

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-THIRD DAY — SUNDAY, MAY 23, 2021

The house met at 2:02 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 1298).

Present — Mr. Speaker; 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; 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(C); Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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, Excused — Coleman; Oliverson; Price.

LEAVES OF ABSENCE GRANTED

On motion of Representative Geren and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Geren moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Geren and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following the bill number).

(Record 1299): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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; Moody(C).

Absent, Excused — Coleman; Oliverson; Price.

SB 186 (Cain, Cason, Cyrier, Ellzey, Gates, Hefner, Krause, Lambert, Leach, Metcalf, Middleton, Patterson, Schaefer, Shaheen, Slaton, Tinderholt, Toth, and Wilson - no) (127 - 18 - 2) (Swanson requested to be recorded voting no after the deadline established by Rule 5, Section 52, of the House Rules.)

SB 199 (Buckley, Cain, Cook, Gates, Harris, Hefner, Holland, Krause, Murr, Noble, Shaheen, Toth, Vasut, and Wilson - no) (131 - 14 - 2)

SB 271 (Biedermann and Slaton - no) (143 - 2 - 2)

SB 387 (Patterson and Slawson - no) (143 - 2 - 2)

SB 476 (Biedermann, Buckley, Burns, Cain, Cook, Ellzey, Gates, Harris, Hefner, Holland, Hull, Krause, Landgraf, Leach, Middleton, Murr, Noble, Schaefer, Slaton, Smith, Spiller, Toth, VanDeaver, and Vasut - no) (121 - 24 - 2)

SB 764 (Biedermann, Clardy, and Slaton - no) (142 - 3 - 2)

SB 782 (K. Bell, Buckley, Burns, Cain, Clardy, Cook, Ellzey, Gates, Harless, Harris, Holland, Krause, Landgraf, Middleton, Murr, Noble, Patterson, Shaheen, Slaton, Slawson, Smith, Stucky, Toth, VanDeaver, Vasut, and Wilson - no) (119 - 26 - 2) (Swanson requested to be recorded voting no after the deadline established by Rule 5, Section 52, of the House Rules.)

SB 818 (Harless and Slaton - no) (143 - 2 - 2)

SB 1132 (Allison, K. Bell, Biedermann, Burns, Cason, Clardy, Cook, Cyrier, Dean, Harless, Holland, Lambert, Landgraf, Middleton, Murr, Noble, Slaton, Tinderholt, and VanDeaver - no) (126 - 19 - 2)

SB 1136 (Slaton - no) (144 - 1 - 2)

SB 1165 (Buckley, Burns, Cain, Capriglione, Cook, Craddick, Cyrier, Ellzey, Gates, Harless, Harris, Hefner, Holland, Krause, Landgraf, Metcalf, Middleton, Murr, Noble, Parker, Patterson, Shaheen, Slaton, Slawson, Smith, Swanson, Toth, VanDeaver, Vasut, and Wilson - no) (115 - 30 - 2)

SB 1177 (Ashby, Biedermann, Buckley, Cain, Capriglione, Clardy, Cook, Craddick, Ellzey, Gates, Geren, Harris, Hefner, Holland, Hull, Krause, Lambert, Metcalf, Noble, Parker, Patterson, Schaefer, Slaton, Smith, Stucky, Vasut, and Wilson - no) (118 - 27 - 2)

SB 1269 (Biedermann, Buckley, Cain, Capriglione, Clardy, Cook, Craddick, Ellzey, Gates, Harris, Hefner, Holland, Krause, Leach, Middleton, Noble, Parker, Patterson, Schaefer, Shaheen, Slaton, Smith, Swanson, Toth, Vasut, and Wilson - no) (119 - 26 - 2)

SB 1359 (Burns, Landgraf, Murr, Slaton, and VanDeaver - no) (140 - 5 - 2)

SB 1655 (Lambert, Patterson, and Wilson - no) (142 - 3 - 2)

SB 1801 (Harless and Slaton - no) (143 - 2 - 2)

SB 1814 (Cyrier, Patterson, Shaheen, Slaton, Stucky, and Tinderholt - no) (139 - 6 - 2)

SB 1815 (Cyrier, Metcalf, Patterson, Shaheen, Slaton, Slawson, Stucky, Toth, and Wilson - no) (136 - 9 - 2)

SB 1817 (Biedermann, Clardy, Patterson, Slaton, Slawson, Stucky, Toth, and Wilson - no) (137 - 8 - 2)

SB 1876 (Cason, Hefner, and Middleton - no) (142 - 3 - 2)

SB 1942 (Biedermann, Buckley, Burns, Cain, Capriglione, Clardy, Cook, Craddick, Ellzey, Gates, Harless, Harris, Holland, Krause, Landgraf, Middleton, Murr, Noble, Parker, Patterson, Shaheen, Slaton, Slawson, Toth, VanDeaver, Vasut, and Wilson - no) (118 - 27 - 2) (Swanson requested to be recorded voting no after the deadline established by Rule 5, Section 52, of the House Rules.)

SB 2008 (Allison, Dean, and Slaton - no) (142 - 3 - 2)

SB 2183 (Ashby, K. Bell, Bonnen, Buckley, Burns, Cain, Cook, Cyrier, Darby, Dean, Ellzey, Gates, Geren, Goldman, Harris, Hefner, Holland, Krause, Landgraf, Metcalf, Middleton, Murr, Noble, Patterson, Shaheen, Shine, Slaton, Slawson, Smith, Swanson, Toth, VanDeaver, Vasut, and Wilson - no) (111 - 34 - 2)

SB 2062 (Anderson, Ashby, Biedermann, Buckley, Burns, Cain, Capriglione, Cason, Clardy, Cook, Craddick, Darby, Dean, Ellzey, Gates, Geren, Harris, Hefner, Holland, Hull, Krause, Landgraf, Leach, Metcalf, Middleton, Murr, Noble, Parker, Patterson, Paul, Schaefer, Shaheen, Shine, Slaton, Slawson, Smith, Swanson, E. Thompson, Tinderholt, Toth, VanDeaver, Vasut, and Wilson - no) (102 - 43 - 2)

SB 2099 (Slaton - no) (144 - 1 - 2)

SB 244 (Burns, Cyrier, Landgraf, Murr, and VanDeaver - no) (140 - 5 - 2)

SB 1168 (Allison, K. Bell, Dean, Middleton, and Patterson - no) (140 - 5 - 2)

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Guillen moved to set a congratulatory and memorial calendar for 9 a.m. Wednesday, May 26.

The motion prevailed.

SB 1919 - RULES SUSPENDED HOUSE SPONSOR AUTHORIZED

Representative Meyer moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representatives Metcalf and Hull as house sponsors to **SB 1919**.

The motion prevailed.

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. 25).

(Speaker in the chair)

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 703 ON THIRD READING
(Canales - House Sponsor)**

SB 703, A bill to be entitled An Act relating to the continuation and functions of the Department of Agriculture, the Prescribed Burning Board, and the Texas Boll Weevil Eradication Foundation and the abolishment of the Early Childhood Health and Nutrition Interagency Council.

SB 703 was passed by (Record 1300): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Ramos; 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.

Nays — Cason.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Raney.

**SB 705 ON THIRD READING
(Cyrier - House Sponsor)**

SB 705, A bill to be entitled An Act relating to the continuation and functions of the Texas Animal Health Commission.

SB 705 was passed by (Record 1301): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; 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.; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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.

Nays — Cason.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Kacal.

SB 713 ON THIRD READING
(Cyrier - House Sponsor)

SB 713, A bill to be entitled An Act relating to the sunset review process and certain governmental entities subject to that process.

Amendment No. 1

Representative Cyrier offered the following amendment to **SB 713**:

Amend **SB 713** on third reading by striking Section 325.017(h), Government Code, as added on second reading by Amendment No. 3 by Cyrier and substituting the following:

(h) On the date a state agency that is abolished in an odd-numbered year is terminated under Subsection (a), the governor may designate another state agency to administer any law previously administered by the abolished state agency that remains in effect and a reference in any law to the abolished state agency means the designated state agency. The governor is not required to designate the same state agency under this subsection that is designated under Subsection (f).

Amendment No. 1 was adopted.

SB 713, as amended, was passed by (Record 1302): 140 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; 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; Murr; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Cason; Patterson; Slaton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Murphy; Schaefer; Vasut.

STATEMENTS OF VOTE

When Record No. 1302 was taken, I was shown voting yes. I intended to vote no.

Cain

When Record No. 1302 was taken, my vote failed to register. I would have voted yes.

Schaefer

When Record No. 1302 was taken, my vote failed to register. I would have voted no.

Vasut

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 2212 ON THIRD READING (S. Thompson - House Sponsor)

SB 2212, A bill to be entitled An Act relating to the duty of a peace officer to request and render aid for an injured person.

Representative S. Thompson moved to postpone consideration of **SB 2212** until 2:30 p.m. today.

The motion prevailed.

SB 1385 ON THIRD READING

(Murphy, Krause, Gervin-Hawkins, and Huberty - House Sponsors)

SB 1385, A bill to be entitled An Act relating to the compensation and professional representation of student athletes participating in intercollegiate athletic programs at certain institutions of higher education.

SB 1385 was passed by (Record 1303): 117 Yeas, 27 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Cason; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; Klick; Krause; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Biedermann; Buckley; Cain; Clardy; Cook; Cyrier; Dean; Gates; Harris; Hefner; Holland; Kuempel; Lambert; Landgraf; Middleton; Murr; Paul; Schaefer; Schofield; Shaheen; Slaton; Stucky; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — King, T.; Morales Shaw.

STATEMENTS OF VOTE

When Record No. 1303 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 1303 was taken, I was shown voting no. I intended to vote yes.

Cook

When Record No. 1303 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

When Record No. 1303 was taken, I was shown voting no. I intended to vote yes.

Kuempel

When Record No. 1303 was taken, I was in the house but away from my desk. I would have voted yes.

Morales Shaw

When Record No. 1303 was taken, I was shown voting no. I intended to vote yes.

Vasut

SB 2154 ON THIRD READING
(Paddie - House Sponsor)

SB 2154, A bill to be entitled An Act relating to the membership of the Public Utility Commission of Texas.

SB 2154 was passed by (Record 1304): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Thompson, S.

SB 1585 ON THIRD READING
(Cyrier - House Sponsor)

SB 1585, A bill to be entitled An Act relating to requirements for the designation of a property as a historic landmark and the inclusion of a property in a historic district by a municipality.

SB 1585 was passed by (Record 1305): 142 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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.; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; 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.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Parker; Patterson; Paul; Perez; 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.

Nays — Goodwin; Hinojosa.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Morales Shaw; Paddie.

STATEMENT OF VOTE

When Record No. 1305 was taken, my vote failed to register. I would have voted present, not voting.

Morales Shaw

SB 282 ON THIRD READING
(Meyer, Metcalf, Minjarez, et al. - House Sponsors)

SB 282, A bill to be entitled An Act relating to a prohibition against the appropriation of money to settle or pay a sexual harassment claim made against certain members of the executive, legislative, or judicial branch of state government.

Amendment No. 1

Representative Middleton offered the following amendment to **SB 282**:

Amend **SB 282** (house committee printing) on third reading by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 180, Local Government Code, is amended by adding Section 180.008 to read as follows:

Sec. 180.008. PROHIBITION ON USE OF PUBLIC MONEY TO SETTLE OR PAY SEXUAL HARASSMENT CLAIMS. (a) In this section, "political subdivision" means a county, municipality, school district, other special district, or other subdivision of state government.

(b) A political subdivision may not use public money to settle or otherwise pay a sexual harassment claim made against a person who is:

(1) an elected or appointed member of the governing body of the political subdivision; or

(2) an officer or employee of the political subdivision.

SECTION _____. Section 12.1058(a), Education Code, is amended to read as follows:

(a) An open-enrollment charter school is considered to be:

(1) a local government for purposes of Chapter 791, Government Code;

(2) a local government for purposes of Chapter 2259, Government Code, except that an open-enrollment charter school may not issue public securities as provided by Section 2259.031(b), Government Code;

(3) a political subdivision for purposes of Chapter 172, Local Government Code; ~~and~~

(4) a local governmental entity for purposes of Subchapter I, Chapter 271, Local Government Code; and

(5) a political subdivision for purposes of Section 180.008, Local Government Code.

Amendment No. 1 was adopted.

SB 282, as amended, was passed by (Record 1306): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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.; 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;

Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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 — Coleman; Oliverson; Price.

Absent — Klick.

SB 338 ON THIRD READING
(Lucio and Holland - House Sponsors)

SB 338, A bill to be entitled An Act relating to the adoption of uniform general conditions for building construction contracts entered into by school districts and the composition of the committee that reviews uniform general conditions.

SB 338 was passed by (Record 1307): 136 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; 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; 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; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Zwiener.

Nays — Cain; Harris; Hefner; Murr; Noble; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Hernandez; Wu.

STATEMENTS OF VOTE

When Record No. 1307 was taken, I was shown voting yes. I intended to vote no.

Gates

When Record No. 1307 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1307 was taken, I was shown voting no. I intended to vote yes.

Toth

When Record No. 1307 was taken, I was shown voting yes. I intended to vote no.

VanDeaver

When Record No. 1307 was taken, I was shown voting no. I intended to vote yes.

Wilson

POSTPONED BUSINESS

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

**SB 2212 ON THIRD READING
(S. Thompson - House Sponsor)**

SB 2212, A bill to be entitled An Act relating to the duty of a peace officer to request and render aid for an injured person.

SB 2212 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representatives Tinderholt and S. Thompson offered the following amendment to **SB 2212**:

Amend **SB 2212** on third reading by striking the text on page 1, lines 19-21 (house committee report), as amended by the S. Thompson Amendment and substituting the following:

(1) making the request or providing the treatment would expose the officer or another person to a risk of bodily injury; or

Amendment No. 1 was adopted.

SB 2212, as amended, was passed by (Record 1308): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; 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.; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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 — Coleman; Oliverson; Price.

Absent — Bowers; Geren.

STATEMENT OF VOTE

When Record No. 1308 was taken, I was shown voting yes. I intended to vote no.

Dean

GENERAL STATE CALENDAR

(consideration continued)

SB 877 ON THIRD READING

(Morrison - House Sponsor)

SB 877, A bill to be entitled An Act relating to the inspection of municipal buildings during a declared disaster.

SB 877 was passed by (Record 1309): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cyrier; Darby; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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 — Coleman; Oliverson; Price.

Absent — Crockett; Davis.

SB 296 ON THIRD READING
(Button - House Sponsor)

SB 296, A bill to be entitled An Act relating to the date by which a seller must provide resale and exemption certificates to the comptroller in connection with a sales and use tax audit.

SB 296 was passed by (Record 1310): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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 — Coleman; Oliverson; Price.

SB 1578 ON THIRD READING
(Frank - House Sponsor)

SB 1578, A bill to be entitled An Act relating to the use of opinions from medical professionals in making certain determinations relating to the abuse or neglect of a child.

Amendment No. 1

Representative Klick offered the following amendment to **SB 1578**:

Amend **SB 1578** on third reading in the SECTION of the bill adding Section 261.3017(c-2), Family Code, as added by Amendment No. 2 by Klick and amended by Amendment No. 3 by Klick, by striking "however the department may refer the child's case to a specialist over the objection of the parent, legal guardian, or attorney".

A record vote was requested by Representative C. Turner.

Amendment No. 1 failed of adoption by (Record 1311): 66 Yeas, 79 Nays, 1 Present, not voting.

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

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Campos; Canales; Capriglione; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dutton; Fierro; Frullo; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Kuempel; Lambert; Larson; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Smith; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Dominguez.

SB 1578 was passed by (Record 1312): 144 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; 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; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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.

Nays — Canales; Morrison.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

STATEMENT OF VOTE

When Record No. 1312 was taken, I was shown voting no. I intended to vote yes.

Morrison

SB 89 ON THIRD READING (M. González - House Sponsor)

SB 89, A bill to be entitled An Act relating to supplemental information required for inclusion with a written statement of an individualized education program developed for certain public school students who received special education services during the 2019-2020 or 2020-2021 school year.

SB 89 was passed by (Record 1313): 143 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; 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.

Nays — Noble; Slaton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Hefner.

STATEMENT OF VOTE

When Record No. 1313 was taken, I was in the house but away from my desk. I would have voted yes.

Hefner

SB 672 ON THIRD READING (Bonnen and Guillen - House Sponsors)

SB 672, A bill to be entitled An Act relating to Medicaid coverage of certain collaborative care management services.

SB 672 was passed by (Record 1314): 132 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; 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.; 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; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Cain; Cason; Hefner; Hull; Krause; Patterson; Schaefer; Slaton; Slawson; Tinderholt; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Capriglione; González, M.

STATEMENTS OF VOTE

When Record No. 1314 was taken, I was in the house but away from my desk. I would have voted yes.

Capriglione

When Record No. 1314 was taken, I was shown voting yes. I intended to vote no.

Gates

When Record No. 1314 was taken, I was shown voting yes. I intended to vote no.

Toth

**SB 2212 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative White moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Reynolds as a house sponsor to **SB 2212**.

The motion prevailed.

**SB 2054 ON THIRD READING
(White, Guillen, J.D. Johnson, and Noble - House Sponsors)**

SB 2054, A bill to be entitled An Act relating to the payment of fees and costs associated with driver education and safety courses and driver's license examinations for foster children or youth, former foster children or youth, and youth experiencing homelessness.

SB 2054 was passed by (Record 1315): 137 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Canales; Capriglione; 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; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Cain; Hefner; Patterson; Paul; Slaton; Toth; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Campos; Cason.

STATEMENTS OF VOTE

When Record No. 1315 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

When Record No. 1315 was taken, I was shown voting yes. I intended to vote no.

Gates

When Record No. 1315 was taken, I was shown voting yes. I intended to vote no.

Middleton

When Record No. 1315 was taken, I was shown voting yes. I intended to vote no.

Schaefer

SB 481 ON THIRD READING
(Schofield - House Sponsor)

SB 481, A bill to be entitled An Act relating to the transfer of certain public school students to a school district offering in-person instruction.

SB 481 was passed by (Record 1316): 139 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; 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; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Raney; Raymond; Reynolds; Rogers; Romero; 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.

Nays — Allen; Anchia; Beckley; Longoria; Ramos; Rodriguez; Rose.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

SB 918 ON THIRD READING
(Leman - House Sponsor)

SB 918, A bill to be entitled An Act relating to the size, terms, and election of boards of directors of certain insurance companies.

SB 918 was passed by (Record 1317): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Toth.

STATEMENT OF VOTE

When Record No. 1317 was taken, I was in the house but away from my desk. I would have voted yes.

Toth

SB 1116 ON THIRD READING
(Bucy - House Sponsor)

SB 1116, A bill to be entitled An Act relating to a county, city, or independent school district posting election results on an Internet website.

SB 1116 was passed by (Record 1318): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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 — Coleman; Oliverson; Price.

SB 904 ON THIRD READING
(Lopez, Ramos, et al. - House Sponsors)

SB 904, A bill to be entitled An Act relating to requiring trauma training for certain attorneys.

SB 904 was passed by (Record 1319): 90 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Beckley; Bell, K.; Bernal; Bowers; Bucy; Burrows; Button; Campos; Capriglione; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; Klick; Kuempel; Larson; 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; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Anderson; Ashby; Bailes; Bell, C.; Biedermann; Bonnen; Buckley; Burns; Cain; Canales; Cason; Clardy; Cook; Cyrier; Dean; Frank; Gates; Goldman; Harless; Harris; Hefner; Holland; Hull; Jetton; King, K.; King, P.; Krause; Lambert; Landgraf; Leach; Leman; Metcalf; Murr; Noble; Parker; Patterson; Paul; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — King, T.; Middleton; Rogers.

STATEMENTS OF VOTE

When Record No. 1319 was taken, I was shown voting yes. I intended to vote no.

Darby

When Record No. 1319 was taken, I was shown voting yes. I intended to vote no.

Kuempel

When Record No. 1319 was taken, my vote failed to register. I would have voted no.

Rogers

**SB 1315 ON THIRD READING
(Dominguez - House Sponsor)**

SB 1315, A bill to be entitled An Act relating to the determination that certain property is used as an aid or facility incidental to or useful in the operation or development of a port or waterway or in aid of navigation-related commerce for purposes of the application of certain ad valorem tax laws.

Amendment No. 1

Representatives Martinez Fischer, Lucio, and Davis offered the following amendment to **SB 1315**:

Amend **SB 1315** by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. (a) Section 1.12(d), Tax Code, is amended to read as follows:

(d) For purposes of this section, the appraisal ratio of a homestead to which Section 23.23 applies or of real property to which Section 23.231 applies is the ratio of the property's market value as determined by the appraisal district or appraisal review board, as applicable, to the market value of the property according to law. The appraisal ratio is not calculated according to the appraised value of the property as limited by Section 23.23 or 23.231.

(b) Subchapter B, Chapter 23, Tax Code, is amended by adding Section 23.231 to read as follows:

Sec. 23.231. TEMPORARY LIMITATION ON APPRAISED VALUE OF CERTAIN REAL PROPERTY IN SPECIFIED AREAS. (a) In this section:

(1) "Census tract" means the geographic area identified as a "tract" on the 2010 Census TIGER/Line Shapefiles, prepared by the federal Bureau of the Census for the Twenty-third Decennial Census of the United States, enumerated as of April 1, 2010.

(2) "Eligible property" means real property that:

(A) is:

(i) a residence homestead; or

(ii) an undeveloped lot, subject to Subsection (f); and

(B) is located in one of the following census tracts:

(i) Dallas County tract 002701 or 002702; or

(ii) Harris County tract 210900, 211000, 211100, 211200, or

211700.

(3) "Residence homestead" has the meaning assigned by Section 11.13.

(b) The governing body of a municipality, county, or school district may by official action adopt a limitation as prescribed by this section on the appraised value of all eligible property located in the taxing unit adopting the limitation. The governing body of a municipality, county, or school district may not repeal, rescind, or take other action to negate the adoption of the limitation once adopted under this subsection.

(c) Notwithstanding the requirements of Sections 23.23 and 25.18, and regardless of whether the appraisal office has appraised eligible property and determined the market value of the property for the tax year, the appraised value of the property for a tax year to which a limitation under this section applies is, for the taxing unit that adopted the limitation, the lesser of:

(1) the appraised value of the property as otherwise determined by law;

or

(2) the appraised value of the property for the tax year preceding the tax year in which the limitation adopted by that taxing unit first applies, as provided by Subsection (e).

(d) When appraising eligible property, the chief appraiser shall:

(1) appraise the property as otherwise determined by law; and

(2) include in the appraisal records:

(A) the appraised value of the property determined under Subdivision (1); and

(B) the amount determined under Subsection (c)(2) applicable to each taxing unit that has adopted the limitation.

(e) Except as provided by Subsection (f), a limitation once adopted by a governing body under this section applies to each tax year:

(1) beginning with:

(A) the tax year in which the governing body adopts the limitation, if the governing body adopts the limitation on or before April 1; or

(B) the tax year following the tax year in which the governing body adopts the limitation, if the governing body adopts the limitation after April 1; and

(2) ending with the 2037 tax year.

(f) The limitation adopted under this section as applied to a vacant lot expires on the earlier of:

(1) January 1 following the end of the fifth tax year for which the limitation applies, unless:

(A) a single-family residence has been constructed on the property;

and

(B) the owner of the residence has qualified the property as the owner's residence homestead; or

(2) January 1 of the tax year in which the vacant lot is:

(A) developed for a purpose other than as a single-family residence; or

(B) developed as a single-family residence but not qualified as the residence homestead of an owner of the property.

(g) This section expires January 1, 2038.

(c) Section 25.19(b), Tax Code, as effective January 1, 2022, is amended to read as follows:

(b) The chief appraiser shall separate real from personal property and include in the notice for each:

(1) a list of the taxing units in which the property is taxable;

(2) the appraised value of the property in the preceding year;

(3) the taxable value of the property in the preceding year for each taxing unit taxing the property;

(4) the appraised value of the property for the current year, the kind and amount of each exemption and partial exemption, if any, approved for the property for the current year and for the preceding year, and, if an exemption or partial exemption that was approved for the preceding year was canceled or reduced for the current year, the amount of the exemption or partial exemption canceled or reduced;

(4-a) a statement of whether the property qualifies for the limitation on appraised value provided by Section 23.231;

(5) in italic typeface, the following statement: "The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials, and all inquiries concerning your taxes should be directed to those officials";

(6) a detailed explanation of the time and procedure for protesting the value;

(7) the date and place the appraisal review board will begin hearing protests; and

(8) a brief explanation that the governing body of each taxing unit decides whether or not taxes on the property will increase and the appraisal district only determines the value of the property.

(d) Section 25.19(g), Tax Code, is amended to read as follows:

(g) By April 1 or as soon thereafter as practicable if the property is a single-family residence that qualifies for an exemption under Section 11.13, or by May 1 or as soon thereafter as practicable in connection with any other property, the chief appraiser shall deliver a written notice to the owner of each property not included in a notice required to be delivered under Subsection (a), if the property was reappraised in the current tax year, if the ownership of the property changed during the preceding year, or if the property owner or the agent of a property owner authorized under Section 1.111 makes a written request for the notice. The chief appraiser shall separate real from personal property and include in the notice for each property:

(1) the appraised value of the property in the preceding year;

(2) the appraised value of the property for the current year and the kind of each partial exemption, if any, approved for the current year;

(2-a) a statement of whether the property qualifies for the limitation on appraised value provided by Section 23.231;

(3) a detailed explanation of the time and procedure for protesting the value; and

(4) the date and place the appraisal review board will begin hearing protests.

(e) Section 41.41(a), Tax Code, is amended to read as follows:

(a) A property owner is entitled to protest before the appraisal review board the following actions:

(1) determination of the appraised value of the owner's property or, in the case of land appraised as provided by Subchapter C, D, E, or H, Chapter 23, determination of its appraised or market value;

(2) unequal appraisal of the owner's property;

(3) inclusion of the owner's property on the appraisal records;

(4) denial to the property owner in whole or in part of a partial exemption;

(4-a) determination that the owner's property does not qualify for the limitation on appraised value provided by Section 23.231;

(5) determination that the owner's land does not qualify for appraisal as provided by Subchapter C, D, E, or H, Chapter 23;

(6) identification of the taxing units in which the owner's property is taxable in the case of the appraisal district's appraisal roll;

(7) determination that the property owner is the owner of property;

(8) a determination that a change in use of land appraised under Subchapter C, D, E, or H, Chapter 23, has occurred; or

(9) any other action of the chief appraiser, appraisal district, or appraisal review board that applies to and adversely affects the property owner.

(f) Section 42.26(d), Tax Code, is amended to read as follows:

(d) For purposes of this section, the value of the property subject to the suit and the value of a comparable property or sample property that is used for comparison must be the market value determined by the appraisal district when the property is [~~a residence homestead~~] subject to the limitation on appraised value imposed by Section 23.23 or 23.231.

(g) This section of this Act applies only to the appraisal of real property for ad valorem tax purposes for a tax year that begins on or after January 1, 2022.

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

SB 1315, as amended, was passed by (Record 1320): 135 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Cole; Collier; Cook; Cortez; Craddick; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; 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, 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; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Clardy; Cyrier; Ellzey; Hefner; Krause; Metcalf; Noble; Schaefer; Shaheen; Swanson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price.

Absent — Vasut.

STATEMENTS OF VOTE

When Record No. 1320 was taken, my vote failed to register. I would have voted yes.

Vasut

When Record No. 1320 was taken, I was shown voting yes. I intended to vote no.

Wilson

SB 611 ON THIRD READING (Lopez - House Sponsor)

SB 611, A bill to be entitled An Act relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.

SB 611 was passed by (Record 1321): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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 — Coleman; Oliverson; Price.

POSTPONED BUSINESS

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

SB 1365 ON SECOND READING

(Huberty, Dutton, K. King, Murphy, and Oliverson - House Sponsors)

SB 1365, A bill to be entitled An Act relating to public school organization, accountability, and fiscal management.

SB 1365 was read second time on May 20 and was postponed until 10 a.m. May 21.

Representative Huberty moved to postpone consideration of **SB 1365** until 3:15 p.m. today.

The motion prevailed.

SB 766 ON SECOND READING

(Leach, S. Thompson, and Hunter - House Sponsors)

SB 766, A bill to be entitled An Act relating to sexually oriented businesses, including a requirement to participate in the federal electronic verification of employment authorization program, or E-verify, and restricting the age of persons employed by or allowed on the premises; creating criminal offenses.

SB 766 was read second time on May 20 and was postponed until 2 p.m. today.

Representative Leach moved to postpone consideration of **SB 766** until 8 p.m. today.

The motion prevailed.

MAJOR STATE CALENDAR

SENATE BILLS

SECOND READING

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

CSSB 2 ON SECOND READING

(Paddie - House Sponsor)

CSSB 2, A bill to be entitled An Act relating to the governance of the Public Utility Commission of Texas, the Office of Public Utility Counsel, and an independent organization certified to manage a power region.

Amendment No. 1

Representative Darby offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 12.202, Utilities Code, is amended by adding Subsection (d) to read as follows:

(d) An organization or coalition that appears before the commission and is not exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1986 by being listed as an exempt organization in Section 501(c) of that code shall disclose to the commission all members of the organization or coalition.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Anchia offered the following amendment to **CSSB 2**:

Amend **CSSB 2** by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 552.003(1), Government Code, is amended to read as follows:

(1) "Governmental body":

(A) means:

(i) a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members;

(ii) a county commissioners court in the state;

(iii) a municipal governing body in the state;

(iv) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;

(v) a school district board of trustees;

(vi) a county board of school trustees;

(vii) a county board of education;

(viii) the governing board of a special district;

(ix) the governing body of a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code;

(x) a local workforce development board created under Section 2308.253;

(xi) a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that is authorized by this state to serve a geographic area of the state;

(xii) a confinement facility operated under a contract with any division of the Texas Department of Criminal Justice;

(xiii) a civil commitment housing facility owned, leased, or operated by a vendor under contract with the state as provided by Chapter 841, Health and Safety Code;

(xiv) an entity that receives public funds in the current or preceding state fiscal year to manage the daily operations or restoration of the Alamo, or an entity that oversees such an entity; ~~and~~

(xv) the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds; and

(xvi) an independent organization established under Section 39.151, Utilities Code; and

(B) does not include:

(i) the judiciary; or

(ii) an economic development entity whose mission or purpose is to develop and promote the economic growth of a state agency or political subdivision with which the entity contracts if:

(a) the entity does not receive \$1 million or more in public funds from a single state agency or political subdivision in the current or preceding state fiscal year; or

(b) the entity:

(1) either:

(A) does not have the authority to make decisions or recommendations on behalf of a state agency or political subdivision regarding tax abatements or tax incentives; or

(B) does not require an officer of the state agency or political subdivision to hold office as a member of the board of directors of the entity;

(2) does not use staff or office space of the state agency or political subdivision for no or nominal consideration, unless the space is available to the public;

(3) to a reasonable degree, tracks the entity's receipt and expenditure of public funds separately from the entity's receipt and expenditure of private funds; and

(4) provides at least quarterly public reports to the state agency or political subdivision regarding work performed on behalf of the state agency or political subdivision.

SECTION _____. Section 552.003(1), Government Code, as amended by this Act, applies only to a request for public information received by a governmental body or officer for public information on or after the effective date of this Act.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Martinez Fischer offered the following amendment to **CSSB 2**:

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

(1) On page 1, line 22, strike "and (g-4)" and substitute "(g-4), and (g-5)".

(2) On page 5, between lines 16 and 17, insert the following:

(g-4) A former member of the governing body of an independent organization certified under this section may not, before the second anniversary of the date the member ceases to be a member of the governing body, engage in an activity that requires registration under Chapter 305, Government Code.

(3) On page 5, line 17, strike "(g-4)" and substitute "(g-5)".

Amendment No. 3 was adopted.

CSSB 2, as amended, was passed to third reading.

LEAVE OF ABSENCE GRANTED

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

Vo on motion of Bernal.

POSTPONED BUSINESS

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

SB 1365 ON SECOND READING

(Huberty, Dutton, K. King, Murphy, and Oliverson - House Sponsors)

SB 1365, A bill to be entitled An Act relating to public school organization, accountability, and fiscal management.

SB 1365 was read second time on May 20, postponed until 10 a.m. May 21, and was again postponed until this time.

Amendment No. 1

Representative Huberty offered the following amendment to **SB 1365**:

Amend **SB 1365** (house committee report) by striking all below the enacting clause and substituting the following:

ARTICLE 1. STATE AND LOCAL ORGANIZATION AND GOVERNANCE

SECTION 1.01. Section 7.055, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other law, the commissioner's power to delegate ministerial and executive functions under Subsection (b)(5) is a valid delegation of authority.

SECTION 1.02. Section 11.151(b), Education Code, is amended to read as follows:

(b) Except as provided by Sections 39A.201 and 39A.202, the [The] trustees as a body corporate have the exclusive power and duty to govern and oversee the management of the public schools of the district. All powers and

duties not specifically delegated by statute to the agency or to the State Board of Education are reserved for the trustees, and the agency may not substitute its judgment for the lawful exercise of those powers and duties by the trustees.

SECTION 1.03. Section 11.1511(a), Education Code, is amended to read as follows:

(a) In addition to powers and duties under Section 11.151 or other law, the board of trustees of an independent school district has the powers and duties provided by Subsection (b), except as otherwise provided by Sections 39A.201 and 39A.202.

ARTICLE 2. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY

SECTION 2.01. Chapter 5, Education Code, is amended by adding Section 5.003 to read as follows:

Sec. 5.003. APPEAL. In this title, if an order, decision, or determination is described as final, an interlocutory or intermediate order, decision, report, or determination made or reached before the final order, decision, or determination may be appealed only as specifically authorized by this code or a rule adopted under this code.

SECTION 2.02. Sections 12.1141(b) and (d), Education Code, are amended to read as follows:

(b) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for expedited renewal of the charter, the charter automatically renews unless, not later than the 30th day after the date the charter holder submits the petition, the commissioner provides written notice to the charter holder that expedited renewal of the charter is denied. The commissioner may not deny expedited renewal of a charter if:

(1) the charter holder has been assigned the highest or second highest performance rating under Subchapter C, Chapter 39, for the three preceding school years;

(2) the charter holder has been assigned a financial performance accountability rating under Subchapter D, Chapter 39, indicating financial performance that is satisfactory or better for the three preceding school years; and

(3) no campus operating under the charter has been assigned an unacceptable [the lowest] performance rating under Subchapter C, Chapter 39, for the three preceding school years or such a campus has been closed.

(d) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for renewal of the charter, the commissioner may not renew the charter and shall allow the charter to expire if:

(1) the charter holder has been assigned an unacceptable [the lowest] performance rating under Subchapter C, Chapter 39, for any three of the five preceding school years;

(2) the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance that is lower than satisfactory for any three of the five preceding school years;

(3) the charter holder has been assigned any combination of the ratings described by Subdivision (1) or (2) for any three of the five preceding school years; or

(4) any campus operating under the charter has been assigned an unacceptable [~~the lowest~~] performance rating under Subchapter C, Chapter 39, for the three preceding school years and such a campus has not been closed.

SECTION 2.03. Section 29.202(a), Education Code, is amended to read as follows:

(a) A student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus assigned an unacceptable performance rating that is made publicly available under Section 39.054 [~~for~~:

~~(1) the student achievement domain under Section 39.053(c)(1); and~~
~~(2) the school progress domain under Section 39.053(c)(2)].~~

SECTION 2.04. Sections 39.057 and 39.058, Education Code, are transferred to Subchapter A, Chapter 39, Education Code, redesignated as Sections 39.003 and 39.004, Education Code, and amended to read as follows:

Sec. 39.003 [~~39.057~~]. SPECIAL [~~ACCREDITATION~~] INVESTIGATIONS. (a) The commissioner may authorize special [~~accreditation~~] investigations to be conducted:

(1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;

(2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;

(3) in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;

(4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;

(5) when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;

(6) in response to an allegation involving a conflict between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;

(7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);

(8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section;

(9) when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under Section 39.0241(a) on assessment instruments administered under Section 39.023(a), (c), or (l);

(10) when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;

(11) when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation;

(12) when a disproportionate number of students of a particular demographic group is graduating with a particular endorsement under Section 28.025(c-1);

(13) when an excessive number of students is graduating with a particular endorsement under Section 28.025(c-1);

(14) in response to a complaint submitted to the agency with respect to alleged inaccurate data that is reported through the Public Education Information Management System (PEIMS) or through other reports required by state or federal law or rule or court order and that is used by the agency to make a determination relating to public school accountability, including accreditation, under this chapter;

(15) when a school district for any reason fails to produce, at the request of the agency, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification; or

(16) as the commissioner otherwise determines necessary.

(b) If the agency's findings in an investigation under Subsection (a)(6) indicate that the board of trustees has observed a lawfully adopted policy that does not otherwise violate a law or rule, the agency may not substitute its judgment for that of the board.

(c) The commissioner may authorize special [~~accreditation~~] investigations to be conducted in response to repeated complaints submitted to the agency concerning imposition of excessive paperwork requirements on classroom teachers.

(d) Based on the results of a special [~~accreditation~~] investigation, the commissioner may:

(1) order any intervention or sanction described by [~~take appropriate action under~~] Chapter 39A, without regard to whether any academic, financial, accreditation, or other conditions required by that chapter to initiate the intervention or sanction have been met;

(2) lower the school district's accreditation status or a district's or campus's accountability rating; or

(3) take action under both Subdivisions (1) and (2).

(e) At any time before issuing a report with the agency's final findings, the commissioner may defer taking an action under Subsection (d) until:

(1) a person who is a third party, selected by the commissioner, has reviewed programs or other subjects of an investigation under this section and submitted a report identifying problems and proposing solutions;

(2) a district completes a corrective action plan developed by the commissioner; or

(3) the completion of actions under both Subdivisions (1) and (2).

(f) Based on the results of an action taken under Subsection (e), the commissioner may decline to take the deferred action under Subsection (d).

