB 4533, HB 4541, HB 4544, HB 4559, HB 4614, HB 4635, HB 4637, HB 4644, HB 4653, HB 4657, HB 4661, HB 4662, HB 4668, HB 4672, HB 4676, HB 4677, HB 4678, HB 4687, HB 4688, HB 4689, HB 4693, HB 4697, HB 4699, HB 4702, HB 4703, HB 4710, HB 4714, HB 4730, HB 4742, HB 4752

SENT TO THE GOVERNOR

May 25 - HB 88, HB 293, HB 294, HB 511, HB 692, HB 1099, HB 1262, HB 1885, HB 1894, HB 2164, HB 2188, HB 2775, HB 2805, HB 2868, HB 3041, HB 3384, HB 3490, HB 3496, HB 3511, HB 4157, HB 4428, HB 4765, HCR 133, HCR 140

SIGNED BY THE GOVERNOR

May 25 - HB 87, HB 156, HB 381, HB 403, HB 427, HB 446, HB 468, HB 621, HB 693, HB 833, HB 886, HB 971, HB 979, HB 1326, HB 1592, HB 1628, HB 1769, HB 1960, HB 1965, HB 2196, HB 2496, HB 2623, HCR 169, HCR 171