

# HOUSE JOURNAL

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EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

THIRTY-EIGHTH DAY — MONDAY, MAY 3, 2021

The house met at 10:24 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 634).

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

Absent — González, J.; Lozano.

(Lozano now present)

The invocation was offered by Representative Coleman as follows:

God, thank you for giving us another day. Inspire the men and women of this house to serve our constituents and our state as best we can. May our efforts and cooperative work with each other help to lift those Texans who are struggling and especially this month, those with mental illness. We pray for the gift of wisdom to all with great responsibility in the people's house for the leadership of our state. May we all have the vision of the world where respect and understanding are the marks of civility, and honor and integrity are the marks of one's character. You bless this day, you bless this house, and you bless this state, both now and forever. Amen.

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

### **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. 14).

### **ADDRESS BY REPRESENTATIVE HUBERTY ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Huberty who addressed the house on a matter of personal privilege, speaking as follows:

My name is Dan, and I'm an alcoholic. My father taught me to be honest and take responsibility for my actions, so I stand here before you today to begin this process. On April 23, I was involved in a motor vehicle accident while driving under the influence. Thankfully, no one was hurt. I want to first apologize to the occupants in the vehicle. I want to next apologize to my wife, Janet, my children, my friends, my company, and my Capitol staff for the embarrassment I have caused them. I want to apologize to my constituents as they entrusted me to represent them here in the Texas House. Finally, I want to apologize to each and every one of you, the institution of the Texas House, the senate, the lieutenant governor, the speaker, and the governor for my actions.

I have had a problem with alcohol for my entire adult life. While I've been sober for 23 out of the last 30 years, it became clear to me in the last several months that I desperately needed help. I was embarrassed to ask and candidly did not know how to get the help that I needed. After the incident, I was blessed to have some dear friends who were able to immediately get me into an inpatient treatment program to begin my road to recovery. I would like to thank all the staff there for looking out for me and setting me up with an exciting and invigorating road map for my sobriety with AA meetings, a sponsor, a sober coach, and my inpatient/outpatient program. I would also like to thank the officers who responded to the incident, who acted with complete professionalism.

Alcoholism is a serious disease, one that is becoming a pandemic in and of itself. However, I have decided to live my life one day at a time, to work my program and the 12 steps of AA, and to begin a new path to sobriety and honest living. I would like to share the first three steps that I have already completed. Number one, I've admitted that I am powerless over alcohol and my life has become unmanageable. I believe a power greater than me will restore my sanity. And I've made a decision to turn my will and life over to God and to Jesus Christ. I will leave you with two things, and these are very important. The sins of a husband and father should never ever, ever, ever be imparted on his family, his children, his wife, or anybody related to them. A dear friend of mine, Congressman Jack Fields, a long time ago pointed out when I was down that I should read Psalms 69:3-6. I will not repeat it; you can look it up. There's a lot

more work to do and God willing, I hope to help others, once I get my sobriety, to get their life back once I am ready. Thank you for the opportunity to address you today. God bless. Let's get to work.

#### ADDRESS BY REPRESENTATIVE S. THOMPSON

The chair recognized Representative S. Thompson who addressed the house, speaking as follows:

Last Friday, April 30, this body adopted **HR 748**, recognizing May 2021 as Mental Health Awareness Month. I'd like to thank the speaker and Mrs. Kim Phelan for recognizing how important it is to prioritize and designate mental health. I got to this point because of the insight of Mrs. Phelan, who helped me last session with the brain institute bill that we will pass this session as well. She has a deep insight of knowing that it's important for people to be able to get treatment for mental health. And it's important for us to do something to reduce the stigma of persons that may prevent them from seeking the help that they need. It shows you what pillow talk can do. I am so grateful that the pillow talk worked. But more importantly, I'm grateful because she happens to be a woman who is not only insightful but if you recognize or any of you read the Book of Proverbs from time to time, it always talks about seeking wisdom. She is more valuable than silver. She is more valuable than precious jewels. She is more valuable than gold. And you see what she has done? She has brought us to an opportunity here this day where this body can use insight and wisdom to institute May as the mental health month.

We know what research has already shown us, because it's suggested that mental illness is associated with multiple causes, including genetics, environmental factors, exposure to traumatic events, and biochemical processes. We already know that 1 in 5 adults experiences mental health problems in any given year and 1 in 17 adults lives with mental illness. In 2019, a staggering 50 million American adults experienced mental illness, and the pandemic has had a devastating impact on brain health. A study published by *The Lancet Psychiatry* journal found that 34 percent of COVID-19 survivors had been diagnosed with neurological or psychological illness within the last six months. Mental health problems can lead to more serious long-term conditions. Members, Mental Health Awareness Month is a time to learn to recognize early symptoms of mental illness. The "Okay to Say" mental health awareness campaign is based on one simple message: It's okay to talk openly about mental health. Like cancer or diabetes, mental health conditions are easier to treat when they are identified earlier. If you, your loved ones, or constituents need help, here's some resources you can direct them to: 211 or 211texas.org, National Suicide Prevention Lifeline and Veterans Crisis Lifeline—there's an 800 number, 1-800-273-8255—the National Alliance on Mental Illness local chapters, Texas Health and Human Services Commission, and local mental health authorities in your area. And remember, when you go home, there may be a little pillow talk for you.

**REMARKS ORDERED PRINTED**

Representative Rosenthal moved to print remarks by Representative Huberty.

The motion prevailed.

Representative Raymond moved to print remarks by Representative S. Thompson.

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

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

Anchia on motion of Bernal.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**PROVIDING FOR A LOCAL, CONSENT,  
AND RESOLUTIONS CALENDAR**

Representative Geren moved to set a local, consent, and resolutions calendar for 9 a.m. Saturday, May 8.

The motion prevailed.

**PROVIDING FOR A CONGRATULATORY  
AND MEMORIAL CALENDAR**

Representative Geren moved to set a congratulatory and memorial calendar for 9 a.m. Saturday, May 8.

The motion prevailed.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Cain moved to suspend the five-day posting rule to allow the Committee on Elections to consider **HB 1463** at 8 a.m. tomorrow in E2.028.

The motion prevailed.

Representative T. King moved to suspend the five-day posting rule to allow the Committee on Natural Resources to consider **SB 1117** and **HB 4663** at 8 a.m. tomorrow in JHR 120.

The motion prevailed.

**HB 3979 - RECOMMITTED**

Representative Dutton moved to recommit **HB 3979** to the Committee on Public Education.

The motion prevailed.

**HB 652 - VOTE RECONSIDERED**

Representative Buckley moved to reconsider the vote by which **HB 652** failed to pass by Record No. 615 on April 30.

The motion to reconsider prevailed.

**HB 652 ON THIRD READING**  
**(by Paul and Price)**

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

**HB 652**, A bill to be entitled An Act relating to notice of an animal's exposure or possible exposure in an animal shelter to certain infectious diseases.

**HB 652** was read third time on April 30 and failed to pass by Record No. 615.

**Amendment No. 1**

Representative Buckley offered the following amendment to **HB 652**:

Amend **HB 652** on third reading by striking added Section 823.004, Health and Safety Code (page 1, lines 7 through 19), and substituting the following:

Sec. 823.004. NOTICE OF CERTAIN COMMUNICABLE OR INFECTIOUS DISEASES. (a) The department, in consultation with the State Board of Veterinary Medical Examiners, shall develop and the department and board shall each post on the agency's Internet website a model electronic or written notice regarding an animal's possible exposure to a communicable or infectious disease while the animal is in an animal shelter. At a minimum the notice must:

(1) warn a person who adopts an animal from a shelter about the animal's possible exposure to common communicable or infectious diseases, the incubation period for those diseases, and the need to monitor the animal for two weeks; and

(2) encourage the person to have a veterinarian examine the adopted animal after adoption.

(b) An animal shelter may provide the notice developed under Subsection (a) to a person at the time the person adopts an animal from the shelter.

Amendment No. 1 was adopted.

**HB 652**, as amended, was passed by (Record 635): 123 Yeas, 20 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Cain; Campos; Capriglione; Cason; Clardy; Cole; Cortez; Craddick; Darby; Davis; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren;

Gervin-Hawkins; Goldman; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Hinojosa; Howard; Huberty; Hull; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shine; Slaton; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Canales; Collier; Cook; Crockett; Cyrier; Hefner; Herrero; Holland; Hunter; Krause; Kuempel; Middleton; Noble; Patterson; Reynolds; Schaefer; Shaheen; Sherman; Slawson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia.

Absent — Button; Coleman; Deshotel; González, J.; Morales Shaw.

#### STATEMENTS OF VOTE

When Record No. 635 was taken, my vote failed to register. I would have voted yes.

Button

When Record No. 635 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 635 was taken, I was temporarily out of the house chamber. I would have voted no.

J. González

When Record No. 635 was taken, I was in the house but away from my desk. I would have voted no.

Morales Shaw

#### GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

#### HB 1433 ON THIRD READING (by Capriglione and Oliverson)

**HB 1433**, A bill to be entitled An Act relating to the payment of insurance deductibles for property insurance claims.

**HB 1433** was passed by (Record 636): 76 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Button; Cain; Capriglione; Cason; Clardy; Cole; Cook; Craddick; Cyrier; Darby; Dean; Deshotel; Ellzey; Fierro; Frank; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; King, P.; Klick; Krause; Lambert; Landgraf; Leach; Leman; Longoria; Lozano; Meyer; Meza; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Wilson; Wu; Zwiener.

Nays — Allen; Bailes; Beckley; Bernal; Bucy; Burns; Burrows; Campos; Canales; Collier; Crockett; Davis; Dutton; Frullo; Gervin-Hawkins; González, M.; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Kuempel; Larson; Lopez; Lucio; Martinez; Martinez Fischer; Metcalf; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schaefer; Schofield; Shaheen; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia.

Absent — Coleman; Cortez; Dominguez; González, J.; Goodwin.

### STATEMENTS OF VOTE

When Record No. 636 was taken, I was shown voting yes. I intended to vote no.

Biedermann

When Record No. 636 was taken, I was temporarily out of the house chamber. I would have voted no.

J. González

### LEAVE OF ABSENCE GRANTED

Pursuant to a previous motion, the following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1**:

Capriglione on motion of Goldman.

(J. González now present)

### POSTPONED BUSINESS

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

#### **SB 13 ON SECOND READING**

**(P. King, Craddick, Price, K. King, and C. Bell - House Sponsors)**

**SB 13**, A bill to be entitled An Act relating to state contracts with and investments in certain companies that boycott energy companies.

**SB 13** was considered in lieu of **CSHB 2189**.

**SB 13** was read second time.

**Amendment No. 1**

Representative P. King offered the following amendment to **SB 13**:

Amend **SB 13** (house committee printing) as follows:

(1) On page 1, line 11, between "means" and "refusing", insert ", without an ordinary business purpose,".

(2) On page 1, line 13, strike ", solely or primarily,".

(3) On page 11, line 25, strike "Section 2274.003" and substitute "Subsection (c)".

(4) On page 12, strike lines 5-24 and substitute the following:

(c) Subsection (b) does not apply to:

(1) a governmental entity that determines the requirements of Subsection (b) are inconsistent with the governmental entity's constitutional, statutory, or fiduciary duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds; or

(2) a contract for which a governmental entity determines the requirements of Subsection (b) would effectively prevent the governmental entity from accessing the services provided under the contract.

Amendment No. 1 was adopted.

A record vote was requested by Representative Slaton.

**SB 13**, as amended, was passed to third reading by (Record 637): 92 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Canales; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Deshotel; Ellzey; Frank; Frullo; Gates; Geren; Goldman; Guerra; Guillen; Harless; Harris; Hefner; Herrero; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morales, E.; Morrison; Murphy; Murr; Neave; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Rogers; Romero; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Beckley; Bernal; Bowers; Bucy; Campos; Cole; Collier; Crockett; Davis; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales Shaw; Muñoz; Ordaz Perez; Ortega; Pacheco; Ramos; Reynolds; Rodriguez; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).



Absent, Excused — Anchia.

Absent, Excused, Committee Meeting — Capriglione.

Absent — Coleman; Cortez; Dominguez; Dutton.

### STATEMENT OF VOTE

When Record No. 637 was taken, I was shown voting no. I intended to vote yes.

Muñoz

### HB 4422 ON SECOND READING

(by T. King)

**HB 4422**, A bill to be entitled An Act relating to the authority to request attorney general advice on questions relating to actions in which the state is interested.

**HB 4422** was read second time on April 26 and was postponed until 10 a.m. today.

Representative T. King moved to postpone consideration of **HB 4422** until 10 a.m. Friday, May 7.

The motion prevailed.

### CSHB 2189 - LAID ON THE TABLE SUBJECT TO CALL

Representative P. King moved to lay **CSHB 2189** on the table subject to call.

The motion prevailed.

(Goldman in the chair)

### CSHB 20 ON SECOND READING

(by Murr, et al.)

**CSHB 20**, A bill to be entitled An Act relating to the release of defendants on bail.

**CSHB 20** was read second time on April 27 and was postponed until 10 a.m. today.

### CSHB 20 - REMARKS

REPRESENTATIVE MURR: **CSHB 20** is the result of hundreds of hours of work by many different stakeholders, staff, and members. It is the cumulation of a reform effort that many of us have worked on for half a decade. These reforms come to us as recommendations from the Texas Judicial Council and Governor Abbott has declared this issue to be an emergency item of great importance to his office. I have served as a judge and I have magistrated many people during my years of service. As an attorney, I also handle criminal court-appointed cases. So I have firsthand experience from both sides of the table on this topic.

Specifically, this legislation before you charts a path forward that will better protect victims, the public, and law enforcement; reduce the enormous financial burden to counties who house, feed, and support low-risk pretrial defendants who are presently unable to make bond; and minimize the adverse impacts of an extended pretrial detention for low-risk arrestees. I have always endeavored to be thoughtful, to hear and include all perspectives, and develop policy that is both smart and impactful. At every opportunity, I have met with advocacy groups, interested parties, and elected officials on this topic. What you have before us is a collaborative effort that I cannot take credit for. I can't proceed forward without acknowledging the hard work and commitment to legislative success of my friend and colleague Representative Kyle Kacal. This bill is called the Damon Allen Act because his constituent, DPS Trooper Damon Allen, was shot and killed during a traffic stop on Thanksgiving Day in 2017. The man that killed Trooper Allen had recently been arrested, satisfied his bond, and was out of jail. That man had a record of serious criminal offenses, including a prior assault on a peace officer. The magistrate that set bond did not know of this criminal history and would not have set a low bond had he been better informed. We believe that the murder of Trooper Allen would not have occurred if his killer had received a higher bond. Thank you, Representative Kacal, for caring so deeply about your constituents and their families. We both hope that we can make a difference in the future to help keep the public safe and best protect those who put their lives in harm's way for us every day.

Members, this bill accomplishes several important goals. It provides more information to magistrates so they can make better-informed decisions when setting bail. It preserves the magistrate's discretion to determine bail. It establishes limitations on personal bonds for specific violent offenses. It provides reforms and transparency measures in the bail setting process, including the requirement to use the least-restricted means in making a bail decision. And it expressly recognizes that factors that disproportionately affect persons who are members of racial and ethnic minority groups or who are socioeconomically disadvantaged may not be used. At the end of the day, our policy goal can be distilled down to a basic premise, that it is important to better assess defendants to ensure that those arrested for violent crimes and having violent criminal backgrounds don't easily make bond and end up right back in our communities while, on the other hand, low-risk and first-time defenders receive the least restrictive means of a bond that can get them back to their jobs, their families, and thereby reduce the financial burdens on our counties. Members, I have a few perfecting amendments, and I'm happy to answer any questions.

REPRESENTATIVE COLLIER: Chair Murr, I want to thank you so much for taking the time to work with me and meet with me about this bill and address some of the concerns that I had. You just mentioned one of them about the risk assessment tool and making sure that it's revalidated every so often so that way it doesn't have a disproportionate impact on people of color and ethnic groups. So thank you so much. I do appreciate that. I just want to make sure, does your bill have a presumption of detention?

MURR: First, I appreciate the fact that—and for this body, Chair Collier and I sat down and literally went line by line through the filed version to address concerns of all stakeholders. We have stakeholders from the left and the right that all want to have an opportunity to weigh in on that, so we did that. Before I get to your question there, we did make sure that when we talked about any mechanism for providing additional information to our magistrates, specifically written in the bill, it states it "does not consider factors that disproportionately affect persons who are members of racial or ethnic minority groups" and—you had emphasized this and so it's very important to the body—that "has been demonstrated to produce results that are unbiased with respect to the race or ethnicity of defendants and does not produce a disproportionate outcome." And I know that was very significant in our discussions, and that it's significant to you. So I appreciate the fact that you have put a lot of effort into bringing forth legislation for the body to consider.

COLLIER: Thank you. So does your bill have a presumption of detention?

MURR: It does not overtly have a presumption of detention. That is not the intent. And so I'll go back to the basic premise here. When we have folks in jail, they've been arrested. So we have some that you can identify as high-risk with a violent offense. And then you have others who they may be a first-time offender with no criminal history and it's a nonviolent offense. And in those scenarios, if we base it solely on a cash bail system, then it has to do with who can get out of jail and who can't afford not to. So we tend to punish those who can't pay versus what we think might be a better alternative, which is this legislation.

COLLIER: Okay, so when you say "overtly," meaning that's not the intent of the bill?

MURR: That is not the intent. No, ma'am.

COLLIER: So if there was a provision here that did have a presumption of detention?

MURR: No, ma'am. We used the term "least restrictive" means necessary. Remember, and to remind the body, the purpose of bail is to accomplish a couple of tasks, primarily to make sure that someone shows up for court when they receive notice in the future of a court date. So the first thing is to make sure they show up for court. Then the second, and it's also very important, is to protect the community, any victims, and law enforcement. And so the purpose of bail, whether it's personal bail or monetary bail, is to ensure those two things. So we want and encourage and the language expressly states we use the "least restrictive" means. And in my book, that could very easily be a personal bond or what we commonly call a PR bond.

COLLIER: Perfect, thank you so much. Now, will all counties be required to use the pretrial risk assessment tool? But I think you're going to change the name of it to the public safety reporting system.

MURR: Yes, I have an amendment to discuss that topic. Yes, the intention here is that all magistrates will be trained and they will have additional information in the form of this assessment tool before them. Now, discretion remains with the magistrate. They will have this information in front of them. If they choose to disregard it or deviate, that's fine. At the end of the day, they're sitting there in a chair making decisions, and we're not trying to do those decisions for them. But no, all counties would be required to participate.

COLLIER: So one of the reasons for that is to provide uniformity.

MURR: That is correct.

COLLIER: So that way if I'm an attorney practicing criminal defense law, whether I'm in Tarrant County or Harris County or Travis County, I know what the tool is for the State of Texas.

MURR: Correct. Uniformity helps serve all of us.

COLLIER: And who creates this pretrial risk assessment tool that you're going to call the public safety report? Who's going to create it?

MURR: Correct, so we have placed that responsibility on the Office of Court Administration to develop that and make it available at no charge to all jurisdictions in the state. In essence, it would be an online portal that would be accessible.

COLLIER: Now, will everyone be able to see this pretrial risk assessment tool or what you're going to call the public safety report system? Will it be available to the public to view?

MURR: Yes, there's actually a requirement here that OCA will make it transparent so that all persons, including attorneys, can understand what is being analyzed. That is correct. And they'll have it available on their website.

### **Amendment No. 1**

Representative Murr offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee report) as follows:

- (1) On page 1, line 7, strike "(a)".
- (2) On page 1, lines 9-11, strike "the person is accused of committing a [for] capital offense for which [offenses when] the proof is evident" and substitute "denial of bail is expressly permitted by the Texas Constitution [for capital offenses when the proof is evident]".
- (3) Strike page 1, line 14, through page 2, line 20.
- (4) On page 2, line 24, strike "PRETRIAL PUBLIC SAFETY ASSESSMENT" and substitute "PUBLIC SAFETY REPORT SYSTEM".
- (5) On page 2, line 26, strike "pretrial public safety assessment" and substitute "public safety report system".
- (6) On page 3, line 4, strike "risk".
- (7) On page 3, line 6, strike "risk" and substitute "likelihood".
- (8) On page 3, lines 17 and 18, strike "to whom the assessment is applied" and substitute "with respect to whom a public safety report is prepared".

(9) On page 3, lines 19 and 20, strike "pretrial public safety assessment" and substitute "public safety report system".

(10) On page 3, lines 23 and 24, strike "pretrial public safety assessment" and substitute "public safety report system".

(11) On page 3, line 26, strike "pretrial public safety assessment" and substitute "public safety report system".

(12) On page 4, lines 2 and 3, strike "pretrial public safety assessment" and substitute "public safety report system".

(13) On page 4, line 6, strike "pretrial public safety assessment" and substitute "public safety report system".

(14) On page 4, line 13, strike "pretrial public safety assessment" and substitute "public safety report system".

(15) On page 4, line 14, strike "relied on by the assessment" and substitute "used for preparing a public safety report".

(16) On page 4, line 15, strike "PRETRIAL PUBLIC SAFETY ASSESSMENT" and substitute "PUBLIC SAFETY REPORT".

(17) On page 4, lines 21-23, strike "pretrial public safety assessment developed under Article 17.021 to conduct a pretrial public safety assessment" and substitute "public safety report system developed under Article 17.021 to prepare a public safety report".