(g) Section 39A.301 applies to an action taken under Subsection (d)(1) in the same manner as that section applies to an action taken under Chapter 39A [Regardless of whether the commissioner lowers the school district's accreditation status or a district's or campus's performance rating under Subsection (d), the commissioner may take action under Section 39A.002 or 39A.051 if the commissioner determines that the action is necessary to improve any area of a district's or campus's performance, including the district's financial accounting practices].

Sec. 39.004 ~~[39.058]~~. CONDUCT OF SPECIAL ~~[ACCREDITATION]~~ INVESTIGATIONS. (a) The agency shall adopt written procedures for conducting special ~~[accreditation]~~ investigations ~~[under this subchapter]~~, including procedures that allow the agency to obtain information from district employees in a manner that prevents a district or campus from screening the information. The agency shall make the procedures available on the agency Internet website. Agency staff must be trained in the procedures and must follow the procedures in conducting the special ~~[accreditation]~~ investigation.

(a-1) During the pendency of a special investigation under this section, the agency is not required to disclose the identity of any witness.

(b) After completing a special [accreditation] investigation, the agency shall present preliminary findings to any person or entity the agency finds has violated a law, rule, or policy. [Before issuing a report with its final findings, the agency must provide a person or entity the agency finds has violated a law, rule, or policy an opportunity for an informal review by the commissioner or a designated hearing examiner.]

(c) In presenting the agency's preliminary findings to a school district under Subsection (b), the agency:

(1) shall provide to the district a written report of the agency's preliminary findings of the investigation;

(2) shall provide to the district any evidence relied on by the agency in making the preliminary findings;

(3) shall disclose to the district the identity of any witness whose statements the agency relied on in making the preliminary findings; and

(4) may not include recommended sanctions or interventions.

(d) A written report of preliminary findings under Subsection (c) and all associated materials produced by the agency in support of the report are excepted from public disclosure as audit working papers of the agency under Section

552.116, Government Code. A school district may publicly release a report of preliminary findings only if the release is approved by an affirmative vote of the board of trustees of the district.

(e) Unless otherwise provided by law, all evidence collected by the agency in connection with a special investigation, including witness statements and videos of agency interviews, are confidential and not subject to disclosure under Chapter 552, Government Code, except that evidence described by this section may be disclosed:

(1) to a person with a legitimate interest in the investigation; or

(2) in connection with an administrative or other legal proceeding brought under this title.

(f) Not later than 30 days after the date on which the board of trustees of the school district receives the written report of the preliminary findings under Subsection (c), the board of trustees of a school district may accept the agency's findings or respond in writing to the agency.

(g) The agency shall consider any response submitted by the board of trustees of the school district under Subsection (f) before providing the board of trustees of a school district a final report in writing that includes proposed sanctions or interventions.

(h) Before the commissioner determines to order a sanction or intervention based on a final report, other than a sanction or intervention described by Section 39.005, the commissioner or the commissioner's designee shall provide an informal review. An informal review provided under this section is not a contested case for purposes of Chapter 2001, Government Code.

(i) In conducting a special investigation under Section 39.003, the commissioner or the commissioner's designee may subpoena a current or former school district employee, agent, or official to compel the employee, agent, or official to attend a deposition or produce documents reasonably necessary for the investigation.

(j) If a person fails to comply with a subpoena issued under Subsection (i), the commissioner, acting through the attorney general, may file suit to enforce the subpoena in a district court in this state. On a finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena and the court may punish a person who fails to obey the court order.

(k) A court may not enjoin a special investigation conducted under this section prior to the conclusion of the special investigation.

(l) A school district must exhaust the administrative remedies provided under this subchapter before appealing the findings or final recommendations of a special investigation conducted under this section to a court.

SECTION 2.05. Subchapter A, Chapter 39, Education Code, is amended by adding Sections 39.005, 39.006, and 39.007 to read as follows:

Sec. 39.005. HEARING FOLLOWING INVESTIGATION. (a) This section applies to a school district that is the subject of a special investigation conducted under Section 39.003 that resulted in a final report in which the agency recommends the appointment of a board of managers, alternative management of a campus, or closure of the district or a district campus.

(b) Except as provided by Subsection (c), not later than 15 days after the date on which the board of trustees of the school district receives the final report of a special investigation under Section 39.004(g), a board of trustees of a school district to which this section applies may request a hearing if the board of trustees disagrees with the final report or a sanction or intervention recommended by the agency in the report.

(c) A school district and the agency may agree in writing to extend the time period for requesting a hearing under Subsection (b) by not more than an additional 30 days.

(d) If a board of trustees of a school district requests a hearing under Subsection (b), the hearing shall be conducted by the State Office of Administrative Hearings unless the district and the agency agree in writing to the appointment of another qualified person to conduct the hearing.

(e) Except as otherwise provided by this subchapter, a hearing conducted under this section is a contested case under Chapter 2001, Government Code.

(f) A hearing conducted under this section shall be held at the administrative offices of the school district that requested the hearing or at another location within the geographic boundaries of the district agreed to by the district and the agency, unless the district and the agency agree in writing to a different location.

(g) To protect the privacy of a witness who is a child, the hearing examiner or the person conducting the hearing may:

(1) close the hearing to receive the testimony of the witness; or

(2) order that the testimony or a statement of the witness be presented using the procedures prescribed by Article 38.071, Code of Criminal Procedure.

(h) Not later than 90 days after the date on which the school district requests a hearing under Subsection (b), the hearing examiner or the person conducting the hearing shall issue and submit to the commissioner findings of fact and conclusions of law. The hearing examiner or the person conducting the hearing may not issue a recommendation for relief.

(i) A hearing conducted under this section may not be held on a Saturday, Sunday, or state or federal holiday, unless agreed to by the school district that requested the hearing and the agency.

Sec. 39.006. COMMISSIONER DETERMINATION. (a) After a hearing is conducted under Section 39.005, the commissioner shall provide an opportunity for the agency and the school district to present oral argument to the commissioner regarding the disagreement that formed the basis of the hearing. The commissioner shall provide the agency and the district with equal time for oral argument.

(b) After hearing any oral argument presented under Subsection (a), the commissioner shall issue a written decision to the school district that contains:

(1) findings of fact;

(2) conclusions of law; and

(3) sanctions, interventions, or other actions authorized by law.

(c) In determining the written decision under Subsection (b), the commissioner shall consider:

- (1) the record of the hearing conducted under Section 39.005;
- (2) the findings of fact and conclusions of law issued by the hearing examiner or the person conducting the hearing under Section 39.005(h); and
- (3) the oral arguments presented under Subsection (a).

(d) The commissioner may accept, reject, or amend the conclusions of law issued by the hearing examiner or the person who conducted the hearing under Section 39.005 regarding the interpretation of a provision of this code.

(e) The commissioner may not reject or amend a finding of fact issued by the hearing examiner or the person who conducted the hearing under Section 39.005, unless the commissioner, after reviewing the record, determines that a finding of fact is not supported by substantial, admissible evidence.

(f) The commissioner shall provide in writing the legal basis and reason for any amendment or rejection of a finding of fact or conclusion of law made by the hearing examiner or the person who conducted the hearing under Section 39.005.

Sec. 39.007. JUDICIAL APPEAL. (a) Notwithstanding Chapter 2001, Government Code, a school district may only appeal a decision made by the commissioner under Section 39.006 in accordance with this section.

(b) A school district may appeal a decision made by the commissioner under Section 39.006 to:

(1) a district court with jurisdiction in the county in which the school district's central administrative offices are located; or

(2) a district court in Travis County, if agreed to by the school district and the commissioner.

(c) A school district must file an appeal under this section not later than 30 days after the date on which the district received the written decision of the commissioner under Section 39.006(b).

(d) The filing of an appeal under this section does not affect or stay the enforcement of the commissioner's written decision issued under Section 39.006(b).

(e) A court hearing an appeal under this section shall review the decision issued by the commissioner under Section 39.006(b) under the substantial evidence rule as provided by Subchapter G, Chapter 2001, Government Code, after examining:

(1) the evidentiary record of the hearing conducted under Section 39.005;

(2) the findings of fact issued by the hearing examiner or the person that conducted the hearing under Section 39.005; and

(3) any amendment or rejection of a finding of fact made by the commissioner under Section 39.006.

(f) A court hearing an appeal under this section may not take additional evidence.

(g) A court hearing an appeal under this section may review any amendment to or rejection of a finding of fact made by the commissioner. If the court determines that the amendment or rejection was not supported by

substantial evidence, the court shall reject the commissioner's amended finding of fact and consider instead the original finding issued by the hearing examiner or the person who conducted the hearing under Section 39.005.

(h) Notwithstanding Section 2001.174, Government Code, the court may not reverse or remand a decision issued by the commissioner under Section 39.006(b) based on a procedural error or irregularity made by the commissioner, an agency investigator, or the hearing examiner or the person who conducted the hearing under Section 39.005, unless the court determines that the procedural error or irregularity is likely to have caused an erroneous decision by the commissioner.

SECTION 2.06. Section 39.054, Education Code, is amended by amending Subsections (a), (a-3), and (b-1) and adding Subsections (a-4) and (a-5) to read as follows:

(a) Except as provided by Subsection (a-4), the [The] commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c). An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflects performance that needs improvement. An overall or domain performance rating of F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. If a school district has been approved under Section 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus an overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the school district assigned performance rating under Section 39.0544. [A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, C, or D or performance that is exemplary, recognized, or acceptable performance or performance that needs improvement.]

(a-3) Not later than August 15 of each year, the following information [performance ratings of each district and campus] shall be made publicly available as provided by rules adopted under this section:

- (1) the performance ratings for each school district and campus; and
- (2) if applicable, the number of consecutive school years of unacceptable performance ratings for each district and campus.

(a-4) Notwithstanding any other law, the commissioner may assign a school district or campus an overall performance rating of "Not Rated" if the commissioner determines that the assignment of a performance rating of A, B, C, D, or F would be inappropriate because:

(1) the district or campus is located in an area that is subject to a declaration of a state of disaster under Chapter 418, Government Code, and due to the disaster, performance indicators for the district or campus are difficult to measure or evaluate and would not accurately reflect quality of learning and achievement for the district or campus;

(2) the district or campus has experienced breaches or other failures in data integrity to the extent that accurate analysis of data regarding performance indicators is not possible;

(3) the number of students enrolled in the district or campus is insufficient to accurately evaluate the performance of the district or campus; or

(4) for other reasons outside the control of the district or campus, the performance indicators would not accurately reflect quality of learning and achievement for the district or campus.

(a-5) Notwithstanding any other law, an overall performance rating of "Not Rated" is not included in calculating consecutive school years of unacceptable performance ratings and is not considered a break in consecutive school years of unacceptable performance ratings for purposes of any provision of this code.

(b-1) Consideration of the effectiveness of district programs under Section 39.052(b)(2)(B) or (C):

(1) must:

(A) be based on data collected through the Public Education Information Management System (PEIMS) for purposes of accountability under this chapter; and

(B) include the results of assessments required under Section 39.023; and

(2) may be based on the results of a special [~~accreditation~~] investigation conducted under Section 39.003 [~~39.057~~].

SECTION 2.07. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0543 to read as follows:

Sec. 39.0543. PERFORMANCE RATING REQUIRING INTERVENTION OR OTHER ACTION. (a) A reference in law to an acceptable performance rating or acceptable performance includes an overall or domain performance rating of A, B, or C or performance that is exemplary, recognized, or acceptable. A reference in law to an unacceptable performance rating or unacceptable performance includes an overall or domain performance rating of F. For the purposes of public reporting requirements, an overall or domain performance rating of D shall be referred to as performance that needs improvement.

(b) A reference in law to an acceptable performance rating or acceptable performance for a school district, open-enrollment charter school, district campus, or charter school campus includes an overall performance rating of D if, since previously receiving an overall performance rating of C or higher, the district, charter school, district campus, or charter school campus:

(1) has not previously received more than one overall performance rating of D; or

(2) has not received an overall performance rating of F.

(b-1) For the purposes of this section, an overall performance rating issued in a previous school year for a school district, open-enrollment charter school, district campus, or charter school campus of:

(1) met standard, academically acceptable, recognized, exemplary, A, B, or C is considered to be a performance rating of C or higher; and

(2) performance that needs improvement, academically unacceptable, or F is considered to be a rating of F.

(b-2) For purposes of determining whether a reference in law to an acceptable performance rating or acceptable performance includes an overall performance rating of D under Subsection (b), a performance rating of D assigned to a school district, open-enrollment charter school, district campus, or charter school campus prior to the 2018-2019 school year shall not be considered.

(b-3) Subsections (b-1) and (b-2) and this subsection expire September 1, 2027.

(c) A reference in law to an unacceptable performance rating or unacceptable performance includes a performance rating of D if the rating does not satisfy Subsection (b).

SECTION 2.08. Subchapter C, Chapter 39, Education Code, is amended by adding Sections 39.0545 and 39.0546 to read as follows:

Sec. 39.0545. ALTERNATIVE METHODS AND STANDARDS FOR EVALUATING PERFORMANCE FOR 2020-2021 SCHOOL YEAR. (a) This section applies to a campus:

(1) that meets the participation requirements for all students in all subject areas for the annual measurement of achievement under Section 1111, Every Student Succeeds Act (20 U.S.C. Section 6311(c)(4)(E)); and

(2) to which the most recent performance rating assigned, other than a "Not Rated" rating, is a D, F, or performance that needs improvement.

(b) Notwithstanding any other law, the commissioner shall adopt rules to develop and implement alternative methods and standards for evaluating the performance for the 2020-2021 school year of a campus to which this section applies. The rules adopted under this section must evaluate a campus under the domains of indicators of achievement listed in Sections 39.053(c)(1) and (2).

(c) The commissioner shall review a campus to which this section applies under the alternative methods and standards adopted under Subsection (b) on the request of the school district in which the campus is located made by the deadline established by commissioner rule.

(d) An acceptable performance rating assigned under the alternative methods and standards adopted by the commissioner under Subsection (b) is considered a break in consecutive school years of unacceptable performance ratings under this code.

(e) If the commissioner determines that the campus would not be assigned an acceptable performance rating, the commissioner shall instead assign the campus a rating of "Not Rated."

(f) This section does not apply to an intervention ordered on the basis of consecutive school years of unacceptable performance ratings accrued before the effective date of this section.

(g) This section expires September 1, 2027.

Sec. 39.0546. COVID-19 RECOVERY ACCOUNTABILITY FOR 2021-2022 SCHOOL YEAR. (a) Notwithstanding any other law, the commissioner shall assign to a school district or campus a rating of "Not Rated" for the 2021-2022 school year, unless, after reviewing the district or campus under the methods and standards adopted under Section 39.054, the commissioner determines the district or campus should be assigned an overall performance rating of C or higher.

(b) Regardless of the rating assigned under this section, if the commissioner would have otherwise assigned a campus an unacceptable performance rating, the campus is considered to be a campus assigned an unacceptable performance rating for purposes of determining a student's eligibility for a public education grant under Section 29.202.

(c) Notwithstanding any other law, the commissioner shall take an action described by Section 39A.111(1) or (2) if a campus:

(1) is not assigned an overall performance rating of C or higher for the 2021-2022 school year; and

(2) has been assigned an unacceptable performance rating for five or more school years prior to the 2021-2022 school year.

(d) This section expires September 1, 2028.

SECTION 2.09. Sections 39.151(a), (b), and (e), Education Code, are amended to read as follows:

(a) The commissioner by rule shall provide a process for a school district or open-enrollment charter school to challenge an agency decision made under this chapter relating to an academic or financial accountability rating that affects the district or school, including a determination of consecutive school years of unacceptable performance ratings.

(b) The rules under Subsection (a) must provide for the commissioner to appoint a committee to make recommendations to the commissioner on a challenge made to an agency decision relating to an academic performance rating or determination, including a determination of consecutive school years of unacceptable performance ratings, or financial accountability rating. The commissioner may not appoint an agency employee as a member of the committee.

(e) A school district or open-enrollment charter school may not challenge an agency decision relating to an academic or financial accountability rating under this chapter, including a decision relating to a determination of consecutive school years of unacceptable performance ratings, in another proceeding if the district or school has had an opportunity to challenge the decision under this section.

SECTION 2.10. Section 39A.003, Education Code, is amended by adding Subsection (d) to read as follows:

(d) A conservator or management team may exercise the powers and duties defined by the commissioner under Subsection (a) or described by Subsection (c) regardless of whether the conservator or management team was appointed to oversee the operations of a school district in its entirety or the operations of a certain campus within the district.

SECTION 2.11. Section 39A.004, Education Code, is amended to read as follows:

Sec. 39A.004. APPOINTMENT OF BOARD OF MANAGERS. The commissioner may appoint a board of managers to exercise the powers and duties of a school district's board of trustees if the district is subject to commissioner action under:

(1) Section 39A.001(1) [39A.004] and:

(A) [~~(A)~~] has a current accreditation status of accredited-warned or accredited-probation;

(B) [~~(B)~~] fails to satisfy any standard under Section 39.054(e); or

(C) [~~(C)~~] fails to satisfy financial accountability standards as determined by commissioner rule; or

(2) Section 39A.001(2).

SECTION 2.12. Sections 39A.006(a) and (b), Education Code, are amended to read as follows:

(a) This section applies:

(1) regardless of whether a school district has satisfied the accreditation criteria; and

(2) to a conservator or management team appointed under any provision of this title, regardless of the scope or any changes to the scope of the conservator's or team's oversight.

(b) If for two consecutive school years, including the current school year, a school district has had a conservator or management team assigned to the district or a district campus for any reason under this title, the commissioner may appoint a board of managers to exercise the powers and duties of the board of trustees of the district.

SECTION 2.13. Section 39A.061(b), Education Code, is amended to read as follows:

(b) The commissioner may authorize a targeted improvement plan, ~~[or]~~ an updated targeted improvement plan, or a local improvement plan to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan under Subchapter F, Chapter 11.

SECTION 2.14. Subchapter B, Chapter 39A, Education Code, is amended by adding Section 39A.065 to read as follows:

Sec. 39A.065. LOCAL IMPROVEMENT PLAN. (a) A school district, open-enrollment charter school, district campus, or charter school campus that is assigned a rating of D that qualifies under Section 39.0543(b) shall develop and implement a local improvement plan.

(b) A local improvement plan must be presented to the board of trustees of the school district or governing board of the open-enrollment charter school.

(c) The commissioner shall adopt rules to establish requirements for a local improvement plan components and training. The commissioner may not require a school district or open-enrollment charter school to submit the local improvement plan to the agency.

SECTION 2.15. Section 39A.102, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Subject to Subsection (b-1), the [The] commissioner may appoint a monitor, conservator, management team, or board of managers to the school district to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted improvement plan.

(b-1) The commissioner shall appoint a conservator to a school district under Subsection (b) unless and until:

(1) each campus in the district for which a campus turnaround plan has been ordered under Section 39A.101 receives an acceptable performance rating for the school year; or

(2) the commissioner determines a conservator is not necessary.

SECTION 2.16. The heading to Section 39A.110, Education Code, is amended to read as follows:

Sec. 39A.110. MODIFICATION OF [CHANGE IN] CAMPUS TURNAROUND PLAN [PERFORMANCE RATING].

SECTION 2.17. Section 39A.110, Education Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioner may authorize modification of an approved campus turnaround plan if the commissioner determines that due to a change in circumstances occurring after the plan's approval under Section 39A.107, a modification of the plan is necessary to achieve the plan's objectives.

SECTION 2.18. Section 39A.111, Education Code, is amended to read as follows:

Sec. 39A.111. CONTINUED UNACCEPTABLE PERFORMANCE RATING. If a campus is considered to have an unacceptable performance rating for five [three] consecutive school years [after the campus is ordered to submit a campus turnaround plan under Section 39A.101], the commissioner, subject to Section 39A.112, shall order:

(1) appointment of a board of managers to govern the school district as provided by Section 39A.202; or

(2) closure of the campus.

SECTION 2.19. Subchapter C, Chapter 39A, Education Code, is amended by adding Sections 39A.117 and 39A.118 to read as follows:

Sec. 39A.117. INTERVENTION FOR CERTAIN DISTRICTS OR CAMPUSES. (a) For purposes of this section:

(1) an acceptable performance rating includes:

(A) a rating of met standard, academically acceptable, recognized, exemplary, A, B, or C; or

(B) a rating of D that meets the requirements of Section 39.0543(b);

(2) an unacceptable performance rating includes:

(A) a rating of performance that needs improvement, academically unacceptable, or F; or

(B) a rating of D that meets the requirements of Section 39.0543(c); and

(3) a rating of "Not Rated" is not considered an acceptable or unacceptable performance rating and may not be considered a break in consecutive years of unacceptable performance.

(b) As soon as practicable after the effective date of **SB 1365**, 87th Legislature, Regular Session, 2021, or similar legislation, the commissioner shall:

(1) determine the number of school years of unacceptable performance ratings occurring after the 2012-2013 school year for each school district, open-enrollment charter school, district campus, or charter school campus by determining the number of unacceptable performance ratings assigned to each district, charter school, district campus, or charter school campus since the most recent acceptable performance rating was assigned to the district, charter school, district campus, or charter school campus; and

(2) use the number of school years of unacceptable performance ratings as the base number of consecutive years of unacceptable performance for which the performance rating in the 2021-2022 school year will be added.

(c) Exemptions from interventions authorized under Sections 11.174 and 28.020 and Section 5, Chapter 919 (**HB 4205**), Acts of the 86th Legislature, Regular Session, 2019, apply to an intervention ordered under this section and the commissioner shall make necessary modifications to an intervention ordered under this section in accordance with those provisions of law.

(d) This section may not be construed to:

(1) provide a school district or open-enrollment charter school additional remedies or appellate or other review for previous interventions, sanctions, or performance ratings ordered or assigned; or

(2) prohibit the commissioner from taking any action or ordering any intervention or sanction otherwise authorized by law.

(e) To the extent of a conflict with any other transition provision affecting this section, this transition provision prevails.

(f) This section expires September 1, 2027.

Sec. 39A.118. INTERVENTION IF ASSIGNED CERTAIN PERFORMANCE NEEDS IMPROVEMENT RATING. (a) Until another performance rating is issued, the agency may not implement the intervention or sanctions listed under Subsection (b) for a school district, open-enrollment charter school, district campus, or charter school campus, if the performance rating initiating the action under Subsection (b) is based on the first or second overall performance rating of D, since previously receiving a rating of C or higher.

(a-1) For purposes of this section, a performance rating of D assigned prior to the 2018-2019 school year shall not be considered. This subsection expires September 1, 2027.

(b) The following interventions or sanctions are subject to a pause under Subsection (a):

(1) revocation of a charter under Section 12.115(c);

(2) annexation under Section 13.054;
(3) change in accreditation status under rules adopted for accreditation
under Section 39.052; and

(4) interventions or sanctions under Section 39A.101(a), 39A.107(a) or
(c), or 39A.111.

(c) The performance rating identified under Subsection (a):

(1) may not be included in calculating consecutive school years of
unacceptable performance ratings; and

(2) is not considered a break in consecutive school years of
unacceptable performance ratings.

(d) Interventions or sanctions implemented prior to a pause under
Subsection (a) shall continue during a school year for which interventions or
sanctions listed under Subsection (b) are paused.

(e) This section does not apply to a commissioner action based on
performance or reasons not listed as interventions or sanctions under Subsection
(b).

SECTION 2.20. Section 39A.201(a), Education Code, is amended to read as follows:

(a) Notwithstanding Section 11.151(b) or 11.1511(a) or any other provision
of this code, a [A] board of managers may exercise all of the powers and duties
assigned to a board of trustees of a school district by law, rule, or regulation.

SECTION 2.21. Section 39A.202(a), Education Code, is amended to read as follows:

(a) Notwithstanding Section 11.151(b) or 11.1511(a) or any other provision
of this code, if [H] the commissioner appoints a board of managers to govern a
school district:

(1) the powers of the board of trustees of the district are suspended for the period of the appointment; and

(2) the commissioner shall appoint a district superintendent.

SECTION 2.22. Section 39A.301(a), Education Code, is amended to read as follows:

(a) A school district or open-enrollment charter school must appeal under
this section if the district or charter school [that] intends to challenge a decision
by the commissioner under this chapter to:

(1) close the district or a district campus or the charter school;

(2) [or to] pursue alternative management of a district campus or the
charter school;

(3) appoint a board of managers to the district or charter school; or

(4) appoint a conservator or management team to the district or charter
school [must appeal the decision under this section].

SECTION 2.23. Section 39A.116, Education Code, is transferred to Subchapter Z, Chapter 39A, Education Code, redesignated as Section 39A.906, Education Code, and amended to read as follows:

Sec. 39A.906 [~~39A.116~~]. COMMISSIONER AUTHORITY. A decision by the commissioner under Chapter 39 or this chapter [~~subchapter~~] is final and may not be appealed unless an applicable provision of Chapter 39 or this chapter provides otherwise.

SECTION 2.24. Section 39A.0545, Education Code, is repealed.

SECTION 2.25. (a) Sections 39.003 and 39.004, Education Code, as redesignated and amended by this Act, and Sections 39.005, 39.006, and 39.007, Education Code, as added by this Act, apply to a special investigation authorized, initiated, opened, or finalized on or after the effective date of this Act. A special investigation authorized or initiated by the Texas Education Agency under Section 39.057, Education Code, before the effective date of this Act that is open and not finalized on the effective date of this Act, shall be continued as if authorized by Section 39.003, Education Code, as redesignated and amended by this Act, and proceed subject to Section 39.004, Education Code, as redesignated and amended by this Act, and Sections 39.005, 39.006, and 39.007, Education Code, as added by this Act.

(b) Section 39A.006, Education Code, as amended by this Act, applies to a conservator or management team assigned to a school district before, on, or after the effective date of this Act.

SECTION 2.26. If this Act takes effect later than August 15, 2021, the Texas Education Agency shall publish the consecutive school years of unacceptable performance ratings as required by Section 39.054(a-3), Education Code, as amended by this Act, for each school district and campus as soon as practicable after the effective date of this Act.

SECTION 2.27. As soon as practicable after the effective date of this Act, the commissioner of education shall adopt rules to develop and implement alternative methods and standards for evaluating the performance of a campus for the 2020-2021 school year as required by Section 39.0545, Education Code, as added by this Act.

ARTICLE 3. PUBLIC SCHOOL FISCAL MANAGEMENT

SECTION 3.01. Section 44.052(c), Education Code, is amended to read as follows:

(c) A trustee of a school district who votes to approve any expenditure of school funds in violation of a provision of this code, for a purpose for which those funds may not be spent, or in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget commits an offense. An offense under this subsection is a Class C misdemeanor.

SECTION 3.02. Section 45.105, Education Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Local school funds from district taxes, tuition fees of students not entitled to a free education, other local sources, and state funds not designated for a specific purpose may be used for the purposes listed for state and county available funds and for purchasing appliances and supplies, paying insurance premiums, paying janitors and other employees, buying school sites, buying, building, repairing, and renting school buildings, including acquiring school buildings and sites by leasing through annual payments with an ultimate option to

purchase, and, except as provided by Subsection (c-1), for other purposes necessary in the conduct of the public schools determined by the board of trustees. The accounts and vouchers for county districts must be approved by the county superintendent. If the state available school fund in any municipality or district is sufficient to maintain the schools in any year for at least eight months and leave a surplus, the surplus may be spent for the purposes listed in this subsection.

(c-1) Funds described by Subsection (c) may not be used to initiate or maintain any action or proceeding against the state or an agency or officer of the state arising out of a decision, order, or determination that is final and unappealable under a provision of this code, except that funds may be used for an action or proceeding that is specifically authorized by a provision of this code or a rule adopted under this code and that results in a final and unappealable decision, order, or determination.

SECTION 3.03. Section 48.201, Education Code, is amended to read as follows:

Sec. 48.201. PURPOSE. The purpose of the tier two component of the Foundation School Program is to provide each school district with the opportunity to provide the basic program and to supplement that program at a level of its own choice. An allotment under this subchapter may be used for any legal purpose other than:

- (1) capital outlay or debt service; or
- (2) a purpose prohibited by Section 45.105(c-1) or another provision of this code.

SECTION 3.04. Section 39A.203, Education Code, is repealed.

SECTION 3.05. Section 44.052(c), Education Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

ARTICLE 4. CONFORMING AMENDMENTS

SECTION 4.01. Section 7.028(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 21.006(k), 22.093(l), 22.096, 28.006, 29.001(5), 29.010(a), 38.003, or 39.003 [~~39.057~~], the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A, Chapter 37, only as necessary to ensure:

- (1) compliance with federal law and regulations;
- (2) financial accountability, including compliance with grant requirements;
- (3) data integrity for purposes of:

- (A) the Public Education Information Management System (PEIMS); and
- (B) accountability under Chapters 39 and 39A; and
- (4) qualification for funding under Chapter 48.

SECTION 4.02. Section 12.013(b), Education Code, is amended to read as follows:

- (b) A home-rule school district is subject to:
 - (1) a provision of this title establishing a criminal offense;
 - (2) a provision of this title relating to limitations on liability; and
 - (3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:
 - (A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;
 - (B) educator certification under Chapter 21 and educator rights under Sections 21.407, 21.408, and 22.001;
 - (C) criminal history records under Subchapter C, Chapter 22;
 - (D) student admissions under Section 25.001;
 - (E) school attendance under Sections 25.085, 25.086, and 25.087;
 - (F) inter-district or inter-county transfers of students under Subchapter B, Chapter 25;
 - (G) elementary class size limits under Section 25.112, in the case of any campus in the district that fails to satisfy any standard under Section 39.054(e);
 - (H) high school graduation under Section 28.025;
 - (I) special education programs under Subchapter A, Chapter 29;
 - (J) bilingual education under Subchapter B, Chapter 29;
 - (K) prekindergarten programs under Subchapter E, Chapter 29;
 - (L) safety provisions relating to the transportation of students under Sections 34.002, 34.003, 34.004, and 34.008;
 - (M) computation and distribution of state aid under Chapters 31, 43, and 48;
 - (N) extracurricular activities under Section 33.081;
 - (O) health and safety under Chapter 38;
 - (P) the provisions of Subchapter A, Chapter 39;
 - (Q) public school accountability and special investigations under Subchapters A, B, C, D, and J, Chapter 39, and Chapter 39A;
 - (R) [~~(Q)~~] options for local revenue levels in excess of entitlement under Chapter 49;
 - (S) [~~(R)~~] a bond or other obligation or tax rate under Chapters 43, 45, and 48; and
 - (T) [~~(S)~~] purchasing under Chapter 44.

SECTION 4.03. Section 12.056(b), Education Code, is amended to read as follows:

- (b) A campus or program for which a charter is granted under this subchapter is subject to:

- (1) a provision of this title establishing a criminal offense; and
- (2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) high school graduation under Section 28.025;

(D) special education programs under Subchapter A, Chapter 29;

(E) bilingual education under Subchapter B, Chapter 29;

(F) prekindergarten programs under Subchapter E, Chapter 29;

(G) extracurricular activities under Section 33.081;

(H) health and safety under Chapter 38;

(I) the provisions of Subchapter A, Chapter 39;

(J) public school accountability and special investigations under Subchapters A, B, C, D, F, and J, Chapter 39, and Chapter 39A; and

(K) [(H)] the duty to discharge or refuse to hire certain employees or applicants for employment under Section 12.1059.

SECTION 4.04. Section 12.104(b), Education Code, as amended by Chapters 262 (**HB 1597**), 464 (**SB 11**), 467 (**HB 4170**), and 943 (**HB 3**), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(b) An open-enrollment charter school is subject to:

- (1) a provision of this title establishing a criminal offense;
- (2) the provisions in Chapter 554, Government Code; and
- (3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29;

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) the provisions of Subchapter A, Chapter 39;

(M) public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(N) [~~(M)~~] the requirement under Section 21.006 to report an educator's misconduct;

(O) [~~(N)~~] intensive programs of instruction under Section 28.0213;

(P) [~~(O)~~] the right of a school employee to report a crime, as provided by Section 37.148;

(Q) [~~(P)~~] bullying prevention policies and procedures under Section 37.0832;

(R) [~~(Q)~~] the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

(S) [~~(R)~~] the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(T) [~~(S)~~] a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(U) [~~(T)~~] establishment of residency under Section 25.001;

(V) [~~(U)~~] school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115, 37.207, and 37.2071;

(W) [~~(V)~~] the early childhood literacy and mathematics proficiency plans under Section 11.185; and

(X) [~~(W)~~] the college, career, and military readiness plans under Section 11.186.

SECTION 4.05. Section 12.1162(a), Education Code, is amended to read as follows:

(a) The commissioner shall take any of the actions described by Subsection (b) or by Section 39A.001, 39A.002, 39A.004, 39A.005, or 39A.007, to the extent the commissioner determines necessary, if an open-enrollment charter school, as determined by a report issued under Section 39.004(b) [~~39.058(b)~~]:

(1) commits a material violation of the school's charter;

(2) fails to satisfy generally accepted accounting standards of fiscal management; or

(3) fails to comply with this subchapter or another applicable rule or law.

SECTION 4.06. Section 39.0302(a), Education Code, is amended to read as follows:

(a) During an agency investigation or audit of a school district under Section 39.0301(e) or (f), a special [~~an accreditation~~] investigation under Section 39.003(a)(8) [~~39.057(a)(8)~~] or (14), a compliance review under Section 21.006(k), 22.093(l), or 22.096, or an investigation by the State Board for Educator Certification of an educator for an alleged violation of an assessment instrument security procedure established under Section 39.0301(a), the commissioner may issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is located in this state.

SECTION 4.07. Section 39.056(h), Education Code, is amended to read as follows:

(h) The commissioner may at any time convert a monitoring review to a special ~~[accreditation]~~ investigation under Section 39.003 ~~[39.057]~~, provided the commissioner promptly notifies the school district of the conversion.

SECTION 4.08. Section 39A.001, Education Code, is amended to read as follows:

Sec. 39A.001. GROUNDS FOR COMMISSIONER ACTION. The commissioner shall take any of the actions authorized by this subchapter to the extent the commissioner determines necessary if:

- (1) a school district does not satisfy:
 - (A) the accreditation criteria under Section 39.052;
 - (B) the academic performance standards under Section 39.053 or 39.054; or
 - (C) any financial accountability standard as determined by commissioner rule; or

- (2) the commissioner considers the action to be appropriate on the basis of a special ~~[accreditation]~~ investigation under Section 39.003 ~~[39.057]~~.

SECTION 4.09. Sections 39A.256(a) and (b), Education Code, are amended to read as follows:

(a) A board of managers appointed for an open-enrollment charter school ~~[or a campus of an open-enrollment charter school]~~ under this chapter or Chapter 12 has the powers and duties prescribed by Section 39A.201(b), if applicable, and Sections 39A.201(a), 39A.202, ~~[39A.203,]~~ and 39A.206(b).

(b) Except as otherwise provided by this subsection, the board of managers for an open-enrollment charter school ~~[or a campus of an open-enrollment charter school]~~ may not serve for a period that exceeds the period authorized by law for a board of managers appointed for a school district. A board of managers appointed to wind up the affairs of a former open-enrollment charter school or campus serves until dissolved by the commissioner.

SECTION 4.10. To the extent of any conflict, this article prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. 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.

SB 1365 - POINT OF ORDER

Representative Allen raised a point of order against further consideration of **SB 1365** under Rule 4, Section 32(c)(2), of the House Rules on the grounds that the bill analysis is materially misleading. The point of order was withdrawn.

Representative Huberty moved to postpone consideration of **SB 1365** until 5 p.m. today.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Geren requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 5 p.m. today, in 1W.14, to consider a calendar.

Permission to meet was granted.

**MAJOR STATE CALENDAR
(consideration continued)****CSSB 3 ON SECOND READING
(Paddie - House Sponsor)**

CSSB 3, A bill to be entitled An Act relating to preparing for, preventing, and responding to weather emergencies and power outages; increasing the amount of administrative and civil penalties.

CSSB 3 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LEMAN: In our joint hearing between the State Affairs and Energy Resources Committees, we've focused on the shortfalls in the supply of electricity and natural gas. Is there anything in this bill that should be construed to give the Public Utility Commission or the Railroad Commission the authority to take any action that would decrease the supply of electricity or natural gas in this state?

REPRESENTATIVE PADDIE: Not in this bill, no.

REMARKS ORDERED PRINTED

Representative Leman moved to print remarks between Representative Paddie and Representative Leman on **CSSB 3**.

The motion prevailed.

Amendment No. 1

Representative Paddie offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) as follows:

(1) On page 5, strike lines 20 through 22 and substitute the following:

(b) This section applies only to a gas supply chain facility that is:

(1) included on the electricity supply chain map created under Section 38.203, Utilities Code; and

(2) designated as critical by the commission in the manner provided by Section 81.073.

(2) On page 6, line 11, between "repeated" and "or", insert "weather-related".

(3) On page 7, line 26, strike "Subtitle B" and substitute "Section 35.0021 or 38.074".

(4) On page 16, lines 15 through 17, strike "during extreme weather where the independent organization certified under Section 39.151 for the ERCOT power region has declared an emergency" and substitute "where the independent

organization certified under Section 39.151 for the ERCOT power region has declared a Level 2 Emergency or a higher level of emergency or has otherwise directed the transmission and distribution utility to shed load".

(5) Strike page 18, line 27, through page 19, line 8.

(6) On page 19, line 9, strike "(c)" and substitute "(b)".

(7) On page 22, line 2, between "is" and "subject", insert "not".

(8) On page 24, line 8, between "(c)," and "a retail", insert "an aggregator, a broker, or".

(9) On page 24, line 11, strike "A" and substitute "An aggregator, a broker, or a".

(10) On page 24, line 20, after the semicolon, add "and".

(11) On page 24, line 21, between "the" and "retail", insert "aggregator, broker, or".

(12) On page 24, line 23, strike the underlined semicolon and substitute an underlined period.

(13) On page 24, strike line 24 and substitute the following:

(d) A retail electric provider may maintain a residential or small commercial customer's enrollment in a wholesale indexed product only if:

(1) the retail electric provider provides to each

(14) On page 24, line 27, strike "(5)" and substitute "(2)".

(15) On page 25, line 5, strike "(d)" and substitute "(e)".

(16) On page 25, between lines 7 and 8, insert the following:

(f) An aggregator, a broker, or a retail electric provider may enroll a customer other than a residential and small commercial customer in a wholesale indexed product only if the aggregator, broker, or provider obtains before the customer's enrollment an acknowledgment signed by the customer that the customer accepts the potential price risks associated with a wholesale indexed product.

(g) An acknowledgment required by Subsection (f) must include the following statement, in clear, boldfaced text:

"I understand that the volatility and fluctuation of wholesale energy pricing may cause my energy bill to be multiple times higher in a month in which wholesale energy prices are high. I understand that I will be responsible for charges caused by fluctuations in wholesale energy prices."

(h) An acknowledgment required by Subsection (f) may be included as an addendum to a contract.

(i) A retail electric provider that provides a wholesale indexed product to a customer other than a residential and small commercial customer must keep on file the acknowledgment required by Subsection (f) for each customer while the customer is enrolled with the retail electric provider in the wholesale indexed product.

(17) Strike page 26, line 19 through page 27, line 8 and renumber subsequent SECTIONS of the bill accordingly.

(18) On page 28, strike lines 16 through 19 and substitute the following:
gas pipeline facility:

(A) directly serves a natural gas electric generation facility operating solely to provide power to the electric grid for the ERCOT power region or for the ERCOT power region and an adjacent power region; and

(B) is included on the electricity supply chain map created under Section 38.203.

(19) On page 29, line 7, between "operator" and "that", insert "described by Subsection (a)(3)".

(20) On page 37, line 23, strike "electric" and substitute "electricity".

(21) On page 37, line 25, strike "electric" and substitute "electricity".

(22) On page 42, line 23, between "The" and "commission", insert "utility".

(23) On page 45, strike lines 21 through 25 and substitute the following appropriately numbered SECTION:

SECTION _____. (a) If **HB 16**, 87th Legislature, Regular Session, 2021, becomes law, Section 39.110, Utilities Code, as added by that Act, is repealed, effective September 1, 2021. This subsection takes effect September 1, 2021.

(b) Except as provided by Subsection (a) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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

SECTION _____. The changes in law made by Section 39.110, Utilities Code, as added by this Act, apply only to an enrollment or re-enrollment of a customer in a retail electric product that is executed on or after the effective date of this Act. An enrollment or re-enrollment of a customer in a retail electric product that is executed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. It is the intent of the legislature that this Act not restrict or amend the sole jurisdiction of the Railroad Commission of Texas to establish rules or requirements relating to curtailment orders for facilities and entities in the commission's jurisdiction under the Natural Resources Code or the Utilities Code.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MARTINEZ FISCHER: Chairman, I just want to understand your intent. I thought I understood it in the original committee substitute that I reviewed and now, reading the bill and reading your amendment, I just want to make sure. Is your intent, once the critical infrastructure is mapped out and you're in the supply chain for natural gas to get to generation, is that hardening our weatherization requirement? Is that going to begin at the wellhead and run to generation?

REPRESENTATIVE PADDIE: It will be specific to the facilities themselves, and by facilities I'm very generally speaking about—that could be pipes, that could be a compressor station, that could be a processing facility. So when I say that if you

are identified in that process, I would also add—and this is an important piece we added as well in the sub—that if you're identified in the map or if you choose to self-identify as critical infrastructure. Because you remember some discussion earlier on this session that we had a lot of facilities, oil and gas facilities, that their power, when load shedding started happening, they lost power, and we found out in a lot of cases they could have filled out a form and identified themselves as critical infrastructure but they had not done that. So in this bill, we say two different scenarios. Either you've been identified as critical infrastructure in the mapping process as it relates to the supply chain or if you choose to self-identify as critical infrastructure and you want the benefit of potentially not losing your power during a firm load shedding event, then if you're going to take that designation, then you also fall under those requirements to weatherize as well.

Why that's important, Mr. Martinez Fischer, too, is we don't want every facility out there to rush out there and say just because I'm an oil and gas facility I'm going to fill out this two-page form and consider myself critical infrastructure. Because every one of them that does that further limits the transmission and distribution companies, the TDUs, to shed them. And so when we have an extreme event like we just had and we have all these facilities that have designated whether or not they truly are critical as it relates to the supply chain for electric generation, if we can't turn theirs off, that may mean we have to turn someone else's off, and that might be your constituent, that might be my constituent, or anyone else in this room's constituent, and we want to avoid that.

MARTINEZ FISCHER: I appreciate that. I just have one more question. Just to make it clear, we can harden all we want at the generation side, but if we don't harden and prepare for that gas down the stream, if you will—and nothing in this amendment changes that as it relates to the bill. Is that correct?

PADDIE: That is absolutely correct. And I would tell you that we could have the most weatherized generation facility in the world but if it can't get the gas supply that it needs to function, it doesn't matter. And so, absolutely, nothing in this bill results in us not weatherizing those facilities that are deemed critical.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Representative Paddie and Representative Martinez Fischer on Amendment No. 1 on **CSSB 3**.

The motion prevailed.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Paddie offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 13.1395(d), Water Code, is amended to read as follows:

(d) This subsection does not apply to raw water services that are unnecessary or otherwise subject to interruption or curtailment during emergencies under a contract. Each affected utility that supplies, provides, or conveys surface water shall include in its emergency preparedness plan under Subsection (b) provisions:

(1) for the actual installation and maintenance of automatically starting auxiliary generators or distributive generation facilities for each raw water intake pump station, water treatment plant, pump station, and pressure facility necessary to provide water to its wholesale customers during emergencies; or

(2) that demonstrate the capability of each raw water intake pump station, water treatment plant, pump station, and pressure facility to provide water to its wholesale customers during emergencies through alternative means acceptable to the commission.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Morales Shaw offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) as follows:

(1) On page 1, line 11, between "governor," and "and", insert "the Texas Commission on Environmental Quality,".

Amendment No. 3 was adopted.

(Murr in the chair)

Amendment No. 4

Representative Guerra offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee report) on page 4 as follows:

(1) On line 1, between "WEATHER" and the period, insert "; DISASTER PREPAREDNESS EDUCATION".

(2) Between lines 8 and 9, insert the following:

(c) The division shall develop disaster preparedness educational materials that include instructions for preparing a disaster kit containing supplies most needed in a disaster or emergency, such as water, nonperishable food, medical supplies, flashlights, and other essential items, to assist families and businesses in adequately preparing for winter storms, hurricanes, floods, drought, fires, and other potential disasters.

(d) The division shall post on the division's Internet website and distribute to local governments and businesses the educational materials and instructions developed under Subsection (c).

Amendment No. 4 failed of adoption.

Amendment No. 5

Representative Howard offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee report) as follows:

(1) On page 5, line 25, after the period, add "In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.".

(2) On page 12, line 15, after the period, add "In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.".

(3) On page 15, line 18, after the period, add "In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.".

(4) On page 28, line 6, between "Subsections" and "(c-1)", insert "(a-1)".

(5) On page 28, between lines 19 and 20, insert the following:

(a-1) In adopting rules under Subsection (a)(3), the commission shall take into consideration weather predictions produced by the office of the state climatologist.

Amendment No. 5 was adopted.

(Speaker in the chair)

Amendment No. 6

Representative Rosenthal offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) as follows:

(1) On page 6, between lines 19 and 20, insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

() The commission shall by rule require an operator of a gas supply chain facility to provide to the commission:

(1) a summary report of a criticality analysis of the facility;

(2) a plan to mitigate risk factors identified in the criticality analysis;

and

(3) proof that the operator has implemented the plan described by Subdivision (2) over a reasonable period, in a form satisfactory to the commission, which may be in the form of inspections or documents.

(2) On page 13, between lines 14 and 15, insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

() The commission shall by rule require a provider of electric generation service described by Subsection (a) to provide to the commission:

(1) a summary report of a criticality analysis of the provider's generation assets;

(2) a plan to mitigate risk factors identified in the criticality analysis;

and

(3) proof that the provider has implemented the plan described by Subdivision (2) over a reasonable period, in a form satisfactory to the commission, which may be in the form of inspections or documents.

(3) On page 16, between lines 7 and 8, insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

() The commission shall by rule require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region to provide to the commission:

(1) a summary report of a criticality analysis of the cooperative's or utility's facilities;

(2) a plan to mitigate risk factors identified in the criticality analysis;
and

(3) proof that the cooperative or utility has implemented the plan described by Subdivision (2) over a reasonable period, in a form satisfactory to the commission, which may be in the form of inspections or documents.

(4) On page 28, line 7, between "(e)," and "and", insert "(e-1),".

(5) On page 29, between lines 16 and 17, insert the following:

(e-1) The railroad commission shall by rule require an operator of a gas pipeline facility described by Subsection (a)(3) to provide to the railroad commission:

(1) a summary report of a criticality analysis of the facility;

(2) a plan to mitigate risk factors identified in the criticality analysis;
and

(3) proof that the operator has implemented the plan described by Subdivision (2) over a reasonable period, in a form satisfactory to the commission, which may be in the form of inspections or documents.

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Reynolds offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee report) as follows:

(1) On page 8, between lines 20 and 21, insert the following appropriately numbered subdivision and renumber subsequent subdivisions and cross-references to those subdivisions accordingly:

() the procedure for a residential or commercial customer to participate in a voluntary demand response program through the electric utility or a demand response provider to reduce electricity use during times of peak demand, including during an involuntary load shedding event;

(2) On page 10, between lines 6 and 7, insert the following appropriately numbered subdivision and renumber subsequent subdivisions and cross-references to those subdivisions accordingly:

() the procedure for a residential or commercial customer to participate in a voluntary demand response program through the utility or a demand response provider to reduce electricity use during times of peak demand, including during an involuntary load shedding event;

(3) On page 11, between lines 14 and 15, insert the following appropriately numbered subdivision and renumber subsequent subdivisions and cross-references to those subdivisions accordingly:

() the procedure for a residential or commercial customer to participate in a voluntary demand response program through the cooperative or a demand response provider to reduce electricity use during times of peak demand, including during an involuntary load shedding event;

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

SECTION _____. Section 39.101(b), Utilities Code, is amended to read as follows:

(b) A customer is entitled:

(1) to be informed about rights and opportunities in the transition to a competitive electric industry;

(2) to choose the customer's retail electric provider consistent with this chapter, to have that choice honored, and to assume that the customer's chosen provider will not be changed without the customer's informed consent;

(3) to have access to providers of energy efficiency services, to on-site distributed generation, and to providers of energy generated by renewable energy resources;

(4) to be served by a provider of last resort that offers a commission-approved standard service package;

(5) to receive sufficient information to make an informed choice of service provider;

(6) to be protected from unfair, misleading, or deceptive practices, including protection from being billed for services that were not authorized or provided; ~~and~~

(7) to have an impartial and prompt resolution of disputes with its chosen retail electric provider and transmission and distribution utility; and

(8) to participate in demand response programs through:

(A) retail electric providers; and

(B) demand response providers.

Amendment No. 7 failed of adoption.

Amendment No. 8

Representative Tinderholt offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee report) as follows:

(1) On page 13, line 25, strike "Subsection (e) and adding Subsections (f)," and substitute "Subsections (d) and (e) and adding Subsections (d-1), (f),".

(2) On page 13, between lines 26 and 27, insert the following:

(d) The commission shall price wholesale transmission services within ERCOT based on the postage stamp method of pricing under which a transmission-owning utility's rate is based on the ERCOT utilities' combined annual costs of transmission, other than costs that exceed the allowance described in Subsection (d-1), divided by the total demand placed on the combined transmission systems of all such transmission-owning utilities within a power region. An electric utility subject to the freeze period imposed by Section 39.052 may treat transmission costs in excess of transmission revenues during the freeze period as an expense for purposes of determining annual costs in the

annual report filed under Section 39.257. Notwithstanding Section 36.201, the commission may approve wholesale rates that may be periodically adjusted to ensure timely recovery of transmission investment. Notwithstanding Section 36.054(a), if the commission determines that conditions warrant the action, the commission may authorize the inclusion of construction work in progress in the rate base for transmission investment required by the commission under Section 39.203(e).

(d-1) The commission by rule shall establish a reasonable allowance for capital costs incurred to interconnect generation resources and electric energy storage resources described by Section 35.152(a) with the ERCOT transmission system, which must include the costs of the direct interconnection of the generator to the system and upgrades directly caused by the interconnection. Any costs that exceed the allowance must be borne directly by the generation resource or electric energy storage resource receiving interconnection service through the facilities.

A record vote was requested by Representative Tinderholt.

Amendment No. 8 failed of adoption by (Record 1322): 34 Yeas, 102 Nays, 1 Present, not voting.

Yeas — Allen; Beckley; Bell, C.; Biedermann; Bowers; Cain; Campos; Cason; Cyrier; Gates; Guerra; Holland; Hunter; Klick; Longoria; Meza; Middleton; Morales, E.; Muñoz; Ordaz Perez; Parker; Patterson; Ramos; Schaefer; Schofield; Slaton; Slawson; Stephenson; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

Nays — Allison; Anchia; Anderson; Ashby; Bailes; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Canales; Clardy; Cole; Collier; Craddick; Crockett; Darby; Davis; Dean; Deshotel; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Howard; Huberty; Hull; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Minjarez; Moody; Morales, C.; Morrison; Murphy; Murr; Noble; Ortega; Pacheco; Paddie; Paul; Perez; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sanford; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Thierry; Thompson, E.; Turner, C.; Turner, J.; VanDeaver; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price; Vo.

Absent — Capriglione; Cook; Cortez; Dominguez; Herrero; Morales Shaw; Neave; Rodriguez; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1322 was taken, I was shown voting no. I intended to vote yes.

Guillen

When Record No. 1322 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

When Record No. 1322 was taken, my vote failed to register. I would have voted yes.

Neave

Amendment No. 9

Representative Howard offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee report) as follows:

(1) On page 29, line 26, strike "may" and substitute "must".

(2) On page 30, lines 1 through 3, strike "in an amount that exceeds \$5,000 for a violation of a rule adopted under Section 121.2015(a)(3) may be assessed only" and substitute "for a violation of a rule adopted under Section 121.2015(a)(3) must be in an amount that is at least \$20,000".

A record vote was requested by Representative Howard.

Amendment No. 9 failed of adoption by (Record 1323): 60 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Campos; Canales; Cole; Collier; Cortez; Crockett; Davis; Dominguez; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; 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, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Pacheco; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Deshotel; Dutton; Ellzey; Frank; Frullo; Gates; Goldman; Guillen; 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; Morrison; Murphy; Murr; Noble; Paddie; Parker; Patterson; Paul; Raney; Raymond; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price; Vo.

Absent — Geren; Smithee.

STATEMENT OF VOTE

When Record No. 1323 was taken, I was in the house but away from my desk. I would have voted no.

Smithee

Amendment No. 10

Representative Morales Shaw offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) on page 37 by adding the following section immediately after line 27:

Sec. 186.105. INFORMATION SHARING DURING DISASTER. During a disaster, the council shall share information that affects residential consumers with the chief executive of the Office of Public Utility Counsel.

Amendment No. 10 was adopted.

Amendment No. 11

Representatives Martinez Fischer, Lopez, Minjarez, Gervin-Hawkins, Larson, Allison, Pacheco, Cortez, Bernal, and Campos offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) as follows:

(1) On page 39, line 9, between "one" and "of the", insert "or more".

(2) On page 40, strike lines 7 through 9 and substitute the following:
area of the affected utility;

(11) the ability to provide water through artesian flows;

(12) redundant interconnectivity between pressure zones;

(13) emergency water demand rules to maintain emergency operations;

or

(14) any other alternative determined by the commission to be acceptable.

(3) On page 44, line 18, between "July 1, 2022," and "each affected", insert "or upon final approval by the commission,".

Amendment No. 11 was adopted.

Amendment No. 12

Representative T. King offered the following amendment to **CSSB 3**:

Amend **CSSB 3** in SECTION 29 of the bill (house committee report page 42, lines 14 through 20), by striking Subsection (b) and substituting the following:

(b) A retail public utility that is required to possess a certificate of public convenience and necessity or a district and affected county that furnishes retail water or sewer utility service shall not impose late fees or disconnect service for nonpayment of bills that are due during an extreme weather emergency until after the emergency is over and shall work with customers that request to establish a payment schedule for unpaid bills that are due during the extreme weather emergency.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Lucio offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) on page 44, between lines 1 and 2, by inserting the following:

(d) Not later than September 1, 2022, the State Energy Plan Advisory Committee shall submit to the legislature a report evaluating whether a regulated emergency power reserve outside of the ERCOT market that meets the requirements described in Section 39.159(c), Utilities Code, as added by this Act, would efficiently address the need for sufficient dispatchable capacity in all emergency weather scenarios, and whether such an emergency power reserve should be an option as a reliability service described in Sections 39.159(b)(2) and (3), Utilities Code, as added by this Act.

A record vote was requested by Representative Patterson.

Amendment No. 13 failed of adoption by (Record 1324): 46 Yeas, 95 Nays, 1 Present, not voting.

Yeas — Allen; Burns; Campos; Capriglione; Clardy; Cole; Cook; Cortez; Darby; Dean; Deshotel; Dominguez; Fierro; Gates; Holland; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Kuempel; Lambert; Longoria; Lucio; Martinez; Meza; Minjarez; Moody; Morales, E.; Morrison; Murr; Ordaz Perez; Pacheco; Paddie; Parker; Reynolds; Rogers; Schofield; Sherman; Smithee; Stucky; Swanson; Thierry; Thompson, S.; Turner, J.; White; Wilson.

Nays — Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Cain; Canales; Cason; Collier; Craddick; Cyrier; Davis; Dutton; Ellzey; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Herrero; Hinojosa; Howard; Huberty; Hull; Israel; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Krause; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez Fischer; Metcalf; Meyer; Middleton; Morales, C.; Muñoz; Murphy; Neave; Noble; Ortega; Patterson; Paul; Perez; Ramos; Raney; Raymond; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Talarico; Thompson, E.; Tinderholt; Toth; Turner, C.; VanDeaver; Vasut; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price; Vo.

Absent — Crockett; Hernandez; King, P.; Morales Shaw.

STATEMENTS OF VOTE

When Record No. 1324 was taken, I was shown voting no. I intended to vote yes.

C. Bell

When Record No. 1324 was taken, I was shown voting yes. I intended to vote present, not voting.

Burns

When Record No. 1324 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1324 was taken, I was shown voting no. I intended to vote yes.

Guillen

When Record No. 1324 was taken, I was shown voting yes. I intended to vote no.

Jetton

When Record No. 1324 was taken, I was shown voting yes. I intended to vote no.

Lambert

When Record No. 1324 was taken, I was shown voting no. I intended to vote yes.

Landgraf

When Record No. 1324 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

When Record No. 1324 was taken, I was shown voting yes. I intended to vote no.

Pacheco

When Record No. 1324 was taken, I was shown voting yes. I intended to vote no.

Stucky

Amendment No. 14

Representative C. Turner offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) as follows:

- (1) On page 45, line 5, between "SECTION 35." and "Not", insert "(a)".
- (2) On page 45, between lines 13 and 14, insert the following:
 - (b) The Railroad Commission of Texas shall require a gas supply chain facility operator or gas pipeline facility operator, as applicable, to comply with the rules described by Subsection (a) of this section not later than six months after the effective date of those rules.
- (3) On page 45, line 14, between "SECTION 36." and "Not", insert "(a)".
- (4) On page 45, between lines 20 and 21, insert the following:

(b) The Public Utility Commission of Texas shall require a municipally owned utility, electric cooperative, power generation company, exempt wholesale generator, or transmission and distribution utility, as applicable, to comply with the rules described by Subsection (a) of this section not later than six months after the effective date of those rules.

A record vote was requested by Representative C. Turner.

Amendment No. 14 failed of adoption by (Record 1325): 58 Yeas, 80 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price; Vo.

Absent — Beckley; Cole; Ellzey; Guillen; Israel; Johnson, J.E.; Ordaz Perez.

STATEMENTS OF VOTE

When Record No. 1325 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1325 was taken, my vote failed to register. I would have voted no.

Ellzey

When Record No. 1325 was taken, I was in the house but away from my desk. I would have voted yes.

Guillen

When Record No. 1325 was taken, I was shown voting yes. I intended to vote no.

Shine

Amendment No. 15

Representative C. Turner offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee report) on page 26, between lines 18 and 19, by inserting the following:

(4) any new, dispatchable generation constructed shall not be reimbursed or financed by any mechanism that would be charged to residential or small business customers.

Amendment No. 15 was withdrawn.

Amendment No. 16

Representative Goodwin offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . STUDY OF INVOLUNTARY LOAD SHEDDING UPGRADES. (a) In this section, "electric distribution utility" includes:

(1) a transmission and distribution utility, as that term is defined by Section 31.002, Utilities Code;

(2) a municipally owned utility; and

(3) an electric cooperative.

(b) Not later than 180 days after the effective date of this Act, the Public Utility Commission of Texas shall:

(1) conduct a study on the feasibility of requiring each electric distribution utility to:

(A) install and connect to an information network, for each customer, an advanced meter capable of allowing the utility to shut off the customer's power when involuntary load shedding is necessary; and

(B) develop or acquire the equipment and software necessary to shut off a customer's power in the event of involuntary load shedding by using advanced meters;

(2) prepare a report with the results of the study and recommendations for achieving:

(A) the deployment of advanced meters in this state for the purpose of involuntary load shedding; and

(B) the development or acquisition of equipment and software by electric distribution utilities for the purpose of involuntary load shedding using advanced meters; and

(3) issue the report to:

(A) the governor;

(B) the lieutenant governor;

(C) the speaker of the house of representatives; and

(D) each member of the legislature.

A record vote was requested by Representative C. Turner.

Amendment No. 16 failed of adoption by (Record 1326): 59 Yeas, 85 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Campos; Canales; Cole; Collier; Cortez; Crockett; Davis; Dominguez; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; 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, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Pacheco; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Deshotel; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Goldman; Guillen; 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; Morrison; Murphy; Murr; Noble; Paddie; Parker; Patterson; Paul; Raney; Raymond; 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 — Coleman; Oliverson; Price; Vo.

Absent — Beckley.

Amendment No. 17

Representative P. King offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 31, Utilities Code, is amended by adding Section 31.006 to read as follows:

Sec. 31.006. LIMITED LIABILITY OF CERTAIN ELECTRIC UTILITIES AND ELECTRIC COOPERATIVES. Unless an electric utility or electric cooperative acts with gross negligence, as that term is defined by Section 41.001, Civil Practice and Remedies Code, an electric utility or electric cooperative that complies with an instruction, directive, order, regulation, or restriction regarding the operation of the electric utility's or electric cooperative's transmission or distribution system issued by an independent organization certified under Section 39.151 or a regulatory authority is not liable for any direct or consequential damages, including without limitation bodily or other personal injury, emotional injury, death, property damage, loss of profits, loss of revenue, or loss of production capacity, caused by the electric utility's or electric cooperative's compliance with the instruction, directive, order, regulation, or restriction.

SECTION _____. Section 31.006, Utilities Code, as added by this Act, applies only to an action commenced on or after February 12, 2021, for which a judgment has not become final before the effective date of this Act. An action commenced before February 12, 2021, or an action for which a judgment has become final before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 17 - Point of Order

Representative J.E. Johnson raised a point of order against further consideration of Amendment No. 17 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.

Amendment No. 17 was withdrawn.

Amendment No. 18

Representative Tinderholt offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.0022 to read as follows:

Sec. 35.0022. ALTERNATIVE POWER SUPPLY FOR NON-DISPATCHABLE POWER GENERATION FACILITIES. The commission shall require the owner of a non-dispatchable power generation facility, the construction of which began after September 1, 2021, to certify that:

(1) the owner can supply or has a contract that guarantees the supply of not less than the average of the facility's capacity factor during the 20 highest summer and winter net load hours over a 48-hour period; and

(2) the owner's additional or contracted power supply comes from a dispatchable power generation facility or an electric energy storage facility.

A record vote was requested by Representative C. Turner.

Amendment No. 18 failed of adoption by (Record 1327): 26 Yeas, 113 Nays, 1 Present, not voting.

Yeas — Allen; Beckley; Bell, C.; Biedermann; Cain; Cason; Cook; Gates; Holland; Klick; Leman; Middleton; Parker; Patterson; Paul; Rodriguez; Schaefer; Shaheen; Slaton; Slawson; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

Nays — Allison; Anchia; Anderson; Ashby; Bailes; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Harless; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Longoria; Lopez; Lozano;

Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Perez; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Turner, C.; Turner, J.; VanDeaver; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price; Vo.

Absent — Cortez; Dominguez; Guillen; Hefner; Metcalf; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1327 was taken, I was in the house but away from my desk. I would have voted no.

Guillen

When Record No. 1327 was taken, my vote failed to register. I would have voted yes.

Metcalf

Amendment No. 19

Representative Goldman offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) by adding the following SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. It is the intent of the legislature in enacting Section 35.037, Utilities Code, to allow grocers the ability to deploy back-up generation in the ERCOT power region in areas that have not implemented retail customer choice.

SECTION _____. Subchapter B, Chapter 35, Utilities Code, is amended by adding Section 35.037 to read as follows:

Sec. 35.037. INTERCONNECTION AND OPERATION OF CERTAIN DISTRIBUTED GENERATION FACILITIES FOR FOOD SUPPLY CHAIN. (a)

In this section:

(1) "Customer" means a retail electric customer:

(A) with a distributed generation facility installed on the retail electric customer's side of the meter; and

(B) that has a primary purpose of or derives a material source of revenue from:

(i) retail grocery sales; or

(ii) food manufacturing or distribution for retail grocery sales.

(2) "Distributed generation facility" means a facility installed on the customer's side of the meter but separately metered from the customer:

(A) with a nameplate capacity of at least 250 kilowatts and not more than 10 megawatts;

(B) that is capable of generating and providing backup or supplementary power to the customer's premises; and

(C) that is owned or operated by a person registered as a power generation company in accordance with Section 39.351.

(b) This section only applies in the ERCOT power region in areas where retail customer choice has not been implemented.

(c) A person who owns or operates a distributed generation facility served by a municipally owned utility or electric cooperative in the ERCOT power region may sell electric power generated by the distributed generation facility at wholesale, including the provision of ancillary services, subject to the limitations of this section.

(d) A person who owns or operates a distributed generation facility may sell electric power generated by the distributed generation facility at wholesale to a municipally owned utility or electric cooperative certificated for retail service to the area where the distributed generation facility is located or to a related generation and transmission electric cooperative. The municipally owned utility or electric cooperative shall purchase at wholesale the quantity of electric power generated by the distributed generation facility needed to satisfy the full electric requirements of the customer on whose side of the meter the distributed generation facility is installed and operated at a wholesale price agreed to by the customer and shall resell that quantity of power at retail to the customer at the rate applicable to the customer for retail service, which must at minimum include all amounts paid for the wholesale electric power, during:

(1) an emergency declared by the independent organization certified under Section 39.151 for the ERCOT power region that creates the potential for interruption of service to the customer;

(2) any service interruption at the customer's premises;

(3) construction on the customer's premises that creates the potential for interruption of service to the customer;

(4) maintenance and testing of the distributed generation facility; and

(5) additional times mutually agreed on by the owner or operator of the distributed generation facility and the municipally owned utility or electric cooperative.

(e) The customer shall provide written notice as soon as reasonably practicable to the municipally owned utility or electric cooperative of a circumstance described by Subsection (d)(3) or (4).

(f) In addition to a sale authorized under Subsection (d), on request by an owner or operator of a distributed generation facility, the municipally owned utility or electric cooperative shall provide wholesale transmission service to the distributed generation facility owner in the same manner as to other power generation companies for the sale of power from the distributed generation facility at wholesale, including for the provision of ancillary services, in the ERCOT market. The distributed generation facility owner shall comply with all applicable commission rules and protocols and with governing documents of the independent organization certified under Section 39.151 for the ERCOT power

region. This section does not require a municipally owned utility or electric cooperative to transmit electricity to a retail point of delivery in the certificated service area of the municipally owned utility or electric cooperative.

(g) In addition to a sale authorized under Subsection (d) or (f), a municipally owned utility or electric cooperative or related generation and transmission electric cooperative may purchase electric power provided by the owner or operator of the distributed generation facility at wholesale at a mutually agreed on price. The price may be based wholly or partly on the ERCOT market clearing price of energy at the time of day and at the location at which the electric power is made available.

(h) A municipally owned utility or electric cooperative shall make available a standard interconnection application and agreement for distributed generation facilities that is substantially similar to the commission's interconnection agreement form and consistent with this section to facilitate the connection of distributed generation facilities. A municipally owned utility or electric cooperative shall allow interconnection of a distributed generation facility and provide to a distributed generation facility on a nondiscriminatory basis wholesale transmission service, including at distribution voltage, in the same manner as for other power generation companies to transmit to the ERCOT power grid the electric power generated by the distributed generation facility. A municipally owned utility or electric cooperative may recover from the owner or operator of the distributed generation facility all reasonable costs necessary for and directly attributable to the interconnection of the facility, including the reasonable costs of necessary system upgrades and improvements directly attributable to the distributed generation facility.

(i) Not later than the 30th day after the date a complete application for interconnection of a distributed generation facility is received, the municipally owned utility or electric cooperative shall provide the applicant with a written good faith cost estimate for interconnection-related costs. The municipally owned utility or electric cooperative may not incur any interconnection-related costs without entering into a written agreement for the payment of those costs by the applicant.

(j) The process to interconnect a distributed generation facility must be completed not later than the 240th day after the date the municipally owned utility or electric cooperative receives payment of all estimated costs to complete the interconnection, except that:

(1) the period may be extended by written agreement between the parties; or

(2) the period may be extended after a good faith showing by the municipally owned utility or electric cooperative that the interconnection requires improvements, upgrades, or construction of new facilities that cannot reasonably be completed within that period, in which case the period may be extended for a time not to exceed the time necessary for the improvements, upgrades, or construction of new facilities to be completed.

(k) A municipally owned utility or electric cooperative shall charge the owner or operator of a distributed generation facility rates on a reasonable and nondiscriminatory basis for providing wholesale transmission service to the distributed generation facility owner in the same manner as for other power generation companies to transmit to the ERCOT power grid the electric power generated by the distributed generation facility in accordance with a tariff filed by the municipally owned utility or electric cooperative with the commission.

(l) The owner or operator of the distributed generation facility shall contract with the municipally owned utility or electric cooperative or the municipally owned utility's or electric cooperative's designee for any scheduling, settlement, communication, telemetry, or other services required to participate in the ERCOT wholesale market, but only to the extent that the utility, cooperative, or designee offers the services on a nondiscriminatory basis and at a commercially reasonable cost. If the municipally owned utility or electric cooperative or the municipally owned utility's or electric cooperative's designee does not offer or declines to offer the services, or fails to do so on a nondiscriminatory basis and at a commercially reasonable cost as determined by quotes from at least three third parties providing the same services, the owner or operator of the distributed generation facility may contract with a third party provider to obtain the services.

(m) A distributed generation facility must comply with emissions limitations established by the Texas Commission on Environmental Quality for a standard emissions permit for an electric generation facility unit installed after January 1, 1995.

(n) A municipally owned utility or electric cooperative is not required to interconnect a distributed generation facility under this section if, on the date the utility or cooperative receives an application for interconnection of the facility, the municipally owned utility or electric cooperative has interconnected distributed generation facilities with an aggregate capacity that equals the lesser amount of:

(1) 5 percent of the municipally owned utility's or electric cooperative's average of the 15-minute summer peak load coincident with the independent system operator's 15-minute summer peak load in each of the months of June, July, August, and September; or

(2) 300 megawatts, adjusted annually by the percentage of total system load growth in the ERCOT power region beginning in 2022.

(o) A municipally owned utility or electric cooperative that, on the date the utility or cooperative receives an application for interconnection of a distributed generation facility, has interconnected distributed generation facilities with an aggregate capacity less than the threshold described by Subsection (n) is required to increase that capacity only up to that threshold.

(p) This section is not intended to change registration standards or other qualifications required by the independent organization certified under Section 39.151 for the ERCOT power region related to the participation of distributed generation facilities in the wholesale market. This section is not intended to allow distributed generation facilities to participate in a manner that is not technically

feasible or that is otherwise in conflict with wholesale rules and requirements adopted by the independent organization certified under Section 39.151 for the ERCOT power region.

AMENDMENT NO. 19 - STATEMENT OF LEGISLATIVE INTENT

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

This legislation is intended to allow grocers the ability to deploy backup generation in parts of the ERCOT region without retail customer choice. However, this legislation is in no way intended to change existing ERCOT registration standards and other qualifications related to how distributed generation resources participate in the ERCOT wholesale market, nor is it intended to allow distributed generation resources to participate in a manner that is not technically feasible or is otherwise in conflict with ERCOT wholesale rules and requirements.

A record vote was requested by Representative C. Turner.

Amendment No. 19 was adopted by (Record 1328): 136 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; 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; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; 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; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; White; Wilson; Wu; Zwiener.

Nays — Beckley.

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

Absent, Excused — Coleman; Oliverson; Price; Vo.

Absent — Herrero; Johnson, J.D.; Meza; Pacheco; Smithee; Thompson, S.; Walle.

STATEMENT OF VOTE

When Record No. 1328 was taken, I was shown voting present, not voting. I intended to vote yes.

Guerra

COMMITTEE GRANTED PERMISSION TO MEET

Representative Burrows requested permission for the Committee on Calendars to meet while the house is in session, at 8 p.m. today, in 1W.14, to consider a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

At 6:08 p.m., the following committee meeting was announced:

Calendars, 8 p.m. today, 1W.14, for a formal meeting, to consider a calendar.

CSSB 3 - (consideration continued)**Amendment No. 20**

Representatives Rodriguez, Shine, Biedermann, Toth, Howard, Schaefer, Slaton, Tinderholt, and C. Bell offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 35, Utilities Code, is amended by adding Section 35.037 to read as follows:

Sec. 35.037. FACILITATING CERTAIN INTERCOMPANY LANDFILL GAS-TO-ELECTRICITY USE. (a) This section only applies in a county with a population of more than one million in which a national wildlife refuge is wholly or partly located.

(b) Notwithstanding any other provision of this title, and for the purposes of reducing environmental emissions, putting to a beneficial purpose landfill gas as an electric generation fuel that would otherwise be flared, enabling the operation of electric generation to a greater degree, and enhancing the reliability and resilience of electric service in this state, a person who is not an electric utility and who owns and operates equipment or facilities to produce, generate, transmit, distribute, store, sell, or furnish electricity produced by the use of landfill methane gas may:

(1) use the equipment or facilities to provide electricity and electric service to the person and to the person's affiliates without being considered to be an electric utility, a public utility, a retail electric provider, a power marketer, or a person providing aggregation;

(2) interconnect the equipment or facilities in a timely manner and on reasonable and nondiscriminatory terms and conditions with any electric utility, municipally owned utility, or electric cooperative that has a retail service area for any portion of the equipment or facilities; and

(3) receive backup, supplemental, or other electric service for any of the person's or the person's affiliates' facilities that consume electricity from any electric utility, municipally owned utility, or electric cooperative that has a retail service area for any portion of the person's facilities or equipment that are interconnected regardless of whether those facilities are in the same retail service area as the location of the interconnection point.

(c) Backup, supplemental, or other electric service provided under this section through an interconnection for a person's electricity-consuming facilities that are connected to the person's interconnected equipment or facilities does not constitute a service area encroachment or other violation of law by the electric utility, municipally owned utility, or electric cooperative supplying the backup, supplemental, or other electric service.

A record vote was requested by Representative C. Turner.

Amendment No. 20 was adopted by (Record 1329): 83 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bell, C.; Bernal; Biedermann; Bowers; Bucy; Cain; Campos; Canales; Cason; Cole; Collier; Cortez; Crockett; Cyrier; Darby; Davis; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Klick; Krause; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave; Ordaz Perez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schaefer; Schofield; Sherman; Shine; Slaton; Swanson; Talarico; Thierry; Tinderholt; Toth; Turner, C.; Turner, J.; Vasut; Walle; White; Wilson; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, K.; Bonnen; Buckley; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Dean; Deshotel; Ellzey; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; King, T.; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Murphy; Noble; Paddie; Parker; Patterson; Paul; Raney; Rogers; Sanford; Shaheen; Slawson; Smith; Spiller; Stephenson; Stucky; Thompson, E.; VanDeaver.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price; Vo.

Absent — Meza; Smithee; Thompson, S.

STATEMENT OF VOTE

When Record No. 1329 was taken, I was shown voting no. I intended to vote yes.

Ashby

Amendment No. 21

Representative Zwiener offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) on page 22, between lines 3 and 4, by inserting the following:

(f) Information written, produced, collected, assembled, or maintained under law or in connection with the transaction of official business by the committee or an officer or employee of the committee is subject to Section 552.008, Government Code. This subsection does not apply to the physical locations of critical facilities, maps created under this subchapter, or proprietary information created or gathered during the mapping process.

Amendment No. 21 was adopted.

Amendment No. 22

Representative Holland offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 35.151, Utilities Code, is amended to read as follows:

Sec. 35.151. **ELECTRIC ENERGY STORAGE**. This subchapter applies only to the ownership or operation of electric energy storage equipment or facilities in the ERCOT power region that are intended to:

(1) provide energy or ancillary services at wholesale, including electric energy storage equipment or facilities listed on a power generation company's registration with the commission or, for an exempt wholesale generator, on the generator's registration with the Federal Energy Regulatory Commission; or

(2) provide reliable delivery of electric energy to distribution customers.

SECTION ____. Subchapter E, Chapter 35, Utilities Code, is amended by adding Section 35.153 to read as follows:

Sec. 35.153. **CONTRACTS FOR ELECTRIC ENERGY STORAGE FOR RELIABILITY SERVICES**. (a) A transmission and distribution utility, with prior approval of the commission, may contract with a power generation company to provide electric energy from an electric energy storage facility to ensure reliable service to distribution customers.

(b) The commission may not authorize ownership of an electric energy storage facility by a transmission and distribution utility.