(18) On page 4, line 25, strike "results of the assessment conducted" and substitute "public safety report prepared".

(19) On page 5, line 3, strike "conduct a pretrial public safety assessment" and substitute "prepare a public safety report".

(20) On page 5, lines 5 and 6, strike "conduct a pretrial public safety assessment using the validated pretrial public safety assessment" and substitute "prepare a public safety report using the validated public safety report system".

(21) On page 5, lines 8 and 9, strike "results of the pretrial public safety assessment" and substitute "public safety report".

(22) On page 8, line 2, strike "results of the pretrial public safety assessment conducted" and substitute "public safety report prepared".

(23) On page 8, line 27, through page 9, line 1, strike "results of the defendant's pretrial public safety assessment" and substitute "defendant's public safety report".

(24) On page 9, lines 4 and 5, strike "pretrial public safety assessment has been conducted" and substitute "public safety report has been prepared".

(25) On page 12, lines 3-5, strike "The results of any pretrial public safety assessment conducted using the validated pretrial public safety assessment" and substitute "Any public safety report prepared using the validated public safety report system".

(26) On page 13, lines 26 and 27, strike "pretrial public safety assessment" and substitute "public safety report system".

(27) Strike page 14, line 18, through page 15, line 5, and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b) of this section, this Act takes effect December 1, 2021.

(b) Articles 17.021 and 17.024, Code of Criminal Procedure, as added by this Act, and Sections 7 and 8 of this Act take effect September 1, 2021.

MURR: Members, this amendment conforms the bill to remove any references to any legislation that amends the Texas Constitution to deny bail. And I will note that currently, in Section 11(a) of Article I of the Texas Constitution, there is a denial of bail that does exist. It also changes references of a pretrial public safety assessment throughout the bill to a public safety report system. And it changes the reference of "risk" on page 3 to the term "likelihood."

COLLIER: I just want to clarify some things. You struck on page 2, lines 17-20 of your bill, which dealt with a "judge or magistrate who denies bail under Subsection (c) or (d)" because you got rid of that "must prepare a written order." Would you take an amendment that says—or does your bill change the requirement to have some type of appeal hearing or motion to consider hearing on the denial of bail?

MURR: The purpose in changing pages 1 and 2 to omit any discussions of denial of bail—I guess the section in lines 17-20 is what you refer. I think you view that as a progression in state law, but the current terminology here was if there is an HJR companion, we're not tethering the bill in any way, shape, or form to the passage of that companion. The other idea that you have there is currently, the Texas Constitution provides a very narrow window for either a violent offense, which is defined by the Constitution, or a sexual offense, which is also expressly defined by the Constitution, for denial of bail. We find, if you talk to most courts, that those are rarely used. And in fact, most magistrates just go ahead and they'll set a very high monetary bail instead of going that route because there's a timeline involved for having a series of hearings under that Article I, Section 11(a), of the Constitution. I know that you are interested in making sure that if there was any expansion in the denial of bail under state law, you wanted to see a written order of findings of fact and conclusions of law, and I understand that. But in removing that reference there, then that would make that kind of an odd man out, of sorts, because nowhere else do we refer to a denial of bail.

COLLIER: Does the law currently provide an opportunity for a hearing if you have a denial of bail?

MURR: Yes, it is set forth in Article I, Section 11(a), of the Constitution, and there is a timeline that has to be employed for that hearing. And I do believe that, often, prosecutors scramble in order to satisfy that timeline so that both counsel for the state and the defendant are ready. So it's one reason why it's probably very uncommon to see.

COLLIER: So your bill does not change the timeline?

MURR: It does not in any way. No, ma'am.

COLLIER: And it does not remove the opportunity to have a hearing for the denial of bail?

MURR: That is correct.

COLLIER: Okay, so then there's no need for us to keep that language on page 2, lines 17-20.

MURR: I would reach the same conclusion. Yes, ma'am.

### REMARKS ORDERED PRINTED

Representative Collier moved to print all remarks on **CSHB 20**.

The motion prevailed.

### Amendment No. 2

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

Amend the Murr Amendment to **CSHB 20** as follows:

(1) On page 2, line 11, between "report" and the quotation mark, insert ", or another public safety report approved by the Office of Court Administration of the Texas Judicial System,".

(2) On page 2, line 18, between "report" and "using", insert "before or while making a bail decision".

REPRESENTATIVE MOODY: These components were originally part of a different amendment, but Mr. Murr outsmarted me and so I had to actually append them onto his amendment. Number (1) here allows a jurisdiction, if they already have a public safety report that they're utilizing currently and that report is approved by OCA, then it can be lifted into the future system under the same guidelines that are in the bill. So nothing changes in terms of what the public safety report has to have in it, but it allows those jurisdictions to put those forward to be approved. The other one is just making sure that it's clear that a magistrate can do the public safety report while they're making the bail decision.

COLLIER: Speaker Pro Tempore Moody, thank you so much for this amendment. I just want to see on page 2, line 18, between "report" and "using," does that—I'm not sure if I see that, page 2, line 18, between "report" and "using." Are you talking about when the bill moves up after he removed—because he removed lines 17-20?

MOODY: Yes, this amendment is geared off of his amendment.

COLLIER: Oh, off of his amendment.

MOODY: Yes, so you have to read them as they're together.

COLLIER: Okay, so then you're just saying "before or while making a bail decision"?

MOODY: Correct, because it was unclear that they could do it simultaneously. And under the original bill—well, this could have been done a different way, but when his amendment came forward, it needed to be essentially moved to amend his amendment to make it flow with the original language of the bill.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

**Amendment No. 3**

Representative Murr offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee printing) as follows:

- (1) On page 6, line 7, after "duties", insert ", including duties".
- (2) Strike page 6, lines 10-15, and substitute the following:
  - (1) a 16-hour initial training course; and
  - (2) a four-hour continuing education course.
- (3) On page 6, strike lines 22-23.
- (4) On page 6, line 24, strike "(A)" and substitute "(1)".
- (5) On page 6, line 27, strike "(B)" and substitute "(2) the magistrate".
- (6) On page 7, line 1, strike "(a)(3)" and substitute "(a)(2)".
- (7) On page 7, line 3, strike "(C)" and substitute "(3) the magistrate".
- (8) On page 7, line 4, strike "; or" and substitute ":".
- (9) Strike page 7, lines 5-14.
- (10) On page 7, line 17, strike "(c)(1)(A) or (c)(2)(A)" and substitute "(c)(1)".
- (11) On page 7, line 18, strike "applicable".

MURR: Members, this amendment speaks to our magistrate training. Justices of the peace perform a majority of all magistrations for the State of Texas, and they've actually urged that all JPs, regardless of their background, receive the same amount of training. So therefore, this amendment removes the bifurcation of training levels that we had between attorneys and non-attorneys, providing that all magistrates receive an initial 16 hours of training and a four-hour continuing education course.

COLLIER: So all magistrates, regardless of whether they're licensed attorneys or not, will be required to have this training. When do they get the continuing education, the four hours? I appreciate that because if they're going to have to validate the public safety report system, you want them to have additional training. So do they do continuing education every year or is it every other year?

MURR: It would be every other year. So it would be on a two-year cycle for the four-hour training. And just to point out, all of our magistrates across the state, whether they are justices of the peace, constitutional county judges, county court at law judges, or district judges, they all receive continuing education. So more likely than not, the way the bill is designed, this would be incorporated into the training that they currently receive.

COLLIER: And it makes a lot of sense because if you're going to revalidate the public safety report system, this would be in line with that validation.

MURR: That is correct because without keeping them trained, then our process and our policy goals here, which are to have informed magistrates that fully understand the law and its implementation, we could fail. And we don't want that to happen. So I think that this is a very practical result. We have dialogued with all different magistrates that come from every person's district in this room. They support this.

Amendment No. 3 was adopted.



**Amendment No. 4**

Representative Murr offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee printing) as follows:

(1) On page 6, line 6, after "shall", insert ", in consultation with the court of criminal appeals.".

(2) On page 14, line 8, strike "required under" and substitute "as described by".

MURR: This amendment simply requires the Office of Court Administration to consult with the court of criminal appeals in developing and approving magistrate training courses. It's acceptable to the author.

Amendment No. 4 was adopted.

**Amendment No. 5**

Representative Murr offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee report) as follows:

(1) On page 7, line 26, strike "the".

(2) Strike page 7, line 27, through page 8, line 7, and substitute the following:

a magistrate shall order, after individualized consideration of all circumstances and of the factors required by Article 17.15, that the defendant be:

(1) granted personal bond with or without conditions;

(2) granted monetary bond with or without conditions; or

(3) On page 8, line 21, between "purposes of" and "rebutting", insert "setting bail or".

(4) Strike page 8, line 27, and page 9, line 1, and substitute the following:  
for a defendant without considering the factors in Article 17.15.

MURR: Members, this amendment makes changes to pages 7 and 8 of **CSHB 20** to clarify that bail decisions occur within the existing statutory time period by considering the individualized consideration of factors required by Article 17.15 and changes reference of "released" on bail to "granted" bail. It further clarifies that a court is not required to hold an evidentiary hearing for either the setting of bail or rebutting the presumption that bail is sufficient. It is acceptable to the author.

COLLIER: Okay, so we talked about not requiring an evidentiary hearing before. You and I have talked about that, but this does not usurp any type of right a defendant may have to appeal or ask for a reduction in bail?

MURR: That is correct. All the current mechanisms that are in place for someone to contest the right of bail, whether it be a writ of habeas corpus or a motion for bond reduction, that continues in current law. The only thing we didn't want is to create an unintended consequence here where a new evidentiary hearing—so that's a full-blown hearing—is created. We already know that our courts are backlogged and that we are anywhere from three to five years behind in both criminal and civil cases around the state. And so it is not the intent to create full-blown evidentiary hearings for tens of thousands of bail decisions. However,

we do want an opportunity for someone who believes that their bail is not correct and they want to challenge the determination of bail. That mechanism still exists in the bill as well as in current law.

COLLIER: Is the decision from the magistrate in writing? Is it required to be in writing under current statute?

MURR: I'd have to go back and look at Article 17. I don't know that there is an express requirement that it be in writing, but I do believe that we commonly find it is in writing because that's the only way for it to be communicated amongst different offices. So I have never experienced any scenario where it's not already in writing in some form.

COLLIER: Okay, because I just want to make sure that if they are going to appeal the denial or the amount, that they have a findings of fact and conclusions of law to appeal from. I believe that needs to be in writing. You're saying that the existing statute pretty much covers that.

MURR: I don't believe that it fully covers what you're talking about expressly stated. But what I'm saying is in practical input, whether someone is at the jail or the magistrate's office, whether it be the clerk's office or the JP's office, you're going to find a documentation in writing because it's usually done in conjunction with the magistrate form that is done. Whether that is by video conference or that's done in person, which I would say a majority of our counties all do it in person, there's a form. There's checkboxes and they go through the nine to 10 and then actually ask the defendant to sign there. And on that form, which was created by TIDC, our indigent defense commission, as a sample form, at the top, it actually has a box for you to determine if it's a personal bond, a surety bond, and then what amount would the surety be.

COLLIER: So when you are talking about the public safety report system, how much weight is the judge or the magistrate to give to that report system?

MURR: That is to be considered as part of the elements in Article 17.15, but remember, we preserve the magistrate's discretion. So at the end of the day, they can put as much or as little weight as they choose.

COLLIER: That's why I was getting to the point about the findings of fact and conclusions of law for this, because if they rely heavily on this public safety report—or I guess you're going to have a form that OCA is going to create that will specify whether they relied on the public safety report system?

MURR: That's not the amendment that we have before us.

COLLIER: Okay, wait a minute. This amendment says about a bail decision, right?

MURR: Yes, ma'am, but the intent for this is just to document that we are not creating a full-blown evidentiary hearing. That's the goal.

COLLIER: But the question gets to that part about the hearing. You're saying that you don't want a full-blown evidentiary hearing, but if they deny bail, based on your bill and this amendment, will there be anything in writing that states what the decision was based on?

MURR: Well, now, if you're talking about denial of bail, we've eliminated all portions of the bill that reference a denial of bail. So the only denial of bail that would currently exist would be Section 11(a) of Article I of the State Constitution.

COLLIER: Well, I was trying to talk about page 7, line 25? Where you just made some changes to it?

MURR: Page 7, line 27, is where we make our changes.

COLLIER: Yes, so it's dealing with a bail decision. So I just wanted to know if you were going to have anything in writing, but earlier you said there is already mechanism in place under Section 11 that deals with the denial of bail. But what about those who get a personal bond, with or without conditions, or a monetary bond, with or without conditions? Is there a mechanism in place that already provides for a hearing for those?

MURR: Yes, they could either do it through a writ of habeas corpus if there's not a filed case, and if there is a filed case, they can file a motion for bond reduction. In either matter, they can request a hearing.

COLLIER: And so your amendment says that they can use the public safety report to help come to that decision of what the magistrate does.

MURR: That information would always be in front of the judge, yes. Both sides, both the defense and the state, can use the results of that report in the discussion of whether or not the amount of bail, if it's a cash bail or a surety bail, is too high or too low.

COLLIER: But that report is also used for what your amendment does about granting personal bond, with or without conditions, or granted monetary bond. So that public safety report system is also used in helping with that?

MURR: That is correct, yes. And one thing we overlook here is the fact that the report itself, when it comes back with information that's easily and concisely put together so that the magistrate can review it quickly, it's going to give us a determination. I like to distill it down to a red, green, or yellow, and if it comes back green, that is a presumption that this person is low-risk and is not going to cause any problems, and so perhaps a personal bond, with or without conditions, is appropriate. And so in those scenarios I don't think you're ever going to see a defendant contest that.

COLLIER: Well, we don't have the public safety report system just yet, so what I'm getting at is do we need to add a provision that says the judge must or the magistrate must include findings of fact that incorporate the public safety report system?

MURR: So I guess what you're asking me is in every single circumstance in which a bail decision is made, so every arrest in the State of Texas, would it entertain a ruling of findings of fact and conclusions of law? Is that what you're contemplating?

COLLIER: You said right now that's not in the statute.

MURR: That's not expressly in the statute, no.

COLLIER: But it's a common practice?

MURR: What we have in front of us here is if the magistrate chooses to deviate from any recommendations or information that is provided by the report and use their discretion to go a different direction, we have asked them to document that deviation.

COLLIER: Okay, that's what I wanted to know. Okay, thank you.

REPRESENTATIVE DOMINGUEZ: Representative Murr, I just really want some clarification. On page 2, you have a provision that when a magistrate denies bail, they will prepare a written order that includes the findings of fact and statements by the court. Now, typically, a magistrate or a justice of court is not a court of record. Does your bill currently still allow for the creation of this order or has that completely been taken out?

MURR: The amendment that we're speaking about only amends pages 7 and 8 at this time.

DOMINGUEZ: Okay, I'll tell you what, I'll come back as soon as we get back to your bill.

MURR: Perhaps that's a question for closing.

DOMINGUEZ: Will do, thank you.

Amendment No. 5 was adopted.

### **Amendment No. 6**

Representative Murr offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee report) as follows:

(1) On page 13, between lines 14 and 15, insert the following:

(g) The Office of Court Administration of the Texas Judicial System shall promulgate a form for use by a magistrate in providing notice to the defendant under Subsection (e). The form must include the relevant statutory language from the provisions of this chapter under which a condition of release on bond may be imposed on a defendant.

(2) On page 14, line 5, between "8." and "As", insert "(a)".

(3) On page 14, line 7, between "shall" and "develop", insert the following:

(1) promulgate the form required by Article 17.50(g), Code of Criminal Procedure, as added by this Act; and

(2)

(4) On page 14, lines 9 and 10, strike "If those items" and substitute the following:

(b) If the items described by Subsection (a) of this section

MURR: Members, this amendment provides that the Office of Court Administration will promulgate a sample form that contains all the statutory bond conditions for possible use by magistrates. It is the intention here—if you review Article 17 of the Texas Code of Criminal Procedure, you'll see that over time this body has put in place some bond conditions depending on the offense involved, and I believe that this might assist our magistrates in being expeditious when they have conditions. I find it acceptable to the author.

Amendment No. 6 was adopted.

### Amendment No. 7

Representative Moody offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee printing) as follows:

(1) On page 4, line 26, strike "within 48 hours of" and substitute "as soon as practicable but not later than 48 hours after".

(2) On page 8, line 12, strike "and minimum amount of bail" and substitute ", if any, and minimum amount of bail, if any".

(3) On page 9, between lines 7 and 8, insert the following:

(f) In making a bail decision under this article, a magistrate may direct either of the following to monitor the defendant's compliance with a condition of bond set by the magistrate:

(1) the personal bond office established under Article 17.42 for the county in which the defendant is being detained; or

(2) the community supervision and corrections department established under Section 76.002, Government Code, for the county in which the defendant is being detained.

(4) Strike page 11, lines 6 through 13, and substitute the following:

Art. 17.15. RULES FOR SETTING ~~[FIXING]~~ AMOUNT OF BAIL. (a) The amount of bail and the associated conditions of bail to be required in any case ~~are~~ ~~[is]~~ to be regulated by the court, judge, magistrate, or officer taking the bail in accordance with Articles 17.20, 17.21, and 17.22 and ~~[they]~~ are ~~[to be]~~ governed ~~[in the exercise of this discretion]~~ by the Constitution and ~~[by]~~ the following rules:

(1) ~~[+]~~ The amount of bail, if any, and associated conditions of bail, if any, shall be sufficient ~~[sufficiently high]~~ to give reasonable assurance that the undertaking will be complied with.

MOODY: I apologize for the strikethroughs on this. Mr. Murr has outsmarted me again and put most of this in his own amendments. A few of the provisions survive. New (1) is making sure that it's clear that you don't have to wait for 48 hours. We want this to happen "as soon as practicable but not later than 48 hours." This is clarifying language. That's (1). Number (2) is to actually read (2) and (4) together, making sure—the language in the bill now could be interpreted to read that you have to give conditions or money bail. And so the way this reads now is to clarify that either one of those in the way that they're brought into the matter can satisfy the conditions. So that's (2) and (4). And (3) is

making clear that your pretrial services, your probation department, can handle conditions—if you get conditions on cash bail, that those entities can handle the monitoring of those conditions, because some counties aren't set up to do it the other way. So let's make sure that they'll be able to absorb this system going forward. And this is acceptable to the author.

MURR: Speaker Moody, just real quick, you educated me on the concept of a personal bond office and how they play an integral role in some counties that have them. All counties are allowed to have them but a lot of counties do and some don't.

MOODY: True.

MURR: But whenever they're monitoring the conditions of someone on bail, we all need to make sure that our policy is such that they have permission to play that role. And that's the goal of your amendment today.

MOODY: Yes, as it's struck through, that's (3). That's what (3) accomplishes.

MURR: And so that would continue to allow, for an example, El Paso County to play an important role in monitoring those bond conditions for folks that have bonded out of jail.

MOODY: Yes. Specifically, I would say this certainly addresses the issue out in El Paso but I know our county wouldn't be the only one that would need this language.

MURR: Thank you for this language.

Amendment No. 7 was adopted.

### **Amendment No. 8**

Representative Canales offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee printing) on page 9, between lines 1 and 2, by inserting the following appropriately lettered subsections and renumbering subsequent subsections and updating cross-references accordingly:

( ) A defendant who is denied bail or who is unable to give bail in the amount required by any bail schedule or standing order related to bail shall be provided with the warnings described by Article 15.17.

( ) A defendant who is unable to give bail in an amount required by any bail schedule or standing order related to bail may file with the applicable magistrate a sworn affidavit declaring the maximum amount that the defendant would be able to pay or provide as security within 24 hours of arrest for purposes of obtaining a bail bond. The affidavit must set out sufficient facts to clearly establish that amount, given the totality of the defendant's circumstances.

( ) A defendant who files an affidavit under Subsection ( ) is entitled to a hearing before the magistrate on the bail amount. At the hearing or a review, the magistrate shall consider the facts stated in the affidavit and the rules established by Article 17.15 and set the defendant's bail. The magistrate may

deviate from any bail schedule or standing order related to bail in setting a defendant's bail under this subsection. The magistrate shall issue oral or written findings of fact supporting the decision.

REPRESENTATIVE CANALES: Members, this just helps protect indigent people. It's acceptable to the author.

Amendment No. 8 was adopted.

#### **Amendment No. 9**

Representative A. Johnson offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee printing) by striking page 11, line 1, and substituting the following:

Prostitution), if the defendant is not alleged to have engaged in conduct constituting an offense under Section 43.02(a);

REPRESENTATIVE A. JOHNSON: This is a clarifying amendment that the author is finding acceptable. Section 43.04, Aggravated Promotion of Prostitution, can be filed against both the exploited and the exploiter. This amendment just clarifies that the victim exploited is being removed from the restriction.

Amendment No. 9 was adopted.

#### **Amendment No. 10**

Representative Wu offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee printing) as follows:

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

SECTION \_\_\_\_\_. (a) Article 17.02, Code of Criminal Procedure, is amended to read as follows:

Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a written undertaking entered into by the defendant and the defendant's sureties for the appearance of the principal therein before a court or magistrate to answer a criminal accusation; provided, however, that the defendant on execution of the bail bond may deposit with the custodian of funds of the court in which the prosecution is pending current money of the United States in the amount of the bond in lieu of having sureties signing the same. Any cash funds deposited under this article shall be receipted for by the officer receiving the funds and, on order of the court, be refunded in the amount shown on the face of the receipt less the administrative fee authorized by Section 117.055, Local Government Code, if applicable, after the defendant complies with the conditions of the defendant's bond, to:

(1) any person in the name of whom a receipt was issued, including the defendant if a receipt was issued to the defendant; or

(2) the defendant, if no other person is able to produce a receipt for the funds.