(c) Before entering into a contract under Subsection (a), the transmission and distribution utility must issue a request for proposals for use of an electric energy storage facility to meet the utility's reliability needs.

(d) A transmission and distribution utility may enter into a contract under Subsection (a) only if use of an electric energy storage facility is more cost-effective than construction or modification of traditional distribution facilities.

(e) A transmission and distribution utility may not enter into a contract under Subsection (a) that reserves an amount of capacity exceeding the amount of capacity required to ensure reliable service to the utility's distribution customers.

(f) A power generation company that owns or operates an electric energy storage facility subject to a contract under Subsection (a) may sell electric energy or ancillary services through use of the facility only to the extent that the company reserves capacity as required by the contract.

(g) A power generation company that owns or operates an electric energy storage facility subject to a contract under Subsection (a) may not discharge the facility to satisfy the contract's requirements unless directed by the transmission and distribution utility.

(h) A contract under Subsection (a) must require a power generation company that owns or operates an electric energy storage facility to reimburse a transmission and distribution utility for the cost of an administrative penalty assessed against the utility for a violation caused by the facility's failure to meet the requirements of the agreement.

(i) In establishing the rates of a transmission and distribution utility, a regulatory authority shall review a contract between the utility and a power generation company under Subsection (a). The utility has the burden of proof to establish that the costs of the contract are reasonable and necessary. The regulatory authority may authorize a transmission and distribution utility to include a reasonable return on the payments required under the contract only if the contract terms satisfy the relevant accounting standards for a capital lease or finance lease.

(j) The total amount of electric energy storage capacity reserved by contracts under Subsection (a) may not exceed 100 megawatts. The commission shall by rule establish the maximum amount of electric energy storage capacity allotted to each transmission and distribution utility.

(k) The commission shall adopt rules as necessary to implement this section and establish criteria for approving contracts under Subsection (a).

A record vote was requested by Representative C. Turner.

Amendment No. 22 was adopted by (Record 1330): 116 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Beckley; Bell, C.; Bernal; Bonnen; Bowers; Bucy; Burrows; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; 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; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Ramos; Raney; Raymond;

Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Turner, C.; Turner, J.; VanDeaver; Walle; Wu; Zwiener.

Nays — Bailes; Bell, K.; Biedermann; Buckley; Burns; Button; Cain; Cason; Craddick; Gates; Harris; Hefner; Hull; Krause; Metcalf; Middleton; Murr; Patterson; Schaefer; Slaton; Slawson; Swanson; Tinderholt; Toth; Vasut; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price; Vo.

Absent — Anderson; Thompson, S.; Wilson.

STATEMENTS OF VOTE

When Record No. 1330 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 1330 was taken, I was shown voting no. I intended to vote yes.

Harris

When Record No. 1330 was taken, I was in the house but away from my desk. I would have voted no.

Wilson

Amendment No. 23

Representative Patterson offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.160 to read as follows:

Sec. 39.160. MARKET DISTORTION RESPONSE. (a) The commission and the ERCOT independent system operator shall adopt rules, operating procedures, and protocols to eliminate or compensate for any distortion in electricity pricing in the ERCOT power region caused by a federal tax credit provided under 26 U.S.C. Section 45.

(b) Rules, operating procedures, and protocols adopted under this section must ensure that costs imposed on the system by the sale of electricity that is eligible for a federal tax credit provided under 26 U.S.C. Section 45, including costs of maintaining sufficient capacity to serve load at the summer peak demand caused by the loss of new investment from below-market prices, are paid by the parties that impose the costs.

Amendment No. 23 - Point of Order

Representative Anchia raised a point of order against further consideration of Amendment No. 23 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.

Amendment No. 23 was withdrawn.

Amendment No. 24

Representative Reynolds offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.905, Utilities Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) It is the goal of the legislature that:

(1) electric utilities will administer energy efficiency incentive programs in a market-neutral, nondiscriminatory manner but will not offer underlying competitive services;

(2) all customers, in all customer classes, will have a choice of and access to energy efficiency alternatives and other choices from the market that allow each customer to reduce energy consumption, summer and winter peak demand, or energy costs;

(3) each electric utility annually will provide, through market-based standard offer programs or through targeted market-transformation programs, incentives sufficient for retail electric providers and competitive energy service providers to acquire additional cost-effective energy efficiency to reduce summer peak demand, subject to cost ceilings established by the commission, for the utility's residential and commercial customers equivalent to:

(A) not less than:

(i) 30 percent of the electric utility's annual growth in demand of residential and commercial customers by December 31 of each year beginning with the 2013 calendar year; and

(ii) the amount of energy efficiency to be acquired for the utility's residential and commercial customers for the most recent preceding year; and

(B) for an electric utility whose amount of energy efficiency to be acquired under this subsection is equivalent to at least four-tenths of one percent of the electric utility's summer weather-adjusted peak demand for residential and commercial customers in the previous calendar year, not less than:

(i) four-tenths of one percent of the utility's summer weather-adjusted peak demand for residential and commercial customers by December 31 of each subsequent year; and

(ii) the amount of energy efficiency to be acquired for the utility's residential and commercial customers for the most recent preceding year;

(3-a) beginning with the 2023 calendar year, each electric utility annually will provide, through market-based standard offer programs or through targeted market-transformation programs, incentives sufficient for retail electric providers and competitive energy service providers to acquire additional cost-effective energy efficiency to reduce winter peak demand, subject to cost ceilings established by the commission, for the utility's residential and commercial customers equivalent to not less than:

(A) four-tenths of one percent of the utility's winter weather-adjusted peak demand for residential and commercial customers by December 31 of each year; and

(B) the amount of energy efficiency to be acquired for the utility's residential and commercial customers for the most recent preceding year;

(4) each electric utility in the ERCOT region shall use its best efforts to encourage and facilitate the involvement of the region's retail electric providers in the delivery of efficiency programs and demand response programs under this section, including programs for demand-side renewable energy systems that:

(A) use distributed renewable generation, as defined by Section 39.916; or

(B) reduce the need for energy consumption by using a renewable energy technology, a geothermal heat pump, a solar water heater, or another natural mechanism of the environment;

(5) retail electric providers in the ERCOT region, and electric utilities outside of the ERCOT region, shall provide customers with energy efficiency educational materials; ~~and~~

(6) notwithstanding Subsection (a)(3), electric utilities shall continue to make available, at 2007 funding and participation levels, any load management standard offer programs developed for industrial customers and implemented prior to May 1, 2007; and

(7) each electric utility will meet an annual energy savings goal for residential and commercial service, including any energy savings achieved under another subdivision of this subsection, of:

(A) 0.12 percent annual energy savings in the 2022 calendar year;
and

(B) 0.25 percent annual energy savings in the 2023 calendar year.

(a-1) The commission shall ensure that an electric utility offers under Subsections (a)(3) and (3-a) at least one program to reduce summer peak demand and at least one program to reduce winter peak demand, provided that an electric utility may offer a single program that reduces both summer and winter peak demand.

(a-2) The commission by rule shall provide a method to establish each utility's annual energy savings goal under Subsection (a)(7). The method must be based on the existing and expected usage of electricity delivered in a utility's service area to residential and commercial customers that are required to pay the annual energy efficiency cost recovery fee. In adopting rules, the commission

may provide for cost caps for the implementation of Subsection (a)(7) and provide good cause exceptions for a utility that is unable to meet the goal in a cost-effective manner.

SECTION _____. The Public Utility Commission of Texas shall adopt rules to implement the changes made by this Act to Section 39.905, Utilities Code, not later than December 31, 2021.

SECTION _____. (a) Not later than January 15, 2023, the Public Utility Commission of Texas shall provide to the legislature a cost benefit analysis of achieving the type of energy savings described by Section 39.905(a)(7), Utilities Code, as added by this Act, according to the following timeline:

- (1) 1 percent energy savings by 2026;
- (2) 1.5 percent energy savings by 2028; and
- (3) 2 percent energy savings by 2030.

(b) The cost benefit analysis required by Subsection (a) of this section must include an analysis of the net impact of efficiency programs to ratepayers, including the cost of administering the programs and the savings achieved through potential reductions in demand for additional buildout of new generation, transmission, and ancillary services, including emergency response.

Amendment No. 24 - Point of Order

Representative Cain raised a point of order against further consideration of Amendment No. 24 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.

Amendment No. 24 was withdrawn.

Amendment No. 25

Representatives Zwiener and Frank offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 418, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. CRITICAL INFRASTRUCTURE PREPAREDNESS FUND

Sec. 418.301. DEFINITION. In this subchapter, "fund" means the critical infrastructure preparedness fund.

Sec. 418.302. CRITICAL INFRASTRUCTURE PREPAREDNESS FUND.

(a) The critical infrastructure preparedness fund is a special fund in the state treasury outside the general revenue fund.

(b) The fund may be used by the division only as provided by this subchapter.

(c) The fund consists of:

- (1) legislative appropriations to the division for a purpose of the fund;
- (2) any revenue that by law is dedicated for deposit to the fund;
- (3) interest or other earnings on money credited to or allocable to the

fund;

(4) money from gifts, grants, or donations to the fund; and

(5) money under the division's control that the division designates for deposit to the fund.

Sec. 418.303. USE OF FUND. The division may use the fund only to:

(1) make a grant to an eligible entity under this subchapter; and

(2) pay the necessary and reasonable expenses of administering the fund.

Sec. 418.304. ELECTRIC GRID IMPROVEMENT ACCOUNT. (a) The electric grid improvement account is an account in the fund.

(b) The account consists of:

(1) legislative appropriations to the division for a purpose of the account; and

(2) money from gifts, grants, or donations to the division for a purpose of the account.

(c) Subject to Subsection (d), the division may use the account only to make matching grants to eligible entities for hardening, weatherizing, and enhancing the reliability of the electric grid, including:

(1) installing advanced meter infrastructure and demand response technology;

(2) improving load shed capabilities;

(3) incentivizing customers to engage in distributed energy production and energy efficiency measures;

(4) installing electric energy storage; and

(5) weatherizing facilities.

(d) The division may not use the account to make grants for routine vegetation management.

(e) An entity is eligible to receive a matching grant under this section only if the entity is:

(1) a municipally owned electric utility;

(2) an electric cooperative;

(3) a transmission and distribution utility, as defined by Section 31.002, Utilities Code; or

(4) a vertically integrated utility.

(f) In making grants under this section, the division:

(1) shall consider:

(A) the expected number of individuals who will benefit from the project;

(B) existing infrastructure and overall need for the project;

(C) the potential benefit of the project to:

(i) low-income communities; and

(ii) areas in disparate parts of the state;

(D) the equitable distribution of grants throughout the state;

(E) the existence of matching federal funds for the project and whether available federal funds have been exhausted; and

(F) the total impact of the project on the preparedness of the state's electric grid; and

(2) may consult with the Public Utility Commission of Texas.

(g) The division shall condition each grant awarded under this section on the grant recipient providing funds from non-state sources in a total amount at least equal to 10 percent of the grant amount, with at least five percent of the recipient's match coming from local sources.

Sec. 418.305. HOSPITAL INFRASTRUCTURE PREPAREDNESS ACCOUNT. (a) The hospital infrastructure preparedness account is an account in the fund.

(b) The account consists of:

(1) legislative appropriations to the division for a purpose of the account; and

(2) money from gifts, grants, or donations to the division for a purpose of the account.

(c) The division may use the account only to make matching grants to eligible entities for purchasing reserve power supply that is reliable during an extreme weather event, such as on-site generation and energy storage systems, necessary to sustain critical medical care.

(d) An entity is eligible to receive a matching grant under this section only if the entity is:

(1) a hospital owned by a municipality; or

(2) a private for-profit or nonprofit hospital.

(e) In making grants under this section, the division:

(1) shall consider:

(A) the expected number of individuals who will benefit from the

project;

(B) existing infrastructure and overall need for the project;

(C) the potential benefit of the project to:

(i) low-income communities; and

(ii) areas in disparate parts of the state;

(D) the equitable distribution of grants throughout the state;

(E) the existence of matching federal funds for the project and

whether available federal funds have been exhausted; and

(F) the total impact of the project on the state's preparedness; and

(2) may consult with the Health and Human Services Commission.

(f) The division shall condition each grant awarded under this section on the grant recipient:

(1) providing funds from non-state sources in a total amount at least equal to 10 percent of the grant amount, with at least five percent of the recipient's match coming from local sources; and

(2) reimbursing the division for the amount of the grant if the recipient ceases operation or relocates before the fifth anniversary of the date on which the project for which the grant was made is completed.

Sec. 418.306. NURSING HOME PREPAREDNESS ACCOUNT. (a) The nursing home preparedness account is an account in the fund.

(b) The account consists of:

(1) legislative appropriations to the division for a purpose of the account; and

(2) money from gifts, grants, or donations to the division for a purpose of the account.

(c) The division may use the account only to make matching grants to eligible entities for purchasing reserve power supply that is reliable during an extreme weather event, such as on-site generation and energy storage systems, necessary to:

(1) sustain critical medical care; or

(2) maintain the air temperature in the entity's facilities.

(d) An entity is eligible to receive a matching grant under this section only if the entity is:

(1) a nursing facility, as defined by Section 242.301, Health and Safety Code; or

(2) an assisted living facility, as defined by Section 247.002, Health and Safety Code.

(e) In making grants under this section, the division may consult with the Health and Human Services Commission.

(f) If the division receives more qualifying applications for a grant under this section than the division has available money to fully fund, the division may reduce the amount of each grant made under this section in proportion to the number of individuals served by the grant applicant.

(g) The division shall condition each grant awarded under this section on the grant recipient:

(1) providing funds from non-state sources in a total amount at least equal to 10 percent of the grant amount, with at least five percent of the recipient's match coming from local sources; and

(2) reimbursing the division for the amount of the grant if the recipient ceases operation or relocates before the fifth anniversary of the date on which the project for which the grant was made is completed.

Sec. 418.307. DIALYSIS INFRASTRUCTURE ACCOUNT. (a) The dialysis infrastructure account is an account in the fund.

(b) The account consists of:

(1) legislative appropriations to the division for a purpose of the account; and

(2) money from gifts, grants, or donations to the division for a purpose of the account.

(c) The division may use the account only to make matching grants to end stage renal disease facilities, as defined by Section 251.001, Health and Safety Code, for purchasing reserve power supply that is reliable during an extreme weather event, such as on-site generation and energy storage systems, necessary to sustain critical medical care.

(d) In making grants under this section, the division:

(1) shall consider:

(A) the expected number of individuals who will benefit from the project;

- (B) existing infrastructure and overall need for the project;
 - (C) the potential benefit of the project to:
 - (i) low-income communities; and
 - (ii) areas in disparate parts of the state;
 - (D) the equitable distribution of grants throughout the state;
 - (E) the existence of matching federal funds for the project and whether available federal funds have been exhausted; and
 - (F) the total impact of the project on the state's preparedness; and
- (2) may consult with the Health and Human Services Commission.

(e) If the division receives more qualifying applications for a grant under this section than the division has available money to fully fund, the division may reduce the amount of each grant made under this section in proportion to the number of individuals served by the grant applicant.

(f) The division shall condition each grant awarded under this section on the grant recipient:

(1) providing funds from non-state sources in a total amount at least equal to 10 percent of the grant amount, with at least five percent of the recipient's match coming from local sources; and

(2) reimbursing the division for the amount of the grant if the recipient ceases operation or relocates before the fifth anniversary of the date on which the project for which the grant was made is completed.

Sec. 418.308. RULES. The division shall adopt rules necessary to carry out this subchapter, including rules:

(1) that establish procedures for an application for and the award of financial assistance;

(2) for the investment of money; and

(3) for the administration of the fund.

SECTION _____. Section 15.001(6), Water Code, is amended to read as follows:

(6) "Project" means:

(A) any undertaking or work, including planning activities and work to obtain regulatory authority at the local, state, and federal level, to conserve, convey, and develop water resources in the state, to provide for the maintenance and enhancement of the quality of the water of the state, to provide nonstructural and structural flood control, drainage, subsidence control, recharge, chloride control, brush control, precipitation enhancement, and desalinization, to provide for the acquisition of water rights and the repair of unsafe dams, to provide for the weatherization of water and wastewater facilities, and to carry out other purposes defined by board rules;

(B) any undertaking or work outside the state to provide for the maintenance and enhancement of the quality of water by eliminating saline inflow through well pumping and deep well injection of brine; or

(C) any undertaking or work by Texas political subdivisions or institutions of higher education to conserve, convey, and develop water resources in areas outside Texas or to provide for the maintenance and enhancement of the

quality of the water in areas adjoining Texas, if such undertaking or work will result in water being available for use in or for the benefit of Texas or will maintain and enhance the quality of water in Texas.

SECTION _____. Section 15.102(b), Water Code, is amended to read as follows:

(b) The loan fund may also be used by the board to provide:

(1) grants or loans for projects that include supplying water and wastewater services in economically distressed areas or nonborder colonias as provided by legislative appropriations, this chapter, and board rules, including projects involving retail distribution of those services; ~~and~~

(2) grants for:

(A) projects for which federal grant funds are placed in the loan fund;

(B) projects, on specific legislative appropriation for those projects;

or
(C) water conservation, desalination, brush control, weather modification, regionalization, and projects providing regional water quality enhancement services as defined by board rule, including regional conveyance systems; and

(3) grants for emergency preparedness projects to harden and weatherize water and wastewater systems in the state, including:

(A) covering wells;

(B) purchasing reserve power supply, such as auxiliary generation and energy storage systems; and

(C) building connectivity to neighboring water suppliers.

SECTION _____. Section 15.105, Water Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), in passing on an application for a grant described by Section 15.102(b)(3), the board shall:

(1) consider:

(A) the expected number of individuals who will benefit from the project;

(B) existing infrastructure and overall need for the project;

(C) the potential benefit of the project to:

(i) low-income communities; and

(ii) areas in disparate parts of the state;

(D) the equitable distribution of grants throughout the state;

(E) the existence of matching federal funds for the project and whether available federal funds have been exhausted; and

(F) the total impact of the project on the state's preparedness; and

(2) consult with the Texas Division of Emergency Management.

SECTION _____. Section 15.107, Water Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other provision of this section, the board shall condition each grant awarded under Section 15.102(b)(3) on the grant recipient providing funds from non-state sources in a total amount at least equal to 10 percent of the grant amount, with at least five percent of the recipient's match coming from local sources.

A record vote was requested by Representative C. Turner.

Amendment No. 25 was adopted by (Record 1331): 103 Yeas, 35 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bowers; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Kuempel; Lambert; Landgraf; Larson; Longoria; Lopez; Lozano; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Patterson; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Smithee; Stucky; Talarico; Thierry; Thompson, E.; Toth; Turner, J.; VanDeaver; Walle; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Buckley; Cain; Cason; Cook; Ellzey; Gates; Harris; Hefner; Hull; Jetton; Klick; Krause; Leach; Leman; Metcalf; Middleton; Parker; Paul; Rogers; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Spiller; Stephenson; Swanson; Tinderholt; Vasut; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price; Vo.

Absent — Crockett; Dutton; Johnson, J.D.; Lucio; Thompson, S.; Turner, C.; Wilson.

STATEMENT OF VOTE

When Record No. 1331 was taken, I was in the house but away from my desk. I would have voted no.

Wilson

Amendment No. 26

Representative Guerra offered the following amendment to **CSSB 3**:

Amend **CSSB 3** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 141, Natural Resources Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. DEVELOPMENT OF GEOTHERMAL RESOURCES

Sec. 141.151. STUDY. The commission may study the potential for the development of geothermal energy and associated resources in this state by:

(1) examining the potential for using inactive or abandoned wells to produce geothermal energy;

(2) reviewing areas of the state with high geothermal activity;

(3) considering alternative uses of wells that the commission has ordered to be plugged; and

(4) examining ways to encourage the production of geothermal energy and associated resources in this state.

Sec. 141.152. PARTNERSHIPS. The commission may enter a partnership with the Bureau of Economic Geology of The University of Texas at Austin and the Southern Methodist University Geothermal Lab to facilitate a study described by Section 141.151.

Sec. 141.153. FEDERAL FUNDS. The commission may accept and spend federal funds for the purposes of this chapter, including engaging in a geothermal resource development activity identified in a study described by Section 141.151.

Amendment No. 26 was withdrawn.

Amendment No. 27

Representative C. Turner offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee report) on page 26, between lines 18 and 19, by inserting the following:

(4) any new, dispatchable generation constructed shall not be reimbursed or financed by any mechanism that would be charged to residential or small business customers.

Amendment No. 27 - Point of Order

Representative Vasut raised a point of order against further consideration of Amendment No. 27 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane.

(Harris in the chair)

The point of order was withdrawn.

Amendment No. 27 was withdrawn.

(Speaker in the chair)

Amendment No. 28

Representative Reynolds offered the following amendment to **CSSB 3**:

Amend **CSSB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Not later than January 15, 2023, the Public Utility Commission of Texas shall provide to the legislature a cost benefit analysis of achieving an annual energy savings goal for residential and commercial service, including any energy savings achieved under Section 39.905, Utilities Code, according to the following timeline:

- (1) 1 percent energy savings by 2026;
- (2) 1.5 percent energy savings by 2028; and
- (3) 2 percent energy savings by 2030.

(b) The cost benefit analysis required by Subsection (a) of this section must include an analysis of the net impact of efficiency programs to ratepayers, including the cost of administering the programs and the savings achieved through potential reductions in demand for additional buildout of new generation, transmission, and ancillary services, including emergency response.

Amendment No. 28 was withdrawn.

CSSB 3, as amended, was passed to third reading.

POSTPONED BUSINESS

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

SB 1365 ON SECOND READING

(Huberty, Dutton, K. King, Murphy, and Oliverson - House Sponsors)

SB 1365, A bill to be entitled An Act relating to public school organization, accountability, and fiscal management.

SB 1365 was read second time on May 20, postponed until 10 a.m. May 21, postponed until 3:15 p.m. today, amendments were offered, and **SB 1365** was again postponed until this time. Amendment No. 1 was pending at the time of postponement.

SB 1365 - RECOMMITTED

Representative Dutton moved to recommit **SB 1365** to the Committee on Public Education.

The motion prevailed.

MAJOR STATE CALENDAR

(consideration continued)

CSSB 25 ON SECOND READING

(Frank, Sanford, Hernandez, Metcalf, et al. - House Sponsors)

CSSB 25, A bill to be entitled An Act relating to the right of certain residents to designate an essential caregiver for in-person visitation.

Amendment No. 1

Representative Frank offered the following amendment to **CSSB 25**:

Amend **CSSB 25** (house committee printing) as follows:

- (1) On page 4, line 16, strike "shall" and substitute "may".
- (2) On page 6, line 21, strike "shall" and substitute "may".

(3) On page 6, lines 24 and 25, strike "facility or program provider" and substitute "state supported living center".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Frank offered the following amendment to **CSSB 25**:

Amend **CSSB 25** (house committee printing) as follows:

(1) On page 4, lines 22-23, strike "for more than 14 days in any year" and substitute "in any year for a number of days that exceeds 14 consecutive days or a total of 45 days".

(2) On page 6, line 27, strike "for more than 14 days in any year" and substitute "in any year for a number of days that exceeds 14 consecutive days or a total of 45 days".

Amendment No. 2 was adopted.

Amendment No. 3

Representatives K. Bell and Frank offered the following amendment to **CSSB 25**:

Amend **CSSB 25** (house committee printing) as follows:

(1) On page 4, line 4, after the underlined period, insert the following:
The commission by rule shall establish an appeals process to evaluate the revocation of an individual's designation as an essential caregiver under this subsection.

(2) On page 6, line 10, after the underlined period, insert the following:
The commission by rule shall establish an appeals process to evaluate the revocation of an individual's designation as an essential caregiver under this subsection.

(3) On page 7, line 7, between "guidelines" and "required", insert "and adopt the rules".

Amendment No. 3 was adopted.

CSSB 25, as amended, was passed to third reading.

CONSTITUTIONAL AMENDMENTS CALENDAR SENATE JOINT RESOLUTIONS SECOND READING

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

SJR 35 ON SECOND READING (Lopez - House Sponsor)

SJR 35, A joint resolution proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.

SJR 35 was adopted by (Record 1332): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; 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; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; 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 — Coleman; Oliverson; Price; Vo.

Absent — Ellzey.

STATEMENT OF VOTE

When Record No. 1332 was taken, my vote failed to register. I would have voted yes.

Ellzey

COMMITTEE GRANTED PERMISSION TO MEET

Representative Dutton requested permission for the Committee on Public Education to meet while the house is in session, at 8:30 p.m. today, in 1W.14, to consider recommitted business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

At 7:34 p.m., the following committee meeting was announced:

Public Education, 8:30 p.m. today, 1W.14, for a formal meeting, to consider recommitted business.

GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

CSSB 6 ON SECOND READING
(Leach, et al. - House Sponsors)

CSSB 6, A bill to be entitled An Act relating to liability for certain claims arising during a pandemic or disaster related to a pandemic.

Amendment No. 1

Representatives Leach and Tinderholt offered the following amendment to **CSSB 6**:

Amend **CSSB 6** (house committee printing) as follows:

(1) On page 6, between lines 24 and 25, insert the following:

(i) This section does not create a civil cause of action.

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

Sec. 148.005. NO CIVIL CAUSE OF ACTION. This chapter does not create a civil cause of action.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Slaton, Swanson, and Tinderholt offered the following amendment to **CSSB 6**:

Amend **CSSB 6** (house committee printing) on page 13, between lines 13 and 14, by inserting the following:

Sec. 148.005. LIABILITY OF EMPLOYERS NOT REQUIRING VACCINE. An employer who does not require an employee to receive a vaccination as a condition of employment is not liable for the employee's injury or death caused by exposure to a pandemic disease.

Amendment No. 2 - Point of Order

Representative M. González raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 3, of the House Rules on the grounds that the amendment changes the bill's original purpose. The point of order was withdrawn.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Schofield offered the following amendment to **CSSB 6**:

Amend **CSSB 6** as follows:

Insert the following SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Chapter 74, Civil Practice and Remedies Code, is amended by adding Section 74.156 to read as follows:

Sec. 75.156. LIMITATION ON CIVIL LIABILITY OF CHILDREN'S ISOLATION UNITS

Sec. 241.351. DEFINITION. In this subchapter, "children's isolation unit" means an isolation unit in a hospital licensed under this chapter that is designed to provide health care services to children with highly contagious infectious diseases.

Sec. 241.352. LIMITATION ON CIVIL LIABILITY OF CHILDREN'S ISOLATION UNIT. A children's isolation unit that has instituted isolation protocols is not liable for any claim, damage, or loss arising from the provision of health care services to children with highly contagious diseases, unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence or willful misconduct.

Amendment No. 3 was withdrawn.

CSSB 6, as amended, was passed to third reading.

**CSSB 24 ON SECOND READING
(Bonnen - House Sponsor)**

CSSB 24, A bill to be entitled An Act relating to the procedures required before a law enforcement agency hires certain persons.

CSSB 24 was passed to third reading.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Burrows requested permission for the Committee on Calendars to meet while the house is in session, at 9:15 p.m. instead of 8 p.m. today, in 1W.14, to consider a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

At 7:53 p.m., the following committee meeting was announced:

Calendars, 9:15 p.m. instead of 8 p.m. today, 1W.14, for a formal meeting, to consider a calendar.

**SB 1831 ON SECOND READING
(S. Thompson - House Sponsor)**

SB 1831, A bill to be entitled An Act relating to the punishment for trafficking of persons, online solicitation of a minor, and prostitution and warning signs regarding certain penalties for trafficking of persons; increasing criminal penalties.

Amendment No. 1

Representatives Parker, Davis, Meyer, Shaheen, Hunter, A. Johnson, Ordaz Perez, Goldman, Sherman, and M. González offered the following amendment to **SB 1831**:

Amend **SB 1831** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 402.0351, Government Code, is amended to read as follows:

Sec. 402.0351. REQUIRED POSTING OF HUMAN TRAFFICKING SIGNS BY [AT] CERTAIN ENTITIES; CIVIL PENALTY [TRANSPORTATION HUBS]. (a) In this section:

(1) "Cosmetology facility" means a person who holds a license to operate a facility or school under Chapter 1602, Occupations Code.

(2) "Council" means the human trafficking prevention coordinating council established under Section 402.034.

(3) "Hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(4) "Hotel" has the meaning assigned by Section 2155.051, Occupations Code.

(5) "Massage establishment" and "massage school" have the meanings assigned by Section 455.001, Occupations Code.

(6) "Sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code.

(7) "Tattoo studio" has the meaning assigned by Section 146.001, Health and Safety Code.

(8) "Transportation [~~transportation~~] hub" means a bus, bus stop, train, train station, rest area, gas station with adjacent convenience store, or airport.

(a-1) Except as provided by Subsection (a-3), a person who operates any of the following entities shall post at the entity the sign prescribed under Subsection (b), or, if applicable, a similar sign or notice as prescribed by other state law:

(1) an entity permitted or licensed under Chapter 25, 26, 28, 32, 69, or 71, Alcoholic Beverage Code, other than an entity holding a food and beverage certificate;

(2) a cosmetology facility;

(3) a hospital;

(4) a hotel;

(5) a massage establishment;

(6) a massage school;

(7) a sexually oriented business;

(8) a tattoo studio;

(9) a private primary or secondary school; or

(10) a transportation hub.

(a-2) The Parks and Wildlife Department shall post the sign prescribed under Subsection (b), or a substantially similar sign, in the manner prescribed by Subsection (d) at each state park and other recreational site under the department's jurisdiction.

(a-3) Notwithstanding any other law, a state agency that enforces another state law that requires a person described by Subsection (a-1) to post a sign or notice relating to human trafficking may by rule authorize the person to use the sign prescribed by the attorney general under Subsection (b) in lieu of the sign or notice required by the other law.

(a-4) The Texas Education Agency may by rule authorize a school required to post a warning sign under Section 37.086, Education Code, to use the sign prescribed by the attorney general under Subsection (b) in lieu of the sign or notice required under Section 37.086, Education Code.

(b) The attorney general by rule shall prescribe the design and content of a sign required to be posted under this section. The sign must:

(1) contain information regarding services and assistance available to victims of human trafficking;

(2) [to be displayed at transportation hubs. The sign must] be in [both] English, ~~and~~ Spanish, and any other language determined appropriate by the attorney general in consultation with the council; and

(3) include:

(A) a toll-free ~~[(1) the]~~ telephone number and Internet website for accessing human trafficking resources [of the National Human Trafficking Resource Center]; and

(B) ~~[(2)]~~ the key indicators that a person is a victim of human trafficking.

(c) The attorney general shall develop the sign that complies with the requirements of Subsection (b) and make the sign available on the attorney general's Internet website to persons [by rule shall prescribe the transportation hubs that are] required to post a sign under this section and to the public [described by Subsection (b)].

(d) [A person who operates a transportation hub that is required to post a sign under Subsection (c) shall post a sign described by Subsection (b) at the transportation hub.] The attorney general[-

[(1)] by rule shall prescribe the best practices for the manner in which the sign must be displayed [at the transportation hub] and any exceptions to the sign posting requirement. The rules:

(1) must require that at a minimum the sign be posted in:

(A) each public restroom of the entity; or

(B) a conspicuous place that is either:

(i) near the public entrance of the entity; or

(ii) in clear view of the public and employees and near the location similar notices are customarily posted [under this section]; and

(2) may require that the sign be a certain size and that the notice be displayed in a certain font and type size [shall enforce this section].

(e) In adopting the rules under this section [Subsection (b)], the attorney general shall consult with the council [Texas Department of Transportation].

(f) If the attorney general becomes aware that a person is in violation or may be in violation of a law enforced by another state agency that requires the posting of a sign or notice relating to human trafficking, the attorney general may notify the appropriate state agency of the violation or potential violation.

(g) The attorney general shall issue a warning to a person described by Subsection (a-1) for a first violation of a rule adopted under this section. After receiving a warning for the first violation, a person who violates a rule adopted under this section is subject to a civil penalty in the amount of \$200 for each subsequent violation. Each day a violation continues is a separate violation.

SECTION ____. The attorney general shall:

(1) in consultation with the human trafficking prevention coordinating council, adopt rules necessary to implement Section 402.0351, Government Code, as amended by this Act, including rules prescribing the content and design of the sign required by that section; and

(2) make the sign available on the attorney general's Internet website as required by Section 402.0351(c), Government Code, as amended by this Act.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Burns offered the following amendment to **SB 1831**:

Amend **SB 1831** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) This section shall be known as the Julia Wells Act.

(b) Subchapter C, Chapter 1001, Education Code, is amended by adding Section 1001.1021 to read as follows:

Sec. 1001.1021. HUMAN TRAFFICKING PREVENTION INFORMATION. (a) The commission by rule shall require that information relating to human trafficking prevention be included in the curriculum of any driver education course or driving safety course.

(b) In developing rules under this section, the commission shall consult with the human trafficking prevention coordinating council established under Section 402.034, Government Code.

(c) Not later than May 1, 2022, the Texas Commission of Licensing and Regulation shall adopt the rules required by Section 1001.1021, Education Code, as added by this section.

(d) Each driver education course or driving safety course held on or after September 1, 2022, must include in the course curriculum the information required by Section 1001.1021, Education Code, as added by this section.

Amendment No. 2 was adopted.

SB 1831, as amended, was passed to third reading.

**SB 611 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Meyer moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Bucy as a house sponsor to **SB 611**.

The motion prevailed.

**SJR 35 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Meyer moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Bucy as a house sponsor to **SJR 35**.

The motion prevailed.

**SB 1831 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Dutton moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representatives Parker and Reynolds as house sponsors to **SB 1831**.

The motion prevailed.

SB 1955 ON SECOND READING
(Burrows - House Sponsor)

SB 1955, A bill to be entitled An Act relating to exempting learning pods from certain local government regulations.

SB 1955 was passed to third reading.

SB 1356 ON SECOND READING
(Dutton - House Sponsor)

SB 1356, A bill to be entitled An Act relating to the participation by members of nonprofit teacher organizations in a tutoring program for public school students and related retirement benefits for certain tutors participating in the program.

Amendment No. 1

Representative J. Turner offered the following amendment to **SB 1356**:

Amend **SB 1356** (house committee printing) on page 3, between lines 8 and 9, by inserting the following appropriately lettered subsection and relettering subsequent subsections accordingly:

() This section does not create a cause of action or liability or an obligation or duty that provides a basis for a cause of action or liability against a nonprofit teacher organization approved by the commissioner for the purpose of participating in the tutoring program for any action taken by a member of the organization participating in the program as a tutor.

Amendment No. 1 was adopted.

SB 1356, as amended, was passed to third reading.

SB 1257 ON SECOND READING
(Murphy - House Sponsor)

SB 1257, A bill to be entitled An Act relating to the information required to be provided by the chief appraiser of an appraisal district to the comptroller in connection with the comptroller's central registry of reinvestment zones designated and ad valorem tax abatement agreements executed under the Property Redevelopment and Tax Abatement Act.

SB 1257 was passed to third reading.

SB 220 ON SECOND READING
(Smithee - House Sponsor)

SB 220, A bill to be entitled An Act relating to notice and reporting requirements for vendor rebates under a contract listed on a multiple award contract schedule.

SB 220 was passed to third reading.

SB 560 ON SECOND READING**(Guerra, Campos, Lopez, Morales Shaw, and E. Morales - House Sponsors)**

SB 560, A bill to be entitled An Act relating to developing a strategic plan for the improvement and expansion of high-quality bilingual education.

SB 560 was passed to third reading.

SB 73 ON SECOND READING**(Klick - House Sponsor)**

SB 73, A bill to be entitled An Act relating to providing access to local public health entities and certain health service regional offices under Medicaid.

Amendment No. 1

Representative Klick offered the following amendment to **SB 73**:

Amend **SB 73** (house committee printing) as follows:

- (1) On page 1, line 6, strike "(3-b)".
- (2) On page 1, strike lines 8 through 10.
- (3) On page 1, line 11, strike "(3)" and substitute "(2)".
- (4) On page 1, line 14, strike "(3-a)" and substitute "(3)".
- (5) On page 1, line 16, strike "(3-b)" and substitute "(3-a)".
- (6) On page 2, lines 2 through 4, strike ", including a health service regional office acting in the capacity of a local public health entity,".
- (7) On page 2, lines 17 through 19, strike "or a health service regional office acting in the capacity of a local public health entity in a public health region".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Klick offered the following amendment to **SB 73**:

Amend **SB 73** (house committee printing) on page 3, line 25, by striking "2022" and substituting "2021".

Amendment No. 2 was adopted.

SB 73, as amended, was passed to third reading. (Darby, Dean, and Shine recorded voting no.)

SB 1524 ON SECOND READING**(Guillen - House Sponsor)**

SB 1524, A bill to be entitled An Act relating to a sales and use tax refund pilot program for certain persons who employ apprentices.

SB 1524 was passed to third reading. (Darby, Dean, and Shine recorded voting no.)

SB 959 ON SECOND READING
(Romero - House Sponsor)

SB 959, A bill to be entitled An Act relating to student success-based funding recommendations for certain continuing workforce education courses offered by public junior colleges.

Amendment No. 1

Representative Romero offered the following amendment to **SB 959**:

Amend **SB 959** (house committee report) on page 1, line 11, between "board" and "shall", by inserting ", in the manner and to the extent the board considers appropriate and in consultation with those colleges,".

Amendment No. 1 was adopted.

SB 959, as amended, was passed to third reading.

SB 873 ON SECOND READING
(Button - House Sponsor)

SB 873, A bill to be entitled An Act relating to disclosure by the comptroller to the purchaser of a business of the amount of tax due.

SB 873 was passed to third reading.

SB 623 ON SECOND READING
(Minjarez - House Sponsor)

SB 623, A bill to be entitled An Act relating to the investigation and punishment of certain sexual offenses, to protective orders issued on the basis of certain sexual offenses, to crime victims' compensation, and to the establishment of a state sexual offense prevention and response program for the Texas Military Department.