(b) Section 117.055, Local Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsection (a-1), to ~~the~~ compensate the county for the accounting and administrative expenses incurred in handling the registry funds that have not earned interest, including funds in a special or separate account, the clerk shall, at the time of withdrawal, deduct from the amount of the withdrawal a fee in an amount equal to five percent of the withdrawal but that may not exceed \$50. Withdrawal of funds generated from a case arising under the Family Code is exempt from the fee deduction provided by this section.

(a-1) A clerk may not deduct a fee under Subsection (a) from a withdrawal of funds generated by the collection of a cash bond or cash bail bond if in the case for which the bond was taken:

- (1) the defendant was found not guilty after a trial or appeal; or
- (2) the complaint, information, or indictment was dismissed without a plea of guilty or nolo contendere being entered.

(a-2) On the request of a person to whom withdrawn funds generated by the collection of a cash bond or cash bail bond were disbursed, the clerk shall refund to the person the amount of the fee deducted under Subsection (a) if:

- (1) subsequent to the deduction, a court makes or enters an order or ruling in the case for which the bond was taken; and
- (2) had the court made or entered the order or ruling before the withdrawal of funds occurred, the deduction under Subsection (a) would have been prohibited under Subsection (a-1).

(c) Section 117.055, Local Government Code, as amended by this section, applies only to a withdrawal of funds from a court registry under Section 117.055, Local Government Code, made on or after September 1, 2021. A withdrawal of funds from a court registry made before September 1, 2021, is governed by the law in effect on the date the withdrawal was made, and the former law is continued in effect for that purpose.

(d) This section takes effect September 1, 2021.

(2) On page 12, line 11, strike "and 17.51" and substitute ", 17.51, and 17.52".

(3) On page 13, between lines 22 and 23, insert the following:

Art. 17.52. PROCEDURES AND FORMS FOR RELATED TO CASH BAIL BOND. The Office of Court Administration of the Texas Judicial System shall develop statewide procedures and prescribe forms to be used by a court to facilitate:

(1) the refund of a cash bail bond, with an emphasis on refunding the bail bond to the person in whose name the receipt described by Article 17.02 was issued; and

(2) the application of a cash bail bond paid by a person other than a defendant to the defendant's outstanding court costs and fees.

(4) On page 14, line 9, after the period, insert "and develop the procedures and prescribe the forms required by Article 17.52, Code of Criminal Procedure, as added by this Act".

REPRESENTATIVE WU: Members, this is a very simple amendment. When you put in a cash bond, even if you're found not guilty or your case is outright dismissed, the clerks still take a chunk of your cash bond for fees. This



amendment would basically just say, hey, if you're found not guilty or if your case is outright dismissed, you get the entirety of your money back without the clerks taking a chunk of it. It only seems right that you're not punished for being not guilty. And also, it creates a little provision for the OCA to allow people to get their bonds returned faster and then also be able to apply it to their court costs and fees. It is acceptable to the author.

Amendment No. 10 was adopted.

MURR: I appreciate your time this afternoon in talking about some substantive policy for the State of Texas. At the end of the day, our goal is to strike a balance in which we recognize that 83 percent of the people that are in county jail right now are there for pretrial. Before their court date, before their trial date, they're stuck in our county jails. Eighty-three percent of everybody in your county jails across the State of Texas are waiting to go to trial. The reason why they're in there is they can't make bond. In 1994, that number was 34 percent, which means in 1994, most of the people that were in county jail were there because that was part of their sentence after trial, not for their sentence before trial. The goal today is to strike a balance in which we provide credible information to our trained magistrates so that they can determine that those that are low-risk have a chance to get out, whereas those that are of a high-risk, with a violent offense or a violent criminal history, they don't easily pay and immediately walk on the street the next day and do something else that harms us.

COLLIER: Now that we're back on the full bill, I just forgot to ask you these questions about the amendments that you had that now are part of the bill. On page 3, line 6, you changed "the risk of a defendant" to "the likelihood of a defendant," and I just want to get some clarification. Is that a higher burden or is that a lesser burden that the magistrate has to show?

MURR: That is not intended to change any burden. So there, the word "risk" sometimes carries a negative connotation, and I think the intended goal here is to make sure that there is no stigma associated with the word. And so "likelihood" is just a probability that's even one way or the other. It's not intended to besmirch the person that is going through the report's assessment. So I think, at the end of the day, to answer your question, no, there is not intended to be any change.

COLLIER: And then throughout the bill when you did your amendments about the public safety report system, you removed the words "results of." Can you explain why the results of the public safety reporting system—

MURR: I think that's simply an art of terminology. It's going to say "prepared" instead of "results of," and that would be a recommendation of the drafters.

COLLIER: But are they still to consider the results of the public safety report?

MURR: They are intended to consider the results of the public safety report, yes.

COLLIER: So even though you removed the words "results of," it's still the intent of this bill that the public safety report be considered as part of the individualized consideration on bail?

MURR: That is correct on an individualized consideration.

REPRESENTATIVE CROCKETT: Chairman Murr, I really don't know what this bill looks like after these amendments, so please clarify for me if I misstate something. What I'm curious about is you and I both know and agree that the State of Texas has failed to codify speedy trial. Is that correct?

MURR: I wouldn't disagree, but the right of a speedy trial does exist at the federal level and is often used to reflect that those rights exist for state court defendants as well.

CROCKETT: Currently, as the law stands and under this particular bill, someone could potentially be detained and there is no specific safety valve that would allow for them to say, "Hey, I need to get out of jail," say, if the state is not ready for trial. I believe that our current safety valve is 90 days on a felony. Is that correct?

MURR: That sounds correct. Yes, under Article 17 of the Texas Code of Criminal Procedure.

CROCKETT: So essentially, someone could sit in jail for three months, be denied bail, and the state still not be ready for trial, and there's no other way for them to get out. Is that correct?

MURR: If I'm not mistaken, the specific provision that you speak of in Article 17 also provides a mechanism in which the individual can petition the court for a reduction of bond or a change of monetary bond to personal bond.

CROCKETT: Let me ask you about that as well. In this particular bill, it's my understanding that PR bonds would not be allowed for certain offenses. Is that correct?

MURR: Well, currently under Texas law, we don't recognize PR bonds. So we all call that by—that's our street lingo of PR bond, which is personal recognizance bond. However, the law speaks to a personal bond, which typically is going to be a monetary amount that is pledged on paper but does not require the person to actually pay any money over, and it's rather a pledge to show up for court.

CROCKETT: I just want to clarify. In this particular bill, one of the provisions that's been added is that certain offenses will not actually be allowed to bond out under a personal bond. Is that correct? That was how I read the initial bill.

MURR: Yes, ma'am, that is correct. And if I may speak to that to answer your question fully, when we talk about the right of a personal bond, which is "I get to sign a piece of paper"—So in our discussions, both during committee and now on the floor, there are certain criminal offenses which we would all agree are very serious in which the person that is arrested for that offense is not entitled to a personal bond. And that just means a PR bond, as we call it. But they sign a piece of paper pledging an amount and they say, "Hey, sure, I'll show up in court when you tell me to." Instead, for these serious criminal offenses, we're asking them to go one step further and say you're not entitled to just sign a piece of paper for this offense. You're going to have to satisfy a cash or a surety bond with or without

conditions. And to answer your question, yes. But if you look at the list that we're talking about, it is very specific and in tune with what we might all agree to be serious criminal offenses.

CROCKETT: And I agree with you about the seriousness of the offenses that have been laid out. What concerns me about this bill and what has been a large argument is that we somehow lose sight of the Constitution. If a person is presumed innocent until proven guilty and then we say if you go into custody—and you're going into custody, say, on a murder charge, for instance—you won't necessarily qualify for a personal recognizance bond even if there is a magistrate who has reviewed everything and has made a determination that that is what makes best sense. We're taking their discretion away. But if someone is a millionaire and they can afford to pay cash or a surety to get out, they can get out, once again disproportionately affecting those that have continued to be victims of the criminal justice system, which are those that are poor. And sadly enough, a lot of times, black and brown people tend to be the victims of a flawed criminal justice system. And I don't see how taking that discretion away from judges is going to somehow fix this. Because no matter what you're accused of, so long as you have a lot of money, you'll be able to bail out. Is that correct?

MURR: So to answer your question, there is not a PR bond in the State of Texas. It's called a personal bond. Second, I don't think that you or I could ever find a magistrate in the State of Texas that will grant a personal bond for capital murder, for aggravated sexual assault, deadly assault on law enforcement or corrections officer, continuous sexual abuse of a child, or continuous trafficking of persons. I just don't think that that practically makes sense. And I don't think if we go back to our jurisdictions that you will find a magistrate right now setting a personal bond for any of those offenses.

CROCKETT: So if we don't believe that that is something that a magistrate would do, why would we even take that discretion away? The only reason I ask you this is because I've had a client let out on a PR bond, or personal bond, for murder. Just in Dallas, we had an officer that was accused of capital murder and he got released on a personal bond. There are circumstances, and I'm going to tell you that they are the exception and not the rule. I will agree with you. I just don't like the fact that we're taking discretion away, especially when we know that there are going to be people that will always have money, always be able to bail out. But if you're poor, that won't be an option even if a trained magistrate says, "Hey, under these circumstances, under what's going on, it makes best sense."

MURR: And I believe at the end of the day this is a policy discussion for this body to have as to whether a magistrate should have the discretion to simply allow someone charged with a capital murder or some of the other charges that I have listed to you to be able to sign a piece of paper and walk out of the jailhouse door the next day or if they're required to do something a little bit more to ensure that they show up for court whenever they receive notice and to protect the community, a victim, and law enforcement. So that's a public safety element. So I believe that that is what our body is here to do today.

CROCKETT: The other portion that I wanted to ask you about has to do with the assessment tool. It's my understanding—and once again, correct me if I'm wrong, because it seems like there were multiple amendments on the assessment tool—but part of the assessment tool is looking at a person's prior criminal convictions. Is that right?

MURR: That is correct.

CROCKETT: You'd agree with me, because it's my understanding that you have done indigent defense work, that sometimes people take pleas just to get out of custody, correct?

MURR: Unfortunately, that does occur.

CROCKETT: Is there anything that is built into this assessment tool that would help us to differentiate? Because sadly enough, once again, because people have not been able to afford bail, so many of them take hits on their records because that's the difference between losing their kids or losing their job. They will do anything to get out, including taking a plea on an offense that they didn't actually commit.

MURR: And so your question is, does the tool have something else in its place? I mean—I guess, please clarify.

CROCKETT: The issue that I have is that we're taking a tool and we are basing our future decisions on a system that we all agree has been flawed in the past. And I don't know if there is a way to fix that if we have this tool in place. So is there anything extra that would help so that those persons, say, you know—especially when I get a homeless client, they usually have long records where they've been convicted over and over and over and over and over with offenses because they get picked up routinely, and a lot of the times they end up entering pleas of guilty. Is there any type of safety valve?

MURR: So first, let's be real clear. The report that we have—so right now, a magistrate doesn't have to know anything more than the offense with which someone is charged. There's not a requirement that they have any background information at all. And in some jurisdictions, they're making a decision based solely on the person sitting in front of them and the charge—the documentation that's in front of them for that charge. That's it. So when we talk about accumulating this evidence and making it very promptly available to them, we're talking about the defendant's age, the current offense—which we understand is what they're making a consideration on now—is that current offense violent, are there other pending charges, and the criminal history to the extent the bill allows it. And working with Chair Collier, we've put some parameters on that so the lookback period is not substantial for all charges. That's it. And then we come back with an easy-to-read report in which the discretion of the magistrate is preserved. So they can choose to ignore it all they want.

CROCKETT: So I'm not familiar with the changes that you made, but you and I have both practiced in federal court and we know that they have a point system. And we know that there are certain offenses that they won't even look at, and the

majority of the time, they're misdemeanors. Unless they are a misdemeanor of a violent nature, they won't take those into consideration at all. Is that similar or akin to what you are talking about you worked with Chairwoman Collier on?

MURR: No, and I don't practice in federal court. I'm sorry if you thought that. It's too far away from where I live. But no, we are not looking at a point system as addressed in the federal courts. Instead, this would simply be when we look at a person's criminal history, it would only be for a 10-year lookback period for misdemeanors unless that involved a violent offense of some kind.

**CSHB 20**, as amended, was passed to engrossment.

**HB 1653 ON SECOND READING**  
**(by Craddick)**

**HB 1653**, A bill to be entitled An Act relating to disannexation of certain areas that do not receive full municipal services.

**HB 1653** was read second time on April 27 and was postponed until 10 a.m. today.

Representative Craddick moved to postpone consideration of **HB 1653** until 10 a.m. Wednesday, May 5.

The motion prevailed.

**CSHB 1418 ON SECOND READING**  
**(by Leach, Gervin-Hawkins, et al.)**

**CSHB 1418**, A bill to be entitled An Act relating to civil liability and responsibility for the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improvement to real property.

**CSHB 1418** was read second time on April 27 and was postponed until 10 a.m. today.

Representative Leach moved to postpone consideration of **CSHB 1418** until 10 a.m. Monday, May 10.

The motion prevailed.

**SB 1260 ON SECOND READING**  
**(Leman - House Sponsor)**

**SB 1260**, A bill to be entitled An Act relating to the authority of the Railroad Commission of Texas to contract for the treatment of and sell drill cuttings.

**SB 1260** was considered in lieu of **HB 3381**.

**SB 1260** was read second time and was passed to third reading.

**HB 3381 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Leman moved to lay **HB 3381** on the table subject to call.

The motion prevailed.

**CSHB 4492 ON SECOND READING****(by Paddie)**

**CSHB 4492**, A bill to be entitled An Act relating to securitizing costs associated with electric markets; granting authority to issue bonds.

**CSHB 4492** was read second time on April 26, postponed until April 28, and was again postponed until 10 a.m. today.

Representative Paddie moved to postpone consideration of **CSHB 4492** until 10 a.m. Wednesday, May 5.

The motion prevailed.

**CSHB 2000 ON SECOND READING****(by Huberty)**

**CSHB 2000**, A bill to be entitled An Act relating to the funding of utility reliability and resiliency projects by the Texas Water Development Board; authorizing the issuance of revenue bonds.

**CSHB 2000** was read second time on April 26, postponed until April 28, and was again postponed until 10 a.m. today.

**Amendment No. 1**

Representatives Huberty and Martinez Fischer offered the following amendment to **CSHB 2000**:

Amend **CSHB 2000** (house committee printing) as follows:

(1) On page 1, lines 8 and 12-13, strike "power generation resources" each place the phrase occurs and substitute "power generation companies".

(2) On page 1, strike lines 22 and 23 and substitute the following:  
including market rate, low-interest, and no-interest loans, longer repayment terms for loans, deferral of loan payments, interest rate rebates and

(3) On page 2, line 2, between "of this Act" and the period, insert ", as provided by Sections 49-d-15 and 49-d-16, Article III, Texas Constitution"

(4) On page 2, line 18, and page 3, line 11, strike "equipment or" each place the phrase occurs.

(5) On page 2, line 23, between "31.002" and the underlined period, insert ", except that the term includes an electric cooperative organized under Chapter 161 and a municipally owned utility".

(6) On page 3, lines 2 and 3, strike "and intangible property owned, operated, leased, licensed," and substitute "property owned, operated, leased,".

(7) On page 4, lines 9 and 10, strike "or other trustee selected by the board".

(8) On page 4, line 27, strike "and".

(9) Between page 4, line 27 and page 5, line 1, insert the following:

(6) repayments of loans made from the fund; and

(10) On page 5, line 1, strike "(6)" and substitute "(7)".

(11) On page 5, strike line 4 and substitute "board or the trust company may".

(12) On page 5, line 14, strike "a trustee" and substitute "the trust company".

(13) On page 5, line 18, strike "trustee" each place the term occurs and substitute "the trust company".

(14) On page 5, line 25, strike "The board or a trustee" and substitute "If the fund is managed by the trust company, the trust company".

(15) On page 5, line 27, and on page 6, lines 1, 2, and 3, strike "board or trustee" each place the phrase occurs and substitute "trust company".

(16) On page 6, strike line 5 and substitute the following:

(e) If the fund is managed by the trust company, the trust company

(17) On page 6, line 7, strike "trustee" and substitute "trust company".

(18) On page 6, strike lines 14 through 19 and substitute the following:

(f) The board or trust company shall adopt a written investment policy that is appropriate for the fund. If the fund is managed by the trust company:

(1) the trust company shall present the investment policy to the board and the investment advisory board established under Section 404.028, Government Code; and

(2) the board and investment advisory board shall submit to the trust company recommendations regarding the policy.

(19) On page 6, line 20, strike "a trustee" and substitute "the trust company".

(20) On page 6, lines 21 and 23, strike "trustee" each place the phrase occurs and substitute "trust company".

(21) On page 6, strike lines 25 and 26 and substitute the following:

(h) If the fund is managed by the trust company, the company shall disburse money from the fund as directed by the board. The board shall direct disbursements from the fund on a schedule specified by the board. If any applicable revenue bonds are outstanding, the board shall direct disbursements from the fund not more frequently than twice in any state fiscal year.

(22) On page 7, line 3, strike "a trustee" and substitute "the trust company".

(23) On page 7, line 27, strike "or".

(24) Between page 7, line 27, and page 8, line 1, insert the following:

(4) a power generation company project; or

(25) On page 8, line 1, strike "(4)" and substitute "(5)".

(26) On page 8, line 5, between "including a" and "loan," insert "market rate, low-interest, or no-interest".

(27) On page 8, strike lines 18 and 19 and substitute the following:

(g) The board may contract with and provide for the compensation of consultants and agents, including engineers, attorneys, management consultants, financial advisors, indexing agents, and other experts, as the business of the board under this chapter may require.

(h) The fund may not be used to subsidize or finance the construction of facilities that the board determines, in the board's sole discretion, will result in new electric generation capacity.

(28) On page 8, line 20, strike "(h)" and substitute "(i)".

(29) On page 9, strike lines 14 and 15 and substitute "existing power generation companies and electric utilities to improve the reliability of those companies and utilities to provide continuous and adequate electric service".

(30) On page 12, strike lines 14 through 17.

(31) On page 12, line 18, strike "(7)" and substitute "(6)".

(32) On page 12, line 22, strike "(8)" and substitute "(7)".

(33) On page 13, line 15, between "natural gas," and "or" insert "power generation,".

(34) On page 15, strike lines 9 through 11, and substitute "provide resources to the board that the board determines are necessary to carry out the board's duties and responsibilities under this chapter."

(35) On page 15, line 13, between "electric utility" and "and" insert ", power generation company,".

(36) On page 15, strike line 15 and substitute "electric utility, power generation company, and broadband provider projects after board financial".

(37) On page 15, line 18, between "gas utility" and "projects" insert "and power generation".

(38) On page 15, strike line 20 and substitute "and power generation company projects after board financial assistance.".

(39) On page 16, between lines 12 and 13, insert the following:

Sec. 202.013. METHODOLOGY AND STANDARDS FOR POWER GENERATION FACILITY WEATHERIZATION. (a) The Public Utility Commission of Texas shall develop a statistical methodology to determine the ambient conditions to which each power generation facility must be weatherized to comply with winter operations reliability standards.

(b) A methodology or standard developed under Subsection (a) may be used only to determine whether to provide financial assistance or support to a project to weatherize a power generation facility under this subtitle.

(40) On page 17, line 25, between "managed by" and "the" insert "the board,".

(41) On page 17, line 26, insert an underlined comma after "comptroller".

(42) On page 18, line 4, strike "comptroller or" and substitute "board, comptroller, or".

(43) On page 18, lines 11, 14, and 15, strike "infrastructure" each place the term occurs and substitute "facilities".

(44) On page 18, line 18, between "including a" and "loan," insert "market rate, low-interest, or no-interest".

(45) On page 18, line 21, strike "a" and insert "an interest".

(46) On page 19, line 4, strike "and".

(47) On page 19, between lines 4 and 5, insert the following:

(2) contract with and provide for the compensation of consultants and agents, including engineers, attorneys, management consultants, financial advisors, indexing agents, and other experts, as the business of the board may require; and

(48) On page 19, line 5, strike "(2)" and substitute "(3)".

(49) On page 19, line 10, strike "or".

(50) On page 19, strike line 14 and substitute the following:  
fund; or

(3) to transfer money to the fund as necessary.



(51) Strike SECTION 4 of the substitute (page 23, lines 18 through 24).

(52) On page 23, line 25, strike "SECTION 5." and substitute "SECTION 4."

(53) On page 24, line 11, strike "and".

(54) On page 24, between lines 11 and 12, insert the following:

(D) power generation companies; and

(55) On page 24, line 12, strike "(D)" and substitute "(E)".

(56) On page 24, line 25, strike "December 31, 2022" and substitute "March 1, 2023".

(57) On page 25, line 5, strike "September 1, 2022" and substitute "June 1, 2023".

(58) On page 25, line 10, strike "March 1, 2023" and insert "December 1, 2023".