SB 623 - REMARKS

REPRESENTATIVE MINJAREZ: I am going to take a little time, longer than usual, to lay out this particular bill because it is of extreme importance what we are doing today on behalf of Vanessa Guillén. **SB 623** requires the Texas Military Department to have a sexual assault response coordinator, reporting options outside of the chain of command through a sexual assault response coordinator, provides an independent criminal investigator outside of the chain of command under the Texas Rangers, requires TMD to submit an annual report relating to sexual assault prevention and response, and provides a mechanism to expedite issuance of a temporary ex parte protective order to victims of military sexual assault. The Texas Legislature does not have jurisdiction over the U.S. military, but with the largest state guard in the country, we can lead by example in protecting our Texas soldiers. This bill will provide our heroes with the justice they deserve and the resources they need to feel safe and protected within their place of work.

Amendment No. 1

Representative Minjarez offered the following amendment to **SB 623**:

Amend **SB 623** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. This Act may be cited as the Vanessa Guillén Act.

MINJAREZ: Members, this amendment simply names the bill the Vanessa Guillén Act. Last year, the tragic circumstances surrounding Private First Class Vanessa Guillén's disappearance and untimely death shed light on how the system fails to protect our heroes. On her own base, a place she should have felt safe, she lived in fear. It was reported that she shared with family and friends that she was assaulted on base but she was too scared to report it. She didn't feel safe or have confidence in the system. Vanessa Guillén's story exemplifies the unacceptable pervasiveness of sexual assault in the military.

Amendment No. 1 was adopted.

MINJAREZ: Members, we as lawmakers need to ensure that nothing like what happened to Specialist Guillén will ever occur again. Although we cannot bring her back, we can honor her memory by committing to protect heroes like her. With that, members, I move passage, and I ask that you vote favorably for the Vanessa Guillén Act.

SB 623, as amended, was passed to third reading.

POSTPONED BUSINESS

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

SB 766 ON SECOND READING

(Leach, S. Thompson, and Hunter - House Sponsors)

SB 766, A bill to be entitled An Act relating to sexually oriented businesses, including a requirement to participate in the federal electronic verification of employment authorization program, or E-verify, and restricting the age of persons employed by or allowed on the premises; creating criminal offenses.

SB 766 was read second time on May 20, postponed until 2 p.m. today, and was again postponed until this time.

Representative Leach moved to postpone consideration of **SB 766** until 12 a.m. tomorrow.

The motion prevailed.

GENERAL STATE CALENDAR

(consideration continued)

REMARKS ORDERED PRINTED

Representative Canales moved to print remarks by Representative Minjarez on **SB 623**.

The motion prevailed.

**SB 623 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Raymond moved to suspend Rule 8, Section 5(d), of the House Rules to designate all members of the house as co-sponsors to **SB 623**.

The motion prevailed.

**SB 1113 ON SECOND READING
(Cain - House Sponsor)**

SB 1113, A bill to be entitled An Act relating to a registrar's failure to cancel voter registrations under applicable law.

Amendment No. 1

Representative C. Turner offered the following amendment to **SB 1113**:

Amend **SB 1113** (house committee printing) on page 1, between lines 16 and 17, by inserting the following:

(c) The secretary of state may only withhold funds under this section if the secretary has been confirmed by the senate.

A record vote was requested by Representative C. Turner.

Amendment No. 1 failed of adoption by (Record 1333): 64 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; 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; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Ellzey; 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; Morrison; Murphy; Murr; Noble; Paddie; Parker; Patterson; Paul; 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); Meza.

Absent, Excused — Coleman; Oliverson; Price; Vo.

STATEMENT OF VOTE

When Record No. 1333 was taken, I was shown voting present, not voting. I intended to vote yes.

Meza

Amendment No. 2

Representative Bucy offered the following amendment to **SB 1113**:

Amend **SB 1113** (house committee printing) on page 1, line 9, between "the" and "cancellation" by inserting "approval, change, or".

Amendment No. 2 was adopted.

SB 1113 - POINT OF ORDER

Representative Zwiener raised a point of order against further consideration of **SB 1113** under Rule 4, Section 32(c)(2), of the House Rules on the grounds that the bill analysis is materially misleading.

(Harris in the chair)

The point of order was withdrawn.

SB 1113, as amended, was passed to third reading.

(Speaker in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Neave requested permission for the Committee on Juvenile Justice and Family Issues to meet while the house is in session, at 9:30 p.m. today, in 1W.14, to consider pending and referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

At 8:53 p.m., the following committee meeting was announced:

Juvenile Justice and Family Issues, 9:30 p.m. today, 1W.14, for a formal meeting, to consider pending and referred business.

**SB 2124 ON SECOND READING
(Lucio - House Sponsor)**

SB 2124, A bill to be entitled An Act relating to the authority of a health benefit plan sponsor to consent to electronic delivery of certain communications on behalf of a party enrolled in the plan.

Amendment No. 1

Representative Minjarez offered the following amendment to **SB 2124**:

Amend **SB 2124** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 843, Insurance Code, is amended by adding Section 843.212 to read as follows:

Sec. 843.212. PHYSICAL THERAPIST COPAYMENT LIMIT. A health care plan that requires an enrollee to pay a copayment for an office visit with the enrollee's primary care physician or provider may not charge a higher copayment amount to that enrollee for an office visit with a physical therapist.

SECTION _____. Subchapter D, Chapter 1301, Insurance Code, is amended by adding Section 1301.166 to read as follows:

Sec. 1301.166. PHYSICAL THERAPIST COPAYMENT LIMIT. A preferred provider benefit plan that requires an insured to pay a copayment for an office visit with the insured's primary care physician or provider may not charge a higher copayment amount to that insured for an office visit with a physical therapist.

Amendment No. 1 was adopted.

SB 2124, as amended, was passed to third reading.

**SB 1421 ON SECOND READING
(Thierry - House Sponsor)**

SB 1421, A bill to be entitled An Act relating to the correction of an ad valorem tax appraisal roll and related appraisal records.

SB 1421 was passed to third reading.

**SB 224 ON SECOND READING
(Walle, Meza, E. Morales, and Ortega - House Sponsors)**

SB 224, A bill to be entitled An Act relating to simplified certification and recertification requirements for certain persons under the supplemental nutrition assistance program.

SB 224 was passed to third reading.

**SB 291 ON SECOND READING
(Bucy - House Sponsor)**

SB 291, A bill to be entitled An Act relating to the posting of certain project information at a commercial building construction site.

SB 291 was passed to third reading.

**SB 288 ON SECOND READING
(Wu, Anchia, Dean, Ordaz Perez, and Allen - House Sponsors)**

SB 288, A bill to be entitled An Act relating to preventing the loss of benefits by certain retirees of the Teacher Retirement System of Texas who resume service.

Amendment No. 1

Representative Wu offered the following amendment to **SB 288**:

Amend **SB 288** (house committee report) as follows:

- (1) Strike page 1, line 5, through page 2, line 15.
- (2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 824.601, Government Code, is amended by amending Subsection (b) and adding Subsection (b-3) to read as follows:

(b) Except as provided by Subsection (b-1) or Section 824.602 and subject to Subsection (b-2) and, if applicable, Subsection (b-3), a retiree is not entitled to service or disability retirement benefit payments, as applicable, for any month in which the retiree is employed in any position by a Texas public educational institution.

(b-3) A retiree under Section 824.202 is subject to Subsection (b) only if the retirement system first issues the following notices to the retiree:

(1) with respect to the first occurrence of the retiree's employment that does not qualify for an exception under Section 824.602, the system issued a written warning notifying the retiree of that fact; and

(2) in a month following the month in which the system issued the warning described by Subdivision (1) and with respect to a subsequent occurrence of the retiree's continued employment that does not qualify for an exception under Section 824.602, the system issued a written notice:

(A) warning the retiree of the fact described by this subdivision;
and

(B) requiring the retiree to pay to the system, in a form and manner prescribed by the system, an amount, as elected by the retiree, that equals the total sum the retiree:

(i) earned for all employment by Texas public educational institutions for each month occurring after the issuance of the warning under Subdivision (1) for which the retiree did not qualify for an exception under Section 824.602 and before the month the system issued the written notice described by this subdivision; or

(ii) received in retirement benefit payments for each month occurring after the issuance of the warning under Subdivision (1) for which the retiree did not qualify for an exception under Section 824.602 and before the month the system issued the written notice described by this subdivision.

SECTION _____. Subchapter G, Chapter 824, Government Code, is amended by adding Section 824.6021 to read as follows:

Sec. 824.6021. TEMPORARY EXCEPTION TO MITIGATE LEARNING LOSS ATTRIBUTABLE TO COVID-19 PANDEMIC. (a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution, other than an institution of higher education, in a position performing duties related to the mitigation of student learning loss attributable to the coronavirus disease (COVID-19) pandemic, if the position:

(1) is in addition to the normal staffing level at the Texas public educational institution;

(2) is funded wholly or partly by federal funds provided under federal law enacted for the purpose of providing relief related to the coronavirus disease (COVID-19) pandemic, including the Coronavirus Aid, Relief, and Economic

Security (CARES) Act (15 U.S.C. Section 9001 et seq.), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or American Rescue Plan Act of 2021 (Pub. L. No. 117-2); and

(3) ends on or before December 31, 2024.

(b) The exception provided by this section:

(1) is in addition to the exceptions otherwise provided by Sections 824.601 and 824.602; and

(2) does not apply to disability retirees.

(c) This section expires February 1, 2025.

SECTION _____. Section 825.308, Government Code, is amended to read as follows:

Sec. 825.308. STATE CONTRIBUTION ACCOUNT. The retirement system shall deposit in the state contribution account:

(1) all state contributions to the retirement system required by Section 825.404;

(2) amounts from the interest account as provided by Section 825.313(b)(2);

(3) retirement annuities waived or forfeited in accordance with Section 824.601 or 824.004;

(3-a) retiree earnings described by Section 824.601(b-3)(2)(B)(i) that have been paid to the system;

(4) fees collected under Section 825.403(h);

(5) fees and interest for reinstatement of service credit or establishment of membership service credit as provided by Section 823.501;

(6) the portion of a deposit required by Section 823.302 to establish military service credit that represents a fee; and

(7) employer contributions required under Section 825.4092.

SECTION _____. Section 825.4092, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other provision of this section, the amounts required to be paid under Subsections (b) and (c) are not required to be paid by a reporting employer for a retiree who retired from the retirement system on or after September 1, 2005, and is employed in a position described by Section 824.6021(a). This subsection expires February 1, 2025.

SECTION _____. Section 825.4092, Government Code, as amended by this Act, applies beginning with the 2021-2022 school year.

Amendment No. 2

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

Amend Amendment No. 1 by Wu to **SB 288** on page 2, line 25, by striking "or partly".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representatives Bernal and Wu offered the following amendment to **SB 288**:

Amend **SB 288** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 824.602(a), Government Code, is amended to read as follows:

(a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution:

(1) as a substitute only with pay not more than the daily rate of substitute pay established by the employer and, if the retiree is a disability retiree, the employment has not exceeded a total of 90 days in the school year;

(2) in a position, other than as a substitute, on no more than a one-half time basis for the month;

(3) in one or more positions on as much as a full-time basis, if the retiree has been separated from service with all Texas public educational institutions for at least 12 full consecutive months after the retiree's effective date of retirement; ~~or~~

(4) in a position, other than as a substitute, on no more than a one-half time basis for no more than 90 days in the school year, if the retiree is a disability retiree; or

(5) in a position on as much as a full-time basis that is necessary, as determined by the board of trustees, for implementing a special education program under Subchapter A, Chapter 29, Education Code.

SECTION _____. Section 825.4092(e), Government Code, is amended to read as follows:

(e) The amounts required to be paid under Subsections (b) and (c) are not required to be paid by a reporting employer for a retiree who retired from the retirement system:

(1) before September 1, 2005; or

(2) on or after September 1, 2005, if:

(A) the reporting employer is located in an area subject to:

(i) a disaster declared by the president of the United States;

(ii) a state of disaster declared by the governor under Chapter

418; or

(iii) a local state of disaster declared by the presiding officer of the governing body of a political subdivision under Chapter 418;

(B) the amounts to be paid are attributable to a payroll period that occurs in any of the following school years:

(i) a school year during which a disaster described by paragraph (A) is declared, beginning with the payroll period that occurs after the date the disaster is declared; and

(ii) the two school years following a school year described by subparagraph (i); and

(C) the retiree is employed in a position necessary, as determined by the board of trustees, for implementing a special education program under Subchapter A, Chapter 29, Education Code.

SECTION _____. (a) Subject to Subsection (b) of this section, the changes in law made by this Act to Sections 824.602 and 825.4092, Government Code, apply to a retiree of the Teacher Retirement System of Texas regardless of whether the person retired from employment before, on, or after the effective date of this Act.

(b) Section 824.602, Government Code, as amended by this Act, applies only to a benefit payment made by the Teacher Retirement System of Texas that becomes payable on or after the effective date of this Act.

SECTION _____. Section 825.4092, Government Code, as amended by this Act, applies beginning with the 2021-2022 school year.

Amendment No. 3 was adopted.

SB 288, as amended, was passed to third reading.

SB 20 ON SECOND READING (Hefner - House Sponsor)

SB 20, A bill to be entitled An Act relating to carrying and storing a handgun or handgun ammunition by a hotel guest.

Amendment No. 1

Representative Hefner offered the following amendment to **SB 20**:

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

(1) On page 1, strike lines 16-17 and substitute the following:

Sec. 2155.1025. FIREARMS POLICY. (a) Unless possession of a handgun or other firearm or ammunition

(2) On page 1, line 19, strike "firearms policy described by Section 2155.102" and substitute "policy".

(3) On page 1, lines 21 and 23, and on page 2, lines 1 and 5, strike "handgun or handgun" and substitute "firearm or firearm".

(4) On page 2, line 8, between "a" and "policy", strike "firearms".

(5) On page 2, line 9, strike "handgun or handgun" and substitute "firearm or firearm".

(6) On page 2, line 12, strike "handgun" and substitute "a firearm or".

(7) On page 2, lines 23, 25, and 27, and on page 3, line 4, strike "handgun or handgun" and substitute "firearm or firearm".

AMENDMENT NO. 1 - REMARKS

REPRESENTATIVE HINOJOSA: I am trying to pull up your amendment. My understanding, based on your exchange with Representative Israel, is you're changing "handgun" to "firearm." So that would include that an AR-15 or any kind of assault-style weapon, too, would be able to be brought into a hotel. Is that correct?

REPRESENTATIVE HEFNER: It would allow any legally owned and possessed firearm that is possessed or owned by a law-abiding citizen to carry their firearm into their hotel room where they can safely store it.

HINOJOSA: So would that include an assault-style weapon like an AR-15?

HEFNER: It would include any legally obtained firearm by a law-abiding citizen.

HINOJOSA: So is that a yes?

HEFNER: I guess.

HINOJOSA: And so this is without respect to having a license. Is that correct?

HEFNER: I believe that is correct. As long as they can lawfully possess the firearm legally and lawfully.

HINOJOSA: And how will a hotel know if they can lawfully possess a firearm?

HEFNER: I guess the person is in possession of it, and it's just kind of like our other law we passed here that legally a law-abiding citizen can carry. This is kind of an extension of the castle doctrine where a person can carry in their home. That castle doctrine extends to their vehicle. This just allows that same freedom to extend to their place of residence for the night.

HINOJOSA: But wouldn't you agree the difference is that we are imposing upon a private property owner that is the owner of the hotel a requirement that they have to now let someone stay on their property with an assault-style AR-15?

HEFNER: Well, this is about a law-abiding citizen that rents a hotel room that becomes their domain for the evening. And so I believe that their right to store their property and to protect themselves should extend to their place of residence for the night.

HINOJOSA: I'm sorry. I'm having a hard time hearing. Can you repeat what you just said?

HEFNER: I'll try to. What was your question? Repeat your question, and let me get back.

HINOJOSA: Wouldn't you agree that there is a difference between your home, your castle, which is the property that you have control over versus a private hotel owner and imposing upon that private hotel owner a state government mandate that they have to allow someone with an AR-15 onto their property to stay in their private property and they cannot deny that?

HEFNER: When a person has their castle doctrine, their domain is their house and in extension their car, and this extends to their room. So this is about a person that has rented this room. It becomes their place of residence for the night. And we need to keep in mind, too, that it's safer for us to have our firearms in the hotel room with us than to have them in a car where somebody might break in and get access to them. So keep them with us in the room so that they're safe and safely stowed away.

REPRESENTATIVE CANALES: See, I'm following Representative Hinojosa's argument, and frankly, I agree that I think it's perilous for us to start enforcing or pushing things on private property owners because Ms. Hinojosa's correct—that person doesn't own that room. And the question I have is, under your bill, can a hotelier—someone who owns a hotel or a motel—as part of the contract with that client, stipulate that their rules are you can't carry a firearm? Are you going to take that right to contract away as well?

HEFNER: This is going to be like the law we passed last session where a person—

CANALES: No, sir. This is the law you're trying to pass right now.

HEFNER: I understand that. I'm answering your question here.

CANALES: So what I'm asking you is a simple question. Are you taking away a private property hotelier's right to contract with who stays in their hotel and what they do?

HEFNER: This is about an individual that can lawfully possess a firearm being able to legally and lawfully and safely carry that into their place of residence for the night.

CANALES: I'm asking—it's a yes or no question—respectfully, Representative, are you going to take a private property business owner's right to contract that room out under their rules?

HEFNER: What we're going to do is maintain an individual's right to protect themselves and their property when they rent this room.

CANALES: Do you agree or disagree that that person does not own the hotel?

HEFNER: I would agree that they don't own the hotel, but they do rent that room for the night and it becomes their home.

CANALES: They rent it if the hotelier who owns that room decides to rent it to them. Is that correct?

HEFNER: Just like we've done with apartments where individuals can carry to their apartment, because it becomes their domain—a hotel room becomes someone's home for the night—they should be able to carry.

CANALES: If the person who owns the hotel rents it to them. Is that correct?

HEFNER: If the person that—yes.

CANALES: So if the person decides not to rent it to them because they're going to carry a weapon, are you taking that right away?

HEFNER: I'd have to dig into that.

CANALES: It's a pretty simple question, Representative. Are you taking a private business owner's right that rents a hotel room—are you taking that right for them to contract, the right as a business owner to contract—are you taking away someone's right, their property right, to contract?

HEFNER: It's consistent with the commonplace and private property practices we have in place.

CANALES: So your answer is you're not taking away the right to contract specificities?

HEFNER: Yeah, I don't know. I'd have to dig into that. I mean, I guess hotels can rent—

CANALES: I think that's important for this body to know.

HEFNER: I guess hotels can rent to—

CANALES: You know I'm pro Second Amendment, but I'm also very pro property rights.

HEFNER: I am, too, and we thought about that.

CANALES: And so I don't want us to be considering legislation that takes away a private business owner's, especially a hotelier's, right to determine the terms of the contract by which they lease that room.

HEFNER: Well, we also have a Second Amendment right to protect ourselves as well.

CANALES: Before that Second Amendment right even begins is the right to that person to tell you they don't want to rent the room to you.

HEFNER: I would assume a hotel can choose to rent or not to rent to whomever they wanted to.

CANALES: So then it's your position that your bill does not take away their right to deny somebody the right to rent a room if they don't want to.

HEFNER: This is about—let me tell you—this is about a law-abiding citizen being able to safely store their firearm and protect themselves in their place of residence for the night. It's their constitutional, God-given right, and that's what this bill does.

CANALES: Does a person have a constitutional, God-given right to run the business—a hotel—the way want to?

HEFNER: They can rent the room to who they want to, I would assume.

CANALES: And if they don't want to rent it to somebody who's got a firearm, they can do that, correct?

HEFNER: As far as I know. I don't know. That's really not what this bill is about.

CANALES: Well, I think that's what we're trying to clarify is your legislative intent. If somebody doesn't want to rent a room to somebody who's going to carry a firearm, we're not taking that away here, are we?

HEFNER: I would have to look into that, Representative. I don't know what the rules are.

CANALES: Well, I might think you want to postpone your bill until this body knows.

HEFNER: No, I'm not going to postpone the bill.

CANALES: Well, then I would recommend—I mean, you're not able to answer one of the most fundamental questions. Are you taking away someone's right to contract on their own property grounds, on their own business, for their own right—

HEFNER: That's not in this bill. That's not in this bill.

CANALES: So then we're not doing that?

HEFNER: That's my understanding is we're not doing that.

CANALES: So your understanding and for legislative intent, that's not what we're doing. Thank you.

A record vote was requested by Representative Hinojosa.

Amendment No. 1 was adopted by (Record 1334): 84 Yeas, 60 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Oliverson; Price; Vo.

Absent — Slawson.

SB 20, as amended, was passed to third reading.

CSSB 23 ON SECOND READING (Oliverson and Harless - House Sponsors)

CSSB 23, A bill to be entitled An Act relating to an election to approve a reduction or reallocation of funding or resources for certain county law enforcement agencies.

Representative Leach moved to postpone consideration of **CSSB 23** until 6 a.m. tomorrow.

The motion prevailed.

SB 480 ON SECOND READING
(Coleman - House Sponsor)

SB 480, A bill to be entitled An Act relating to the student union fee at the University of Houston.

SB 480 was passed to third reading. (Dean recorded voting no.)

SB 59 ON SECOND READING
(Geren - House Sponsor)

SB 59, A bill to be entitled An Act relating to the advertising and promotion of a state purchasing program for local governments.

SB 59 was passed to third reading.

CSSB 827 ON SECOND READING
(Lucio, et al. - House Sponsors)

CSSB 827, A bill to be entitled An Act relating to health benefit plan cost-sharing requirements for prescription insulin.

CSSB 827 was passed to third reading. (Dean recorded voting no.)

SB 73 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative Frank moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Thierry as a house sponsor to **SB 73**.

The motion prevailed.

SB 25 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative Frank moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 25** all joint authors and co-authors for **HB 892** who sign on to **HB 892** before **SB 25** passes the house on third reading.

The motion prevailed.

SJR 19 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative Frank moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SJR 19** all joint authors and co-authors for **HJR 46** who sign on to **HJR 46** before **SJR 19** is adopted by the house.

The motion prevailed.

CSSB 1164 ON SECOND READING
(Collier - House Sponsor)

CSSB 1164, A bill to be entitled An Act relating to the prosecution of the offense of sexual assault.

CSSB 1164 was passed to third reading.

CSSB 181 ON SECOND READING
(White - House Sponsor)

CSSB 181, A bill to be entitled An Act relating to suspension of a driver's license for persons convicted of certain offenses and the educational program required for reinstatement of a license following certain convictions; authorizing a fine.

Amendment No. 1

Representative White offered the following amendment to **CSSB 181**:

Amend **CSSB 181** (house committee printing), on page 1, by striking lines 15-17 and substituting the following:
this subchapter, a defendant convicted of a misdemeanor drug offense as defined by Section 521.371, Transportation Code, whose driver's license is not suspended under Section 521.372, Transportation Code, as a result of that conviction, shall pay a

Amendment No. 1 was adopted.

Amendment No. 2

Representative White offered the following amendment to **CSSB 181**:

Amend **CSSB 181** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 3, Chapter 710 (**HB 162**), Acts of the 86th Legislature, Regular Session, 2019, is repealed.

(b) Section 521.293, Transportation Code, as amended by Chapter 710 (**HB 162**), Acts of the 86th Legislature, Regular Session, 2019, applies to a determination to suspend a driver's license that is made by the Department of Public Safety of the State of Texas before, on, or after the effective date of this Act.

Amendment No. 2 was adopted.

CSSB 181, as amended, was passed to third reading.

CSSB 2188 ON SECOND READING
(Hernandez - House Sponsor)

CSSB 2188, A bill to be entitled An Act relating to the municipal or county regulation of residential detention facilities for immigrant or refugee children.

CSSB 2188 was passed to third reading.

SB 179 ON SECOND READING
(Huberty and M. González - House Sponsors)

SB 179, A bill to be entitled An Act relating to the use of public school counselors' work time.

SB 179 was passed to third reading. (Dean recorded voting no.)

SB 48 ON SECOND READING
(Lucio - House Sponsor)

SB 48, A bill to be entitled An Act relating to conditions of community supervision for defendants convicted of certain criminal offenses involving animals.

SB 48 was passed to third reading.

CSSB 2116 ON SECOND READING
(Parker - House Sponsor)

CSSB 2116, A bill to be entitled An Act relating to prohibiting contracts or other agreements with certain foreign-owned companies in connection with critical infrastructure in this state.

CSSB 2116 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE STUCKY: Mr. Parker, I just wanted to confirm that this is not the intent of this bill to include a public company traded on a domestic stock exchange, for example NASDAQ, that has executives who are Chinese.

REPRESENTATIVE PARKER: Yes, that is correct. That is not my intent with this legislation, to impact a company that would be publicly traded on one of our domestic exchanges, be it NASDAQ, be it the New York Stock Exchange, or any other domestic exchange. If they have an executive that would be from one of these countries but yet again it is a publicly traded entity, I wouldn't have any concerns with regard to their ownership, so to speak. This bill specifically is dealing with majority control, so it would be no impact to that type of situation, Representative Stucky.

REPRESENTATIVE CAPRIGLIONE: In looking at how you define critical infrastructure, on page 1, line 19, you use hazardous waste treatment systems or water treatment facilities. What are these types of facilities?

PARKER: Well, specifically in the bill, Representative Capriglione, what we're dealing with are those critical public water systems that deal with public safety, so drinking water and hazardous waste, so to speak, sanitation systems. We're not talking about what would be taking place at, say, in the EMP space in the Permian with regard to frack water or something along those lines. That would be distinctly different from the type of critical infrastructure that we're focused on here that is all about protecting the public good.

CAPRIGLIONE: So you're not talking about oil and gas operations, right?

PARKER: That is correct.

REMARKS ORDERED PRINTED

Representative Capriglione moved to print remarks between Representative Stucky and Representative Parker and Representative Capriglione and Representative Parker on **CSSB 2116**.

The motion prevailed.

Amendment No. 1

Representative Cyrier offered the following amendment to **CSSB 2116**:

Amend **CSSB 2116** (house committee report) as follows:

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

SECTION _____. Title 2, Parks and Wildlife Code, is amended by adding Chapter 15 to read as follows:

CHAPTER 15. POWERS AND DUTIES RELATING TO WIND-POWERED ENERGY DEVICES

Sec. 15.0101. DEFINITIONS. In this chapter:

(1) "Protected lands" means state or federal parks or recreational areas with environmental, recreational, historical, aesthetic, ecological, or cultural value.

(2) "Wind-powered energy device" means an apparatus designed or adapted to:

(A) convert the energy available in the wind into thermal, mechanical, or electrical energy;

(B) store the energy converted under Paragraph (A), either in the form to which originally converted or another form; or

(C) distribute the energy converted under Paragraph (A).

Sec. 15.0102. PURPOSE. The purpose of this chapter is to enable the department to manage the potential effects of wind-powered energy devices on protected lands so that the natural and cultural values of protected lands continue for the benefit of present and future generations.

Sec. 15.0103. APPLICABILITY. This chapter applies only in a county:

(1) in which all or part of the Devils River State Natural Area is located; or

(2) adjacent to a county described by Subdivision (1).

Sec. 15.0104. DESIGNATION OF CONSTRUCTION AREAS. (a) The commission may adopt rules that designate locations where the installation of a wind-powered energy device in an area to which this chapter applies is not authorized.

(b) In adopting rules under Subsection (a), the commission shall consider:

(1) the protection of natural resources, including the avoidance of visual or acoustic impacts near a national recreational area, state natural area, park, lake, or river;

(2) the protection of public health and safety;

(3) the enjoyment of protected lands; and

(4) other factors the commission determines are necessary to achieve the purpose of this chapter.

(c) A rule adopted under Subsection (a) may not apply to a wind-powered energy device installed before the effective date of the Act enacting this section.

Sec. 15.0105. ENFORCEMENT. (a) A person who violates a rule adopted under Section 15.0104 is subject to a civil penalty of not less than \$100 or more than \$10,000 for each violation and for each day of violation.

(b) If a person has violated, is violating, or is threatening to violate a rule adopted under Section 15.0104, the department may bring suit:

(1) for injunctive relief to restrain the person from continuing the violation or threat of violation; and

(2) to recover the civil penalty under Subsection (a).

(2) Strike SECTION 5 of the bill (page 5, line 25), and substitute the following appropriately numbered SECTION:

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

(b) Chapter 15, Parks and Wildlife Code, as added by this Act, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, that section takes effect September 1, 2021.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

CSSB 2116, as amended, was passed to third reading.

SB 1270 ON SECOND READING
(E. Thompson - House Sponsor)

SB 1270, A bill to be entitled An Act relating to the procurement of certain goods and services related to highways by the Texas Department of Transportation.

SB 1270 was passed to third reading. (Dean recorded voting no.)

SB 367 ON SECOND READING
(Reynolds - House Sponsor)

SB 367, A bill to be entitled An Act relating to the requirements for an application for a permit to drill an oil or gas well at a site adjacent to a well blowout site.

Amendment No. 1

Representative Craddick offered the following amendment to **SB 367**:

Amend **SB 367** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 85.046, Natural Resources Code, is amended by adding Subsection (d) to read as follows:

(d) Unless expressly prohibited by a lease, deed, or other contract, an operator or lessee with the right to drill an oil or gas well on or produce or develop oil or gas from each tract independently may, under a permit issued by

the commission, drill, operate, and produce oil or gas from an oil or gas well, whether or not adjacent to a well blowout site described by Section 91.118, that traverses multiple tracts in order to prevent waste, promote conservation, or protect correlative rights.

Amendment No. 1 - Point of Order

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

Amendment No. 1 was withdrawn.

Representative Reynolds moved to postpone consideration of **SB 367** until 10:15 p.m. today.

The motion prevailed.

REMARKS ORDERED PRINTED

Representative Hinojosa moved to print remarks between Representative Canales and Representative Hefner and Representative Hinojosa and Representative Hefner on **SB 20**.

The motion prevailed.

**CSSB 1605 ON SECOND READING
(Bonnen - House Sponsor)**

CSSB 1605, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

(Oliverson now present)

CSSB 1605 was passed to third reading. (Anchia and J. Turner recorded voting present, not voting; Darby and Shine recorded voting no.)

**SB 798 ON SECOND READING
(Neave - House Sponsor)**

SB 798, A bill to be entitled An Act relating to the issuance of a birth record, driver's license, or personal identification certificate to victims and the children of victims of family or dating violence.

SB 798 was passed to third reading.

**SB 1590 ON SECOND READING
(VanDeaver - House Sponsor)**

SB 1590, A bill to be entitled An Act relating to rules by the State Board for Educator Certification regarding virtual observation options for field-based experiences and internships required for educator certification.

Amendment No. 1

Representative VanDeaver offered the following amendment to **SB 1590**:

Amend **SB 1590** (house committee printing) on page 1, line 11, between "for" and the underlined colon, by inserting "at least".

Amendment No. 1 was adopted.

SB 1590, as amended, was passed to third reading.

**SB 263 ON SECOND READING
(Minjarez - House Sponsor)**

SB 263, A bill to be entitled An Act relating to the ability of certain relative caretakers of dependent children to receive supplemental financial assistance and be assigned as protective payees for financial assistance payments.

SB 263 was passed to third reading.

**SB 50 ON SECOND READING
(Neave - House Sponsor)**

SB 50, A bill to be entitled An Act relating to a competitive and integrated employment initiative for certain Medicaid recipients.

SB 50 was passed to third reading. (Ashby, Darby, and Shine recorded voting no.)

**SB 1679 ON SECOND READING
(J.D. Johnson - House Sponsor)**

SB 1679, A bill to be entitled An Act relating to the creation of an urban land bank by certain municipalities.

Amendment No. 1

Representative J.D. Johnson offered the following amendment to **SB 1679**:

Amend **SB 1679** (house committee report) on page 21 as follows:

(1) On line 3, strike the underlined comma.

(2) On line 5, between the underlined comma and "to", insert "either under an agreement with the municipality or entity or to comply with an official action of the municipality or entity".

Amendment No. 1 was adopted.

Amendment No. 2

Representative J.D. Johnson offered the following amendment to **SB 1679**:

Amend **SB 1679** (house committee report) by striking page 25, line 25, through page 26, line 1, and substituting "funds to the land bank".

Amendment No. 2 was adopted.

SB 1679, as amended, was passed to third reading. (Ashby, Darby, Dean, and Shine recorded voting no.)

CSSB 1692 ON SECOND READING
(Longoria - House Sponsor)

CSSB 1692, A bill to be entitled An Act relating to licensing requirements to operate an end stage renal disease facility and the provision of home dialysis care by a dialysis technician.

Amendment No. 1

Representative Klick offered the following amendment to **CSSB 1692**:

Amend **CSSB 1692** (house committee report) as follows:

(1) Strike SECTION 1 of the bill (page 1, line 6, through page 2, line 25) and renumber subsequent SECTIONS of the bill accordingly.

(2) On page 3, line 6, immediately following "rules", insert "under 26 T.A.C. Section 558.405".

Amendment No. 1 was adopted.

CSSB 1692, as amended, was passed to third reading.

CSSB 1827 ON SECOND READING
(Holland - House Sponsor)

CSSB 1827, A bill to be entitled An Act relating to the creation of the opioid abatement account, an opioid abatement trust fund, and a statewide opioid settlement agreement.

Amendment No. 1

Representative Holland offered the following amendment to **CSSB 1827**:

Amend **CSSB 1827** (house committee version), in SECTION 1 of the bill, by striking Section 403.506(c)(2), Government Code, as added by the bill (page 7, line 27, through page 8, line 3) and substituting the following:

(2) allocate an amount equal to 70 percent of the total amount of money obtained under a statewide opioid settlement agreement and distributed to the fund and the account under Section 403.507 as follows:

(A) \$5 million of the amount distributed to the fund to the Texas Access to Justice Foundation to be expended only on the order of the Supreme Court of Texas for the purpose of providing basic civil legal services to indigent persons directly impacted by opioid-use disorders, including children who need basic civil legal services as a result of opioid-use disorders by a parent, legal guardian or caretaker; and

(B) the remainder of that 70 percent to the council.

Amendment No. 1 was adopted.

CSSB 1827, as amended, was passed to third reading.

**SB 112 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative White moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Sherman as the house sponsor to **SB 112**.

The motion prevailed.

**SB 1907 ON SECOND READING
(Martinez - House Sponsor)**

SB 1907, A bill to be entitled An Act relating to a feasibility study on the colocation of federal and state motor vehicle inspection facilities at ports of entry.

SB 1907 was passed to third reading.

**SB 2046 ON SECOND READING
(Gervin-Hawkins - House Sponsor)**

SB 2046, A bill to be entitled An Act relating to a compliance history assessment made for purposes of allocating certain financial assistance administered by the Texas Department of Housing and Community Affairs.

SB 2046 was passed to third reading.

**SB 776 ON SECOND READING
(Dominguez, Martinez, Lucio, Guillen, et al. - House Sponsors)**

SB 776, A bill to be entitled An Act relating to the creation of an inclusive sports program by the University Interscholastic League to provide students with intellectual disabilities access to team sports.

SB 776 was passed to third reading.

**SB 1444 ON SECOND READING
(Bonnen - House Sponsor)**

SB 1444, A bill to be entitled An Act relating to participation in the uniform group coverage program for active school employees and to a study concerning health coverage for school district employees.

SB 1444 was passed to third reading.

POSTPONED BUSINESS

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

**SB 367 ON SECOND READING
(Reynolds - House Sponsor)**

SB 367, A bill to be entitled An Act relating to the requirements for an application for a permit to drill an oil or gas well at a site adjacent to a well blowout site.

SB 367 was read second time earlier today, amendments were offered and disposed of, and **SB 367** was postponed until this time.

Representative Reynolds moved to postpone consideration of **SB 367** until 10:40 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR
(consideration continued)**

**SB 1258 ON SECOND READING
(Goldman - House Sponsor)**

SB 1258, A bill to be entitled An Act relating to the duty of a lessee or other agent in control of certain state land to drill an offset well, pay compensatory royalty, or otherwise protect the land from drainage of oil or gas by a horizontal drainhole well located on certain land.

SB 1258 was passed to third reading.

**SB 2185 ON SECOND READING
(Canales - House Sponsor)**

SB 2185, A bill to be entitled An Act relating to procedures for the dissolution of the Hidalgo County Water Improvement District No. 3.

SB 2185 - POINT OF ORDER

Representative T. King raised a point of order against further consideration of **SB 2185** under Rule 8, Section 10(b), of the House Rules and under Article III, Section 56, of the Texas Constitution, on the grounds that the bill is limited in application to one or more political subdivisions by means of artificial devices.

(Harris in the chair)

The point of order was withdrawn.

Representative Canales moved to postpone consideration of **SB 2185** until 12 p.m. tomorrow.

The motion prevailed.

(Speaker in the chair)

**CSSB 1896 ON SECOND READING
(Frank and Minjarez - House Sponsors)**

CSSB 1896, A bill to be entitled An Act relating to the provision of health and human services by the Department of Family and Protective Services and the Health and Human Services Commission.

CSSB 1896 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WU: Chairman Frank, just real quick for the purposes of legislative intent. In your bill, one of the sections that you have specifically states that upon passage of this bill, CPS may not house kids in CPS offices. Is that correct?

REPRESENTATIVE FRANK: That is correct. You cannot house kids in offices.

WU: Now, just to clarify, does this prevent CPS from housing kids at, let's say, a hotel or a residence or other non-office building settings?

FRANK: No, it doesn't. And I think that sometimes gets confused in the general public because many of the times when people say it's offices, they are not actually offices. This just addresses the offices.

WU: So just to be absolutely clear, this is only applying to business offices. Is that correct?

FRANK: That's correct.

REMARKS ORDERED PRINTED

Representative Wu moved to print remarks between Representative Frank and Representative Wu on **CSSB 1896**.

The motion prevailed.

Amendment No. 1

Representatives Neave, Klick, Meza, and Frank offered the following amendment to **CSSB 1896**:

Amend **CSSB 1896** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0433 to read as follows:

Sec. 42.0433. SUICIDE PREVENTION, INTERVENTION, AND POSTVENTION PLAN. (a) In this section, "postvention" has the meaning assigned by Section 38.351, Education Code.