(59) Strike SECTION 9 of the substitute (page 25, lines 16-23) and add the following appropriately numbered SECTION to the substitute:

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b) of this section:

(1) this Act takes effect on the date on which the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, creating the state utilities reliability fund and the state utilities reliability revenue fund to provide financial support for projects that enhance the reliability and resiliency of water, electric, and natural gas utilities, broadband providers, and power generation companies in this state takes effect; or

(2) if the amendment described by Subdivision (1) of this subsection is not approved by the voters, this Act has no effect.

(b) Regardless of whether the constitutional amendment described by Subsection (a) of this section is approved by the voters, SECTION 4 of this Act takes effect:

(1) 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; or

(2) September 1, 2021, if this Act does not receive the vote necessary for immediate effect.

(60) Renumber the SECTIONS of the substitute and cross-references to those SECTIONS appropriately.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Zwiener offered the following amendment to **CSHB 2000**:

Amend **CSHB 2000** (house committee printing) as follows:

(1) On page 1, line 14, strike "facilities and provide resilience" and substitute "facilities, provide resilience, and reduce demand".

(2) On page 7, line 15, strike "facilities," and substitute "facilities and reduce demand,".

(3) On page 7, line 27, strike "or".

(4) Between page 7, line 27 and page 8, line 1, insert the following:

(4) a water utility, electric utility, or natural gas utility project to reduce demand; or

(5) On page 8, line 1, strike "(4)" and substitute "(5)".

(6) On page 9, line 12, strike "and".

(7) On page 9, line 16, strike the underlined period and substitute "; and".

(8) On page 9, between lines 16 and 17, insert:

(4) improve local resiliency by reducing demand through energy efficiency measures, advanced metering infrastructure deployment, and demand response technology deployment.

(9) On page 18, line 14, strike "and".

(10) On page 18, between lines 14 and 15, insert the following:

(2) projects that reduce demand during period of high demand; and

(11) On page 18, line 15, strike "(2)" and substitute "(3)".

(12) On page 23, line 17, between "facilities" and the period insert "or reducing water demand through water conservation and water demand reduction efforts".

(13) On page 24, strike lines 14 through 16 and substitute the following:  
to provide adequate capacity during periods of high demand for electric utilities and natural gas utilities, including by reducing electric and natural gas demand;  
and

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative C. Turner offered the following amendment to **CSHB 2000**:

Amend **CSHB 2000** (house committee printing) as follows:

(1) On page 2, line 5, following the period, add the following:

The state utilities reliability fund and the state utilities reliability revenue fund are not intended to be used to pay for new, dispatchable sources of electricity to be built by private entities.

(2) On page 8, line 19, between "facilities" and the underscored period, insert "or other privately owned dispatchable sources of electricity or the weatherization of privately owned dispatchable sources of electricity constructed before September 1, 2022".

Amendment No. 3 was adopted.

### **Amendment No. 4**

Representative Reynolds offered the following amendment to **CSHB 2000**:

Amend **CSHB 2000** (house committee printing) as follows:

(1) On page 3, between lines 21 and 22, add the following Section (13) and renumber subsequent sections accordingly:

(13) "State Energy Conservation Office" means a unit of the Comptroller of Public Accounts.

(2) On page 15, line 8, between "commission," and "and", insert, "the State Energy Conservation Office".

(3) On page 24, line 4, between "Texas," and "and", insert "the State Energy Conservation Office".

Amendment No. 4 was adopted.

#### **Amendment No. 5**

Representative Rosenthal offered the following amendment to **CSHB 2000**:

Amend **CSHB 2000** (house committee printing) as follows:

(1) On page 8, between lines 21 and 22, insert the following:

(i) The board may not award a grant to a for-profit entity using money in the fund.

(2) On page 19, between lines 25 and 26, insert the following:

(g) The board may not award a grant to a for-profit entity using money in the revenue fund.

A record vote was requested by Representative Rosenthal.

Amendment No. 5 failed of adoption by (Record 638): 61 Yeas, 83 Nays, 2 Present, not voting.

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

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Ellzey; Frank; Frullo; Gates; Geren; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morales, E.; Morrison; Murphy; Murr; Noble; Oliverson; Ordaz Perez; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Anchia.

Absent, Excused, Committee Meeting — Capriglione.

Absent — Coleman; González, J.

#### **STATEMENT OF VOTE**

When Record No. 638 was taken, I was shown voting no. I intended to vote yes.

Biedermann

**Amendment No. 6**

Representative Morales Shaw offered the following amendment to **CSHB 2000**:

Amend **CSHB 2000** (house committee printing) on page 9 as follows:

- (1) On line 12, strike "and".
- (2) On line 16, strike the period and substitute "; and".
- (3) Between lines 16 and 17, insert the following:
  - (4) provide broadband service in low-income and rural communities.

**AMENDMENT NO. 6 - REMARKS**

REPRESENTATIVE ASHBY: As I understand it, your amendment will go a long way in helping many of the representatives on the floor here in terms of helping their constituents have access to funding for the broadband challenges that we face.

REPRESENTATIVE MORALES SHAW: Yes, that's true. That's the goal.

ASHBY: And in particular, the issue with adoption and subscription to our broadband, the funding can also be used for those services as well?

MORALES SHAW: Yes.

Amendment No. 6 was adopted.

**REMARKS ORDERED PRINTED**

Representative Raymond moved to print remarks between Representative Ashby and Representative Morales Shaw on Amendment No. 6 on **CSHB 2000**.

The motion prevailed.

**Amendment No. 7**

Representative C. Turner offered the following amendment to **CSHB 2000**:

Amend **CSHB 2000** (house committee printing) as follows:

- (1) On page 10, line 3, strike "seven".
- (2) On page 10, line 11, strike "and".
- (3) On page 10, line 20, strike the underlined period and substitute ";\u00b2".
- (4) On page 10, between lines 20 and 21, insert the following:
  - (4) the chief executive of the Office of Public Utility Counsel, or a person designated by the chief executive of the Office of Public Utility Counsel;
  - (5) the presiding officer of the commission, or a person designated by the presiding officer of the commission;
  - (6) the chair of the Texas Reliability Entity board of directors, or a person designated by a public vote of the Texas Reliability Entity; and
  - (7) an unaffiliated board member of the Electric Reliability Council of Texas, appointed in a public meeting of the Electric Reliability Council of Texas.
- (5) On page 11, strike lines 3 through 9 and substitute the following:
  - (e) The advisory committee shall hold public hearings, formal meetings, or work sessions in a location with audio and video capacity. The board shall broadcast over the Internet live video and audio of each public hearing, formal

meeting, or work session of the advisory committee and provide access to each broadcast on the board's Internet website. Either co-presiding officer of the advisory committee may call a public hearing, formal meeting, or work session of the advisory committee after issuing a public notice not later than the seventh day before the date of the public hearing, formal meeting, or work session. The public notice must include an agenda with formal actions included. The advisory committee may not take formal action at a public hearing, formal meeting, or work session unless a quorum of the committee is present. The board shall provide access on the board's Internet website to the public notices, recordings of the live broadcasts, and minutes of public hearings, formal meetings, and work sessions.

(6) On page 14, line 7, strike "and".

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

(2) providing for public access to information on financing assistance applications and providing for consideration of public comment before financing decisions are made; and

(8) On page 14, line 8, strike "(2)" and substitute "(3)".

Amendment No. 7 was adopted.

#### **Amendment No. 8**

Representative Reynolds offered the following amendment to **CSHB 2000**:

Amend **CSHB 2000** (house committee report) as follows:

On page 14, between lines 2 and 3, insert the following:

Sec. 202.0051. ENVIRONMENTAL RESILIENCY AND JUSTICE REVIEW BOARD. (a) The Environmental Resiliency and Justice Review Board is established. The review board is composed of the following members appointed by the advisory committee:

(1) five members from grassroots or faith-based community organizations; and

(2) 10 members from public health, environmental, and civil rights organizations, academia, large and small businesses, local government officials, and organized labor.

(b) The review board shall meet at least four times each year and select a presiding officer from its membership.

(c) The review board shall advise the advisory committee at a public hearing about issues related to environmental resiliency and justice as they relate to the uses of the fund authorized under Section 202.003 and any funding plans developed under Section 202.010.

(d) Not later than April 1, 2022, the advisory committee shall appoint the members of the Environmental Resiliency and Justice Review Board.

(Speaker in the chair)

A record vote was requested by Representative C. Turner.

Amendment No. 8 failed of adoption by (Record 639): 62 Yeas, 81 Nays, 1 Present, not voting.

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

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morales, E.; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia.

Absent, Excused, Committee Meeting — Capriglione.

Absent — Coleman; Ellzey; Ordaz Perez; Pacheco.

### STATEMENT OF VOTE

When Record No. 639 was taken, I was in the house but away from my desk. I would have voted no.

Ellzey

### Amendment No. 9

Representative Beckley offered the following amendment to **CSHB 2000**:

Amend **CSHB 2000** (house committee printing) as follows:

(1) On page 15, line 25, strike "may, at any time," and substitute "shall".

(2) On page 16, between lines 1 and 2, insert the following:

(a-1) The study must include:

(1) an analysis of expected changes in and adverse effects on the services provided by the industries affected by this chapter from projected changes in weather, water availability, and climate variability; and

(2) a description of potential means and strategies for meeting affected industries' needs and managing the risks associated with projected changes in weather, water availability, and climate.

(a-2) The board shall consult with the office of the state climatologist and any other appropriate entity to gather information to conduct the study under this section.

Amendment No. 9 was withdrawn.

**Amendment No. 10**

Representative T. King offered the following amendment to **CSHB 2000**:

Amend **CSHB 2000** (house committee printing) on page 23, line 17, between "facilities" and "." by inserting "or reducing water demand through water conservation and water demand reduction efforts"

Amendment No. 10 was withdrawn.

**Amendment No. 11**

Representative Reynolds offered the following amendment to **CSHB 2000**:

Amend **CSHB 2000** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 447, Government Code, is amended by adding Section 447.014 to read as follows:

Sec. 447.014. ENERGY EFFICIENCY, NATURAL GAS CONSERVATION, AND WATER CONSERVATION LOAN PROGRAM. (a) Using money available from the state utilities reliability fund established under Chapter 202, Utilities Code, the comptroller and the State Energy Conservation Office jointly by rule shall establish and administer a program that issues or guarantees loans to be used for improvements that increase the energy efficiency of and promote conservation of natural gas and water by residences and businesses that are not newly constructed.

(b) The rules adopted under this section must establish eligibility requirements for receipt of a loan issued or guaranteed under the program, including emissions reduction cost-effectiveness criteria.

(c) The State Energy Conservation Office annually shall submit to the Public Utility Commission of Texas and the Energy Systems Laboratory of the Texas A&M Engineering Experiment Station a report that:

(1) evaluates the effectiveness of the program; and

(2) quantifies energy savings and emissions reductions that result from the program for consideration in the state implementation plan, as described by Section 382.0173, Health and Safety Code, for emissions reduction credits.

Amendment No. 11 was adopted.

A record vote was requested by Representative Slaton.

**CSHB 2000**, as amended, was passed to engrossment by (Record 640): 126 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; 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; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Smithee; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Cain; Cason; Krause; Middleton; Noble; Patterson; Schaefer; Shaheen; Slaton; Slawson; Smith; Spiller; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia.

Absent, Excused, Committee Meeting — Capriglione.

Absent — Beckley; Coleman; Pacheco.

#### STATEMENTS OF VOTE

When Record No. 640 was taken, I was in the house but away from my desk. I would have voted yes.

Beckley

When Record No. 640 was taken, I was shown voting no. I intended to vote yes.

C. Bell

When Record No. 640 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 640 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 640 was taken, I was shown voting yes. I intended to vote no.

Swanson

#### FIVE-DAY POSTING RULE SUSPENDED

Representative Bonnen moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider **SB 321** at 7:30 a.m. tomorrow in E1.030.

The motion prevailed.



Representative Paddie moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **SB 23** and **SB 507** at 8 a.m. Thursday, May 6 in E1.004.

The motion prevailed.

**CSHJR 2 ON SECOND READING**  
**(by Huberty)**

**CSHJR 2**, A joint resolution proposing a constitutional amendment creating the State Utilities Reliability Fund and the State Utilities Reliability Revenue Fund to provide financial support for projects that enhance the reliability and resiliency of water, electric, and natural gas utilities, broadband providers, and power generation resources in this state.

**CSHJR 2** was read second time on April 26, postponed until April 28, and was again postponed until 10 a.m. today.

**Amendment No. 1**

Representative Huberty offered the following amendment to **CSHJR 2**:

Amend **CSHJR 2** (house committee printing) as follows:

- (1) On page 1, line 18, strike "resources" and substitute "companies".
- (2) On page 2, strike lines 3 and 4, and substitute "use the State Utilities Reliability Fund to provide financial assistance, including by direct loan or grant, for projects that enhance the reliability of water,".
- (3) On page 2, line 6, strike "resources" and substitute "companies".
- (4) On page 2, strike lines 8 through 19, and substitute the following:
  - (c) In accordance with general law, the Texas Water Development Board or that board's successor in function may, at that entity's discretion, transfer money from the State Utilities Reliability Fund to other programs and funds of the board or that board's successor in function, including the State Utilities Reliability Revenue Fund.
- (5) On page 4, line 9, strike "resources" and substitute "companies".
- (6) On page 4, line 20, between "loans" and the underlined comma, insert "or grants".
- (7) Strike page 4, line 23, through page 5, line 8, and substitute the following:
  - (c) In accordance with general law, the Texas Water Development Board or that board's successor in function may, at that entity's discretion, transfer money from the State Utilities Reliability Revenue Fund to the State Utilities Reliability Fund.
- (8) On page 5, line 13, strike "any source" and substitute "the State Utilities Reliability Fund or any other source".
- (9) On page 5, line 24, strike "bonds, including".
- (10) On page 7, line 24, strike "resources" and substitute "companies".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Zwiener, Hinojosa, and Reynolds offered the following amendment to **CSHJR 2**:

Amend **CSHJR 2** (house committee printing) as follows:

(1) On page 1, line 19, between "facilities" and the underlined period, insert "and reduce demand".

(2) On page 2, line 7, strike "entities" and substitute "entities, and projects that reduce demand".

(3) On page 4, line 10, between "facilities" and "in", insert "and reduce demand".

Amendment No. 2 was adopted.

**CSHJR 2**, as amended, was adopted by (Record 641): 125 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; 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; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Smithee; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Cain; Fierro; Hefner; Johnson, A.; Krause; Leach; Middleton; Patterson; Ramos; Schaefer; Shaheen; Slaton; Slawson; Smith; Spiller; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia.

Absent, Excused, Committee Meeting — Capriglione.

Absent — Coleman.

**STATEMENTS OF VOTE**

When Record No. 641 was taken, I was shown voting no. I intended to vote yes.

C. Bell

When Record No. 641 was taken, I was shown voting yes. I intended to vote no.

Cason

When Record No. 641 was taken, I was shown voting no. I intended to vote yes.

Fierro

When Record No. 641 was taken, I was shown voting no. I intended to vote yes.

A. Johnson

When Record No. 641 was taken, I was shown voting yes. I intended to vote no.

Swanson

**SB 1809 ON SECOND READING**  
**(Vo - House Sponsor)**

**SB 1809**, A bill to be entitled An Act relating to the enforcement of insurance laws, including laws governing the unauthorized business of insurance; authorizing administrative penalties.

**SB 1809** was considered in lieu of **HB 4313**.

**SB 1809** was read second time and was passed to third reading.

**HB 4313 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Vo moved to lay **HB 4313** on the table subject to call.

The motion prevailed.

**SB 1338 ON SECOND READING**  
**(Sanford - House Sponsor)**

**SB 1338**, A bill to be entitled An Act relating to disclosure requirements for agreements consenting to municipal annexation.

**SB 1338** was considered in lieu of **HB 1897**.

A record vote was requested by Representative Slaton.

**SB 1338** was read second time and was passed to third reading by (Record 642): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; 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; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia.

Absent, Excused, Committee Meeting — Capriglione.

Absent — Coleman; Middleton.

**HB 1897 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Sanford moved to lay **HB 1897** on the table subject to call.

The motion prevailed.

**SB 721 ON SECOND READING  
(Leman - House Sponsor)**

**SB 721**, A bill to be entitled An Act relating to the disclosure of appraisal reports in connection with the use of eminent domain authority.

**SB 721** was considered in lieu of **HB 2041**.

**SB 721** was read second time and was passed to third reading.

**HB 2041 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Leman moved to lay **HB 2041** on the table subject to call.

The motion prevailed.

**SB 567 ON SECOND READING  
(Neave - House Sponsor)**

**SB 567**, A bill to be entitled An Act relating to the powers and duties of a domestic relations office.

**SB 567** was considered in lieu of **CSHB 3962**.

**SB 567** was read second time and was passed to third reading.

**CSHB 3962 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Neave moved to lay **CSHB 3962** on the table subject to call.

The motion prevailed.

**CSHB 2441 ON SECOND READING  
(by White)**

**CSHB 2441**, A bill to be entitled An Act relating to the imposition and collection of fines, fees, and court costs in criminal cases.

**CSHB 2441** was read second time on April 28 and was postponed until 10 a.m. today.

Representative White moved to postpone consideration of **CSHB 2441** until 10 a.m. Friday, May 7.

The motion prevailed.

**SB 725 ON SECOND READING**  
**(Leman - House Sponsor)**

**SB 725**, A bill to be entitled An Act relating to the qualification of land for appraisal for ad valorem tax purposes as agricultural land and the liability for the additional tax imposed on such land if the use of the land changes as a result of a condemnation.

**SB 725** was considered in lieu of **HB 2043**.

**SB 725** was read second time and was passed to third reading.

**HB 2043 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Leman moved to lay **HB 2043** on the table subject to call.

The motion prevailed.

**SB 1954 ON SECOND READING**  
**(Oliverson - House Sponsor)**

**SB 1954**, A bill to be entitled An Act relating to the pledge or encumbrance of an insurer's assets under the Asset Protection Act.

**SB 1954** was considered in lieu of **CSHB 3754**.

**SB 1954** was read second time and was passed to third reading.

**CSHB 3754 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Oliverson moved to lay **CSHB 3754** on the table subject to call.

The motion prevailed.

**CSHB 3915 ON SECOND READING**  
**(by Goldman)**

**CSHB 3915**, A bill to be entitled An Act relating to the designation of certain premises as critical load premises for electric service.

**CSHB 3915** was read second time on April 29 and was postponed until 10 a.m. today.

Representative Goldman moved to postpone consideration of **CSHB 3915** until 10 a.m. Wednesday, May 5.

The motion prevailed.

**CSHB 2579 ON SECOND READING**  
**(by Leach)**

**CSHB 2579**, A bill to be entitled An Act relating to shorthand reporting and depositions.

**CSHB 2579** was read second time on April 29 and was postponed until 10 a.m. today.

Representative Leach moved to postpone consideration of **CSHB 2579** until 10 a.m. Monday, May 10.

The motion prevailed.

**CONSTITUTIONAL AMENDMENTS CALENDAR**  
**HOUSE JOINT RESOLUTIONS**  
**SECOND READING**

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

**HJR 143 ON SECOND READING**  
**(by Geren)**

**HJR 143**, A joint resolution proposing a constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys Association to conduct charitable raffles at rodeo venues.

**Amendment No. 1**

Representative S. Thompson offered the following amendment to **HJR 143**:

Amend **HJR 143** (house committee printing) to read as follows:

(1) On page 2, line 14, between "Association" and ";" insert "or the Women's Professional Rodeo Association".

Amendment No. 1 was adopted.

**HJR 143**, as amended, was adopted by (Record 643): 123 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Herrero; Holland; Howard; Huberty; Hunter; Israel; Johnson, A.; 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; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez;

Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Cain; Cason; Frank; Hefner; Murr; Noble; Patterson; Sanford; Schaefer; Shaheen; Slaton; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia.

Absent, Excused, Committee Meeting — Capriglione.

Absent — Biedermann; Coleman; Hinojosa; Hull; Jetton; Middleton; Stephenson.

### STATEMENTS OF VOTE

When Record No. 643 was taken, I was in the house but away from my desk. I would have voted no.

Biedermann

When Record No. 643 was taken, I was in the house but away from my desk. I would have voted yes.

Hull

When Record No. 643 was taken, I was in the house but away from my desk. I would have voted yes.

Jetton

When Record No. 643 was taken, I was shown voting yes. I intended to vote no.

Landgraf

When Record No. 643 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 643 was taken, I was in the house but away from my desk. I would have voted no.

Middleton

### GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

**CSHB 3012 ON SECOND READING**  
(by Geren)

**CSHB 3012**, A bill to be entitled An Act relating to charitable raffles conducted by the professional sports teams charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys Association at rodeo venues.

**Amendment No. 1**

Representative S. Thompson offered the following amendment to **CSHB 3012**:

Amend **CSHB 3012** (house committee printing) to read as follows:

(1) On page 2, line 4, between "Association" and ":" insert "or the Women's Professional Rodeo Association".

(2) On page 2, line 9, between "Association" and "at" insert "or the Women's Professional Rodeo Association".

(3) On page 3, line 20, between "Association" and "to" insert "or the Women's Professional Rodeo Association".

Amendment No. 1 was adopted.

A record vote was requested by Representative Biedermann.

**CSHB 3012**, as amended, was passed to engrossment by (Record 644): 121 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Crockett; Darby; Davis; Dean; Deshotel; Dutton; Ellzey; Fierro; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Walle; White; Wu; Zwiener.