(b) The executive commissioner by rule shall adopt a model suicide prevention, intervention, and postvention policy for use by a residential child-care facility. The model policy must:

(1) be based on current and best evidence-based practices;

(2) require all employees of the facility to receive annual suicide prevention training that includes understanding of safety planning and screening for risk;

(3) promote suicide prevention training for non-employee entities, as appropriate; and

(4) include procedures to support children who return to the facility following hospitalization for a mental health condition.

(c) Each residential child-care facility shall adopt a suicide prevention, intervention, and postvention policy. A residential child-care facility may adopt:

(1) the model policy adopted by the executive commissioner under Subsection (b); or

(2) another suicide prevention, intervention, and postvention policy approved by the executive commissioner.

(d) The suicide prevention, intervention, and postvention policy adopted under Subsection (c) may be part of a broader mental health crisis plan if the components of the plan include suicide prevention, intervention, and postvention.

(e) The commission shall provide to a residential child-care facility any technical assistance necessary to adopt or implement a suicide prevention, intervention, and postvention policy.

SECTION _____. Section 42.252(c), Human Resources Code, is amended to read as follows:

(c) The operational plan must include:

(1) a community engagement plan to develop and, if necessary, improve relations between the general residential operation and the community in which the operation is located that includes:

(A) a summary of any discussions the operation had with:

(i) local law enforcement; and

(ii) local health, therapeutic, and recreational resources available to support children at the operation; and

(B) a summary of the opportunities the children at the operation will have for social interaction in the community;

(2) an educational plan describing the applicant's plan to provide for the educational needs of the children at the general residential operation that:

(A) identifies whether the proposed operation will provide for the public or private education of school-age children at the operation;

(B) identifies whether the proposed operation will provide for the education of school-age children through a local school, off-site charter school, or on-site charter school;

(C) includes any discussions, plans, and agreements with the local school district, private school, or local charter school that will be providing education to the school-age children at the operation; and

(D) if the children are to be enrolled in a public school, includes either:

(i) a statement from the local independent school district on the impact of the proposed child-care services on the local school district; or

(ii) an explanation of the reasons the operation was unable to obtain a statement described by Subparagraph (i) and a discussion of other alternative educational services that the operation could offer;

(3) a trauma-informed plan to address unauthorized absences of children from the general residential operation; ~~and~~

(4) a suicide prevention, intervention, and postvention plan that meets the requirements of Section 42.0433; and

(5) the qualifications, background, and history, including any compliance history, of each individual who is proposed to be involved in:

(A) the management of the operation; and

(B) the educational leadership of the operation if the operation will be using an on-site charter school.

SECTION _____. Not later than July 1, 2022, the executive commissioner of the Health and Human Services Commission shall adopt the model suicide prevention, intervention, and postvention policy required by Section 42.0433, Human Resources Code, as added by this Act.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Wu and Frank offered the following amendment to **CSSB 1896**:

Amend **CSSB 1896** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 22.01(b), Penal Code, is amended to read as follows:

(b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:

(1) a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;

(2) a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if:

(A) it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11 against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; or

(B) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth;

(3) a person who contracts with government to perform a service in a facility as defined by Section 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code, or an employee of that person:

(A) while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by government to provide the service; or

(B) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract;

(4) a person the actor knows is a security officer while the officer is performing a duty as a security officer;

(5) a person the actor knows is emergency services personnel while the person is providing emergency services;

(6) a pregnant individual to force the individual to have an abortion;

[e] (7) a person the actor knows is pregnant at the time of the offense; or

(8) a person the actor knows is a child welfare caseworker performing duties during an investigation or related to the placement or care of a child in the conservatorship of the Department of Family and Protective Services.

Amendment No. 2 was withdrawn.

CSSB 1896, as amended, was passed to third reading.

POSTPONED BUSINESS

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

**SB 367 ON SECOND READING
(Reynolds - House Sponsor)**

SB 367, A bill to be entitled An Act relating to the requirements for an application for a permit to drill an oil or gas well at a site adjacent to a well blowout site.

SB 367 was read second time earlier today, amendments were offered and disposed of, **SB 367** was postponed until 10:15 p.m. today, and was again postponed until this time.

Amendment No. 2

Representative Craddick offered the following amendment to **SB 367**:

Amend **SB 367** (house committee printing) on page 1, as follows:

- (1) On line 10, strike "in a county with a population of more than 750,000".
- (2) On line 10, between "well" and "disclose" insert "to".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Craddick offered the following amendment to **SB 367**:

Amend **SB 367** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 85.046, Natural Resources Code, is amended by adding Subsection (d) to read as follows:

(d) Unless expressly prohibited by a lease, deed, or other contract, an operator or lessee with the right to drill an oil or gas well on or produce or develop oil or gas from each tract independently may, under a permit issued by the commission, drill, operate, and produce oil or gas from an oil or gas well, whether or not adjacent to a well blowout site described by Section 91.118, that traverses multiple tracts in order to prevent waste, promote conservation, or protect correlative rights.

Amendment No. 3 was adopted.

SB 367, as amended, was passed to third reading.

**GENERAL STATE CALENDAR
(consideration continued)****CSSB 900 ON SECOND READING
(Paddie, Perez, and Burns - House Sponsors)**

CSSB 900, A bill to be entitled An Act relating to the safety of storage vessels.

Amendment No. 1

Representative Paddie offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee report) as follows:

- (1) On page 3, line 24, strike "liquid" and substitute "liquefied".
- (2) On page 11, line 10, strike "SECTION 2" and substitute "SECTION 3".

Amendment No. 1 was adopted.

CSSB 900, as amended, was passed to third reading.

**SB 993 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Klick moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 993** all joint authors and co-authors for **HB 2340**.

The motion prevailed.

**SB 993 ON SECOND READING
(Klick, Canales, et al. - House Sponsors)**

SB 993, A bill to be entitled An Act relating to the practice of therapeutic optometry.

SB 993 was passed to third reading.

**SB 1648 ON SECOND READING
(Krause - House Sponsor)**

SB 1648, A bill to be entitled An Act relating to the provision of benefits to certain Medicaid recipients with complex medical needs.

Amendment No. 1

Representatives Krause, Bowers, Parker, Dean, Minjarez, M. González, and Martinez offered the following amendment to **SB 1648**:

Amend **SB 1648** (house committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Sections 531.024164(b) and (f), Government Code, are amended to read as follows:

(b) The commission, as soon as practicable following a competitive request for proposal process, shall contract with one ~~an~~ independent external medical reviewer to conduct external medical reviews and review:

(1) the resolution of a Medicaid recipient appeal related to a reduction in or denial of services on the basis of medical necessity in the Medicaid managed care program; or

(2) a denial by the commission of eligibility for a Medicaid program in which eligibility is based on a Medicaid recipient's medical and functional needs.

(f) A Medicaid recipient or applicant, or the recipient's or applicant's parent or legally authorized representative, must affirmatively request an external medical review, except that the Medicaid managed care organization shall

promptly forward to the external medical reviewer for external medical review any appeal determination that is adverse to the recipient or applicant in the STAR Health program. If requested or forwarded:

(1) an external medical review described by Subsection (b)(1) occurs after the internal Medicaid managed care organization appeal and before the Medicaid fair hearing and is granted when a Medicaid recipient contests the internal appeal decision of the Medicaid managed care organization; and

(2) an external medical review described by Subsection (b)(2) occurs after the eligibility denial and before the Medicaid fair hearing.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Krause offered the following amendment to **SB 1648**:

Amend **SB 1648** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.0501, 531.0512, and 531.0605 to read as follows:

Sec. 531.0501. MEDICAID WAIVER PROGRAMS: INTEREST LIST MANAGEMENT. (a) The commission, in consultation with the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053 and the STAR Kids Managed Care Advisory Committee, shall study the feasibility of creating an online portal for individuals to request to be placed and check the individual's placement on a Medicaid waiver program interest list. As part of the study, the commission shall determine the most cost-effective automated method for determining the level of need of an individual seeking services through a Medicaid waiver program.

(b) Not later than January 1, 2023, the commission shall prepare and submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over health and human services that summarizes the commission's findings and conclusions from the study.

(c) Subsections (a) and (b) and this subsection expire September 1, 2023.

(d) The commission shall develop a protocol in the office of the ombudsman to improve the capture and updating of contact information for an individual who contacts the office of the ombudsman regarding Medicaid waiver programs or services.

Sec. 531.0512. NOTIFICATION REGARDING CONSUMER DIRECTION MODEL. The commission shall:

(1) develop a procedure to:

(A) verify that a Medicaid recipient or the recipient's parent or legal guardian is informed regarding the consumer direction model and provided the option to choose to receive care under that model; and

(B) if the individual declines to receive care under the consumer direction model, document the declination; and

(2) ensure that each Medicaid managed care organization implements the procedure.

Sec. 531.0605. ADVANCING CARE FOR EXCEPTIONAL KIDS PILOT PROGRAM. (a) The commission shall collaborate with Medicaid managed care organizations and the STAR Kids Managed Care Advisory Committee to develop and implement a pilot program that is substantially similar to the program described by Section 3, Medicaid Services Investment and Accountability Act of 2019 (Pub. L. No. 116-16), to provide coordinated care through a health home to children with complex medical conditions.

(b) The commission shall seek guidance from the Centers for Medicare and Medicaid Services and the United States Department of Health and Human Services regarding the design of the program and, based on the guidance, may actively seek and apply for federal funding to implement the program.

(c) Not later than December 31, 2024, the commission shall prepare and submit a report to the legislature that includes:

(1) a summary of the commission's implementation of the pilot program; and

(2) if the pilot program has been operating for a period sufficient to obtain necessary data, a summary of the commission's evaluation of the effect of the pilot program on the coordination of care for children with complex medical conditions and a recommendation as to whether the pilot program should be continued, expanded, or terminated.

(d) The pilot program terminates and this section expires September 1, 2025.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Parker offered the following amendment to **SB 1648**:

Amend **SB 1648** (house committee printing) as follows:

(1) On page 1, strike lines 9 through 11 and substitute the following:

SECTION 2. Section 533.038, Government Code, is amended by amending Subsections (a) and (g) and adding Subsections (g-1), (h), (i), and (j) to read as follows:

(a) In this section: [7]

(1) "Complex medical needs" means the condition of having multiple, significant chronic health problems that:

(A) affect multiple organ systems; and

(B) result in functional limitations, high health care needs or utilization, or the need for or use of medical technology.

(2) "Durable medical equipment" means equipment, including repair and replacement parts for the equipment and supplies and services related to the equipment, that:

(A) is primarily and customarily used to serve a medical purpose;

(B) is prescribed by a treating health care provider for medical necessity; and

(C) includes ventilators, infusion pumps, complex rehabilitation technology, prostheses, medical devices, and other medical equipment, supplies, and services prescribed by a treating health care provider.

(3) "Medicaid wrap-around benefit" means a Medicaid-covered service, including a pharmacy or medical benefit, that is provided to a recipient with both Medicaid and primary health benefit plan coverage when the recipient has exceeded the primary health benefit plan coverage limit or when the service is not covered by the primary health benefit plan issuer.

(4) "Specialty provider" means a an entity or another person that provides health-related goods or services to a recipient, including providers of medication, therapy services, and equipment, including durable medical equipment.

(2) On page 1, line 14, between "relationship" and "with", insert "at any time".

(3) On page 1, line 15, between "care" and "from", insert ", including equipment, supplies, and services necessary to provide that care,".

(4) On page 1, between lines 17 and 18, insert the following:

(g-1) The continuity of care required under Subsection (g) is guaranteed to all recipients, regardless of:

(1) whether the recipient:

(A) receives a Medicaid wrap-around benefit; or

(B) has Medicaid coverage only;

(2) the date the recipient enrolled in the managed care plan provided by the Medicaid managed care organization; or

(3) whether the provider is an in-network provider.

(5) On page 1, line 22, strike "offering the managed care plan".

(6) On page 1, line 23, between "shall" and "negotiate", insert "develop a simple, timely, and efficient process to".

(7) On page 2, between lines 8 and 9, insert the following:

(j) The cancellation of a contract between a Medicaid managed care organization and a specialty provider under which the provider agrees to provide in-network services to recipients does not void or otherwise affect that organization's duty under Subsection (g) to provide continuity of care to recipients with complex medical needs. In the event of cancellation, the recipient has the right to select the recipient's preferred specialty provider.

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

SECTION ____. Section 1301.154, Insurance Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections [Subsection] (b) and (c), Sections 1301.152 and 1301.153 do not extend an insurer's obligation to reimburse the terminated physician or provider or, if applicable, the insured at the preferred provider level of coverage for ongoing treatment of an insured after:

(1) the 90th day after the [effective] date of the end of the contract [termination]; or

(2) if the insured has been diagnosed as having a terminal illness at the time of the termination, the expiration of the nine-month period after the effective date of the termination.

(c) If an insured is a Medicaid recipient with complex medical needs who receives Medicaid services through a Medicaid managed care organization under Chapter 533, Government Code, and who has established at any time a relationship with a specialty provider, including a provider of medications, durable medical equipment, services, or supplies or other specialty provider, an insurer's obligation to reimburse, in accordance with the applicable reimbursement methodology as specified in rules adopted by the Health and Human Services Commission, including 1 T.A.C. Section 353.4, the physician or provider or, if applicable, the insured, extends until a contract has been implemented under Section 533.038(g), Government Code.

SECTION _____. Section 1301.154, Insurance Code, as amended by this Act, applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2022. A health benefit plan that is delivered, issued for delivery, or renewed 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. 3 was adopted.

Amendment No. 4

Representatives Noble and Deshotel offered the following amendment to **SB 1648**:

Amend **SB 1648** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 32.054, Human Resources Code, is amended by adding Subsection (f) to read as follows:

(f) To prevent serious medical conditions and reduce emergency room visits necessitated by complications resulting from a lack of access to dental care, the commission shall provide medical assistance reimbursement for preventive dental services, including reimbursement for at least one preventive dental care visit per year, for an adult recipient with a disability who is enrolled in the STAR+PLUS Medicaid managed care program. This subsection does not apply to an adult recipient who is enrolled in the STAR+PLUS home and community-based services (HCBS) waiver program. This subsection may not be construed to reduce dental services available to persons with disabilities that are otherwise reimbursable under the medical assistance program.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Raymond offered the following amendment to **SB 1648**:

Amend **SB 1648** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0611 to read as follows:

Sec. 32.0611. COMMUNITY ATTENDANT SERVICES: QUALITY INITIATIVES. (a) The commission shall develop a community care quality incentive payment program in consultation with one or more appropriate advisory committees established under Section 531.012, Government Code, under which quality initiatives could be implemented to improve quality outcomes for recipients. The program design must include proposed performance measures, estimated costs, potential savings, the method of finance, the payment structure for incentive payments, and any requirements for federal approval of the program.

(b) Not later than November 30, 2022, the commission shall submit a report to the relevant legislative committees that analyzes the feasibility of a community care quality incentive payment program.

(c) This section expires June 1, 2023.

Amendment No. 5 was adopted.

SB 1648, as amended, was passed to third reading.

**SB 56 ON SECOND READING
(Collier - House Sponsor)**

SB 56, A bill to be entitled An Act relating to the availability of personal information of a current or former federal prosecutor or public defender.

SB 56 was passed to third reading.

HB 1927 - CONFERENCE COMMITTEE REPORT ADOPTED

HB 1927 - POINT OF ORDER

Representative C. Turner raised a point of order against further consideration of **HB 1927** under Rule 13, Section 9(a), of the House Rules on the grounds that the conferees exceeded their jurisdiction. The point of order was withdrawn.

Representative Schaefer submitted the following conference committee report on **HB 1927**:

Austin, Texas, May 21, 2021

The Honorable Dan Patrick
President of the Senate

The Honorable Dade Phelan
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1927** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Schwertner
Hughes
Birdwell
Campbell
Creighton

On the part of the senate

Schaefer
Canales
White
Guillen
Burrows

On the part of the house

HB 1927, A bill to be entitled An Act relating to provisions governing the carrying of a firearm by a person who is 21 years of age or older and not otherwise prohibited by state or federal law from possessing the firearm and to other provisions related to the carrying, possessing, transporting, or storing of a firearm or other weapon; creating criminal offenses.

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

SECTION 1. This Act shall be known as the Firearm Carry Act of 2021.

SECTION 2. The Legislature of the State of Texas finds that:

(1) The Second Amendment of the United States Constitution protects an individual right to keep and bear arms, and to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home;

(2) Section 23, Article I, of the Texas Constitution secures for Texas citizens the right to keep and bear arms;

(3) persons who are currently prohibited from possessing firearms under state and federal law will not gain the right to possess or carry a firearm under this legislation; and

(4) persons who are currently prohibited from possessing a firearm include: persons convicted of a felony as described by the provisions of Section 46.04, Penal Code, persons convicted of certain assault offenses under Section 22.01, Penal Code, punishable as a Class A misdemeanor and involving a member of the person's family or household, certain persons who are the subject of a protective order under Section 46.04(c), Penal Code, and persons meeting any of the criteria listed in 18 U.S.C. Section 922(g), including persons adjudicated to be mentally incompetent.

SECTION 3. Article 14.03, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h)(1) A peace officer who is acting in the lawful discharge of the officer's official duties may disarm a person at any time the officer reasonably believes it is necessary for the protection of the person, officer, or another individual. The peace officer shall return the handgun to the person before discharging the person from the scene if the officer determines that the person is not a threat to the officer, person, or another individual and if the person has not committed a violation that results in the arrest of the person.

(2) A peace officer who is acting in the lawful discharge of the officer's official duties may temporarily disarm a person when the person enters a nonpublic, secure portion of a law enforcement facility, if the law enforcement agency provides a gun locker or other secure area where the peace officer can secure the person's handgun. The peace officer shall secure the handgun in the locker or other secure area and shall return the handgun to the person immediately after the person leaves the nonpublic, secure portion of the law enforcement facility.

(3) For purposes of this subsection, "law enforcement facility" and "nonpublic, secure portion of a law enforcement facility" have the meanings assigned by Section 411.207, Government Code.

SECTION 4. Article 55.01(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor is entitled to have all records and files relating to the arrest expunged if:

(1) the person is tried for the offense for which the person was arrested and is:

(A) acquitted by the trial court, except as provided by Subsection (c); ~~(c)~~

(B) convicted and subsequently:

(i) pardoned for a reason other than that described by Subparagraph (ii); or

(ii) pardoned or otherwise granted relief on the basis of actual innocence with respect to that offense, if the applicable pardon or court order clearly indicates on its face that the pardon or order was granted or rendered on the basis of the person's actual innocence; or

(C) convicted of an offense committed before September 1, 2021, under Section 46.02(a), Penal Code, as that section existed before that date; or

(2) the person has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was no court-ordered community supervision under Chapter 42A for the offense, unless the offense is a Class C misdemeanor, provided that:

(A) regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired, an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested:

(i) has not been presented against the person at any time following the arrest, and:

(a) at least 180 days have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class C misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(b) at least one year has elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class B or A misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(c) at least three years have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a felony or if there was a felony charge arising out of the same transaction for which the person was arrested; or

(d) the attorney representing the state certifies that the applicable arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person; or

(ii) if presented at any time following the arrest, was dismissed or quashed, and the court finds that the indictment or information was dismissed or quashed because:

(a) the person completed a veterans treatment court program created under Chapter 124, Government Code, or former law, subject to Subsection (a-3);

(b) the person completed a mental health court program created under Chapter 125, Government Code, or former law, subject to Subsection (a-4);

(c) the person completed a pretrial intervention program authorized under Section 76.011, Government Code, other than a veterans treatment court program created under Chapter 124, Government Code, or former law, or a mental health court program created under Chapter 125, Government Code, or former law;

(d) the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense; or

(e) the indictment or information was void; or

(B) prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired.

SECTION 5. Section 2(a), Article 55.02, Code of Criminal Procedure, is amended to read as follows:

(a) A person who is entitled to expunction of records and files under Article 55.01(a)(1)(A), 55.01(a)(1)(B)(i), 55.01(a)(1)(C), or 55.01(a)(2) or a person who is eligible for expunction of records and files under Article 55.01(b) may file an ex parte petition for expunction in a district court for the county in which:

(1) the petitioner was arrested; or

(2) the offense was alleged to have occurred.

SECTION 6. Section 37.0815(b), Education Code, is amended to read as follows:

(b) This section does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Section 37.125 of this code, Section 46.03 [~~or 46.035~~], Penal Code, or other law.

SECTION 7. Subchapter A, Chapter 411, Government Code, is amended by adding Sections 411.02096 and 411.02097 to read as follows:

Sec. 411.02096. REPORT REGARDING CERTAIN FIREARM STATISTICS. (a) Not later than January 31 of each year, the department shall collect information for the preceding calendar year related to the carrying of firearms by persons in this state, including:

(1) the number of persons who applied for a license to carry a handgun under Subchapter H compared to the yearly average number of people who applied for a license from 2010 through 2020; and

(2) any other relevant information related to the carrying of firearms by persons in this state.

(b) The department shall identify the entities that possess information required by Subsection (a) and require each entity to report the information to the department in the manner prescribed by the department.

(c) Not later than February 1 of each year, the department shall prepare and submit to the governor, the lieutenant governor, and each member of the legislature a report that includes the information described by Subsection (a).

(d) This section expires September 1, 2028.

Sec. 411.02097. FIREARM SAFETY. The department shall develop and post on the department's Internet website a course on firearm safety and handling. The course must be accessible to the public free of charge.

SECTION 8. Sections 411.186(a), (c), and (d), Government Code, are amended to read as follows:

(a) The department shall revoke a license under this section if the license holder:

(1) was not entitled to the license at the time it was issued;

(2) made a material misrepresentation or failed to disclose a material fact in an application submitted under this subchapter;

(3) subsequently becomes ineligible for a license under Section 411.172, unless the sole basis for the ineligibility is that the license holder is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(4) ~~is convicted of an offense under Section 46.035, Penal Code;~~

~~(5)~~ is determined by the department to have engaged in conduct constituting a reason to suspend a license listed in Section 411.187(a) after the person's license has been previously suspended twice for the same reason; or

(5) ~~(6)~~ submits an application fee that is dishonored or reversed if the applicant fails to submit a cashier's check or money order made payable to the "Department of Public Safety of the State of Texas" in the amount of the dishonored or reversed fee, plus \$25, within 30 days of being notified by the department that the fee was dishonored or reversed.

(c) A license holder whose license is revoked for a reason listed in Subsections (a)(1)-(4) ~~(a)(1)-(5)~~ may reapply as a new applicant for the issuance of a license under this subchapter after the second anniversary of the date of the revocation if the cause for revocation does not exist on the date of the second

anniversary. If the cause for revocation exists on the date of the second anniversary after the date of revocation, the license holder may not apply for a new license until the cause for revocation no longer exists and has not existed for a period of two years.

(d) A license holder whose license is revoked under Subsection (a)(5) ~~[(a)(6)]~~ may reapply for an original or renewed license at any time, provided the application fee and a dishonored payment charge of \$25 is paid by cashier's check or money order made payable to the "Texas Department of Public Safety."

SECTION 9. Section 411.203, Government Code, is amended to read as follows:

Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does not prevent or otherwise limit the right of a public or private employer to prohibit persons who are licensed under this subchapter from carrying a handgun on the premises of the business. In this section, "premises" has the meaning assigned by Section 46.03 ~~[46.035(f)(3)]~~, Penal Code.

SECTION 10. Section 411.2031(a)(3), Government Code, is amended to read as follows:

(3) "Premises" has the meaning assigned by Section 46.03 ~~[46.035]~~, Penal Code.

SECTION 11. Sections 411.209(a) and (j), Government Code, are amended to read as follows:

(a) Except as provided by Subsection (i), a state agency or a political subdivision of the state may not take any action, including an action consisting of the provision of notice by a communication described by Section 30.06 or 30.07, Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 ~~[or 46.035]~~, Penal Code, or other law.

(j) In this section, "premises" has the meaning assigned by Section 46.03 ~~[46.035]~~, Penal Code.

SECTION 12. Section 552.002(a)(1), Health and Safety Code, is amended to read as follows:

(1) "License holder" has the meaning assigned by Section 46.03 ~~[46.035(f)]~~, Penal Code.

SECTION 13. Section 773.0145(a), Health and Safety Code, is amended to read as follows:

(a) This section applies to:

(1) an amusement park, as defined by Section 46.03 ~~[46.035]~~, Penal Code;

(2) a child-care facility, as defined by Section 42.002, Human Resources Code;

(3) a day camp or youth camp, as defined by Section 141.002;

(4) a private or independent institution of higher education, as defined by Section 61.003, Education Code;

- (5) a restaurant, as defined by Section 17.821, Business & Commerce Code;
- (6) a sports venue, as defined by Section 504.151, Local Government Code;
- (7) a youth center, as defined by Section 481.134; or
- (8) subject to Subsection (b), any other entity that the executive commissioner by rule designates as an entity that would benefit from the possession and administration of epinephrine auto-injectors.

SECTION 14. Section 42.042(e-2), Human Resources Code, is amended to read as follows:

(e-2) The department may not prohibit the foster parent of a child who resides in the foster family's home from transporting the child in a vehicle where a handgun is present if the handgun is in the possession and control of the foster parent and the foster parent is not otherwise prohibited by law from carrying a handgun [~~licensed to carry the handgun under Subchapter H, Chapter 411, Government Code~~].

SECTION 15. Section 52.062(b), Labor Code, is amended to read as follows:

(b) Section 52.061 does not prohibit an employer from prohibiting an employee who holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code, or who otherwise lawfully possesses a firearm, from possessing a firearm the employee is otherwise authorized by law to possess on the premises of the employer's business. In this subsection, "premises" has the meaning assigned by Section 46.03 [~~46.035(1)(3)~~], Penal Code.

SECTION 16. Section 229.001(b), Local Government Code, is amended to read as follows:

(b) Subsection (a) does not affect the authority a municipality has under another law to:

- (1) require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;
- (2) regulate the discharge of firearms or air guns within the limits of the municipality, other than at a sport shooting range;
- (3) except as provided by Subsection (b-1), adopt or enforce a generally applicable zoning ordinance, land use regulation, fire code, or business ordinance;
- (4) regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;
- (5) regulate the storage or transportation of explosives to protect public health and safety, except that 25 pounds or less of black powder for each private residence and 50 pounds or less of black powder for each retail dealer are not subject to regulation;
- (6) regulate the carrying of an air gun or [a] firearm, [or air gun by a person] other than a [person licensed to carry a] handgun carried by a person not otherwise prohibited by law from carrying a handgun [~~under Subchapter H, Chapter 411, Government Code~~], at a:

- (A) public park;
 - (B) public meeting of a municipality, county, or other governmental body;
 - (C) political rally, parade, or official political meeting; or
 - (D) nonfirearms-related school, college, or professional athletic event;
- (7) regulate the carrying of a firearm by a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, in accordance with Section 411.209, Government Code;
- (8) regulate the hours of operation of a sport shooting range, except that the hours of operation may not be more limited than the least limited hours of operation of any other business in the municipality other than a business permitted or licensed to sell or serve alcoholic beverages for on-premises consumption;
- (9) regulate the carrying of an air gun by a minor on:
- (A) public property; or
 - (B) private property without consent of the property owner; or
- (10) except as provided by Subsection (d-1), regulate or prohibit an employee's carrying or possession of a firearm, firearm accessory, or ammunition in the course of the employee's official duties.

SECTION 17. Section 30.05, Penal Code, is amended by adding Subsections (c) and (d-3) and amending Subsections (d) and (f) to read as follows:

(c) A person may provide notice that firearms are prohibited on the property by posting a sign at each entrance to the property that:

(1) includes language that is identical to or substantially similar to the following: "Pursuant to Section 30.05, Penal Code (criminal trespass), a person may not enter this property with a firearm";

(2) includes the language described by Subdivision (1) in both English and Spanish;

(3) appears in contrasting colors with block letters at least one inch in height; and

(4) is displayed in a conspicuous manner clearly visible to the public.

(d) Subject to Subsection (d-3), an ~~A+~~ offense under this section is:

(1) a Class B misdemeanor, except as provided by Subdivisions (2) and (3);

(2) a Class C misdemeanor, except as provided by Subdivision (3), if the offense is committed:

(A) on agricultural land and within 100 feet of the boundary of the land; or

(B) on residential land and within 100 feet of a protected freshwater area; and

(3) a Class A misdemeanor if:

(A) the offense is committed:

(i) in a habitation or a shelter center;

(ii) on a Superfund site; or

(iii) on or in a critical infrastructure facility;

(B) the offense is committed on or in property of an institution of higher education and it is shown on the trial of the offense that the person has previously been convicted of:

(i) an offense under this section relating to entering or remaining on or in property of an institution of higher education; or

(ii) an offense under Section 51.204(b)(1), Education Code, relating to trespassing on the grounds of an institution of higher education; or

(C) the person carries a deadly weapon during the commission of the offense.

(d-3) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200 if the person enters the property, land, or building with a firearm or other weapon and the sole basis on which entry on the property or land or in the building was forbidden is that entry with a firearm or other weapon was forbidden, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, land, or building with the firearm or other weapon, the actor:

(1) personally received from the owner of the property or another person with apparent authority to act for the owner notice that entry with a firearm or other weapon was forbidden, as given through:

(A) notice under Subsection (b)(2)(A), including oral or written communication; or

(B) if the actor is unable to reasonably understand the notice described by Paragraph (A), other personal notice that is reasonable under the circumstances; and

(2) subsequently failed to depart.

(f) It is a defense to prosecution under this section that:

(1) the basis on which entry on the property or land or in the building was forbidden is that entry with a handgun was forbidden; and

(2) the person was carrying:

(A) a license issued under Subchapter H, Chapter 411, Government Code, to carry a handgun; and

(B) a handgun:

(i) in a concealed manner; or

(ii) in a ~~shoulder or belt~~ holster.

SECTION 18. Section 30.06(c)(2), Penal Code, is amended to read as follows:

(2) "License holder" has the meaning assigned by Section 46.03 ~~[46.035(f)]~~.

SECTION 19. Section 30.06(e), Penal Code, is amended to read as follows:

(e) It is an exception to the application of this section that the property on which the license holder carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 ~~[or 46.035]~~.

SECTION 20. Section 30.07(c)(2), Penal Code, is amended to read as follows:

(2) "License holder" has the meaning assigned by Section 46.03 ~~[46.035(f)]~~.

SECTION 21. Sections 30.07(e) and (f), Penal Code, are amended to read as follows:

(e) It is an exception to the application of this section that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 ~~or 46.035~~.

(f) It is not a defense to prosecution under this section that the handgun was carried in a ~~[shoulder or belt]~~ holster.

SECTION 22. Section 46.02, Penal Code, is amended by amending Subsections (a), (a-1), and (b) and adding Subsections (a-5), (a-6), (a-7), (a-8), and (e) to read as follows:

(a) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun; ~~[and]~~

(2) at the time of the offense:

(A) is younger than 21 years of age; or

(B) has been convicted of an offense under Section 22.01(a)(1), 22.05, 22.07, or 42.01(a)(7) or (8) committed in the five-year period preceding the date the instant offense was committed; and

(3) is not:

(A) on the person's own premises or premises under the person's control; or

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.

(a-1) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned by the person or under the person's control at any time in which:

(1) the handgun is in plain view, unless the person is 21 years of age or older or is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, and the handgun is carried in a ~~[shoulder or belt]~~ holster; or

(2) the person is:

(A) engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic or boating; or

(B) prohibited by law from possessing a firearm~~;~~ ~~or~~

~~[(C) a member of a criminal street gang, as defined by Section 71.01].~~

(a-5) A person commits an offense if the person carries a handgun and intentionally displays the handgun in plain view of another person in a public place. It is an exception to the application of this subsection that the handgun was partially or wholly visible but was carried in a holster.

(a-6) A person commits an offense if the person:

(1) carries a handgun while the person is intoxicated; and

(2) is not:

(A) on the person's own property or property under the person's control or on private property with the consent of the owner of the property; or
(B) inside of or directly en route to a motor vehicle or watercraft:
(i) that is owned by the person or under the person's control; or
(ii) with the consent of the owner or operator of the vehicle or watercraft.

(a-7) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun;

(2) is not:

(A) on the person's own premises or premises under the person's control; or

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control; and

(3) at the time of the offense, was prohibited from possessing a firearm under Section 46.04(a), (b), or (c).

(a-8) If conduct constituting an offense under Subsection (a-7) constitutes an offense under another provision of law, the actor may be prosecuted under Subsection (a-7) or under both provisions.

(b) Except as provided by Subsection [~~(e)~~ or] (d) or (e), an offense under this section is a Class A misdemeanor.

(e) An offense under Subsection (a-7) is:

(1) a felony of the second degree with a minimum term of imprisonment of five years, if the actor was prohibited from possessing a firearm under Section 46.04(a); or

(2) a felony of the third degree, if the actor was prohibited from possessing a firearm under Section 46.04(b) or (c).

SECTION 23. Section 46.03, Penal Code, is amended by amending Subsections (a), (c), (e-1), (e-2), and (g) and adding Subsections (a-2), (a-3), (a-4), and (g-2) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher

education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; [✕]

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited;

(7) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;

(8) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05(a) is used in the event;

(9) on the premises of a correctional facility;

(10) on the premises of a civil commitment facility;

(11) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the person has written authorization of the hospital or nursing facility administration, as appropriate;

(12) on the premises of a mental hospital, as defined by Section 571.003, Health and Safety Code, unless the person has written authorization of the mental hospital administration;

(13) in an amusement park; or

(14) in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.

(a-2) Notwithstanding Section 46.02(a-5), a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally or knowingly displays the handgun in plain view of another person:

(1) on the premises of an institution of higher education or private or independent institution of higher education; or

(2) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education.

(a-3) Notwithstanding Subsection (a) or Section 46.02(a-5), a license holder commits an offense if the license holder carries a handgun on the campus of a private or independent institution of higher education in this state that has established rules, regulations, or other provisions prohibiting license holders from carrying handguns pursuant to Section 411.2031(e), Government Code, or on the grounds or building on which an activity sponsored by such an institution is being conducted, or in a passenger transportation vehicle of such an institution, regardless of whether the handgun is concealed, provided the institution gives effective notice under Section 30.06.

(a-4) Notwithstanding Subsection (a) or Section 46.02(a-5), a license holder commits an offense if the license holder intentionally carries a concealed handgun on a portion of a premises located on the campus of an institution of higher education in this state on which the carrying of a concealed handgun is prohibited by rules, regulations, or other provisions established under Section 411.2031(d-1), Government Code, provided the institution gives effective notice under Section 30.06 with respect to that portion.

(c) In this section:

(1) "Amusement park" means a permanent indoor or outdoor facility or park where amusement rides are available for use by the public that is located in a county with a population of more than one million, encompasses at least 75 acres in surface area, is enclosed with access only through controlled entries, is open for operation more than 120 days in each calendar year, and has security guards on the premises at all times. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(3) "License holder" means a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

(4) "Premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

(5) ~~(2) "Amusement park" and "premises" have the meanings assigned by Section 46.035.~~

~~(3)~~ "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

(e-1) It is a defense to prosecution under Subsection (a)(5) that the actor:

(1) possessed, at the screening checkpoint for the secured area, a ~~concealed~~ handgun that the actor was licensed to carry under Subchapter H, Chapter 411, Government Code; and

(2) exited the screening checkpoint for the secured area immediately upon completion of the required screening processes and notification that the actor possessed the handgun.

(e-2) A peace officer investigating conduct that may constitute an offense under Subsection (a)(5) and that consists only of an actor's possession of a ~~[concealed]~~ handgun that the actor is licensed to carry under Subchapter H, Chapter 411, Government Code, may not arrest the actor for the offense unless:

(1) the officer advises the actor of the defense available under Subsection (e-1) and gives the actor an opportunity to exit the screening checkpoint for the secured area; and

(2) the actor does not immediately exit the checkpoint upon completion of the required screening processes.

(g) Except as provided by Subsections [Subsection] (g-1) and (g-2), an offense under this section is a felony of the third degree.

(g-2) An offense committed under Subsection (a)(8), (a)(10), (a)(11), (a)(13), (a-2), (a-3), or (a-4) is a Class A misdemeanor.

SECTION 24. Section 46.04, Penal Code, is amended by adding Subsection (a-1) and amending Subsection (e) to read as follows:

(a-1) A person who is a member of a criminal street gang, as defined by Section 71.01, commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft.

(e) An offense under Subsection (a) is a felony of the third degree. An offense under Subsection (a-1), (b), or (c) is a Class A misdemeanor.

SECTION 25. Section 46.15, Penal Code, is amended by amending Subsections (b), (j), and (l) and adding Subsections (m), (n), (o), (p), and (q) to read as follows:

(b) Sections [Section] 46.02, 46.03(a)(14), and 46.04(a-1) do [does] not apply to a person who:

(1) is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by Section 437.001, Government Code, or as a guard employed by a penal institution;

(2) is traveling;

(3) is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence, motor vehicle, or watercraft, if the weapon is a type commonly used in the activity;

(4) holds a security officer commission issued by the Texas Private Security Board, if the person is engaged in the performance of the person's duties as an officer commissioned under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment and is wearing the officer's uniform and carrying the officer's weapon in plain view;

(5) acts as a personal protection officer and carries the person's security officer commission and personal protection officer authorization, if the person:

(A) is engaged in the performance of the person's duties as a personal protection officer under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment; and

(B) is either:

(i) wearing the uniform of a security officer, including any uniform or apparel described by Section 1702.323(d), Occupations Code, and carrying the officer's weapon in plain view; or

(ii) not wearing the uniform of a security officer and carrying the officer's weapon in a concealed manner;

(6) is carrying:

(A) a license issued under Subchapter H, Chapter 411, Government Code, to carry a handgun; and

(B) a handgun:

(i) in a concealed manner; or

(ii) in a ~~shoulder or belt~~ holster;

(7) holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises; or

(8) is a student in a law enforcement class engaging in an activity required as part of the class, if the weapon is a type commonly used in the activity and the person is:

(A) on the immediate premises where the activity is conducted; or

(B) en route between those premises and the person's residence and is carrying the weapon unloaded.

(j) The provisions of ~~Section~~ Sections 46.02 and 46.03(a)(7), (a-2), (a-3), and (a-4) ~~[prohibiting the carrying of a handgun]~~ do not apply to an individual who carries a handgun as a participant in a historical reenactment performed in accordance with the rules of the Texas Alcoholic Beverage Commission.

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

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

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

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

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

(m) It is a defense to prosecution under Section 46.03 that the actor:

(1) carries a handgun on a premises or other property on which the carrying of a weapon is prohibited under that section;

(2) personally received from the owner of the property, or from another person with apparent authority to act for the owner, notice that carrying a firearm or other weapon on the premises or other property, as applicable, was prohibited;
and

(3) promptly departed from the premises or other property.

(n) The defense provided by Subsection (m) does not apply if:

(1) a sign described by Subsection (o) was posted prominently at each entrance to the premises or other property, as applicable; or

(2) at the time of the offense, the actor knew that carrying a firearm or other weapon on the premises or other property was prohibited.

(o) A person may provide notice that firearms and other weapons are prohibited under Section 46.03 on the premises or other property, as applicable, by posting a sign at each entrance to the premises or other property that:

(1) includes language that is identical to or substantially similar to the following: "Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property";

(2) includes the language described by Subdivision (1) in both English and Spanish;

(3) appears in contrasting colors with block letters at least one inch in height; and

(4) is displayed in a conspicuous manner clearly visible to the public.

(p) Sections 46.03(a)(7), (11), and (13) do not apply if the actor:

(1) carries a handgun on the premises or other property, as applicable;

(2) holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code; and

(3) was not given effective notice under Section 30.06 or 30.07 of this code or Section 411.204, Government Code, as applicable.

(q) Section 46.03(a)(8) does not apply if the actor:

(1) carries a handgun on a premises where a collegiate sporting event is taking place;

(2) holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code; and

(3) was not given effective notice under Section 30.06 or 30.07 of this code, as applicable.

SECTION 26. The following provisions are repealed:

(1) Section 11.041, Alcoholic Beverage Code;

(2) Section 11.61(e), Alcoholic Beverage Code;

(3) Section 61.11, Alcoholic Beverage Code;

(4) Section 61.71(f), Alcoholic Beverage Code;

(5) Section 411.198(b), Government Code;

(6) Section 411.204(d), Government Code;

(7) Section 411.206(c), Government Code;

(8) Section 46.02(c), Penal Code;

(9) Section 46.03(a-1), Penal Code; and

(10) Section 46.035, Penal Code.

SECTION 27. Notwithstanding Section 411.02096, Government Code, as added by this Act, the Department of Public Safety is not required to submit the initial report required by that section before February 1, 2023.

SECTION 28. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 29. This Act takes effect September 1, 2021.

HB 1927 - REMARKS

REPRESENTATIVE MOODY: I stood up here when this bill came to the floor, and I respect the members that support this. And I get it. I understand philosophically where we're at. But what I would like you to hear are my words now. I was at church on August 3. I was visiting with my friends when we got the horrific news of what was going on in my community. By the time we fully knew what was going on, we couldn't comprehend the tragedy. And by the end of the day, I was sitting in a cafeteria of a school, a school that Representative Blanco at the time but Senator Blanco now, it was a school that he called home, in the cafeteria that he ate lunch at. And we looked around that room and there were family members searching for their loved ones. And there were mental health workers trying to help those understand what was happening to them.

And the governor came and they said, would you like to speak to the families that don't know, to the families that don't know what happened to their loved ones? Those that were still waiting that moment on that day—they didn't know where their loved ones were. They didn't know if they were being held as witnesses for the crime that was committed in my community. They didn't know if they were being held to identify the body of their loved ones. And they asked us, do you want to come talk to these families? And I walked back in that room with the governor and with Senator Blanco and with Mayor Margo—a representative that served in this body, too, a republican—and I saw him cry in that room. And I saw friends of mine from when I worked in the District Attorney's Office, friends of mine that were in victim services. They were sitting there trying to hold those close who had no clue what was happening to them. That's the room I sat in on that day.

None of you shared that experience—not Mr. Schaefer, not anyone else in here. You know what else I shared? What room I shared? The room days after that where I was promised that we would take gun safety seriously in this state. I sat in rooms and talked to people. I talked to people—the Anchondos who lost two family members that day and who, by the way, forgave the shooter. Forgave him. Through their own Christian faith they said, I cannot hate you for what did; I forgive you for what you did to our family. They sat there and they told us that. And I could not comprehend their mercy. I could not comprehend their forgiveness. But they did that in those rooms, and I was in those rooms, too. And all they wanted was something better. All they wanted was some accountability.

Yet here we are. I get it. There's nothing I can do. I can't stop this. I know the rules of the house very well. This is about to pass. But I couldn't stop tonight without sharing my disappointment, knowing what I heard in those rooms. When the doors were closed, I heard lots of promises. I haven't heard them since. One day, the tragedy will come to your community. It's come to Dr. Bonnen's community. It's come to Brooks Landgraf's community. It's come to John Kuempel's community. It's come to many others' communities, and it's going to come to yours, too, because we fail to be responsible to the members of our communities across this state. I pray that it doesn't, but it is. I wish it wasn't, but it will. When we leave this floor in a few days, I'm going to ask the speaker for permission to introduce the names of the people we lost in El Paso and speak in their memory because it will be the last time that any of you ever hear their names. But it'll never be the last time I ever think about their names.

REPRESENTATIVE GOODWIN: I, too, have a story of loss. My dad was shot and killed in 1990, and I have come to the house hoping to do something with gun violence prevention. I've been on the Homeland Security and Public Safety Committee for two sessions thinking that I might be able to advance gun safety measures. I even thought that this session, as we were listening to permitless carry, maybe we could at least close the background check system while we're doing this. We couldn't even do that. This issue, I know, like Speaker Moody just said, soon there are many of us in this room that will be celebrating a victory. But for many of us, this is heartbreaking to think of more guns on our streets, more guns in our stores, more guns potentially in our schools, in courtrooms, everywhere in Texas, and those people that have them may not have any training in how to use them. The other thing that goes through my mind is that I don't want to carry a gun. I don't want to live in a world where I always have to look over my shoulder and be at the ready to defend myself. More guns on the street does not make us safer.

REPRESENTATIVE SCHAEFER: Thank you to my colleagues for sharing your sincere thoughts on this subject matter. The simple truth is that those that intend evil, those who are criminals, don't care what we do in this building. They haven't in the past, and they won't in the future. We are charged with defending the freedoms that are owed to Texans and guaranteed by the Constitution. And there are other tragedies that happen. Colonel Wilson, I have seen dog tags pulled from the body of a soldier and extended to me to read the name. You only have to see an American flag draped over a coffin one time.

I want to stop tragedies. I am against evil acts. But my faith is with law-abiding Texans who are the first to respond because they are there. It is that man or woman who owes the duty to themselves, to their children, to their families, to the people they are with to defend themselves. How long before someone with authority shows up? How long? Who's responsible for me and my family? Law-abiding citizens carrying a handgun have to follow a narrow path. After this bill passes, they will still have to follow a narrow path. But a person who wants to harm someone goes wherever they want, whenever they want. The Second Amendment says a right to keep and bear arms, and a law-abiding citizen should have the constitutional right to bear arms.

Representative Schaefer moved to adopt the conference committee report on **HB 1927**.

The motion to adopt the conference committee report on **HB 1927** prevailed by (Record 1335): 82 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Ellzey; Frank; Frullo; Gates; Geren; Goldman; Guillen; 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; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Raney; Raymond; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

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

Absent, Excused — Coleman; Price; Vo.

Absent — Canales.

STATEMENTS OF VOTE

When Record No. 1335 was taken, my vote failed to register. I would have voted yes.

Canales

When Record No. 1335 was taken, I was shown voting no. I intended to vote yes.

E. Morales

HB 1729 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1729, A bill to be entitled An Act relating to the sale of alcoholic beverages in areas annexed by certain municipalities.

Representative Harris moved to concur in the senate amendments to **HB 1729**.

The motion to concur in the senate amendments to **HB 1729** prevailed by (Record 1336): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; 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.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; Paddie; Parker; Patterson; Paul; Perez; 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 — Coleman; Price; Vo.

Absent — Beckley; Johnson, J.D.; Pacheco.

Senate Committee Substitute

CSHB 1729, A bill to be entitled An Act relating to the sale of alcoholic beverages in areas annexed by certain municipalities.

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

SECTION 1. Section 251.72, Alcoholic Beverage Code, is amended to read as follows:

Sec. 251.72. CHANGE OF STATUS. Except as provided in Sections 251.725, 251.726, 251.727, 251.73, and 251.80, an authorized voting unit that has exercised or may exercise the right of local option retains the status adopted, whether absolute prohibition or legalization of the sale of alcoholic beverages of one or more of the various types and alcoholic contents on which an issue may be submitted under the terms of Section 501.035, Election Code, until that status is changed by a subsequent local option election in the same authorized voting unit.

SECTION 2. Subchapter D, Chapter 251, Alcoholic Beverage Code, is amended by adding Section 251.727 to read as follows:

Sec. 251.727. CHANGE OF STATUS FOR TERRITORY ANNEXED BY MUNICIPALITIES IN CERTAIN COUNTIES. (a) This section applies only to:

(1) a municipality that contains U.S. Highway 287 and State Highway 294 and is located in a county with a population of not less than 57,000 and not more than 59,000 on September 1, 2021; or

(2) a municipality that:

(A) has a municipal boundary located not more than 1.5 miles from an automobile racetrack with a seating capacity of more than 100,000;

(B) has a population of more than 1,000 and less than 3,000; and

(C) is located entirely within a county with a population of more than 650,000 that is adjacent to two counties, each of which has a population of more than 1.8 million.

(b) Notwithstanding any other law, an area annexed to a municipality to which this section applies automatically assumes the wet or dry status of that municipality on annexation.

SECTION 3. The change in law made by this Act applies to an area annexed by a municipality before, on, or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2021.

HB 2213 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2213, A bill to be entitled An Act relating to the slaughter and processing of exotic animals for donation to a nonprofit food bank.

Representative Frullo moved to concur in the senate amendments to **HB 2213**.

The motion to concur in the senate amendments to **HB 2213** prevailed by (Record 1337): 139 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; 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; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; White; Wilson; Wu; Zwiener.

Nays — Murr; Schaefer; Swanson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Price; Vo.

Absent — Beckley; Larson; Ordaz Perez; Pacheco.

STATEMENT OF VOTE

When Record No. 1337 was taken, I was shown voting no. I intended to vote yes.

Swanson

Senate Committee Substitute

CSHB 2213, A bill to be entitled An Act relating to the slaughter and processing of exotic animals for donation to a nonprofit food bank.

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

SECTION 1. The heading to Section 433.006, Health and Safety Code, is amended to read as follows:

Sec. 433.006. EXEMPTION FOR PERSONAL USE OR DONATION TO NONPROFIT FOOD BANK ~~[EXEMPTION]~~.

SECTION 2. Section 433.006, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The provisions of this chapter requiring inspection of the slaughter of livestock and the preparation of carcasses, parts of carcasses, meat, and meat food products at establishments conducting those operations do not apply to the slaughtering of livestock or the preparation and transportation in intrastate commerce of those articles if:

(1) the articles are:

(A) livestock exclusively for personal use by the owner of the livestock, a member of the owner's family, or a nonpaying guest of the owner; or
(B) exotic animals exclusively for donation by a hunter to a nonprofit food bank, as defined by Section 418.026(a), Government Code;

(2) the slaughter or preparation is conducted at the owner's premises, the premises where the hunter killed the exotic animal, or at a processing establishment; and

(3) the transportation is limited to moving the carcasses, parts of carcasses, meat, and meat food products to and from:

(A) the owner's premises and a processing establishment; or
(B) the premises where the hunter killed the exotic animal, the processing establishment, and the nonprofit food bank.

(d) An article described by Subsection (a)(1)(B) may not be combined with:

(1) a meat food product regulated under the Federal Meat Inspection Act (21 U.S.C. Section 601 et seq.); or

(2) a poultry product regulated under the federal Poultry Products Inspection Act (21 U.S.C. Section 451 et seq.).

SECTION 3. Section 433.024(b), Health and Safety Code, is amended to read as follows:

(b) The department shall inspect each slaughtering establishment whose primary business is the selling of livestock to be slaughtered by the purchaser on premises owned or operated by the seller. This subsection does not nullify the provisions in Section 433.006 relating to exemptions ~~[personal use exemption]~~.

SECTION 4. This Act takes effect September 1, 2021.

MIDNIGHT

The proceedings continued after 12 a.m. and the following actions occurred on Monday, May 24:

**HB 738 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 738, A bill to be entitled An Act relating to the residential and commercial building codes of municipalities.

Representative Paul moved to concur in the senate amendments to **HB 738**.

The motion to concur in the senate amendments to **HB 738** prevailed by (Record 1338): 134 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; 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; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; White; Wu; Zwiener.

Nays — Cason; Collier; González, J.; González, M.; Hinojosa; Rose; Sherman; Slaton; Toth; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Price; Vo.

Absent — Beckley; Dean.

STATEMENTS OF VOTE

When Record No. 1338 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1338 was taken, I was shown voting no. I intended to vote yes.

Wilson

Senate Committee Substitute

CSHB 738, A bill to be entitled An Act relating to residential and commercial building requirements of municipalities, counties, and emergency services districts.

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

SECTION 1. Section 214.212, Local Government Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (e) to read as follows:

(a) To protect the public health, safety, and welfare, the International Residential Code, as it existed on May 1, 2012 [~~2004~~], is adopted as a municipal residential building code in this state.

(c) Subject to Subsection (e), a [A] municipality may establish procedures:

(1) to adopt local amendments to the International Residential Code that may add, modify, or remove requirements set by the code; and

(2) for the administration and enforcement of the International Residential Code.

(d) A municipality may review and consider amendments made by the International Code Council to the International Residential Code after May 1, 2012 [~~2004~~].

(e) A municipality may not adopt a local amendment under Subsection (c) unless the municipality:

(1) holds a public hearing on the local amendment before adopting the local amendment; and

(2) adopts the local amendment by ordinance.

SECTION 2. Section 214.216, Local Government Code, is amended to read as follows:

Sec. 214.216. INTERNATIONAL BUILDING CODE. (a) To protect the public health, safety, and welfare, the International Building Code, as it existed on May 1, 2012 [~~2003~~], is adopted as a municipal commercial building code in this state.

(b) The International Building Code applies to all commercial buildings in a municipality [~~for which construction begins on or after January 1, 2006,~~] and to any alteration, remodeling, enlargement, or repair of those commercial buildings.

(c) Subject to Subsection (f), a [A] municipality may establish procedures:

(1) to adopt local amendments to the International Building Code that may add, modify, or remove requirements set by the code; and

(2) for the administration and enforcement of the International Building Code.

(d) A municipality may review and consider amendments made by the International Code Council to the International Building Code after May 1, 2012 [~~2003~~].

(e) A municipality that has adopted a more stringent commercial building code than a commercial building code required by this section [~~before January 1, 2006,~~] is not required to repeal that code and may adopt future editions of that code.

(f) A municipality may not adopt a local amendment under Subsection (c) unless the municipality:

(1) holds a public hearing on the local amendment before adopting the local amendment; and

(2) adopts the local amendment by ordinance.

SECTION 3. Section 214.217(e), Local Government Code, is amended to read as follows:

(e) On the written request from five or more persons or if required by Section 214.212(e) or 214.216(f), the governing body of the municipality shall hold a public hearing open to public comment on the proposed adoption of or amendment to a national model code under this section. The hearing must be held on or before the 14th day before the date the governing body adopts the ordinance that adopts or amends a national model code under this section.

SECTION 4. Chapter 250, Local Government Code, is amended by adding Section 250.011 to read as follows:

Sec. 250.011. RESIDENTIAL FIRE PROTECTION SPRINKLER SYSTEMS. (a) Notwithstanding any other law and except as provided by Subsection (c), a municipality, county, or emergency services district may not enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire protection sprinkler system in a new or existing one- or two-family dwelling.

(b) A municipality, county, or emergency services district may adopt an ordinance, bylaw, order, building code, or rule allowing a multipurpose residential fire protection sprinkler system specialist or other contractor to offer, for a fee, the installation of a fire protection sprinkler system in a new one- or two-family dwelling.

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

(1) a municipality that has enacted an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire protection sprinkler system in a new or existing one- or two-family dwelling on or before January 1, 2009; or

(2) an emergency services district:

(A) that before February 1, 2013, has adopted a fire code, fire code amendments, or other requirements in conflict with Subsection (a); and

(B) whose territory is located:

(i) in or adjacent to a general law municipality with a population of less than 4,000 that is served by a water control and improvement district governed by Chapter 51, Water Code; and

(ii) in a county that has a population of more than one million and is adjacent to a county with a population of more than 420,000.

SECTION 5. (a) Sections 214.212 and 214.216, Local Government Code, as amended by this Act, apply only to residential or commercial construction, remodeling, alteration, enlargement, or repair that begins under an agreement made on or after January 1, 2022, or that begins, in the absence of an agreement, on or after that date. Residential or commercial construction, remodeling, alteration, enlargement, or repair that begins under an agreement made before

January 1, 2022, or that begins, in the absence of an agreement, before that date is governed by the law in effect when the agreement was made or the activity began, as appropriate, and that law is continued in effect for that purpose.

(b) Municipalities shall, before January 1, 2022, establish rules and take other necessary actions to implement Sections 214.212 and 214.216, Local Government Code, as amended by this Act.

SECTION 6. This Act takes effect January 1, 2022, except that Section 5(b) of this Act and this section take effect September 1, 2021.

HB 1338 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1338, A bill to be entitled An Act relating to the continuation and operations of a health care provider participation program by the Harris County Hospital District.

Representative Walle moved to concur in the senate amendments to **HB 1338**.

The motion to concur in the senate amendments to **HB 1338** prevailed by (Record 1339): 100 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Bell, K.; Bernal; Bowers; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Cole; Collier; Cortez; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Kuempel; Larson; 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; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

Nays — Ashby; Bell, C.; Biedermann; Buckley; Cain; Cason; Clardy; Cook; Craddick; Cyrier; Dean; Gates; Goldman; Harris; Hefner; Holland; Klick; Krause; Lambert; Landgraf; Leach; Leman; Middleton; Murr; Noble; Parker; Patterson; Paul; Sanford; Schaefer; Shaheen; Slaton; Slawson; Smith; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Coleman; Price; Vo.

Absent — Beckley; Schofield.

STATEMENTS OF VOTE

When Record No. 1339 was taken, I was shown voting yes. I intended to vote no.

Ellzey

When Record No. 1339 was taken, I was shown voting yes. I intended to vote no.

Metcalf

Senate Committee Substitute

CSHB 1338, A bill to be entitled An Act relating to the continuation and operations of a health care provider participation program by the Harris County Hospital District.

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

SECTION 1. Section 299.004, Health and Safety Code, is amended to read as follows:

Sec. 299.004. EXPIRATION. (a) Subject to Section 299.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, 2023 [~~2021~~].

(b) This chapter expires December 31, 2023 [~~2021~~].

SECTION 2. Section 299.151(c), Health and Safety Code, is amended to read as follows:

(c) If the board requires a mandatory payment authorized under this chapter, the board shall set the amount of the mandatory payment, subject to the limitations of this chapter. The aggregate amount of the mandatory payments required of all paying providers in the district may not exceed six [~~four~~] percent of the aggregate net patient revenue from hospital services provided by all paying providers in the district.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 2171 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2171, A bill to be entitled An Act relating to the eligibility of certain retired firefighters and emergency medical services providers to purchase continued health benefits coverage.

Representative Metcalf moved to concur in the senate amendments to **HB 2171**.

The motion to concur in the senate amendments to **HB 2171** prevailed by (Record 1340): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; 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 — Coleman; Price; Vo.

Senate Committee Substitute

CSHB 2171, A bill to be entitled An Act relating to the eligibility of certain retired firefighters and emergency medical services providers to purchase continued health benefits coverage.

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

SECTION 1. Section 175.001, Local Government Code, is amended to read as follows:

Sec. 175.001. APPLICABILITY. This chapter applies to a person who:

(1) retires from:

(A) county employment in a county with a population of 75,000 or more;

(B) employment by an appraisal district in a county with a population of 75,000 or more; ~~or~~

(C) municipal employment in a municipality with a population of 25,000 or more; or

(D) employment as a firefighter or emergency medical services provider by an emergency services district located wholly or partly in a county with a population of 150,000 or more; and

(2) is entitled to receive retirement benefits from a county, appraisal district, or municipal retirement plan or emergency services district.

SECTION 2. (a) Chapter 175, Local Government Code, as amended by this Act, applies according to its terms to all eligible persons who leave employment with an emergency services district on or after January 1, 2022.

(b) An emergency services district that is required by Chapter 175, Local Government Code, as amended by this Act, to provide continued health benefits coverage but that is not allowed to provide the coverage under the terms of the district's existing group health plan shall ensure that the required continued health benefits coverage is provided for in any new plan that is adopted by the district on or after January 1, 2022, unless the district is exempted under Section 175.007, Local Government Code.

SECTION 3. This Act takes effect September 1, 2021.

**HB 1677 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1677, A bill to be entitled An Act relating to the establishment of the Texas Police Service Animals Memorial Monument in the Capitol Complex.

Representative Holland moved to concur in the senate amendments to **HB 1677**.

The motion to concur in the senate amendments to **HB 1677** prevailed by (Record 1341): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Crockett; Cyrier; Darby; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; 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; 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 — Coleman; Price; Vo.

Absent — Craddick; Davis; Guerra.

Senate Committee Substitute

CSHB 1677, A bill to be entitled An Act relating to the establishment of a Texas Police Service Animals Memorial Monument in the Capitol Complex.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subtitle A, Title 11, Government Code, is amended by adding Chapter 3107 to read as follows:

CHAPTER 3107. TEXAS POLICE SERVICE ANIMALS MEMORIAL MONUMENT

Sec. 3107.001. DEFINITIONS. In this chapter:

(1) "Board" means the State Preservation Board.

(2) "Capitol Complex" has the meaning assigned by Section 443.0071.

(3) "Monument" means a Texas Police Service Animals Memorial Monument established under Section 3107.002.

(4) "Police service animal" has the meaning assigned by Section 38.151, Penal Code.

Sec. 3107.002. TEXAS POLICE SERVICE ANIMALS MEMORIAL MONUMENT. Subject to Section 443.0152, the board may establish a Texas Police Service Animals Memorial Monument using board approval procedures on the grounds of the Capitol Complex adjacent to the Texas Peace Officers' Memorial Monument to recognize and honor police service animals that were killed in the line of duty.

Sec. 3107.003. MAINTENANCE OF MONUMENT. (a) If a monument is established under Section 3107.002, the board is responsible for the maintenance of the monument. The board may receive money from private entities for the continued maintenance and update of the monument. If a monument is established under Section 3107.002, the board shall:

(1) establish a schedule for the maintenance of the monument; and

(2) select persons to maintain the monument.

(b) An entity that collects funds for the maintenance and improvement of a monument shall send that money to the board to be deposited in the Capitol fund account.

Sec. 3107.004. ACCOUNT. (a) Money contributed to the state for a purpose related to a monument shall be deposited by the board in the Capitol fund to the credit of a separate interest-bearing account established for the monument.

(b) Notwithstanding any other law, income from investments of money in the account shall be deposited to the credit of the account.

(c) Money in the account may be used only for the purposes prescribed by Section 3107.003.

SECTION 2. This Act takes effect September 1, 2021.

**HB 1576 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1576, A bill to be entitled An Act relating to the creation of a work group on blockchain matters concerning this state.

Representative Parker moved to concur in the senate amendments to **HB 1576**.

The motion to concur in the senate amendments to **HB 1576** prevailed by (Record 1342): 135 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; 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; Hernandez; Herrero; Hinojosa; 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; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thiery; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Walle; White; Wilson; Wu; Zwiener.

Nays — Cain; Cason; Hefner; Holland; Krause; Middleton; Patterson; Schaefer; Slaton; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Price; Vo.

Absent — Ramos.

STATEMENT OF VOTE

When Record No. 1342 was taken, I was shown voting yes. I intended to vote no.

Swanson

Senate Committee Substitute

CSHB 1576, A bill to be entitled An Act relating to the creation of a work group on blockchain matters concerning this state.

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

SECTION 1. (a) In this section:

(1) "Blockchain" includes digital assets, virtual currency, and the integration of smart contracts.

(2) "Work group" means the work group on blockchain matters established under this section.

(b) The work group on blockchain matters is composed of the following 16 members:

(1) one member of the house of representatives appointed by the speaker of the house of representatives;

(2) one member of the senate appointed by the lieutenant governor;

(3) two members representing institutions of higher education appointed by the governor;

(4) one ex-officio member representing the Department of Information Resources appointed by the governor;

(5) one ex-officio member representing the secretary of state appointed by the governor; and

(6) 10 members of the public, five of whom are appointed by the speaker of the house of representatives and five of whom are appointed by the lieutenant governor, who:

(A) have knowledge and experience in blockchain technology; or

(B) represent an industry that would benefit from the use of blockchain technology.

(c) The governor shall designate a member of the work group appointed under Subsection (b)(3) of this section to serve as chair of the work group. The members of the work group appointed under Subsections (b)(1) and (2) of this section shall serve as co-vice chairs of the work group.

(d) A member of the work group may not receive compensation for serving on the work group but is entitled to reimbursement for expenses incurred by the member in the performance of official duties as a member of the work group as provided by the General Appropriations Act.

(e) The Department of Information Resources shall provide to the work group the administrative support necessary to implement this Act.

(f) The work group shall meet at the call of the chair.

(g) The work group shall develop a master plan for the expansion of the blockchain industry in this state and recommend policies and state investments in connection with blockchain technology. In developing the master plan, the work group shall:

(1) identify economic growth and development opportunities presented by blockchain technology;

(2) assess the existing blockchain industry in this state;

(3) review workforce needs and academic programs required to build blockchain expertise across all relevant industries; and

(4) make any legislative recommendations that will help promote innovation and economic growth by reducing barriers to and expediting the expansion of the state's blockchain industry based on its findings under Subdivisions (1)-(3) of this subsection.

(h) The chair of the work group may create sub-work groups at the chair's discretion for the efficient operation of the work group. The chair shall appoint the chair of each sub-work group. The chair of a sub-work group may invite other members of the work group to serve on the sub-work group. A sub-work group may consult with subject matter experts.

(i) Not later than October 31, 2022, the work group shall submit a report that includes the master plan developed under Subsection (g) of this section and any findings and recommendations from the sub-work groups appointed under

Subsection (h) of this section to each standing committee of the senate and house of representatives with primary jurisdiction over economic development or technology issues.

(j) The work group may adopt rules, procedures, and policies as necessary to administer this section and implement the responsibilities of the work group.

(k) This Act expires and the work group is abolished June 30, 2023.

SECTION 2. As soon as practicable, but not later than October 1, 2021, the governor, lieutenant governor, and speaker of the house of representatives shall appoint the members of the work group on blockchain matters established by this Act.

SECTION 3. Not later than November 1, 2021, the work group on blockchain matters shall hold its initial meeting.

SECTION 4. This Act takes effect September 1, 2021.

REMARKS ORDERED PRINTED

Representative Fierro moved to print remarks by Representative Moody on **HB 1927**.

The motion prevailed.

HB 2326 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2326, A bill to be entitled An Act relating to the possession, transportation, and release of certain nonindigenous snakes; increasing a criminal penalty.

Representative Frullo moved to concur in the senate amendments to **HB 2326**.

The motion to concur in the senate amendments to **HB 2326** prevailed by (Record 1343): 117 Yeas, 28 Nays, 1 Present, not voting.

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

Nays — Biedermann; Buckley; Cain; Cason; Cook; Dean; Gates; Harris; Hefner; Holland; Krause; Lambert; Landgraf; Leach; Middleton; Murr; Noble; Patterson; Schaefer; Schofield; Shaheen; Slaton; Slawson; Swanson; Tinderholt; Toth; VanDeaver; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Price; Vo.

Absent — Canales.

STATEMENTS OF VOTE

When Record No. 1343 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

When Record No. 1343 was taken, I was shown voting yes. I intended to vote no.

Stucky

When Record No. 1343 was taken, I was shown voting yes. I intended to vote no.

Wilson

Senate Committee Substitute

CSHB 2326, A bill to be entitled An Act relating to the possession and transportation of certain nonindigenous snakes; increasing a criminal penalty.

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

SECTION 1. Section 43.851(a), Parks and Wildlife Code, is amended to read as follows:

(a) The commission by rule shall establish permits that allow permit holders to possess or transport in this state a live nonindigenous snake, including a hybrid of any kind, that is:

- (1) venomous ~~[snake]~~; or
- (2) a constrictor that is one of the following:
 - (A) African rock python, Python sebae;
 - (B) Asiatic rock python, Python molurus;
 - (C) Burmese python, Python bivittatus;
 - (D) green anaconda, Eunectes murinus;
 - (E) ~~[(D)]~~ reticulated python, Python reticulatus; or
 - (F) ~~[(E)]~~ southern African python, Python natalensis.

SECTION 2. Section 43.856, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (b) or (c), a person who violates this subchapter or a rule adopted under this subchapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(c) If it is shown at the trial of the defendant for a violation of this subchapter or a rule adopted under this subchapter that the defendant has engaged in a commercial activity without holding a required permit and the defendant has

been previously convicted of a violation of this subchapter or a rule adopted under this subchapter, on conviction the defendant shall be punished for a Class B Parks and Wildlife Code misdemeanor.

SECTION 3. This Act takes effect September 1, 2021.

**HB 531 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 531, A bill to be entitled An Act relating to notice requirements for a leased dwelling located in a floodplain.

Representative Walle moved to concur in the senate amendments to **HB 531**.

The motion to concur in the senate amendments to **HB 531** prevailed by (Record 1344): 94 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, K.; Bernal; Bowers; Bucy; Burns; Burrows; Button; Campos; Canales; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Kuempel; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Stephenson; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Walle; White; Wu; Zwiener.

Nays — Ashby; Bell, C.; Biedermann; Bonnen; Buckley; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Gates; Goldman; Harris; Hefner; Holland; Hull; Klick; Krause; Lambert; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Oliverson; Parker; Patterson; Paul; Rogers; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Price; Vo.

STATEMENT OF VOTE

When Record No. 1344 was taken, I was shown voting yes. I intended to vote no.

Anderson

Senate Committee Substitute

CSHB 531, A bill to be entitled An Act relating to notice requirements for a leased dwelling located in a floodplain.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.0135 to read as follows:

Sec. 92.0135. NOTICE FOR DWELLING LOCATED IN FLOODPLAIN.

(a) In this section:

(1) "100-year floodplain" means any area of land designated as a flood hazard area with a one percent or greater chance of flooding each year by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.).

(2) "Flooding" means a general or temporary condition of partial or complete inundation of a dwelling caused by:

(A) the overflow of inland or tidal waters;

(B) the unusual and rapid accumulation of runoff or surface waters from any established water source such as a river, stream, or drainage ditch; or

(C) excessive rainfall.

(b) A landlord shall provide to a tenant a written notice substantially equivalent to the following:

"(Landlord) () is or () is not aware that the dwelling you are renting is located in a 100-year floodplain. If neither box is checked, you should assume the dwelling is in a 100-year floodplain. Even if the dwelling is not in a 100-year floodplain, the dwelling may still be susceptible to flooding. The Federal Emergency Management Agency (FEMA) maintains a flood map on its Internet website that is searchable by address, at no cost, to determine if a dwelling is located in a flood hazard area. Most tenant insurance policies do not cover damages or loss incurred in a flood. You should seek insurance coverage that would cover losses caused by a flood."

(c) Notwithstanding Subsection (b), a landlord is not required to disclose on the notice that the landlord is aware that a dwelling is located in a 100-year floodplain if the elevation of the dwelling is raised above the 100-year floodplain flood levels in accordance with federal regulations.

(d) If a landlord knows that flooding has damaged any portion of a dwelling at least once during the five-year period immediately preceding the effective date of the lease, the landlord shall provide a written notice to a tenant that is substantially equivalent to the following:

"(Landlord) () is or () is not aware that the dwelling you are renting has flooded at least once within the last five years."

(e) The notices required by Subsections (b) and (d) must be included in a separate written document given to the tenant at or before execution of the lease.

(f) If a landlord violates this section and a tenant suffers a substantial loss or damage to the tenant's personal property as a result of flooding, the tenant may terminate the lease by giving a written notice of termination to the landlord not later than the 30th day after the date the loss or damage occurred. For purposes of this subsection, a tenant suffers a substantial loss or damage to personal property if the total cost of repairs to or replacement of the personal property is 50 percent or more of the personal property's market value on the date the flooding occurred. Termination of a lease under this subsection is effective when the tenant surrenders possession of the dwelling.

(g) Not later than the 30th day after the effective date of the termination of a lease under Subsection (f), the landlord shall refund to the tenant all rent or other amounts paid in advance under the lease for any period after the effective date of the termination of the lease.

(h) This section does not affect a tenant's liability for delinquent, unpaid rent or other sums owed to the landlord before the date the lease was terminated by the tenant under this section.

SECTION 2. Section 92.0135, Property Code, as added by this Act, applies only to a lease agreement entered into or renewed on or after the effective date of this Act.

SECTION 3. This Act takes effect January 1, 2022.

**HB 3648 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3648, A bill to be entitled An Act relating to the eligibility and designation of certain gas entities and gas facilities as critical during an energy emergency.

Representative Geren moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3648**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3648**: Geren, chair; Hernandez, P. King, T. King, and Paddie.

**HB 2090 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2090, A bill to be entitled An Act relating to health care cost disclosures by health benefit plan issuers and third-party administrators.

Representative Burrows moved to concur in the senate amendments to **HB 2090**.

The motion to concur in the senate amendments to **HB 2090** prevailed by (Record 1345): 145 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; 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; 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.

Nays — Hinojosa.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Price; Vo.

STATEMENT OF VOTE

When Record No. 1345 was taken, I was shown voting no. I intended to vote yes.

Hinojosa

Senate Committee Substitute

CSHB 2090, A bill to be entitled An Act relating to the establishment of a statewide all payor claims database and health care cost disclosures by health benefit plan issuers and third-party administrators.

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

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

SUBCHAPTER I. TEXAS ALL PAYOR CLAIMS DATABASE

Sec. 38.401. PURPOSE OF SUBCHAPTER. The purpose of this subchapter is to authorize the department to establish an all payor claims database in this state to increase public transparency of health care information and improve the quality of health care in this state.

Sec. 38.402. DEFINITIONS. In this subchapter:

(1) "Allowed amount" means the amount of a billed charge that a health benefit plan issuer determines to be covered for services provided by a non-network provider. The allowed amount includes both the insurer's payment and any applicable deductible, copayment, or coinsurance amounts for which the insured is responsible.

(2) "Center" means the Center for Healthcare Data at The University of Texas Health Science Center at Houston.

(3) "Contracted rate" means the fee or reimbursement amount for a network provider's services, treatments, or supplies as established by agreement between the provider and health benefit plan issuer.

(4) "Data" means the specific claims and encounters, enrollment, and benefit information submitted to the center under this subchapter.

(5) "Database" means the Texas All Payor Claims Database established under this subchapter.

(6) "Geozip" means an area that includes all zip codes with identical first three digits.

(7) "Payor" means any of the following entities that pay, reimburse, or otherwise contract with a health care provider for the provision of health care services, supplies, or devices to a patient:

(A) an insurance company providing health or dental insurance;

(B) the sponsor or administrator of a health or dental plan;

(C) a health maintenance organization operating under Chapter 843;

(D) the state Medicaid program, including the Medicaid managed care program operating under Chapter 533, Government Code;

(E) a health benefit plan offered or administered by or on behalf of this state or a political subdivision of this state or an agency or instrumentality of the state or a political subdivision of this state, including:

(i) a basic coverage plan under Chapter 1551;

(ii) a basic plan under Chapter 1575; and

(iii) a primary care coverage plan under Chapter 1579; or

(F) any other entity providing a health insurance or health benefit plan subject to regulation by the department.

(8) "Protected health information" has the meaning assigned by 45 C.F.R. Section 160.103.

(9) "Qualified research entity" means:

(A) an organization engaging in public interest research for the purpose of analyzing the delivery of health care in this state that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization in Section 501(c)(3) of that code;

(B) an institution of higher education engaged in public interest research related to the delivery of health care in this state; or

(C) a health care provider in this state engaging in efforts to improve the quality and cost of health care.

(10) "Stakeholder advisory group" means the stakeholder advisory group established under Section 38.403.

Sec. 38.403. STAKEHOLDER ADVISORY GROUP. (a) The center shall establish a stakeholder advisory group to assist the center as provided by this subchapter, including assistance in:

(1) establishing and updating the standards, requirements, policies, and procedures relating to the collection and use of data contained in the database required by Sections 38.404(e) and (f);

(2) evaluating and prioritizing the types of reports the center should publish under Section 38.404(e);

(3) evaluating data requests from qualified research entities under Section 38.404(e)(2); and

(4) assisting the center in developing the center's recommendations under Section 38.408(3).

(b) The advisory group created under this section must be composed of:

(1) the state Medicaid director or the director's designee;

(2) a member designated by the Teacher Retirement System of Texas;

(3) a member designated by the Employees Retirement System of Texas; and

(4) 12 members designated by the center, including:

(A) two members representing the business community, with at least one of those members representing small businesses that purchase health benefits but are not involved in the provision of health care services, supplies, or devices or health benefit plans;

(B) two members who represent consumers and who are not professionally involved in the purchase, provision, administration, or review of health care services, supplies, or devices or health benefit plans, with at least one member representing the behavioral health community;

(C) two members representing hospitals that are licensed in this state;

(D) two members representing health benefit plan issuers that are regulated by the department;

(E) two members who are physicians licensed to practice medicine in this state, one of whom is a primary care physician; and

(F) two members who are not professionally involved in the purchase, provision, administration, or review of health care services, supplies, or devices or health benefit plans and who have expertise in:

(i) health planning;

(ii) health economics;

(iii) provider quality assurance;

(iv) statistics or health data management; or

(v) medical privacy laws.