Nays — Biedermann; Cain; Cason; Craddick; Cyrier; Frank; Leach; Middleton; Murr; Noble; Patterson; Sanford; Schaefer; Shaheen; Slaton; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

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

Absent, Excused — Anchia.

Absent, Excused, Committee Meeting — Capriglione.

Absent — Coleman; Dominguez; Hefner; Vo.



**STATEMENTS OF VOTE**

When Record No. 644 was taken, I was in the house but away from my desk. I would have voted no.

Hefner

When Record No. 644 was taken, I was shown voting present, not voting. I intended to vote yes.

Hull

When Record No. 644 was taken, I was shown voting yes. I intended to vote no.

Landgraf

When Record No. 644 was taken, I was shown voting no. I intended to vote yes.

Wilson

**CSHB 818 ON SECOND READING**

(by Cole, S. Thompson, K. Bell, Holland, Leman, et al.)

**CSHB 818**, A bill to be entitled An Act relating to the prosecution and punishment of the criminal offense of harassment; creating a criminal offense.

Representative Cole moved to postpone consideration of **CSHB 818** until 10 a.m. Monday, May 10.

The motion prevailed.

(Murr in the chair)

**HB 2025 ON SECOND READING**

(by Hunter)

**HB 2025**, A bill to be entitled An Act relating to certain statutes and governmental actions that relate to the federal census.

**HB 2025** was passed to engrossment.

**SB 346 ON SECOND READING**

(Dutton - House Sponsor)

**SB 346**, A bill to be entitled An Act relating to the participation of open-enrollment charter schools and eligible nonprofit organizations in the Jobs and Education for Texans (JET) Grant Program.

**SB 346** was considered in lieu of **HB 618**.

**SB 346** was passed to third reading. (Collier recorded voting no.)

**HB 618 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Dutton moved to lay **HB 618** on the table subject to call.

The motion prevailed.

**CSHB 1869 ON SECOND READING**  
(by Burrows, Bonnen, Middleton, et al.)

**CSHB 1869**, A bill to be entitled An Act relating to the definition of debt for the purposes of calculating certain ad valorem tax rates of a taxing unit.

Representative Burrows moved to postpone consideration of **CSHB 1869** until 1 p.m. tomorrow.

The motion prevailed.

**CSHB 2716 ON SECOND READING**  
(by T. King)

**CSHB 2716**, A bill to be entitled An Act relating to recommendations made by the Parks and Wildlife Department and intervention by the Parks and Wildlife Department in matters regarding certain permits.

**CSHB 2716** was passed to engrossment. (Dean, Herrero, Hunter, and Shine recorded voting no.)

**CSHB 1294 ON SECOND READING**  
(by Guillen, E. Morales, et al.)

**CSHB 1294**, A bill to be entitled An Act relating to an exemption from motor fuel taxes for certain fuel used by a rural transit district to provide public transportation.

**CSHB 1294** was passed to engrossment. (Dean recorded voting no.)

**CSHB 2667 ON SECOND READING**  
(by Smithee, Rodriguez, Ashby, T. King, Anderson, et al.)

**CSHB 2667**, A bill to be entitled An Act relating to universal service fund assistance to high cost rural areas and the uniform charge that funds the universal service fund; authorizing a fee.

**Amendment No. 1**

Representative Rodriguez offered the following amendment to **CSHB 2667**:

Amend **CSHB 2667** (house committee printing) on page 2 as follows:

(1) On lines 7 and 8, strike "and may be in the form of a fee or an assessment on revenues".

(2) On line 16, after the semicolon, add "or".

(3) Strike lines 19 through 22 and substitute "on technology".

Amendment No. 1 was adopted.

A record vote was requested by Representative Cason.

**CSHB 2667**, as amended, was passed to engrossment by (Record 645): 123 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard;

Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; Klick; Kuempel; Lambert; Landgraf; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Biedermann; Cain; Cason; Goldman; Krause; Leach; Middleton; Noble; Oliverson; Patterson; Schaefer; Shaheen; Slaton; Slawson; Smith; Swanson; Tinderholt; Toth; Vasut; Wilson.

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

Absent, Excused — Anchia.

Absent, Excused, Committee Meeting — Capriglione.

Absent — Coleman; King, T.; Metcalf.

#### STATEMENTS OF VOTE

When Record No. 645 was taken, I was in the house but away from my desk. I would have voted no.

Metcalf

When Record No. 645 was taken, I was shown voting no. I intended to vote yes.

Vasut

(Capriglione now present)

#### CSHB 3037 ON SECOND READING (by Raymond, Frank, Hinojosa, and Rose)

**CSHB 3037**, A bill to be entitled An Act relating to the regulation of referral agencies for senior living communities; providing a civil penalty.

**CSHB 3037** was passed to engrossment. (Dean and Hunter recorded voting no.)

#### HB 3697 ON SECOND READING (by Hernandez and Guillen)

**HB 3697**, A bill to be entitled An Act relating to the eligibility for unemployment compensation of certain employees who leave the workplace to care for a minor child.

**HB 3697** was passed to engrossment. (Dean recorded voting no.)

**HB 783 ON SECOND READING****(by Cyrier, E. Morales, Bonnen, Parker, and Larson)**

**HB 783**, A bill to be entitled An Act relating to the powers and duties of the Parks and Wildlife Department regarding wind-powered energy devices; providing a civil penalty.

**HB 783** was passed to engrossment.

**HB 2406 ON SECOND READING****(by Davis)**

**HB 2406**, A bill to be entitled An Act relating to the qualifications of experts in certain health care liability claims.

**HB 2406** was passed to engrossment.

**CSHB 1698 ON SECOND READING****(by Raney and Kacal)**

**CSHB 1698**, A bill to be entitled An Act relating to an optional county fee on vehicle registration in certain counties to be used for transportation projects.

**Amendment No. 1**

Representative Canales offered the following amendment to **CSHB 1698**:

Amend **CSHB 1698** (house committee report) as follows:

(1) On page 1, strike lines 5 and 6 and substitute the following:

SECTION 1. Section 502.402, Transportation Code, is amended by amending Subsections (a), (b), (b-1), and (e) and adding Subsection (e-1) to read as follows:

(2) On page 1, line 12, strike "and".

(3) On page 1, line 15, between "authority" and the period, insert the following:

; and

(4) a county:

(A) that has a population of more than 320,000;

(B) that does not border the United Mexican States; and

(C) in which a port authority is authorized to issue permits for

oversize or overweight vehicles under Chapter 623

(4) On page 2, line 7, strike "this subsection," and substitute "Subsection (e-1),".

(5) On page 2, line 8, between "be" and "sent", insert ": (1)".

(6) On page 2, line 11, between "Constitution" and the period, insert the following:

; or

(2) if there is no regional mobility authority located in the county, used by the county only to fund long-term transportation projects in the county that are consistent with the purposes specified by Section 7-a, Article VIII, Texas Constitution

(7) On page 2, line 11, between the period and "If", insert "(e-1)".

Amendment No. 1 was adopted. (Herrero recorded voting no.)

**CSHB 1698**, as amended, was passed to engrossment. (Dean, Herrero, and Hunter recorded voting no.)

**CSHB 3948 ON SECOND READING**  
**(by T. King and Guillen)**

**CSHB 3948**, A bill to be entitled An Act relating to the production and regulation of hemp and consumable hemp products; authorizing a fee.

**CSHB 3948 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE WHITE: Representative King, thank you so much for bringing this legislation to us again this year, and thank you for your work on this particular issue. Last session, this issue passed overwhelmingly with a 144 to 0 margin. Is it your intention to provide new economic opportunities for Texas growers in connection with the cultivation and production of hemp products?

REPRESENTATIVE T. KING: Can you repeat that, please?

WHITE: Yes. Was it your intent then to provide new economic opportunities for Texas growers in connection with the cultivation and production of hemp products?

T. KING: Yes, Mr. Chairman, that was my intent.

WHITE: That's right. And so this bill before us today, I'm correct in assuming that the legislative intent behind this bill is to continue to support Texas hemp growers while remaining consistent with the federal Agriculture Improvement Act of 2018 and the Texas Hemp Plan approved by the USDA regarding the commercial cultivation, processing, and production of hemp products, defined as "the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis."

T. KING: I couldn't have stated it any better, Mr. Chairman. That is my intent.

WHITE: Right, a lot of words, a lot of words. And again, as you stated in your layout, this is not about legalization of marihuana?

T. KING: No, this is not a marihuana bill. This is hemp, specifically industrial hemp.

**REMARKS ORDERED PRINTED**

Representative White moved to print remarks between Representative T. King and Representative White on **CSHB 3948**.

The motion prevailed.

**Amendment No. 1**

Representative Beckley offered the following amendment to **CSHB 3948**:

Amend **CSHB 3948** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 122.301, Agriculture Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), a person may manufacture products described by that subsection in this state if:

(1) the products are sold only to persons located outside this state; and  
(2) the person was manufacturing or processing consumable hemp products, as those terms are defined by Section 443.001, Health and Safety Code, in this state on May 22, 2019.

SECTION \_\_\_\_\_. Section 443.204, Health and Safety Code, is amended to read as follows:

Sec. 443.204. RULES RELATED TO SALE OF CONSUMABLE HEMP PRODUCTS. (a) Rules adopted by the executive commissioner regulating the sale of consumable hemp products must to the extent allowable by federal law reflect the following principles:

(1) hemp-derived cannabinoids, including cannabidiol, are not considered controlled substances or adulterants;

(2) products containing one or more hemp-derived cannabinoids, such as cannabidiol, intended for ingestion are considered foods, not controlled substances or adulterated products;

(3) consumable hemp products must be packaged and labeled in the manner provided by Section 443.205; and

(4) the processing or manufacturing of a consumable hemp product for smoking is prohibited.

(b) Notwithstanding Subsection (a)(4), a person may manufacture products described by that subsection in this state if:

(1) the products are sold only to persons located outside this state; and  
(2) the person was manufacturing or processing consumable hemp products in this state on May 22, 2019.

Amendment No. 1 was adopted.

**CSHB 3948**, as amended, was passed to engrossment. (Shine recorded voting no.)

**CSHB 1416 ON SECOND READING**  
**(by Capriglione and Raymond)**

**CSHB 1416**, A bill to be entitled An Act relating to business days for purposes of the public information law.

**Amendment No. 1**

Representative Capriglione offered the following amendment to **CSHB 1416**:

Amend **CSHB 1416** (house committee report) by striking page 1, line 19, through page 2, line 4, and substituting the following:

(d) The Friday before or Monday after a holiday described by Subsection (a)(2) or (3) is not a business day of a governmental body if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday.

(e) Subject to the requirements of this subsection, a governmental body may designate a day on which the governmental body's administrative offices are closed or operating with minimum staffing as a non-business day. The designation of a non-business day for an independent school district must be made by the board of trustees. The designation of a non-business day for a governmental body other than an independent school district must be made by the executive director or other chief administrative officer. A governmental body may designate not more than 10 non-business days under this subsection each calendar year. A governmental body shall make a good faith effort to post advance notice of the non-business days designated under this subsection on the governmental body's Internet website.

Amendment No. 1 was adopted.

**CSHB 1416 - REMARKS**

REPRESENTATIVE ROMERO: Great bill, Chairman Capriglione. Great bill.

REPRESENTATIVE CAPRIGLIONE: Okay, thank you.

**CSHB 1416**, as amended, was passed to engrossment.

**HB 3015 ON SECOND READING  
(by Hernandez)**

**HB 3015**, A bill to be entitled An Act relating to a governmental body's response to a request for public information.

**Amendment No. 1**

Representative Vasut offered the following amendment to **HB 3015**:

Amend **HB 3015** (house committee report) as follows:

(1) Add the following appropriately numbered sections to the bill and renumber the other sections of the bill accordingly:

SECTION \_\_\_\_\_. Section 552.264, Government Code, is amended to read as follows:

Sec. 552.264. COPY OF PUBLIC INFORMATION REQUESTED BY MEMBER OF LEGISLATURE. One copy of public information that is requested from a political subdivision or a state agency by a member, agency, or committee of the legislature under Section 552.008 shall be provided without charge.

SECTION \_\_\_\_\_. Section 552.261, Government Code, is amended by adding Subsection (f) to read as follows:

(f) A governmental body may not impose a charge under this subchapter for providing a copy of public information if the information is a report required to be filed with the governmental body under Subchapter C or D, Chapter 254, Election Code, unless all of those reports filed with the governmental body during the preceding year are available to the public on the governmental body's Internet website.

(2) Amend Section 6 of the bill as follows:

SECTION 6. Unless otherwise provided, this ~~This~~ Act takes effect September 1, 2021. The changes in this Act to Subsection 552.261(f), Government Code, take effect January 1, 2022.

Amendment No. 1 was adopted.

**HB 3015**, as amended, was passed to engrossment.

**HB 157 ON SECOND READING**  
(by Rodriguez)

**HB 157**, A bill to be entitled An Act relating to requirements regarding an employee's normal weekly hours of work under the shared work unemployment compensation program.

**HB 157** was passed to engrossment. (Dean recorded voting no.)

**REMARKS ORDERED PRINTED**

Representative Leach moved to print remarks between Representative Capriglione and Representative Romero on **CSHB 1416**.

The motion prevailed.

**HB 2169 ON SECOND READING**  
(by Sanford and Guillen)

**HB 2169**, A bill to be entitled An Act relating to the eligibility requirements for a license to carry a handgun.

**HB 2169** was passed to engrossment.

**CSHB 1739 ON SECOND READING**  
(by Romero and Leman)

**CSHB 1739**, A bill to be entitled An Act relating to certain contracts regarding airports and associated air navigation facilities operated by or on behalf of a local government.

**Amendment No. 1**

Representative Cyrier offered the following amendment to **CSHB 1739**:

Amend **CSHB 1739** (house committee printing) by adding the appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:



SECTION \_\_\_\_\_. Section 22.020, Transportation Code, is amended by amending Subsection (a) to read as follows:

Sec. 22.020. OPERATION OF AIRPORT BY ANOTHER. (a) A local government, by contract, lease, or other arrangement, on a consideration fixed by the local government and for a term not to exceed 99 [~~40~~] years, may authorize a qualified person to operate, as the agent of the local government or otherwise, an airport owned or controlled by the local government.

SECTION \_\_\_\_\_. Section 22.021, Transportation Code, is amended by amending Subsections (a) and (d) to read as follows:

Sec. 22.021. USE OF AIRPORT BY ANOTHER. (a) In operating an airport or air navigation facility that it owns, leases, or controls, a local government may enter into a contract, lease, or other arrangement for a term not exceeding 99 [~~40~~] years with a person:

(1) granting the privilege of using or improving the airport or air navigation facility, a portion or facility of the airport or air navigation facility, or space in the airport or air navigation facility for commercial purposes;

(2) conferring the privilege of supplying goods, services, or facilities at the airport or air navigation facility; or

(3) making available services to be furnished by the local government or its agents at the airport or air navigation facility.

(d) The 99 [~~40~~]-year limit on the term of a contract, lease, or other arrangement provided by Subsection (a) does not apply to a contract, lease, or other arrangement under this section between a local government and this state, the United States, or an agency or instrumentality of this state or the United States.

SECTION \_\_\_\_\_. Section 22.022, Transportation Code, is amended by amending Subsections (a) and (b) to read as follows:

Sec. 22.022. DURATION OF CERTAIN LEASES. (a) A lease of real property may not exceed 99 [~~40~~] years if:

(1) the lease is made under Section 22.011(c) or (d), Section 22.020, or Section 22.021; and

(2) at the time of the execution of the lease, the property is used as nonaeronautical property and is located on an airport on which there are active federal governmental aircraft operations on federal government property.

(b) A renewal or extension of a lease under Subsection (a) may not exceed 99 [~~40~~] years. If the lease provides for more than one renewal or extension, the renewals or extensions may not in the aggregate exceed 99 [~~40~~] years.

Amendment No. 1 was adopted.

**CSHB 1739**, as amended, was passed to engrossment.

### **CSHB 3367 ON SECOND READING**

**(by C. Turner, Bonnen, S. Thompson, Shine, Hefner, et al.)**

**CSHB 3367**, A bill to be entitled An Act relating to the powers and duties of certain property owners' associations.

Representative Wu moved to postpone consideration of **CSHB 3367** until 10 a.m. Friday, May 7.

The motion prevailed.

**CSHB 448 ON SECOND READING**  
**(by Bailes, Burns, Ashby, Harris, Leman, et al.)**

**CSHB 448**, A bill to be entitled An Act relating to the right of landowners to file complaints with the Texas Real Estate Commission against certain entities regarding alleged misconduct by the entities while exercising eminent domain authority and to the creation of an ombudsman office for landowners.

**Amendment No. 1**

Representative Bailes offered the following amendment to **CSHB 448**:

Amend **CSHB 448** (house committee report) as follows:

(1) On page 1, lines 22 and 23, strike "ombudsman office established by the".

(2) On page 1, line 24, strike "1101.207" and substitute "1101.205".

(3) On page 2, line 1, strike "representative" and substitute "registered easement or right-of-way agent acting on behalf".

(4) On page 2, line 1, strike "while exercising the entity's" and substitute "exercising".

(5) Strike page 2, line 3, through page 3, line 22, and substitute the following:

SECTION 2. Section 21.0112(a), Property Code, is amended to read as follows:

(a) At or before the time that ~~[Not later than the seventh day before the date]~~ a governmental or private entity with eminent domain authority makes an initial ~~[a final]~~ offer to a property owner to acquire real property, the entity must send by first-class mail or otherwise provide a landowner's bill of rights statement provided by Section 402.031, Government Code, to the last known address of the person in whose name the property is listed on the most recent tax roll of any appropriate taxing unit authorized by law to levy property taxes against the property. In addition to the other requirements of this subsection, an entity with eminent domain authority shall provide a copy of the landowner's bill of rights statement to a landowner before or at the same time as the entity first represents in any manner to the landowner that the entity possesses eminent domain authority.

SECTION 3. Section 21.0113(b), Property Code, is amended to read as follows:

(b) An entity with eminent domain authority has made a bona fide offer if:

(1) an initial offer is made in writing to a property owner;

(2) a landowner's bill of rights statement is provided to the property owner in accordance with Section 21.0112(a);

(3) a final offer is made in writing to the property owner;

(4) ~~[(3)]~~ the final offer is made on or after the 30th day after the date on which the entity makes a written initial offer to the property owner;

(5) [~~(4)~~] before making a final offer, the entity obtains a written appraisal from a certified appraiser of the value of the property being acquired and the damages, if any, to any of the property owner's remaining property;

(6) [~~(5)~~] the final offer is equal to or greater than the amount of the written appraisal obtained by the entity;

(7) [~~(6)~~] the following items are included with the final offer or have been previously provided to the owner by the entity:

(A) a copy of the written appraisal; and

(B) a copy of the deed, easement, or other instrument conveying the property sought to be acquired; and

~~[(C) the landowner's bill of rights statement prescribed by Section 21.0112; and]~~

(8) [~~(7)~~] the entity provides the property owner with at least 14 days to respond to the final offer and the property owner does not agree to the terms of the final offer within that period.

(6) On page 3, line 23, strike "(a)".

(7) On page 4, strike lines 1 through 6.

(8) Add the following appropriately numbered SECTION to the bill and renumber SECTIONS and cross-references to SECTIONS appropriately:

SECTION \_\_\_\_\_. Sections 21.0112(a) and 21.0113(b), Property Code, as amended by this Act, apply only to the acquisition of real property in connection with an initial offer made under Section 21.0113, Property Code, on or after January 1, 2022. The acquisition of real property in connection with an initial offer made under Section 21.0113, Property Code, before January 1, 2022, 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.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Burns offered the following amendment to **CSHB 448**:

Amend **CSHB 448** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 402.031, Government Code, is amended by adding Subsections (c-1), (e), and (f) to read as follows:

(c-1) The statement must also include an addendum containing model terms for instruments of conveyance under Chapter 21, Property Code, that substantially comply with Section 402.032 of this code.

(e) At least once every two years, the attorney general shall:

(1) evaluate the landowner's bill of rights statement, including the addendum required by Subsection (c-1), for compliance with the requirements of this section, including the requirement under Subsection (d) that the statement be written in plain language designed to be easily understood by the average property owner; and

(2) subject to Subsection (f), make any change to the landowner's bill of rights statement and addendum that the attorney general determines necessary to comply with the requirements of this section, including making a change to the writing style of the statement or addendum necessary to improve compliance with Subsection (d).

(f) Before making any changes to the landowner's bill of rights statement under Subsection (e), the office of the attorney general shall:

(1) publish the proposed changes in the Texas Register; and

(2) accept public comment regarding the proposed statement for a reasonable period after the date the proposed statement is published under Subdivision (1).

SECTION \_\_\_\_\_. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.032 to read as follows:

Sec. 402.032. ADDENDUM TO LANDOWNER'S BILL OF RIGHTS: MODEL INSTRUMENT OF CONVEYANCE. (a) The addendum required under Section 402.031(c-1) must contain the following model instruments of conveyance:

(1) a model instrument to convey a pipeline right-of-way easement or an easement related to pipeline appurtenances, to be provided to a property owner by a private entity as defined by Section 21.0114, Property Code, that addresses the following general terms:

(A) the maximum number of pipelines that may be installed under the instrument for a pipeline right-of-way;

(B) a description of the types of pipeline appurtenances that are authorized to be installed under the instrument for pipeline-related appurtenances, such as pipes, valves, compressors, pumps, meters, pigging stations, dehydration facilities, electric facilities, communication facilities, and any other appurtenances that may be necessary or desirable in connection with a pipeline;

(C) the maximum diameter, excluding any protective coating or wrapping, of each pipeline to be initially installed under the instrument for a pipeline right-of-way;

(D) the type or category of substances permitted to be transported through each pipeline to be installed under the instrument;

(E) a general description of any aboveground equipment or facility the private entity intends to install, maintain, or operate under the instrument for a pipeline easement on the surface of the easement;

(F) a description or illustration of the location of the easement, including a metes and bounds or centerline description, plat, or aerial or other map-based depiction of the location of the easement on the property;

(G) the maximum width of the easement under the instrument;

(H) the minimum depth at which each pipeline to be installed under the instrument for a pipeline right-of-way will initially be installed;

(I) a provision identifying whether the private entity intends to double-ditch areas of the pipeline easement that are not installed by boring or horizontal directional drilling;

(J) a provision requiring the private entity to provide written notice to the property owner at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to levy property taxes against the property if and when the private entity assigns the interest under the instrument to another entity, provided that the provision does not require notice by the private entity for assignment to an affiliate or to a successor through merger, consolidation, or other sale or transfer of all or substantially all of its assets and businesses;

(K) a provision describing whether the easement rights are exclusive or nonexclusive;

(L) a provision limiting the private entity's right to grant a third party access to the easement area for a purpose that is not related to the construction, safety, repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under the instrument and of pipeline appurtenances to be installed under the instrument;

(M) a provision regarding the property owner's right to recover actual monetary damages arising from the construction and installation of each pipeline to be installed under the instrument, or a statement that the consideration for the instrument includes any monetary damages arising from the construction and installation of each pipeline to be installed under the instrument;

(N) a provision regarding the property owner's right after initial construction and installation of each pipeline to be installed under the instrument to actual monetary damages arising from the repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under the instrument, or a statement that consideration for the instrument includes any monetary damages arising from the repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under the instrument;

(O) a provision:

(i) regarding the removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by the private entity under the instrument; or

(ii) providing for the payment for any damage caused by the private entity to gates and fences described by Subparagraph (i), if any, to the extent that the gates or fences are not restored or paid for as part of the consideration paid for the instrument;

(P) a provision:

(i) regarding the private entity's obligation to restore the pipeline easement area and the property owner's remaining property, if any, used by the private entity to as near to original condition as is reasonably practicable and to maintain the easement in a manner consistent with the purposes for which the easement will be used by the private entity under the instrument; or

(ii) providing for the private entity to reimburse the property owner for actual monetary damages incurred by the property owner that arise from damage to the pipeline easement area or the property owner's remaining property, if any, to the extent caused by the private entity and not restored or paid for as part of the consideration for the instrument; and

(Q) a provision describing the private entity's rights of ingress, egress, entry, and access on, to, over, and across the property owner's property under the instrument;

(2) a model instrument to convey an electric transmission line right-of-way easement, to be provided to a property owner by a private entity as defined by Section 21.0114, Property Code, that addresses the following general terms:

(A) a general description of the uses of the surface of the property to be encumbered by the easement the entity intends to acquire;

(B) a description or illustration of the location of the easement, including a metes and bounds or centerline description, plat, or aerial or other map-based depiction of the location of the easement on the property;

(C) the maximum width of the easement under the instrument;

(D) the manner in which the entity will access the easement under the instrument;

(E) a provision limiting the private entity's right to grant to a third party access to the easement area for a purpose that is not related to the construction, safety, repair, maintenance, inspection, replacement, operation, or removal of the electric and appurtenant facilities installed under the instrument;

(F) a provision regarding the property owner's right to recover actual monetary damages arising from the construction, operation, repair, maintenance, inspection, replacement, and future removal of lines and support facilities after initial construction in the easement, if any, or a statement that the initial consideration for the easement instrument includes such damages;

(G) a provision:

(i) regarding the removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by the private entity under the instrument; or

(ii) providing for the payment for any damage caused by the private entity to gates and fences described by Subparagraph (i), if any, to the extent that the gates or fences are not restored or paid for as part of the consideration for the instrument;

(H) a provision regarding the private entity's obligation to restore the easement area and the property owner's remaining property to the easement area's and the remaining property's original contours and grades, to the extent reasonably practicable, unless the safety or operational needs of the private entity and the electric facilities would be impaired, and:

(i) a provision regarding the entity's obligation to restore the easement area and the property owner's remaining property following any future damages directly attributed to the use of the easement by the private entity, to the extent reasonably practicable unless the safety or operational needs of the private entity and the electric facilities would be impaired; or

(ii) a provision that the consideration for the easement instrument includes damages as described by Subparagraph (i) to the easement area and the property owner's remaining property;

(I) a provision describing whether the easement rights are exclusive, nonexclusive, or otherwise limited under the terms of the instrument; and

(J) a prohibition against the assignment of the entity's interest in the property to an assignee that will not operate as a utility subject to the jurisdiction of the Public Utility Commission of Texas or the Federal Energy Regulatory Commission without written notice to the property owner at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to levy property taxes against the property;

(3) a prohibition against any use by the private entity of the property rights being conveyed by the instrument, other than a use stated in the instrument, without the express written consent of the property owner; and

(4) a provision that the terms of the instrument will bind the successors and assigns of the property owner and private entity.

(b) Each model instrument of conveyance for the addendum required under Section 402.031(c-1) must include a provision that is substantially similar to the following:

#### NOTICE OF ADDITIONAL NEGOTIABLE TERMS

In addition to the terms of an instrument of conveyance under Chapter 21, Property Code, provided to a property owner by a private entity as defined by Section 21.0114, Property Code, the property owner may negotiate for the following terms to be included in the instrument of conveyance:

(1) a provision regarding the property owner's right to negotiate to recover damages, or a statement that the consideration for the instrument includes damages, for:

(A) damage to certain vegetation; and

(B) the income loss from disruption of existing agricultural production or existing leases based on verifiable loss or lease payments; and

(2) a provision:

(A) requiring the private entity to maintain at all times while the private entity uses the easement, including during construction and operations on the easement, commercial liability insurance or self-insurance:

(i) issued by an insurer authorized to issue liability insurance in this state, if maintaining commercial liability insurance; and

(ii) insuring the property owner against liability for personal injuries and property damage sustained by any person to the extent caused by the negligence of the private entity or the private entity's agents or contractors and to the extent allowed by law; or

(B) if the private entity is subject to the electric transmission cost-of-service rate jurisdiction of the Public Utility Commission of Texas or has a net worth of at least \$25 million, requiring the private entity to maintain self-insurance or commercial liability insurance at levels approved by the Public Utility Commission of Texas in the entity's most recent transmission cost-of-service base rate proceeding.

(c) Each model instrument of conveyance for the addendum required under Section 402.031(c-1) must include a statement, in bold print and a larger font than the other portions of the offer, indicating whether the compensation being offered includes:

(1) damages to the remainder, if any, of the property owner's remaining property; or

(2) an appraisal of the property, including damages to the remainder, if any, prepared by a certified appraiser certified to practice as a certified general appraiser under Chapter 1103, Occupations Code.

(d) Each model instrument of conveyance for the addendum required under Section 402.031(c-1) must include a notice provision in which the condemning entity shall provide the name and telephone number of a representative of the entity who is:

(1) an employee of the entity;

(2) an employee of an affiliate providing services on behalf of the entity;

(3) a legal representative of the entity; or

(4) if the entity does not have employees, an individual designated to represent the day-to-day operations of the entity.

SECTION \_\_\_\_\_. Section 21.0113(b), Property Code, is amended to read as follows:

(b) An entity with eminent domain authority has made a bona fide offer if:

(1) an initial offer is made in writing to a property owner that includes:

(A) a copy of the landowner's bill of rights statement prescribed by Section 402.031, Government Code, including the appropriate model instrument of conveyance from the addendum prescribed by Section 402.031(c-1), Government Code, if applicable; and

(B) an instrument of conveyance, provided that if the entity is a private entity as defined by Section 21.0114(a), the instrument must comply with Section 21.0114, as applicable, unless the entity has previously provided an instrument complying with Section 21.0114;

(2) a final offer is made in writing to the property owner;

(3) the final offer is made on or after the 30th day after the date on which the entity makes a written initial offer to the property owner;

(4) before making a final offer, the entity obtains a written appraisal from a certified appraiser of the value of the property being acquired and the damages, if any, to any of the property owner's remaining property;

(5) the final offer is equal to or greater than the amount of the written appraisal obtained by the entity;

(6) the following items are included with the final offer or have been previously provided to the owner by the entity:

(A) a copy of the written appraisal;

(B) a copy of the deed, easement, or other instrument conveying the property sought to be acquired; and

(C) the landowner's bill of rights statement prescribed by Section 21.0112; and



(7) the entity provides the property owner with at least 14 days to respond to the final offer and the property owner does not agree to the terms of the final offer within that period.

SECTION \_\_\_\_\_. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0114 to read as follows:

Sec. 21.0114. INSTRUMENTS OF CONVEYANCE OF CERTAIN EASEMENTS. (a) In this section, "private entity":

(1) means:

(A) a for-profit entity, as defined by Section 1.002, Business Organizations Code, however organized, including an affiliate or subsidiary, authorized to exercise the power of eminent domain to acquire private property for public use; or

(B) a corporation organized under Chapter 67, Water Code, that has a for-profit entity, however organized, as the sole or majority member; and

(2) does not include an entity governed by the Natural Gas Act (15 U.S.C. Section 717 et seq.) unless the entity seeks to acquire property under this chapter.

(b) This section:

(1) applies only to a deed, agreement, or other instrument of conveyance for a pipeline right-of-way easement or an electric transmission line right-of-way easement that is included with an offer made under this chapter to acquire a property interest for a public use; and

(2) does not apply in relation to:

(A) a pipeline or appurtenance that is:

(i) downstream of the point where natural gas is measured and custody is transferred from a transmission pipeline to a gas local distribution company for distribution to end-use customers; or

(ii) at a location where a gas utility taps a transmission pipeline to a city gate, provided that the pipeline does not exceed 100 feet; or

(B) an electric power line that operates below 60 kilovolts.

(c) Except as otherwise provided by this section, a deed, agreement, or other instrument of conveyance provided to a property owner by a private entity with eminent domain authority to acquire the property interest to be conveyed must substantially conform to the appropriate model instrument of conveyance from the addendum prescribed by Section 402.032, Government Code.

(d) A private entity or the property owner may, after the entity provides an instrument in compliance with Subsection (c):

(1) negotiate for and agree to terms and conditions not required by Subsection (c), including terms and conditions that differ from or are not included in a subsequent condemnation petition; and

(2) negotiate for and agree to a deed, agreement, or other instrument of conveyance that does not include or includes terms that differ from the terms required by Subsection (c).

(e) Except as provided by this subsection, this section does not prohibit a private entity or the property owner from negotiating for or agreeing to amend, alter, or omit the terms required by Subsection (c) at any time after the private

entity first provides a deed, agreement, or other instrument containing the required general terms to the property owner, whether before or at the same time that the entity makes an initial offer to the property owner. A private entity that changes the terms required by Subsection (c) must provide a copy of the amended deed, agreement, or other instrument of conveyance to the property owner not later than the seventh day before the date the private entity files a condemnation petition relating to the property unless the parties agree in writing to waive the notice.

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act to Chapter 21, Property Code, apply to the acquisition of real property in connection with an initial offer made under Chapter 21, Property Code, on or after January 1, 2022. An acquisition of real property in connection with an initial offer made under Chapter 21, Property Code, before January 1, 2022, is governed by the law applicable to the acquisition immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) The changes in law made by this Act to Chapter 21, Property Code, do not apply to an electric transmission project for which the Public Utility Commission of Texas has issued a final and appealable order that amends a certificate of convenience and necessity before January 1, 2022.

Amendment No. 2 was withdrawn.

**CSHB 448**, as amended, was passed to engrossment.

**HB 159 ON SECOND READING**  
**(by M. González and Harris)**

**HB 159**, A bill to be entitled An Act relating to improving training and staff development for primary and secondary educators to enable them to more effectively serve all students.

**HB 159** was passed to engrossment. (Hunter recorded voting no.)

**HB 2261 ON SECOND READING**  
**(by Wu)**

**HB 2261**, A bill to be entitled An Act relating to the authority of a municipal management district to provide public education facilities and public education-related supplemental services.

Representative Wu moved to postpone consideration of **HB 2261** until 10 a.m. Wednesday, May 5.

The motion prevailed.

**HB 4240 ON SECOND READING**  
**(by Raymond, Middleton, Swanson, Ramos, and Talarico)**

**HB 4240**, A bill to be entitled An Act relating to local regulation to enforce child custody orders; authorizing a civil penalty.

**HB 4240** was passed to engrossment.

**CSHB 2468 ON SECOND READING**  
**(by E. Thompson)**

**CSHB 2468**, A bill to be entitled An Act relating to programs established and funded under the Texas emissions reduction plan.

**CSHB 2468** was passed to engrossment.

**HB 1973 ON SECOND READING**  
**(by Canales)**

**HB 1973**, A bill to be entitled An Act relating to the investigation of municipal fire fighters.

**Amendment No. 1**

Representative Canales offered the following amendment to **HB 1973**:

Amend **HB 1973** (house committee report) as follows:

(1) On page 1, line 7, between "REQUIRED" and the underlined period, insert "IN CERTAIN MUNICIPALITIES".

(2) On page 1, between lines 16 and 17, insert the following:

(b) This section applies only to a municipality with a population of 10,000 or more.

(3) On page 1, line 17, strike "(b)" and substitute "(c)".

(4) On page 1, between lines 21 and 22, insert the following:

(d) This section supersedes a conflicting provision in a meet and confer or collective bargaining agreement.

(e) A meet and confer or collective bargaining agreement under Chapter 143 or 174, Local Government Code, may impose requirements for investigations in addition to those provided in Section 143.123 or Sections 143.312(a)-(k), Local Government Code, that do not conflict with the requirements of those sections.

(5) On page 1, line 22, strike "(c)" and substitute "(f)".

(6) On page 1, line 24, strike "with" and substitute "with:".

(7) Strike page 2, lines 1 and 2, and substitute the following:

(1) Section 143.123 or Sections 143.312(a)-(k), Local Government Code, or other applicable law, including the requirements adopted under Subsection (g), if applicable; and

(2) any additional requirements imposed by a meet and confer or collective bargaining agreement under Chapter 143 or 174, Local Government Code.

(8) On page 2, line 3, strike "(d)" and substitute "(g)".

(9) On page 2, strike lines 6 and 7, and substitute the following:

with:

(1) procedures substantially identical to those required by Sections 143.312(a)-(k), Local Government Code; and

(2) any additional procedures or requirements imposed by a meet and confer or collective bargaining agreement under Chapter 143 or 174, Local Government Code.

(10) On page 2, line 17, strike "adopted under Section 614.024(d)" and substitute "applicable under Section 614.024".

(11) On page 2, line 18, between "SECTION 3." and "Section 614.024", insert "(a)".

(12) On page 2, between lines 21 and 22, insert the following:

(b) Section 614.024(d), Government Code, as added by this Act, applies only to an agreement entered into on or after the effective date of this Act.

Amendment No. 1 was adopted.

**HB 1973**, as amended, was passed to engrossment.

**CSHB 2702 ON SECOND READING**

**(by Landgraf)**

**CSHB 2702**, A bill to be entitled An Act relating to the protective order registry maintained by the Office of Court Administration of the Texas Judicial System and the removal of certain vacated protective orders from the registry.

**CSHB 2702** was passed to engrossment.

**HB 3287 ON SECOND READING**

**(by M. González, Lozano, Anderson, and Frank)**

**HB 3287**, A bill to be entitled An Act relating to the provision of certain co-navigation services to persons who are deaf-blind.

**HB 3287** was passed to engrossment. (Ashby and Shine recorded voting no.)

**CSHB 2044 ON SECOND READING**

**(by Leman, et al.)**

**CSHB 2044**, A bill to be entitled An Act relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.

Representative Leman moved to postpone consideration of **CSHB 2044** until 10 a.m. Wednesday, May 5.

The motion prevailed.

**CSHB 2219 ON SECOND READING**

**(by Canales, et al.)**

**CSHB 2219**, A bill to be entitled An Act relating to the issuance of Texas Mobility Fund obligations.

**CSHB 2219** was passed to engrossment.

**CSHB 1505 ON SECOND READING**

**(by Paddie, et al.)**

**CSHB 1505**, A bill to be entitled An Act relating to attachments for broadband service on utility poles owned by an electric cooperative.

Representative Price moved to postpone consideration of **CSHB 1505** until the end of today's calendar.

The motion prevailed.

**CSHB 3069 ON SECOND READING**

**(by Holland, Leach, Moody, J.E. Johnson, and Harris)**

**CSHB 3069**, A bill to be entitled An Act relating to statutes of limitation and repose for certain claims involving the construction or repair of an improvement to real property or equipment attached to real property.

**CSHB 3069** was passed to engrossment.

**CSHB 2199 ON SECOND READING**

**(by Parker, Capriglione, Anchia, Stephenson, and Wilson)**

**CSHB 2199**, A bill to be entitled An Act relating to the establishment of the digital identity work group.

**CSHB 2199** was passed to engrossment.

**HB 2705 ON SECOND READING**

**(by Stucky, Crockett, A. Johnson, Parker, and Raney)**

**HB 2705**, A bill to be entitled An Act relating to the establishment and administration of the Texas Woman's University System.

Representative Stucky moved to postpone consideration of **HB 2705** until 10 a.m. Thursday, May 6.

The motion prevailed.

**HB 1776 ON SECOND READING**

**(by K. Bell, Allison, Harris, Toth, et al.)**

**HB 1776**, A bill to be entitled An Act relating to the inclusion of an elective course on the founding principles of the United States in the curriculum for public high school students and the posting of the founding documents of the United States in public school buildings.

Representative K. Bell moved to postpone consideration of **HB 1776** until 10 a.m. Monday, May 10.

The motion prevailed.

**HB 3502 ON SECOND READING**

**(by Lambert and Darby)**

**HB 3502**, A bill to be entitled An Act relating to organization of, meetings of, and voting by condominium unit owners' associations and property owners' associations.

**HB 3502** was passed to engrossment.

**HB 957 ON SECOND READING**  
**(by Oliverson, Hefner, White, Guillen, et al.)**

**HB 957**, A bill to be entitled An Act relating to local, state, and federal regulation of firearm suppressors.

**HB 957** was passed to engrossment.

**COMMITTEE MEETING ANNOUNCEMENT**

At 3:30 p.m., the following committee meeting was announced:

Calendars, 5 p.m. today, 3W.9, for a formal meeting, to consider a calendar.

**CSHB 158 ON SECOND READING**  
**(by Thierry, Hull, Neave, and Rose)**

**CSHB 158**, A bill to be entitled An Act relating to a pilot program to provide Medicaid coverage of doula services.

(Speaker in the chair)

**CSHB 158** was passed to engrossment.

**CSHB 2505 ON SECOND READING**  
**(by Smith and Metcalf)**

**CSHB 2505**, A bill to be entitled An Act relating to creating the criminal offense of boating while intoxicated with a child passenger; changing the eligibility for deferred adjudication community supervision.

**CSHB 2505** was passed to engrossment.

**HB 4055 ON SECOND READING**  
**(by Meza)**

**HB 4055**, A bill to be entitled An Act relating to reporting and investigating certain cases of child abuse or neglect involving a pregnant woman's use of a controlled substance.

Representative Meza moved to postpone consideration of **HB 4055** until 10 a.m. Wednesday, May 5.

The motion prevailed.

**HB 3306 ON SECOND READING**  
**(by Middleton and Rose)**

**HB 3306**, A bill to be entitled An Act relating to the disclosure of certain information regarding the occurrence of communicable diseases in residential facilities.

Representative Middleton moved to postpone consideration of **HB 3306** until 10 a.m. Friday, May 7.

The motion prevailed.

**CSHB 30 ON SECOND READING**  
**(by Talarico)**

**CSHB 30**, A bill to be entitled An Act relating to educational programs provided by the Windham School District in the Texas Department of Criminal Justice for certain inmates.

**CSHB 30** was passed to engrossment.

**CSHB 1225 ON SECOND READING**  
**(by Campos)**

**CSHB 1225**, A bill to be entitled An Act relating to an evaluation by the housing and health services coordination council of the 2-1-1 services provided by the Texas Information and Referral Network.

**CSHB 1225** was passed to engrossment.

**CSHB 2990 ON SECOND READING**  
**(by Morales Shaw, Bowers, Reynolds, and Price)**

**CSHB 2990**, A bill to be entitled An Act relating to a requirement to make certain environmental and water use permit applications available online.

**CSHB 2990** was passed to engrossment.

**POSTPONED BUSINESS**

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

**CSHB 1505 ON SECOND READING**  
**(by Paddie, et al.)**

**CSHB 1505**, A bill to be entitled An Act relating to attachments for broadband service on utility poles owned by an electric cooperative.

**CSHB 1505** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Paddie offered the following amendment to **CSHB 1505**:

Amend **CSHB 1505** (house committee printing) as follows:

(1) On page 2, line 13, between "attachment" and "affixed", insert "that is used wholly or partly to provide broadband service and".

(2) Strike page 3, line 25, through page 4, line 13, and substitute the following:

Sec. 253.0103. NONDISCRIMINATORY ACCESS; MODIFICATION OR REPLACEMENT TO ACCOMMODATE ATTACHMENT. (a) Except as provided by this chapter, an electric cooperative shall provide a broadband provider with nondiscriminatory access to a pole that the cooperative owns or controls.

(b) Except as provided by Subsection (c), an electric cooperative may deny a broadband provider access to a pole:

(1) if there is insufficient capacity; or

(2) for reasons of safety, reliability, and generally applicable engineering purposes.

(c) An electric cooperative may not deny a broadband provider access to a pole if the basis for denial may be remedied by rearranging facilities on the pole through reasonable make-ready activities.

(d) Except as provided by Subsection (e), if a pole must be replaced to accommodate a new pole attachment applied for by a broadband provider:

(1) the electric cooperative and broadband provider shall determine, through good faith negotiations, a reasonable date by which the pole replacement will occur; and

(2) the broadband provider shall pay the actual costs of replacing the pole, including the cost to:

(A) remove and dispose of the existing pole;

(B) purchase and install a replacement pole; and

(C) transfer any existing facilities to the new pole.

(e) An electric cooperative is responsible for the costs of removing and replacing under Subsection (d) a pole:

(1) with recorded conditions or defects that would reasonably be expected to endanger human life or property and which should be promptly corrected; or

(2) that must be replaced for safety or reliability as a result of normal wear and tear or other natural causes and not on account of a pole attachment or the action of a broadband provider or third party.

(3) On page 5, strike lines 9 and 10, and substitute the following:

(b) The rates, terms, and conditions of a contract under this chapter must:

(1) be just, reasonable, and nondiscriminatory; and

(2) comply with this chapter.

(4) On page 5, strike lines 11 through 13 and substitute the following:

(c) In determining whether rates, terms, and conditions are just and

(5) On page 5, line 21, between "of" and "broadband", insert "electric services and".

(6) On page 5, strike lines 23 through 27, and substitute the following:

(4) compliance with applicable safety standards; and

(7) On page 7, strike lines 12 through 18 and substitute the following:

(c) If the mediation process under Subsection (b) does not resolve the disagreement over the rates, terms, or conditions of a new pole attachment agreement, the broadband provider or electric cooperative may file suit in a district court to resolve the disagreement or dispute.

(8) Strike page 7, line 19, through page 9, line 3.

(9) On page 9, line 4, strike "SUBCHAPTER E" and substitute with "SUBCHAPTER D".

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

SECTION \_\_\_\_. Chapter 403, Government Code, is amended by adding Subchapter R to read as follows:



SUBCHAPTER R. INFRASTRUCTURE AND BROADBAND FUNDINGSec. 403.501. DEFINITIONS. In this subchapter:(1) "Capital fund" means the Texas broadband capital projects fund established under Section 403.502.(2) "Pole replacement fund" means the broadband pole replacement fund established under Section 403.503.(3) "Pole replacement program" means the Texas Broadband Pole Replacement Program established under Section 403.504.Sec. 403.502. TEXAS BROADBAND CAPITAL PROJECTS FUND. (a) In this section, "American Rescue Plan Act" means the American Rescue Plan Act of 2021 (Pub. L. No. 117-2).(b) The Texas broadband capital projects fund is created as a fund in the state treasury outside the general revenue fund.(c) Notwithstanding any other state law and except as otherwise provided by federal law, a state agency that receives money from the federal government from the Coronavirus Capital Projects Fund established under Section 9901 of the American Rescue Plan Act shall deposit the money to the credit of the capital fund as the comptroller determines is necessary to hold and account for money received under the American Rescue Plan Act.(d) Other money may be deposited to the credit of the capital fund if that deposit is:(1) required by an appropriation made by the legislature;(2) required by federal law; or(3) necessary to account for money related to the American Rescue Plan Act.(e) Money deposited to the credit of the capital fund may be used only for:(1) the purposes identified in the American Rescue Plan Act to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options; and(2) a transfer to the pole replacement fund for use in the pole replacement program.(f) State agencies shall transfer amounts between the capital fund and other accounts and funds in the treasury as necessary to properly account for money received under the American Rescue Plan Act as directed by the comptroller. This section does not affect the authority of the comptroller to establish and use accounts necessary to manage and account for revenues and expenditures.(g) Interest earned on money deposited to the credit of the capital fund is exempt from Section 404.071 and shall be retained in the capital fund.(h) The comptroller may issue guidelines for state agencies regarding the implementation of this section.Sec. 403.503. BROADBAND POLE REPLACEMENT FUND. (a) The broadband pole replacement fund is created as a fund in the state treasury outside the general revenue fund.(b) The pole replacement fund consists of a one-time transfer of \$75 million by the comptroller from the capital fund to the credit of the pole replacement fund.

(c) Money deposited to the credit of the pole replacement fund may be used only for the purpose of supporting the pole replacement program under Section 403.504.

Sec. 403.504. TEXAS BROADBAND POLE REPLACEMENT PROGRAM. (a) In this section:

(1) "Eligible broadband facility" means a facility used by a retail broadband service provider to provide qualifying broadband service to residences or businesses in an unserved area, including a facility owned by an affiliate of the provider and used in the provision of service. The term does not include a facility used only for the provision of wholesale service and not used by the owner of the facility or the owner's affiliate to provide retail qualifying broadband service directly to residences or businesses.

(2) "Eligible pole replacement cost" means the actual and reasonable costs incurred by a party after August 31, 2021, to remove and replace a pole, including the amount of any expenditures to remove and dispose of the existing pole, purchase and install a replacement pole, and transfer any existing facilities to the new pole. The term does not include costs that the party incurs initially that have been reimbursed to the party by another party ultimately responsible for the costs.

(3) "Qualifying broadband service" means retail wireline or wireless broadband service capable of providing:

(A) a download speed of 25 megabits per second or faster; and

(B) an upload speed of 3 megabits per second or faster.

(4) "Unserved area" means a location that lacks access to a retail fixed, terrestrial, wireline, or wireless Internet service capable of providing:

(A) a download speed of 25 megabits per second or faster; and

(B) an upload speed of three megabits per second or faster.

(5) "Pole" means any pole used, wholly or partly, for any wire communications or electric distribution, irrespective of who owns or operates the pole.

(6) "Pole owner" means a person who owns or controls a pole.

(b) The Texas Broadband Pole Replacement Program is established for the purpose of speeding the deployment of broadband to individuals in rural areas by reimbursing a portion of eligible pole replacement costs incurred by certain persons.

(c) The comptroller shall administer, prescribe rules for, and provide administrative support for the pole replacement program. The comptroller may take any action necessary or convenient to implement the pole replacement program.

(d) A pole owner or a provider of qualifying broadband service who removes and replaces an existing pole in an unserved area for the purpose of accommodating the attachment of an eligible broadband facility may apply to the comptroller for a reimbursement award for an amount equal to:

(1) 50 percent of the eligible pole replacement costs incurred by the applicant or \$5,000, whichever is less, for the pole replaced; and

(2) the documented and reasonable administrative expenses incurred by the applicant in preparing and submitting the reimbursement application, including expenses charged by a pole owner under Subsection (m).

(e) The amount reimbursed under Subsection (d)(2) may not exceed five percent of the eligible pole replacement costs in the application.

(f) For purposes of Subsection (d), a pole is considered to be located in an unserved area if:

(1) at the time of the request by a retail broadband service provider to attach facilities to the pole, the pole is in a location that, according to the latest broadband availability data made available by the Federal Communications Commission, is in an unserved area; or

(2) the pole is located in an area that is the subject of a federal or state grant to deploy broadband service, the conditions of which limit the availability of a grant to unserved areas.

(g) The comptroller shall require each applicant for reimbursement to provide:

(1) information sufficient to establish the number, cost, and eligibility of pole replacements and the identity of the retail broadband service provider attaching the eligible broadband facilities;

(2) documentation sufficient to establish that the pole replacements have been completed or will be completed not later than the 90th day after the award of program reimbursement;

(3) the amount of reimbursement requested and any grant funding or accounting information required to justify the amount of the request;

(4) a notarized statement from an officer or agent of the applicant that the contents of the application are true and accurate and that the applicant accepts the requirements of Subsections (j), (k), and (l) as a condition of receiving an award of program reimbursement; and

(5) any other information the comptroller considers necessary for final review, award, and payment of program reimbursements.

(h) Not later than the 60th day after the date that the comptroller receives a completed application for reimbursement, the comptroller shall review the application and, if the pole replacement fund includes enough money to pay the award amount, may issue a reimbursement award. The award must be paid not later than 30 days after the date of issuance.

(i) The comptroller must provide notice of a reimbursement award to the pole owner and the retail broadband service provider attaching the eligible broadband facility.

(j) As a condition of receiving an award of program reimbursement, an applicant must certify the applicant's compliance with the requirements of this section.

(k) If a pole owner receives a reimbursement award under this section, the owner may not include in any rates or fees charged for the owner's services an eligible pole replacement cost:

(1) reimbursed by the program;

(2) paid for by a qualifying broadband provider; or

(3) funded by another grant source.

(l) If the comptroller finds on substantial evidence after notice and opportunity to respond that a pole owner or broadband service provider has materially violated the requirements of this section with respect to reimbursements or portions of reimbursements, the comptroller may direct the owner or provider to refund the reimbursement or a portion of the reimbursement with interest at the applicable federal funds rate as specified by Section 4A.506(b), Business and Commerce Code, to the pole replacement fund or the state general fund.

(m) If a retail broadband service provider incurs eligible pole replacement costs relating to a pole replacement performed by the pole owner, the owner shall coordinate with the provider to supply all information necessary for the provider to promptly complete and submit an application under this section. A pole owner may charge the provider the documented and reasonable administrative expenses incurred by the pole owner for assistance, in an amount not to exceed five percent of eligible pole replacement costs. The provider may seek reimbursement of costs in accordance with Subsection (d)(2).

(n) If the pole replacement fund does not have money sufficient to pay an award, the application for the award is considered denied. The application may be refiled if sufficient funds are later made available in the pole replacement fund.

(o) Not later than the 60th day after the date the pole replacement fund receives money for the pole replacement program, the comptroller shall maintain and publish on the comptroller's Internet website:

(1) statistics on the number of applications received, processed, and rejected by the program;

(2) statistics on the size, number, and status of reimbursements awarded by the program, including the retail broadband service providers and pole owners receiving reimbursements; and

(3) the estimated amount of money remaining in the pole replacement fund.

(p) Not later than the first anniversary after the pole replacement fund receives funds for the purpose of providing pole replacement reimbursements, the state auditor shall audit the fund and the administration of the pole replacement program.

(q) Not later than one year after the date that the amount transferred from the capital fund to the pole replacement fund under Section 403.503(b) is exhausted, the comptroller shall identify, examine, and report on the deployment of broadband infrastructure and technology facilitated by the pole reimbursements the comptroller has awarded.

SECTION \_\_\_\_\_. The comptroller of public accounts shall establish rules for the Texas Broadband Pole Replacement Program, as established by Section 403.504, Government Code, as added by this Act, not later than December 1, 2021.

**Amendment No. 2**

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

Amend the Amendment by Paddie to **CSHB 1505** (house committee printing) as follows:

(1) On page 3, strike lines 14 through 20 and substitute the following:

(1) "Pole replacement fund" means the broadband pole replacement fund established under Section 403.502.

(2) "Pole replacement program" means the Texas Broadband Pole Replacement Program established under Section 403.503.

(2) Strike page 3, line 21 through page 4, line 28.

(3) On page 4, line 29, strike "403.503" and substitute "403.502".

(4) On page 5, strike lines 1 through 6 and substitute the following:

(b) Notwithstanding any other law and except as provided by federal law, the comptroller shall make a one-time transfer of \$75 million from money received by this state from the federal government from the Coronavirus Capital Projects Fund established under Section 9901 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) to the credit of the pole replacement fund. The comptroller shall make the transfer described by this subsection as soon as practicable following receipt by this state of a sufficient amount to make the transfer.

(c) Money deposited to the credit of the pole replacement fund may be used only for the purpose of supporting the pole replacement program under Section 403.503. Money in the pole replacement fund must be used in a manner consistent with federal law.

(d) Interest earned on money deposited to the credit of the pole replacement fund is exempt from Section 404.071. Interest earned on money in the fund shall be retained in the pole replacement fund.

(e) The comptroller may issue guidelines for state agencies regarding the implementation of this section.

(5) On page 5, line 7, strike "403.504" and substitute "403.503".

(6) On page 5, strike lines 17 through 24, and substitute the following:

(2) "Eligible pole replacement cost" means the actual and reasonable costs paid or incurred by a party after August 31, 2021, to remove and replace a pole, including the amount of any expenditures to remove and dispose of the existing pole, purchase and install a replacement pole, and transfer any existing facilities to the new pole. The term includes costs paid or incurred by the party responsible for the costs of a pole replacement to reimburse the party that performs the pole replacement. The term does not include costs that the party incurs initially that have been reimbursed to the party by another party ultimately responsible for the costs.

(7) On page 6, line 21, strike "removes and replaces" and substitute "pays or incurs the costs of removing and replacing".

(8) On page 6, at the end of line 25, add "paid or".

(9) On page 8, line 23 and 24, strike "pole owner or broadband service provider" and substitute "recipient of funds under this section".

(10) On page 8, line 26, strike "owner or provider" and substitute "the recipient".

(11) On page 9, line 31, strike "from the capital fund".

(12) On page 10, line 1, strike "403.503(b)" and substitute "403.502(b)".

(13) On page 10, line 7, strike "403.504" and substitute "403.503".

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

( ) Strike page 4, line 19 through page 5, line 3, and substitute the following:

(b) The terms and conditions of a contract under Subsection (a) must be consistent with this chapter.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

**CSHB 1505**, as amended, was passed to engrossment.

### **HB 119 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 119**, A bill to be entitled An Act relating to prohibiting organ transplant recipient discrimination on the basis of certain disabilities.

Representative Landgraf moved to concur in the senate amendments to **HB 119**.

The motion to concur in the senate amendments to **HB 119** prevailed by (Record 646): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia.

Absent — Coleman; Longoria; Metcalf; Vo.

### STATEMENT OF VOTE

When Record No. 646 was taken, my vote failed to register. I would have voted yes.

Metcalf

### Senate Committee Substitute

**CSHB 119**, A bill to be entitled An Act relating to prohibiting organ transplant recipient discrimination on the basis of certain disabilities.

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

SECTION 1. The heading to Subchapter S, Chapter 161, Health and Safety Code, is amended to read as follows:

#### SUBCHAPTER S. ALLOCATION OF KIDNEYS AND OTHER ORGANS AVAILABLE FOR TRANSPLANT

SECTION 2. Section 161.471, Health and Safety Code, is amended to read as follows:

Sec. 161.471. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Auxiliary aids and services" means:

(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(C) provision of information in a format readily accessible and understandable to individuals with cognitive, neurological, developmental, or intellectual disabilities;

(D) acquisition or modification of equipment or devices; and

(E) other services and actions similar to those described by Paragraphs (A), (B), (C), and (D).

(2) "Disability" has the meaning assigned by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(3) "Health care facility" means a facility licensed, certified, or otherwise authorized to provide health care in the ordinary course of business, including a hospital, nursing facility, laboratory, intermediate care facility, mental health facility, transplant center, and any other facility for individuals with intellectual or developmental disabilities.

(4) "Health care provider" means an individual or facility licensed, certified, or otherwise authorized to provide health care in the ordinary course of business or professional practice, including a physician, hospital, nursing facility, laboratory, intermediate care facility, mental health facility, transplant center, and any other facility for individuals with intellectual or developmental disabilities.

(5) "Organ [~~organ~~] procurement organization" means an organization that is a qualified organ procurement organization under 42 U.S.C. Section 273 that is currently certified or recertified in accordance with that federal law.

SECTION 3. Subchapter S, Chapter 161, Health and Safety Code, is amended by adding Section 161.473 to read as follows:

Sec. 161.473. DISCRIMINATION ON BASIS OF DISABILITY PROHIBITED. (a) A health care provider may not, solely on the basis of an individual's disability:

- (1) determine an individual is ineligible to receive an organ transplant;
- (2) deny medical or other services related to an organ transplant, including evaluation, surgery, counseling, and postoperative treatment;
- (3) refuse to refer the individual to a transplant center or other related specialist for evaluation or receipt of an organ transplant; or
- (4) refuse to place the individual on an organ transplant waiting list or place the individual at a position lower in priority on the list than the position the individual would have been placed if not for the individual's disability.

(b) Notwithstanding Subsection (a), a health care provider may consider an individual's disability when making a treatment recommendation or decision solely to the extent that a physician, following an individualized evaluation of the potential transplant recipient, determines the disability is medically significant to the organ transplant. This section does not require a referral or recommendation for, or the performance of, a medically inappropriate organ transplant.

(c) A health care provider may not consider an individual's inability to independently comply with post-transplant medical requirements as medically significant for the purposes of Subsection (b) if the individual has:

- (1) a known disability; and
- (2) the necessary support system to assist the individual in reasonably complying with the requirements.

(d) A health care facility shall make reasonable modifications in policies, practices, or procedures as necessary to allow individuals with a disability access to organ transplant-related services, including transplant-related counseling, information, or treatment, unless the health care facility can demonstrate that making the modifications would fundamentally alter the nature of the services or would impose an undue hardship on the facility. Reasonable modifications in policies, practices, and procedures may include:

- (1) communicating with persons supporting or assisting with the individual's postsurgical and post-transplant care, including medication; and
- (2) considering the support available to the individual in determining whether the individual is able to reasonably comply with post-transplant medical requirements, including support provided by:

- (A) family;
- (B) friends; or
- (C) home and community-based services, including home and community-based services funded by:

- (i) Medicaid;
- (ii) Medicare;
- (iii) a health plan in which the individual is enrolled; or
- (iv) any other program or source of funding available to the individual.



(e) A health care provider shall make reasonable efforts to comply with the policies, practices, and procedures, as applicable, developed by a health care facility under Subsection (d), as necessary to allow an individual with a known disability access to organ transplant-related services, including transplant-related counseling, information, or treatment, unless the health care provider can demonstrate that compliance would fundamentally alter the nature of the services or would impose an undue hardship on the health care provider.

(f) A health care provider shall make reasonable efforts to provide auxiliary aids and services to an individual with a known disability seeking organ transplant-related services, including organ transplant-related counseling, information, or treatment, as necessary to allow the individual access to those services, unless the health care provider can demonstrate that providing the transplant-related services with auxiliary aids and services present would fundamentally alter the transplant-related services provided or would impose an undue hardship on the health care provider.

(g) A health care provider shall comply with the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) to the extent that Act applies to a health care provider. This subsection may not be construed to require a health care provider to comply with that Act if the Act does not otherwise require compliance by the health care provider.

(h) This section applies to each stage of the organ transplant process.

(i) A violation of this section is grounds for disciplinary action by the regulatory agency that issued a license, certificate, or other authority to a health care provider who committed the violation. Before a regulatory agency may take disciplinary action against a health care provider for a violation, the applicable regulatory agency shall:

(1) notify the health care provider of the agency's finding that the health care provider has violated or is violating this section or a rule adopted under this section; and

(2) provide the health care provider with an opportunity to correct the violation without penalty or reprimand.

(j) A physician who in good faith makes a determination that an individual's disability is medically significant to the organ transplant, as described by Subsection (b), does not violate this section.

(k) A health care provider who in good faith makes a treatment recommendation or decision on the basis of a physician's determination that an individual's disability is medically significant to the organ transplant, as described by Subsection (b), does not violate this section.

SECTION 4. Not later than January 1, 2022, the executive commissioner of the Health and Human Services Commission shall adopt any rules necessary to implement Subchapter S, Chapter 161, Health and Safety Code, as amended by this Act.

SECTION 5. This Act takes effect September 1, 2021.

**HB 626 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 626**, A bill to be entitled An Act relating to the expansion of the Texas Innovative Adult Career Education (ACE) Grant Program to include certain nonprofit organizations providing job training to veterans.

Representative Rosenthal moved to concur in the senate amendments to **HB 626**.

The motion to concur in the senate amendments to **HB 626** prevailed by (Record 647): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; 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; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia.

Absent — Coleman.

**Senate Committee Substitute**

**CSHB 626**, A bill to be entitled An Act relating to the expansion of the Texas Innovative Adult Career Education (ACE) Grant Program to include certain nonprofit organizations providing job training to veterans.

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

SECTION 1. Section 136.001, Education Code, is amended by adding Subdivision (5) to read as follows:

(5) "Veteran" means a person who has served in:

(A) the army, navy, air force, coast guard, or marine corps of the United States;

(B) the state military forces as defined by Section 431.001, Government Code, other than the Texas State Guard; or

(C) an auxiliary service of one of those branches of the armed forces.

SECTION 2. Section 136.005, Education Code, is amended to read as follows:

Sec. 136.005. TEXAS INNOVATIVE ADULT CAREER EDUCATION (ACE) GRANT PROGRAM. (a) The grant administrator shall establish and administer the Texas Innovative Adult Career Education (ACE) Grant Program to provide grants to:

(1) eligible nonprofit workforce intermediary and job training organizations; and

(2) eligible nonprofit organizations providing job training to veterans.

(a-1) In awarding grants under the program, the grant administrator shall take into consideration the recommendations of the program advisory board.

(b) Grants may be awarded under this chapter from the Texas Innovative Adult Career Education (ACE) Grant fund only to develop, support, or expand programs of eligible nonprofit workforce intermediary and job training organizations and of eligible nonprofit organizations providing job training to veterans to prepare low-income students or veterans, as applicable, to enter careers in high-demand and significantly higher-earning occupations.

SECTION 3. Section 136.006, Education Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) To be eligible for a grant under the program, a nonprofit organization providing job training services to veterans must:

(1) apply to the grant administrator in the manner prescribed by the grant administrator;

(2) provide to veterans, in partnership with public junior colleges, public state colleges, or public technical institutes:

(A) job training; and

(B) a continuum of services designed to move a program participant from application to employment, including outreach, assessment, case management, support services, and career placement;

(3) be governed by a board or other governing structure that includes recognized leaders of broad-based community organizations and executive-level or managerial-level members of the local business community;

(4) demonstrate to the satisfaction of the program advisory board that the organization's program has achieved or will achieve the following measures of success among program participants:

(A) the measures prescribed by Subsections (a)(4)(A)-(C);

(B) rapid attainment of civilian workforce credentials; and

(C) entry into careers with significantly higher earnings for program participants than previously achieved; and

(5) provide matching funds in accordance with rules adopted under this chapter.

(b) The matching funds required under Subsection (a)(5) or (a-1)(5) may be obtained from any source available to the organization, including in-kind contributions, community or foundation grants, individual contributions, and local governmental agency operating funds. The grant administrator may adopt rules requiring an organization to demonstrate compliance with the matching funds requirement before the payment of the next installment under an awarded grant.

SECTION 4. This Act takes effect September 1, 2021.

**HB 1514 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1514**, A bill to be entitled An Act relating to the administration of unclaimed property.

Representative Landgraf moved to concur in the senate amendments to **HB 1514**.

The motion to concur in the senate amendments to **HB 1514** prevailed by (Record 648): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; 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; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia.

Absent — Coleman; Slawson; Thompson, S.

**STATEMENT OF VOTE**

When Record No. 648 was taken, I was in the house but away from my desk. I would have voted yes.

Slawson

**Senate Committee Substitute**

**CSHB 1514**, A bill to be entitled An Act relating to the administration of unclaimed property.

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

SECTION 1. Section 551.005(b), Estates Code, is amended to read as follows:

(b) The clerk of a court that orders an executor or administrator to pay funds to the comptroller under Section 551.001 shall provide to ~~[serve on]~~ the comptroller, by certified mail or e-mail ~~[personal service of citation]~~, a certified copy of the court order not later than the fifth day after the date the order is issued.

SECTION 2. Section 1109.013(c), Insurance Code, is amended to read as follows:

(c) An insurer shall report and deliver unclaimed proceeds to the comptroller as required by Chapter 74, Property Code ~~[Section 1109.051]~~.

SECTION 3. Section 72.001, Property Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Tangible or intangible personal property is not subject to this chapter if it is a worthless or non-freely transferable security.

SECTION 4. Section 74.001(a), Property Code, is amended to read as follows:

(a) Except as provided by this section ~~[Subsection (b)]~~, this chapter applies to:

(1) property that is presumed abandoned under Chapter 72, Chapter 73, or Chapter 75;

(2) property that is presumed abandoned under Chapter 154, Finance Code;

(3) unclaimed proceeds under Chapter 1109, Insurance Code; or

(4) any other law requiring a person to report and deliver property to the comptroller under this chapter.

SECTION 5. Section 74.101(a), Property Code, is amended to read as follows:

(a) Each holder who on March 1 holds property to which this chapter applies ~~[that is presumed abandoned under Chapter 72, 73, or 75 of this code or under Chapter 154, Finance Code,]~~ shall file a report of that property on or before the following July 1. The comptroller may require the report to be in a particular format, including a format that can be read by a computer.

SECTION 6. Sections 74.1011(a), (b), and (b-1), Property Code, are amended to read as follows:

(a) Except as provided by Subsection (b), a holder who on March 1 holds property to which this chapter applies that is valued at more than \$250 [~~that is presumed abandoned under Chapter 72, 73, or 75 of this code or Chapter 154, Finance Code,~~] shall, not later than the 60th day before the date the property is delivered to the comptroller, provide to the owner by [on or before the following May 1,] mail to the last known address of the [known] owner or by e-mail written notice stating that:

- (1) the holder is holding the property; and
- (2) the holder may be required to deliver the property to the comptroller on or before July 1 if the property is not claimed.

(b) The notice required under Subsection (a) does not apply to a holder who:

(1) has already provided such notice to the owner of the property or a person entitled to the property under existing federal law, rules, and regulations or state law within the time specified under Subsection (a); or

(2) does not have a record of a physical or e-mail ~~[an]~~ address for the property owner or any other person entitled to the property.

(b-1) If an owner has designated a representative for notice under Section 72.1021 or 73.103, the holder shall mail or e-mail the written notice required under Subsection (a) to the representative in addition to providing written ~~[mailing the]~~ notice to the owner.

SECTION 7. Section 74.301(a), Property Code, is amended to read as follows:

(a) Except as provided by Subsection (c), each holder who on March 1 holds property to which this chapter applies [~~that is presumed abandoned under Chapter 72, 73, or 75]~~ shall deliver the property to the comptroller on or before the following July 1 accompanied by the report required to be filed under Section 74.101.

SECTION 8. Section 74.401(d), Property Code, is amended to read as follows:

(d) If after investigation the comptroller determines that property delivered under this chapter is not marketable or ~~[from a safe deposit box or other repository]~~ has insubstantial commercial value, the comptroller may destroy or otherwise dispose of the property at any time.

SECTION 9. Subchapter E, Chapter 74, Property Code, is amended by adding Section 74.405 to read as follows:

Sec. 74.405. DISPOSITION OF SECURITIES. (a) The comptroller may sell or otherwise liquidate a security delivered to the comptroller under this chapter.

(b) The comptroller may not sell a security listed on an established stock exchange for less than the price prevailing on the exchange at the time of sale. The comptroller may sell a security not listed on an established exchange by any commercially reasonable method.

SECTION 10. Sections 74.501(c), (d), and (f), Property Code, are amended to read as follows:

(c) All claims to which this subchapter ~~[section]~~ applies must:

(1) identify the specific property in the possession of the comptroller that is being claimed;

(2) include all necessary documentation the comptroller may require;  
and

(3) except as provided by Section 74.503, be filed in accordance with procedures, contain the information, and be on forms prescribed by the comptroller.

(d) On receipt of a claim form and all necessary documentation the comptroller may require, or ~~and~~ as may be appropriate under the circumstances, the comptroller may approve the claim of:

(1) the reported owner of the property;

(2) if the reported owner died testate:

(A) the appropriate legal beneficiaries of the owner as provided by the last will and testament of the owner that has been accepted into probate or filed as a muniment of title; ~~or~~

(B) the executor of the owner's last will and testament who holds current letters testamentary; or

(C) the appropriate legal beneficiaries of the owner as provided by a valid last will and testament of the owner that has not been accepted into probate or filed as a muniment of title, if:

(i) the amount of the property being claimed is less than \$10,000; and

(ii) the beneficiaries named in the will are the same persons who would inherit the property if the owner had died intestate;

(3) if the reported owner died intestate:

(A) the legal heirs of the owner as provided by Sections 201.001, ~~and~~ 201.002, and 201.003, Estates Code; ~~or~~

(B) the court-appointed independent administrator of the owner's estate, if the administrator was appointed before the fourth anniversary of the date of the death of the owner; or

(C) the court-appointed dependent administrator of the owner's estate;

(4) the legal heirs of the reported owner as established by a determination [an affidavit] of heirship order signed by a judge of the county probate court or by a county judge;

(5) if the reported owner is a minor child or an adult who has been adjudged incompetent by a court of law, the parent or legal guardian of the child or adult;

(6) if the reported owner is a corporation:

(A) the president or chair of the board of directors of the corporation, on behalf of the corporation; or

(B) any person who has legal authority to act on behalf of the corporation;

(7) if the reported owner is a corporation that has been dissolved or liquidated:

(A) the sole surviving shareholder of the corporation, if there is only one surviving shareholder;

(B) the surviving shareholders of the corporation in proportion to their ownership of the corporation, if there is more than one surviving shareholder;

(C) the corporation's bankruptcy trustee, bankruptcy estate representative, or other person authorized pursuant to Title 11, United States Code, or an order of a bankruptcy court to act on behalf of or for the benefit of the corporation's bankruptcy estate, or any assignee of any such person; or

(D) the court-ordered receiver for the corporation; or

(8) any other person that is entitled to receive the unclaimed property under other law or comptroller policy.

(f) Notwithstanding Subsection (e), the [The] comptroller may approve the [a] claim of [for]:

(1) the attorney general or other Title IV-D agency, as defined by Section 101.033, Family Code, for child support arrearages owed by the reported owner of the property that are [and] reflected in a child support lien notice that complies with Section 157.313, Family Code; or

(2) a person holding a durable power of attorney of a person who is medically incapacitated. [A claim under this subsection may be submitted by the lienholder or the attorney general on behalf of the lienholder.]

SECTION 11. Section 74.501(e), Property Code, as amended by Chapters 267 (**SB 1420**) and 897 (**HB 3598**), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(e) Except as provided by Subsection (d)(7) or (f) or Section 551.051, Estates Code, the comptroller may not pay to the following persons a claim to which this section applies:

(1) a creditor, a judgment creditor, a lienholder, or an assignee of the reported owner or of the owner's heirs;

(2) a person holding a power of attorney from the reported owner or the owner's heirs; or

(3) a person attempting to make a claim on behalf of a corporation that was previously forfeited, dissolved, or terminated, if the comptroller finds that:

(A) the corporation was revived for the purpose of making a claim under this section; and

(B) the person submitting the claim was not an authorized representative of the corporation at the time of the corporation's forfeiture, dissolution, or termination.

SECTION 12. Subchapter F, Chapter 74, Property Code, is amended by adding Section 74.503 to read as follows:

Sec. 74.503. WAIVER OF CLAIM REQUIREMENT. The comptroller may waive the requirement of filing a claim and pay or deliver property directly to a person who does not file a claim if:

(1) the person receiving the property is the reported owner of the property;



(2) the comptroller reasonably believes the person is entitled to receive the property or payment; and

(3) the property has a value of less than \$5,000.

SECTION 13. Sections 74.506(a) and (b), Property Code, are amended to read as follows:

(a) A person who has filed a claim that complies with Section 74.501(c) ~~may appeal [aggrieved by] the decision of the comptroller on the [a] claim [filed under this subchapter may appeal the decision]~~ before the 61st day after the day on which it was rendered.

(b) If a claim that complies with Section 74.501(c) has not been decided before the 91st day after the day on which it was filed, the claimant may file an appeal if, after the claimant provides notice by certified mail to the comptroller of the intent to file an appeal, the comptroller does not reach a decision on the claim on or before the 60th day after the date the notice is delivered to the comptroller. An appeal under this section must be made within one year of the date the claim was filed [the 60-day period beginning on the 91st day after the day of filing].

SECTION 14. The heading to Section 74.507, Property Code, is amended to read as follows:

Sec. 74.507. ASSISTANCE OF CLAIMANT; FEE FOR RECOVERY.

SECTION 15. Section 74.507, Property Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A person who informs a potential claimant that the claimant may be entitled to claim property that is reportable to the comptroller under this chapter, that has been reported to the comptroller, or that is in the possession of the comptroller may not contract for or receive from the claimant for services an amount that exceeds 10 percent of the value of the property recovered, plus reasonable attorney's fees necessary to pursue the claim. If the property involved is mineral proceeds, the amount for services may not include a portion of the underlying minerals or any production payment, overriding royalty, or similar payment.

(c) An agreement to assist a claimant in the recovery of property that is reportable to the comptroller, that has been reported to the comptroller, or that is in the possession of the comptroller under this chapter is enforceable only if the agreement:

(1) clearly states the nature of the property and the services to be provided;

(2) is signed by or on behalf of the claimant; and

(3) states the amount or value of the property reasonably expected to be recovered, computed before and after a fee or other compensation has been deducted.

SECTION 16. Section 74.601(e), Property Code, is amended to read as follows:

(e) The comptroller may ~~[on receipt or from time to time may sell securities, including stocks, bonds, and mutual funds, received under this chapter or any other statute requiring the delivery of unclaimed property to the comptroller and]~~ use the proceeds from the sale of securities delivered under this chapter to buy,

exchange, invest, or reinvest in marketable securities. When making or selling the investments, the comptroller shall exercise the judgment and care of a prudent person.

SECTION 17. Section 74.707(a), Property Code, is amended to read as follows:

(a) The comptroller may waive penalty or interest, in whole or in part, imposed on delinquent property if the comptroller determines that the holder has made a good faith effort to comply with Chapters 72-75, or for other good cause.

SECTION 18. The following provisions of the Insurance Code are repealed:

- (1) Section 1109.013(d);
- (2) Section 1109.101; and
- (3) Subchapters B and D, Chapter 1109.

SECTION 19. Section 1109.013(c), Insurance Code, as amended by this Act, applies only to a report that is due under Chapter 74, Property Code, on or after September 1, 2021.

SECTION 20. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 21. 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, 2021.

### **HB 5 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 5**, A bill to be entitled An Act relating to the expansion of broadband services to certain areas.

Representative Ashby moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 5**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 5**: Ashby, chair; Anderson, C. Morales, Paddie, and Rose.

### **HB 4667 - PERMISSION TO INTRODUCE**

Representative E. Morales requested permission to introduce and have placed on first reading **HB 4667**.

Permission to introduce was granted by (Record 649): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia.

Absent — Coleman; Geren; Johnson, J.E.; King, T.

### **COMMITTEES GRANTED PERMISSION TO MEET**

Representative White moved that the house grant permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings or recess motions.

Permission to meet was granted.

### **FIVE-DAY POSTING RULE SUSPENDED**

Representative White moved to suspend the five-day posting rule to allow the Committee on Homeland Security and Public Safety to consider **SB 922** at 8 a.m. Wednesday, May 5 in E2.012.

The motion prevailed.

### **PROVIDING FOR ADJOURNMENT**

At 4:06 p.m., Representative White moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

### **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

(Perez in the chair)

### ADJOURNMENT

In accordance with a previous motion, the house, at 4:14 p.m., adjourned until 10 a.m. tomorrow.

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### ADDENDUM

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#### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

##### List No. 1

**SB 321** to Appropriations.

**SB 770** to International Relations and Economic Development.

**SB 1265** to Culture, Recreation, and Tourism.

**SB 1373** to Judiciary and Civil Jurisprudence.

**SB 1555** to International Relations and Economic Development.

**SB 1588** to Business and Industry.

**SB 1776** to Public Education.

**SB 2093** to Elections.

**SB 2202** to Public Education.

**SCR 29** to State Affairs.

##### List No. 2

**SB 69** to Homeland Security and Public Safety.

**SB 279** to Public Education.

**SB 282** to State Affairs.

**SB 285** to Juvenile Justice and Family Issues.

**SB 315** to Licensing and Administrative Procedures.

**SB 337** to Defense and Veterans' Affairs.

**SB 437** to Public Health.

**SB 500** to Human Services.

**SB 513** to State Affairs.

**SB 560** to Public Education.  
**SB 566** to State Affairs.  
**SB 617** to Public Health.  
**SB 640** to Public Health.  
**SB 696** to Ways and Means.  
**SB 699** to House Administration.  
**SB 776** to Public Education.  
**SB 804** to Urban Affairs.  
**SB 828** to Ways and Means.  
**SB 900** to Environmental Regulation.  
**SB 1072** to Land and Resource Management.  
**SB 1088** to Ways and Means.  
**SB 1092** to Higher Education.  
**SB 1111** to Elections.  
**SB 1185** to Defense and Veterans' Affairs.  
**SB 1225** to State Affairs.  
**SB 1244** to Human Services.  
**SB 1263** to Appropriations.  
**SB 1266** to House Administration.  
**SB 1270** to Transportation.  
**SB 1277** to Higher Education.  
**SB 1339** to Judiciary and Civil Jurisprudence.  
**SB 1349** to Human Services.  
**SB 1351** to Public Education.  
**SB 1582** to Energy Resources.  
**SB 1646** to Public Health.  
**SB 1827** to Appropriations.  
**SB 1860** to Higher Education.  
**SB 1889** to Higher Education.  
**SB 1907** to Transportation.  
**SB 1911** to Human Services.  
**SB 1997** to Agriculture and Livestock.

**SB 2049** to Juvenile Justice and Family Issues.

**SB 2054** to Human Services.

**SB 2124** to Insurance.

**SB 2145** to Land and Resource Management.

**SB 2146** to Land and Resource Management.

**SB 2147** to Land and Resource Management.

**SB 2162** to Land and Resource Management.

**SB 2164** to Land and Resource Management.

**SB 2171** to Land and Resource Management.

**SB 2173** to Land and Resource Management.

**SB 2180** to Land and Resource Management.

**SB 2182** to Natural Resources.

**SB 2197** to Land and Resource Management.

#### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

#### **House List No. 14**

**HB 7, HB 362, HB 723, HB 735, HB 780, HB 786, HB 917, HB 1070, HB 1081, HB 1116, HB 1325, HB 1428, HB 1472, HB 1658, HB 1689, HB 1755, HB 1787, HB 1831, HB 2005, HB 2089, HB 2429, HB 2536, HB 2660, HB 2677, HB 2678**

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### **APPENDIX**

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#### **STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

#### **April 30**

Business and Industry - **HB 3374**

Corrections - **HB 2754, HB 2793, HB 3598**

County Affairs - **HB 4140, HB 4354**

Criminal Jurisprudence - **HB 9**

Defense and Veterans' Affairs - **HB 2701, HB 2825, HB 3426**

Elections - **HB 3999, HB 4251, HB 4369, SB 231**

Energy Resources - **HB 4442, SB 1260**

Higher Education - **HB 3931, SB 783**

Homeland Security and Public Safety - **HB 1379**

House Administration - **HB 4294, HR 885, HR 886**

Human Services - **HB 1237, HB 2552, HB 2633, SB 25, SB 672**

Insurance - **HB 359, HB 843, HB 2276, HB 2988, HB 3922, HB 4203**

Judiciary and Civil Jurisprudence - **HB 610, HB 1106, HB 1875, HB 2064, HB 2950, HB 3469, HB 3774, HB 4293**

Juvenile Justice and Family Issues - **HB 162, HB 4568**

Land and Resource Management - **HB 4589, HB 4591, SB 374, SB 659, SB 721, SB 725, SB 1338**

Licensing and Administrative Procedures - **HB 1655, HB 3897**

Pensions, Investments, and Financial Services - **HB 3898, HB 4108, HB 4131, HB 4474**

Public Education - **HB 144, HB 220, HB 244, HB 547, HB 764, HB 1568, HB 2193, HB 2230, HB 2344, HB 2465, HB 2664, HB 2756, HB 2769, HB 2800, HB 3449, HB 4124**

Public Health - **HB 4074, SB 1647**

State Affairs - **HB 4507, SB 398, SB 415, SB 518, SB 650, SB 1821, SCR 3**

Transportation - **SB 901, SB 1064, SB 1334**

Urban Affairs - **HB 3135, HB 4065, HB 4245**

Ways and Means - **HB 2403, HB 2711, HB 3322, HB 3833, HB 4269**

#### ENGROSSED

**April 30 - HB 19, HB 21, HB 72, HB 385, HB 440, HB 441, HB 505, HB 542, HB 663, HB 721, HB 827, HB 829, HB 830, HB 834, HB 842, HB 1002, HB 1068, HB 1092, HB 1097, HB 1110, HB 1133, HB 1202, HB 1208, HB 1278, HB 1301, HB 1308, HB 1456, HB 1526, HB 1588, HB 1607, HB 1659, HB 1706, HB 1717, HB 1756, HB 1758, HB 1910, HB 1932, HB 1998, HB 2036, HB 2048, HB 2091, HB 2094, HB 2203, HB 2238, HB 2361, HB 2366, HB 2367, HB 2622, HB 2627, HB 2706, HB 2827, HB 2847, HB 2857, HB 2885, HB 2929, HB 3002, HB 3045, HB 3078, HB 3097, HB 3130, HB 3158, HB 3207, HB 3217, HB 3289, HB 3338, HB 3373, HB 3415, HB 3452, HB 3486, HB 3510, HB 3522,**

**HB 3530, HB 3557, HB 3564, HB 3571, HB 3606, HB 3618, HB 3622,  
HB 3642, HB 3665, HB 3684, HB 3689, HB 3712, HB 3800, HB 3817,  
HB 3856, HB 3971, HB 4030, HB 4172, HB 4204, HB 4220, HB 4315,  
HB 4383, HB 4544, HB 4573, HB 4574, HB 4577, HB 4578, HB 4592,  
HCR 50**

**ENROLLED**

**April 30 - HB 7, HB 362, HB 723, HB 735, HB 780, HB 786, HB 917,  
HB 1070, HB 1081, HB 1116, HB 1325, HB 1428, HB 1472, HB 1658,  
HB 1689, HB 1755, HB 1787, HB 1831, HB 2005, HB 2089, HB 2429,  
HB 2536, HB 2660, HB 2677, HB 2678**

**RECOMMENDATIONS FILED WITH THE SPEAKER**

**April 30 - HB 4636, HB 4637**

**SIGNED BY THE GOVERNOR**

**April 30 - HB 1445, HCR 74, HCR 78**