(c) A person serving on the stakeholder advisory group must disclose any conflict of interest.

(d) Members of the stakeholder advisory group serve fixed terms as prescribed by commissioner rules adopted under this subchapter.

Sec. 38.404. ESTABLISHMENT AND ADMINISTRATION OF DATABASE. (a) The department shall collaborate with the center under this subchapter to aid in the center's establishment of the database. The center shall leverage the existing resources and infrastructure of the center to establish the database to collect, process, analyze, and store data relating to medical, dental, pharmaceutical, and other relevant health care claims and encounters, enrollment, and benefit information for the purposes of increasing transparency of health care costs, utilization, and access and improving the affordability, availability, and quality of health care in this state, including by improving population health in this state.

(b) The center shall serve as the administrator of the database, design, build, and secure the database infrastructure, and determine the accuracy of the data submitted for inclusion in the database.

(c) In determining the information a payor is required to submit to the center under this subchapter, the center must consider requiring inclusion of information useful to health policy makers, employers, and consumers for purposes of improving health care quality and outcomes, improving population health, and controlling health care costs. The required information at a minimum must include the following information as it relates to all health care services, supplies, and devices paid or otherwise adjudicated by the payor:

(1) the name and National Provider Identifier, as described in 45 C.F.R. Section 162.410, of each health care provider paid by the payor;

(2) the claim line detail that documents the health care services, supplies, or devices provided by the health care provider;

(3) the amount of charges billed by the health care provider and the payor's:

(A) allowed amount or contracted rate for the health care services, supplies, or devices; and

(B) adjudicated claim amount for the health care services, supplies, or devices;

(4) the name of the payor, the name of the health benefit plan, and the type of health benefit plan, including whether health care services, supplies, or devices were provided to an individual through:

(A) a Medicaid or Medicare program;

(B) workers' compensation insurance;

(C) a health maintenance organization operating under Chapter 843;

(D) a preferred provider benefit plan offered by an insurer under Chapter 1301;

(E) a basic coverage plan under Chapter 1551;

(F) a basic plan under Chapter 1575;

(G) a primary care coverage plan under Chapter 1579; or

(H) a health benefit plan that is subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.); and

(5) claim level information that allows the center to identify the geozip where the health care services, supplies, or devices were provided.

(d) Each payor shall submit the required data under Subsection (c) at a schedule and frequency determined by the center and adopted by the commissioner by rule.

(e) In the manner and subject to the standards, requirements, policies, and procedures relating to the use of data contained in the database established by the center in consultation with the stakeholder advisory group, the center may use the data contained in the database for a noncommercial purpose:

(1) to produce statewide, regional, and geozip consumer reports available through the public access portal described in Section 38.405 that address:

- (A) health care costs, quality, utilization, outcomes, and disparities;
- (B) population health; or
- (C) the availability of health care services; and

(2) for research and other analysis conducted by the center or a qualified research entity to the extent that such use is consistent with all applicable federal and state law, including the data privacy and security requirements of Section 38.406 and the purposes of this subchapter.

(f) The center shall establish data collection procedures and evaluate and update data collection procedures established under this section. The center shall test the quality of data collected by and reported to the center under this section to ensure that the data is accurate, reliable, and complete.

Sec. 38.405. PUBLIC ACCESS PORTAL. (a) Except as provided by this section and Sections 38.404 and 38.406 and in a manner consistent with all applicable federal and state law, the center shall collect, compile, and analyze data submitted to or stored in the database and disseminate the information described in Section 38.404(e)(1) in a format that allows the public to easily access and navigate the information. The information must be accessible through an open access Internet portal that may be accessed by the public through an Internet website.

(b) The portal created under this section must allow the public to easily search and retrieve the information disseminated under Subsection (a), subject to data privacy and security restrictions described in this subchapter and consistent with all applicable federal and state law.

(c) Any information or data that is accessible through the portal created under this section:

(1) must be segmented by type of insurance or health benefit plan in a manner that does not combine payment rates relating to different types of insurance or health benefit plans;

(2) must be aggregated by like Current Procedural Terminology codes and health care services in a statewide, regional, or geozip area; and

(3) may not identify a specific patient, health care provider, health benefit plan, health benefit plan issuer, or other payor.

(d) Before making information or data accessible through the portal, the center shall remove any data or information that may identify a specific patient in accordance with the de-identification standards described in 45 C.F.R. Section 164.514.

Sec. 38.406. DATA PRIVACY AND SECURITY. (a) Any information that may identify a patient, health care provider, health benefit plan, health benefit plan issuer, or other payor is confidential and subject to applicable state and federal law relating to records privacy and protected health information, including Chapter 181, Health and Safety Code, and is not subject to disclosure under Chapter 552, Government Code.

(b) A qualified research entity with access to data or information that is contained in the database but not accessible through the portal described in Section 38.405:

(1) may use information contained in the database only for purposes consistent with the purposes of this subchapter and must use the information in accordance with standards, requirements, policies, and procedures established by the center in consultation with the stakeholder advisory group;

(2) may not sell or share any information contained in the database; and

(3) may not use the information contained in the database for a commercial purpose.

(c) A qualified research entity with access to information that is contained in the database but not accessible through the portal must execute an agreement with the center relating to the qualified research entity's compliance with the requirements of Subsections (a) and (b), including the confidentiality of information contained in the database but not accessible through the portal.

(d) Notwithstanding any provision of this subchapter, the department and the center may not disclose an individual's protected health information in violation of any state or federal law.

(e) The center shall include in the database only the minimum amount of protected health information identifiers necessary to link public and private data sources and the geographic and services data to undertake studies.

(f) The center shall maintain protected health information identifiers collected under this subchapter but excluded from the database under Subsection (e) in a separate database. The separate database may not be aggregated with any other information and must use a proxy or encrypted record identifier for analysis.

Sec. 38.407. CERTAIN ENTITIES NOT REQUIRED TO SUBMIT DATA. Any sponsor or administrator of a health benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.) may elect or decline to participate in or submit data to the center for inclusion in the database as consistent with federal law.

Sec. 38.408. REPORT TO LEGISLATURE. Not later than September 1 of each even-numbered year, the center shall submit to the legislature a written report containing:

(1) an analysis of the data submitted to the center for use in the database;

(2) information regarding the submission of data to the center for use in the database and the maintenance, analysis, and use of the data;

(3) recommendations from the center, in consultation with the stakeholder advisory group, to further improve the transparency, cost-effectiveness, accessibility, and quality of health care in this state; and

(4) an analysis of the trends of health care affordability, availability, quality, and utilization.

Sec. 38.409. RULES. (a) The commissioner, in consultation with the center, shall adopt rules:

(1) specifying the types of data a payor is required to provide to the center under Section 38.404 to determine health benefits costs and other reporting metrics, including, if necessary, types of data not expressly identified in that section;

(2) specifying the schedule, frequency, and manner in which a payor must provide data to the center under Section 38.404, which must:

(A) require the payor to provide data to the center not less frequently than quarterly; and

(B) include provisions relating to data layout, data governance, historical data, data submission, use and sharing, information security, and privacy protection in data submissions; and

(3) establishing oversight and enforcement mechanisms to ensure that payors submit data to the database in accordance with this subchapter.

(b) In adopting rules governing methods for data submission, the commissioner shall to the maximum extent practicable use methods that are reasonable and cost-effective for payors.

SECTION 2. The heading to Subtitle J, Title 8, Insurance Code, is amended to read as follows:

SUBTITLE J. HEALTH INFORMATION TECHNOLOGY AND
AVAILABILITY

SECTION 3. Subtitle J, Title 8, Insurance Code, is amended by adding Chapter 1662 to read as follows:

CHAPTER 1662. HEALTH CARE COST TRANSPARENCY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1662.001. DEFINITIONS. In this chapter:

(1) "Billed charge" means the total charges for a health care service or supply billed to a health benefit plan by a health care provider.

(2) "Billing code" means the code used by a health benefit plan issuer or administrator or health care provider to identify a health care service or supply for the purposes of billing, adjudicating, and paying claims for a covered health care service or supply, including the Current Procedural Terminology code, the Healthcare Common Procedure Coding System code, the Diagnosis-Related Group code, the National Drug Code, or other common payer identifier.

(3) "Bundled payment arrangement" means a payment model under which a health care provider is paid a single payment for all covered health care services and supplies provided to an enrollee for a specific treatment or procedure.

(4) "Copayment assistance" means the financial assistance an enrollee receives from a prescription drug or medical supply manufacturer toward the purchase of a covered health care service or supply.

(5) "Cost-sharing information" means information related to any expenditure required by or on behalf of an enrollee with respect to health care benefits that are relevant to a determination of the enrollee's cost-sharing liability for a particular covered health care service or supply.

(6) "Cost-sharing liability" means the amount an enrollee is responsible for paying for a covered health care service or supply under the terms of a health benefit plan. The term generally includes deductibles, coinsurance, and copayments but does not include premiums, balance billing amounts by out-of-network providers, or the cost of health care services or supplies that are not covered under a health benefit plan.

(7) "Covered health care service or supply" means a health care service or supply, including a prescription drug, for which the costs are payable, wholly or partly, under the terms of a health benefit plan.

(8) "Derived amount" means the price that a health benefit plan assigns to a health care service or supply for the purpose of internal accounting, reconciliation with health care providers, or submitting data in accordance with state or federal regulations.

(9) "Enrollee" means an individual, including a dependent, entitled to coverage under a health benefit plan.

(10) "Health care service or supply" means any encounter, procedure, medical test, supply, prescription drug, durable medical equipment, and fee, including a facility fee, provided or assessed in connection with the provision of health care.

(11) "Historical net price" means the retrospective average amount a health benefit plan paid for a prescription drug, inclusive of any reasonably allocated rebates, discounts, chargebacks, and fees and any additional price concessions received by the plan or plan issuer or administrator with respect to the prescription drug, determined in accordance with Section 1662.106.

(12) "Machine-readable file" means a digital representation of data in a file that can be imported or read by a computer system for further processing without human intervention while ensuring no semantic meaning is lost.

(13) "National drug code" means the unique 10- or 11-digit 3-segment number assigned by the United States Food and Drug Administration that is a universal product identifier for drugs in the United States.

(14) "Negotiated rate" means the amount a health benefit plan issuer or administrator has contractually agreed to pay a network provider, including a network pharmacy or other prescription drug dispenser, for covered health care services and supplies, whether directly or indirectly, including through a third-party administrator or pharmacy benefit manager.

(15) "Network provider" means any health care provider of a health care service or supply with which a health benefit plan issuer or administrator or a third party for the issuer or administrator has a contract with the terms on which a relevant health care service or supply is provided to an enrollee.

(16) "Out-of-network allowed amount" means the maximum amount a health benefit plan issuer or administrator will pay for a covered health care service or supply provided by an out-of-network provider.

(17) "Out-of-network provider" means a health care provider of any health care service or supply that does not have a contract under an enrollee's health benefit plan.

(18) "Out-of-pocket limit" means the maximum amount that an enrollee is required to pay during a coverage period for the enrollee's share of the costs of covered health care services and supplies under the enrollee's health benefit plan, including for self-only and other than self-only coverage, as applicable.

(19) "Prerequisite" means concurrent review, prior authorization, or a step-therapy or fail-first protocol related to a covered health care service or supply that must be satisfied before a health benefit plan issuer or administrator will cover the service or supply. The term does not include a medical necessity determination generally or another form of medical management technique.

(20) "Underlying fee schedule rate" means the rate for a covered health care service or supply from a particular network provider or health care provider that a health benefit plan issuer or administrator uses to determine an enrollee's cost-sharing liability for the service or supply when that rate is different from the negotiated rate or derived amount.

Sec. 1662.002. DEFINITION OF ACCUMULATED AMOUNTS. (a) In this chapter, "accumulated amounts" means:

(1) the amount of financial responsibility an enrollee has incurred at the time a request for cost-sharing information is made, with respect to a deductible or out-of-pocket limit; and

(2) to the extent a health benefit plan imposes a cumulative treatment limitation, including a limitation on the number of health care supplies, days, units, visits, or hours covered in a defined period, on a particular covered health care service or supply independent of individual medical necessity determinations, the amount that has accrued toward the limit on the health care service or supply.

(b) For an individual enrolled in coverage other than self-only coverage, the term includes the financial responsibility the individual has incurred toward meeting the individual's own deductible or out-of-pocket limit and the amount of financial responsibility that all individuals enrolled in the individual's coverage have incurred, in aggregate, toward meeting the plan's other than self-only deductible or out-of-pocket limit, as applicable.

(c) The term includes any expense that counts toward a deductible or out-of-pocket limit, including a copayment or coinsurance, but excludes any expense that does not count toward a deductible or out-of-pocket limit, including a premium payment, out-of-pocket expense for out-of-network health care services or supplies, or an amount for a health care service or supply not covered by the health benefit plan.

Sec. 1662.003. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

(1) an insurance company;

(2) a group hospital service corporation operating under Chapter 842;

(3) a health maintenance organization operating under Chapter 843;

(4) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844;

(5) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;

- (6) a stipulated premium company operating under Chapter 884;
- (7) a fraternal benefit society operating under Chapter 885;
- (8) a Lloyd's plan operating under Chapter 941; or
- (9) an exchange operating under Chapter 942.
- (b) Notwithstanding any other law, this chapter applies to:
 - (1) a small employer health benefit plan subject to Chapter 1501, including coverage provided through a health group cooperative under Subchapter B of that chapter;
 - (2) a standard health benefit plan issued under Chapter 1507;
 - (3) a basic coverage plan under Chapter 1551;
 - (4) a basic plan under Chapter 1575;
 - (5) a primary care coverage plan under Chapter 1579;
 - (6) a plan providing basic coverage under Chapter 1601;
 - (7) a regional or local health care program operated under Section 75.104, Health and Safety Code; and
 - (8) a self-funded health benefit plan sponsored by a professional employer organization under Chapter 91, Labor Code.
- (c) This chapter does not apply to a health reimbursement arrangement or other account-based health benefit plan or a workers' compensation insurance policy.

Sec. 1662.004. RULES. The commissioner may adopt rules necessary to implement this chapter.

SUBCHAPTER B. REQUIRED DISCLOSURES TO ENROLLEES

Sec. 1662.051. REQUIRED DISCLOSURE TO ENROLLEE ON REQUEST. (a) On request of a health benefit plan enrollee, the health benefit plan issuer or administrator shall provide to the enrollee a disclosure in accordance with this subchapter.

(b) A health benefit plan issuer or administrator may allow an enrollee to request cost-sharing information for a specific preventive or non-preventive health care service or supply by including terms such as "preventive," "non-preventive," or "diagnostic" when requesting information under Subsection (a).

Sec. 1662.052. REQUIRED DISCLOSURE INFORMATION. (a) A disclosure provided under this subchapter must have the following information that is accurate at the time the disclosure request is made, with respect to the requesting enrollee's cost-sharing liability for a covered health care service and supply:

(1) an estimate of the enrollee's cost-sharing liability for the requested service or supply provided by a health care provider that is calculated based on the information described by Subdivisions (4), (5), and (6);

(2) except as provided by Subsection (b), if the request relates to a service or supply that is provided within a bundled payment arrangement and the arrangement includes a service or supply that has a separate cost-sharing liability, an estimate of the cost-sharing liability for:

(A) the requested covered service or supply; and

(B) each service or supply in the arrangement that has a separate cost-sharing liability;

(3) for a requested service or supply that is a recommended preventive service under Section 2713, Public Health Service Act (42 U.S.C. Section 300gg-13), if the health benefit plan issuer or administrator cannot determine whether the request is for preventive or non-preventive purposes, the cost-sharing liability for non-preventive purposes;

(4) accumulated amounts;

(5) the network provider rate that is composed of the following that are applicable to the health benefit plan's payment model:

(A) the negotiated rate, reflected as a dollar amount, for a network provider for the requested service or supply regardless of whether the issuer or administrator uses the rate to calculate the enrollee's cost-sharing liability; and

(B) the underlying fee schedule rate, reflected as a dollar amount, for the requested service or supply, to the extent that is different from the negotiated rate;

(6) the out-of-network allowed amount or any other rate that provides a more accurate estimate of an amount a health benefit plan issuer or administrator will pay for the requested service or supply, reflected as a dollar amount, if the request for cost-sharing information is for a covered service or supply provided by an out-of-network provider;

(7) if an enrollee requests information for a service or supply subject to a bundled payment arrangement, a list of the services and supplies included in the arrangement;

(8) if applicable, notification that coverage of a specific service or supply is subject to a prerequisite; and

(9) notice that includes the following information in plain language:

(A) unless balance billing is prohibited for the requested service or supply, a statement that out-of-network providers may bill an enrollee for the difference between a provider's billed charges and the sum of the amount collected from the health benefit plan issuer or administrator and from the enrollee in the form of a copayment or coinsurance amount and that the cost-sharing information provided for the service or supply does not account for that potential additional charge;

(B) a statement that the actual charges to the enrollee for the requested service or supply may be different from the estimate provided, depending on the actual services or supplies the enrollee receives at the point of care;

(C) a statement that the estimate of cost-sharing liability for the requested service or supply is not a guarantee that benefits will be provided for that service or supply;

(D) a statement disclosing whether the health benefit plan counts copayment assistance and other third-party payments in the calculation of the enrollee's deductible and out-of-pocket maximum;

(E) for a service or supply that is a recommended preventive service under Section 2713, Public Health Service Act (42 U.S.C. Section 300gg-13), a statement that a service or supply provided by a network provider may not be subject to cost sharing if it is billed as a preventive service or supply when the health benefit plan issuer or administrator cannot determine whether the request is for a preventive or non-preventive service or supply; and

(F) any additional information, including other disclosures, that the health benefit plan issuer or administrator determines is appropriate provided that the additional information does not conflict with the information required to be provided under this section.

(b) A health benefit plan issuer or administrator is not required to provide an estimate of cost-sharing liability for a bundled payment arrangement in which the cost sharing is imposed separately for each health care service or supply included in the arrangement. If an issuer or administrator provides an estimate for multiple health care services or supplies in a situation in which the estimate could be relevant to an enrollee, the issuer or administrator must disclose information about the relevant services or supplies individually as required by Subsection (a).

(c) If a health benefit plan issuer or administrator reimburses an out-of-network provider with a percentage of the billed charge for a covered health care service or supply, the out-of-network allowed amount described by Subsection (a) is that reimbursed percentage.

Sec. 1662.053. METHOD AND FORMAT FOR DISCLOSURE. A health benefit plan issuer or administrator shall provide the disclosure required under this subchapter through an Internet-based self-service tool described by Section 1662.054, a physical copy in accordance with Section 1662.055, or another means authorized by Section 1662.056.

Sec. 1662.054. INTERNET-BASED SELF-SERVICE TOOL. (a) A health benefit plan issuer or administrator may develop and maintain an Internet-based self-service tool to provide a disclosure required under this subchapter.

(b) Information provided on the self-service tool must be made available in plain language, without a subscription or other fee, on an Internet website that provides real-time responses based on cost-sharing information that is accurate at the time of the request.

(c) A health benefit plan issuer or administrator shall ensure that the self-service tool allows a user to:

(1) search for cost-sharing information for a covered health care service or supply by a specific network provider or by all network providers by inputting:

(A) a billing code or descriptive term at the option of the user;

(B) the name of the network provider if the user seeks cost-sharing information with respect to a specific network provider; or

(C) other factors used by the issuer or administrator that are relevant for determining the applicable cost-sharing information, including the location in which the service or supply will be sought or provided, the facility name, or the dosage;

(2) search for an out-of-network allowed amount, percentage of billed charges, or other rate that provides a reasonably accurate estimate of the amount the issuer or administrator will pay for a covered health care service or supply provided by an out-of-network provider by inputting:

(A) a billing code or descriptive term at the option of the user; or

(B) other factors used by the issuer or administrator that are relevant for determining the applicable out-of-network allowed amount or other rate, including the location in which the covered health care service or supply will be sought or provided; and

(3) refine and reorder search results based on geographic proximity of network providers and the amount of the enrollee's estimated cost-sharing liability for the covered health care service or supply if the search returns multiple results.

Sec. 1662.055. PHYSICAL COPY OF DISCLOSURE. (a) A health benefit plan issuer or administrator shall make the disclosure required under this subchapter available in a physical form. A disclosure under this section must be made available in plain language, without a fee, at the request of the enrollee.

(b) In providing a disclosure under this section, a health benefit plan issuer or administrator may limit the number of health care providers with respect to which cost-sharing information for a covered health care service or supply is provided to no fewer than 20 providers per request.

(c) A health benefit plan issuer or administrator providing a disclosure under this section shall:

(1) disclose any applicable provider-per-request limit described by Subsection (b) to the enrollee;

(2) provide the cost-sharing information in a physical form in accordance with the enrollee's request as if the request was made using a self-service tool under Section 1662.054; and

(3) mail the disclosure not later than two business days after the date the enrollee's request is received.

Sec. 1662.056. OTHER MEANS OF DISCLOSURE. If an enrollee requests the disclosure required by this subchapter by a means other than a physical copy or the self-service tool described by Section 1662.054, a health benefit plan issuer or administrator may provide the disclosure through the requested means if:

(1) the enrollee agrees that disclosure through that means is sufficient to satisfy the request;

(2) the request is fulfilled at least as rapidly as required for the physical copy; and

(3) the disclosure includes the information required for a physical copy under Section 1662.055.

Sec. 1662.057. OTHER CONTRACTUAL AGREEMENTS. (a) A health benefit plan issuer or administrator may satisfy the requirements of this subchapter by entering into a written agreement under which another person, including a pharmacy benefit manager or other third party, provides the disclosure required under this subchapter.

(b) If a health benefit plan issuer or administrator and another person enter into an agreement under Subsection (a), the issuer or administrator is subject to an enforcement action for failure to provide a required disclosure in accordance with this subchapter.

Sec. 1662.058. COMPLIANCE WITH SUBCHAPTER. (a) A health benefit plan issuer or administrator that, acting in good faith and with reasonable diligence, makes an error or omission in a disclosure required under this subchapter does not fail to comply with this subchapter solely because of the error or omission if the issuer or administrator corrects the error or omission as soon as practicable.

(b) A health benefit plan issuer or administrator, acting in good faith and with reasonable diligence, does not fail to comply with this subchapter solely because the issuer's or administrator's Internet website is temporarily inaccessible if the issuer or administrator makes the information available as soon as practicable.

(c) To the extent compliance with this subchapter requires a health benefit plan issuer or administrator to obtain information from another person, the issuer or administrator does not fail to comply with the subchapter because the issuer or administrator relies in good faith on information from the other person unless the issuer or administrator knows or reasonably should have known that the information is incomplete or inaccurate.

SUBCHAPTER C. REQUIRED PUBLIC DISCLOSURES

Sec. 1662.101. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a health benefit plan for which federal reporting requirements under 26 C.F.R. Part 54, 29 C.F.R. Part 2590, and 45 C.F.R. Parts 147 and 158 do not apply.

Sec. 1662.102. PUBLICATION REQUIRED. A health benefit plan issuer or administrator shall publish on an Internet website the information required under Section 1662.103 in three machine-readable files in accordance with this subchapter.

Sec. 1662.103. REQUIRED INFORMATION. (a) A health benefit plan issuer or administrator shall publish the following information:

(1) a network rate machine-readable file that includes the following information for all covered health care services and supplies, except for prescription drugs that are subject to a fee-for-service reimbursement arrangement:

(A) for each coverage option offered by a health benefit plan issuer or administered by a health benefit plan administrator, the option's name and:

(i) the option's 14-digit health insurance oversight system identifier;

(ii) if the 14-digit identifier is not available, the option's 5-digit health insurance oversight system identifier; or

(iii) if the 14- and 5-digit identifiers are not available, the employer identification number associated with the option;

(B) a billing code, which must be the national drug code for a prescription drug, and a plain-language description for each billing code for each covered service or supply under each coverage option offered by the issuer or administered by the administrator; and

(C) all applicable rates, including negotiated rates, underlying fee schedules, or derived amounts, provided in accordance with Section 1662.104;

(2) an out-of-network allowed amount machine-readable file, including:

(A) for each coverage option offered by a health benefit plan issuer or administered by a health benefit plan administrator, the option's name and:

(i) the option's 14-digit health insurance oversight system identifier;

(ii) if the 14-digit identifier is not available, the option's 5-digit health insurance oversight system identifier; or

(iii) if the 14- and 5-digit identifiers are not available, the employer identification number associated with the option;

(B) a billing code, which must be the national drug code for a prescription drug, and a plain-language description for each billing code for each covered service or supply under each coverage option offered by the issuer or administered by the administrator; and

(C) except as provided by Subsection (b), unique out-of-network billed charges and allowed amounts provided in accordance with Section 1662.105 for covered health care services or supplies provided by out-of-network providers during the 90-day period that begins on the 180th day before the date the machine-readable file is published; and

(3) a prescription drug machine-readable file that includes:

(A) for each coverage option offered by a health benefit plan issuer or administered by a health benefit plan administrator, the option's name and:

(i) the option's 14-digit health insurance oversight system identifier;

(ii) if the 14-digit identifier is not available, the option's 5-digit health insurance oversight system identifier; or

(iii) if the 14- and 5-digit identifiers are not available, the employer identification number associated with the option;

(B) the national drug code and the proprietary and nonproprietary name assigned to the national drug code by the United States Food and Drug Administration for each covered prescription drug provided under each coverage option offered by the issuer or administered by the administrator;

(C) the negotiated rates, which must be:

(i) reflected as a dollar amount with respect to each national drug code that is provided by a network provider, including a network pharmacy or other prescription drug dispenser;

(ii) associated with the national provider identifier, tax identification number, and place of service code for each network provider, including each network pharmacy or other prescription drug dispenser; and

(iii) associated with the last date of the contract term for each provider-specific negotiated rate that applies to each national drug code; and (D) except as provided by Subsection (b), historical net prices, which must be:

(i) reflected as a dollar amount with respect to each national drug code that is provided by a network provider, including a network pharmacy or other prescription drug dispenser;

(ii) associated with the national provider identifier, tax identification number, and place of service code for each network provider, including each network pharmacy or other prescription drug dispenser; and

(iii) associated with the 90-day period that begins on the 180th day before the date the machine-readable file is published for each provider-specific historical net price calculated in accordance with Section 1662.106 that applies to each national drug code.

(b) A health benefit plan issuer or administrator shall omit information described by Subsection (a)(2)(C) or (a)(3)(D) in relation to a particular health care service or supply if compliance with that subsection would require the issuer to report payment information in connection with fewer than 20 different claims for payments under a single health benefit plan.

(c) This section does not require the disclosure of information that would violate any applicable health information privacy law.

Sec. 1662.104. NETWORK RATE DISCLOSURES. (a) If a health benefit plan issuer or administrator does not use negotiated rates for health care provider reimbursement, the issuer or administrator shall disclose for purposes of Section 1662.103(a)(1)(C) derived amounts to the extent those amounts are already calculated in the normal course of business.

(b) If a health benefit plan issuer or administrator uses underlying fee schedule rates for calculating cost sharing, the issuer or administrator shall disclose for purposes of Section 1662.103(a)(1)(C) the underlying fee schedule rates in addition to the negotiated rate or derived amount.

(c) The applicable rates, including for both individual health care services and supplies and services and supplies in a bundled payment arrangement, that a health benefit plan issuer or administrator must provide under Section 1662.103(a)(1)(C) must be:

(1) except as provided by Subdivision (2), reflected as dollar amounts with respect to each covered health care service or supply that is provided by a network provider;

(2) the base negotiated rate applicable to the service or supply before an adjustment for enrollee characteristics if the rate is a negotiated rate subject to change based on enrollee characteristics;

(3) associated with the national provider identifier, tax identification number, and place of service code for each network provider;

(4) associated with the last date of the contract term or expiration date for each health care provider-specific applicable rate that applies to each covered service or supply; and

(5) indicated with a notation where a reimbursement arrangement other than a standard fee-for-service model, including capitation or a bundled payment arrangement, applies.

Sec. 1662.105. OUT-OF-NETWORK ALLOWED AMOUNTS. (a) An out-of-network allowed amount provided under Section 1662.103(a)(2)(C) must be:

(1) reflected as a dollar amount with respect to each covered health care service or supply that is provided by an out-of-network provider; and

(2) associated with the national provider identifier, tax identification number, and place of service code for each out-of-network provider.

(b) This subchapter does not prohibit a health benefit plan issuer or administrator from satisfying the disclosure requirements described by Section 1662.103(a)(2)(C) by disclosing out-of-network allowed amounts made available by, or otherwise obtained from, an issuer, a health care provider, or other party with which the issuer or administrator has entered into a written agreement to provide the information if the minimum claim threshold described by Section 1662.103(b) is independently met for each health care service or supply and for each plan included in an aggregated allowed amount file.

(c) If a health benefit plan issuer or administrator enters into an agreement under Subsection (b), the health benefit plan issuers, health care providers, or other persons with which the issuer or administrator has contracted may aggregate out-of-network allowed amounts for more than one plan.

(d) This subchapter does not prohibit a third party from hosting an allowed amount file on its Internet website or a health benefit plan issuer or administrator from contracting with a third party to post the file. If the issuer or administrator does not host the file separately on its Internet website, the issuer or administrator shall provide a link on its Internet website to the location where the file is made publicly available.

Sec. 1662.106. HISTORICAL NET PRICE. (a) For purposes of determining the historical net price for a prescription drug, the allocation of price concessions is determined by the dollar value for non-product specific and product-specific rebates, discounts, chargebacks, fees, and other price concessions to the extent that the total amount of any such price concession is known to the health benefit plan issuer or administrator at the time of publication of the historical net price under Section 1662.103(a)(3)(D).

(b) To the extent that the total amount of any non-product specific and product-specific rebates, discounts, chargebacks, fees, or other price concessions is not known to a health benefit plan issuer or administrator at the time of publication of the historical net price under Section 1662.103(a)(3)(D), the issuer or administrator shall allocate those price concessions by using a good faith, reasonable estimate of the average price concessions based on the price concessions received over a period before the current reporting period and of equal duration to the current reporting period.

Sec. 1662.107. REQUIRED METHOD AND FORMAT FOR DISCLOSURE. The machine-readable files described by Section 1662.103 must be available in a form and manner prescribed by department rule. The files must

be available and accessible to any person free of charge and without conditions, including establishment of a user account, password, or other credentials, or submission of personally identifiable information to access the file.

Sec. 1662.108. FILE UPDATES. A health benefit plan issuer or administrator shall update the machine-readable files described by Section 1662.103 and the information described by this subchapter monthly. The issuer or administrator must clearly indicate in the files the date that the files were most recently updated.

Sec. 1662.109. OTHER CONTRACTUAL AGREEMENTS. (a) A health benefit plan issuer or administrator may satisfy the requirements of this subchapter by entering into a written agreement under which another person, including a third-party administrator or health care claims clearinghouse, provides the disclosure required under this subchapter in compliance with this subchapter.

(b) If a health benefit plan issuer or administrator and another person enter into an agreement under Subsection (a), the issuer or administrator is subject to an enforcement action for failure to provide a required disclosure in accordance with this subchapter.

Sec. 1662.110. COMPLIANCE WITH SUBCHAPTER. (a) A health benefit plan issuer or administrator that, acting in good faith and with reasonable diligence, makes an error or omission in a disclosure required under this subchapter does not fail to comply with this subchapter solely because of the error or omission if the issuer or administrator corrects the error or omission as soon as practicable.

(b) A health benefit plan issuer or administrator, acting in good faith and with reasonable diligence, does not fail to comply with this subchapter solely because the issuer's or administrator's Internet website is temporarily inaccessible if the issuer or administrator makes the information available as soon as practicable.

(c) To the extent compliance with this subchapter requires a health benefit plan issuer or administrator to obtain information from another person, the issuer or administrator does not fail to comply with the subchapter because the issuer or administrator relies in good faith on information from the other person unless the issuer or administrator knows or reasonably should have known that the information is incomplete or inaccurate.

SECTION 4. (a) Not later than January 1, 2022, the Center for Healthcare Data at The University of Texas Health Science Center at Houston shall establish the stakeholder advisory group in accordance with Section 38.403, Insurance Code, as added by this Act.

(b) Not later than June 1, 2022, the Texas Department of Insurance shall adopt rules, and the Center for Healthcare Data at The University of Texas Health Science Center at Houston shall adopt, in consultation with the stakeholder advisory group, standards, requirements, policies, and procedures, necessary to implement Subchapter I, Chapter 38, Insurance Code, as added by this Act.

SECTION 5. As soon as practicable after the effective date of this Act, the Center for Healthcare Data at The University of Texas Health Science Center at Houston shall actively seek financial support from the federal grant program for development of state all payer claims databases established under the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260) and from any other available source of financial support provided by the federal government for purposes of implementing Subchapter I, Chapter 38, Insurance Code, as added by this Act.

SECTION 6. If before implementing any provision of Subchapter I, Chapter 38, Insurance Code, as added by this Act, the commissioner of insurance determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the commissioner shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 7. (a) Subchapter B, Chapter 1662, Insurance Code, as added by this Act, applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2024, or for a plan year that begins on or after that date.

(b) Subchapter C, Chapter 1662, Insurance Code, as added by this Act, applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2022, or for a plan year that begins on or after that date.

SECTION 8. This Act takes effect September 1, 2021.

**HB 3282 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3282, A bill to be entitled An Act relating to the authority of a district engineer for the Texas Department of Transportation to temporarily lower the speed limit at a highway maintenance activity site.

Representative Canales 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 3282**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3282**: Canales, chair; Ashby, Harris, Martinez, and E. Thompson.

**HB 4030 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 4030, A bill to be entitled An Act relating to the licensing and regulation of insurance professionals.

Representative Smithee moved to concur in the senate amendments to **HB 4030**.

The motion to concur in the senate amendments to **HB 4030** prevailed by (Record 1346): 138 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; 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; 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; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Walle; White; Wilson; Wu; Zwiener.

Nays — Cain; Cason; Cook; Holland; Shaheen; Slaton; Swanson; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Price; Vo.

STATEMENTS OF VOTE

When Record No. 1346 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1346 was taken, I was shown voting yes. I intended to vote no.

Toth

When Record No. 1346 was taken, I was shown voting yes. I intended to vote no.

Wilson

Senate Committee Substitute

CSHB 4030, A bill to be entitled An Act relating to the licensing and regulation of insurance professionals.

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

SECTION 1. Section 443.156(a), Insurance Code, is amended to read as follows:

(a) Every person who represented the insurer as an agent and receives notice in the form prescribed in Section 443.155 that the insurer is the subject of a liquidation order, not later than the 30th day after the date of the notice, shall provide to the liquidator, in addition to the information the agent may be required to provide pursuant to Section 443.010, the information in the agent's records related to any policy issued by the insurer through the agent and any policy issued by the insurer through an agent under contract to the agent~~[-, including the name and address of any subagent]~~. For purposes of this subsection, a policy is issued through an agent if the agent has a property interest in the expiration of the policy or if the agent has had in the agent's possession a copy of the declarations of the policy at any time during the life of the policy, except where the ownership of the expiration of the policy has been transferred to another.

SECTION 2. Section 521.151, Insurance Code, is amended to read as follows:

Sec. 521.151. APPLICABILITY OF SUBCHAPTER. This subchapter applies to any legal entity engaged in the business of insurance in this state, including:

- (1) a capital stock insurance company;
- (2) a mutual insurance company;
- (3) a title insurance company;
- (4) a fraternal benefit society;
- (5) a local mutual aid association;
- (6) a statewide mutual assessment company;
- (7) a county mutual insurance company;
- (8) a Lloyd's plan;
- (9) a reciprocal or interinsurance exchange;
- (10) a stipulated premium company;
- (11) a group hospital service corporation;
- (12) a farm mutual insurance company;
- (13) a risk retention group;
- (14) an eligible surplus lines insurer; and
- (15) an agent, broker, or adjuster~~[-, or life and health insurance counselor]~~.

SECTION 3. Section 541.002(2), Insurance Code, is amended to read as follows:

(2) "Person" means an individual, corporation, association, partnership, reciprocal or interinsurance exchange, Lloyd's plan, fraternal benefit society, or other legal entity engaged in the business of insurance, including an agent, broker, or adjuster~~[-, or life and health insurance counselor]~~.

SECTION 4. Section 544.001, Insurance Code, is amended to read as follows:

Sec. 544.001. APPLICABILITY OF SUBCHAPTER. This subchapter applies to:

- (1) any legal entity engaged in the business of insurance in this state, including:
 - (A) a capital stock insurance company;

- (B) a mutual insurance company;
- (C) a title insurance company;
- (D) a fraternal benefit society;
- (E) a local mutual aid association;
- (F) a statewide mutual assessment company;
- (G) a county mutual insurance company;
- (H) a Lloyd's plan;
- (I) a reciprocal or interinsurance exchange;
- (J) a stipulated premium company;
- (K) a group hospital service corporation;
- (L) a farm mutual insurance company;
- (M) a risk retention group;
- (N) an eligible surplus lines insurer; and
- (O) an agent, broker, or adjuster~~[, or life and health insurance counselor]~~; and

- (2) a health maintenance organization.

SECTION 5. Section 544.051, Insurance Code, is amended to read as follows:

Sec. 544.051. APPLICABILITY OF SUBCHAPTER. This subchapter applies to any individual, corporation, association, partnership, or other legal entity engaged in the business of insurance, including:

- (1) a fraternal benefit society;
- (2) a county mutual insurance company;
- (3) a Lloyd's plan;
- (4) a reciprocal or interinsurance exchange;
- (5) a farm mutual insurance company; and
- (6) an agent, broker, or adjuster~~[, or life and health insurance counselor]~~.

SECTION 6. Section 1131.056(a), Insurance Code, is amended to read as follows:

(a) In this section, "agent" includes a general agent~~[, subagent,]~~ or a salesperson.

SECTION 7. Section 4001.002(b), Insurance Code, is amended to read as follows:

(b) This title does not apply to:

- (1) a resident of this state who arbitrates in the adjustment of losses between an insurer and an insured, a marine adjuster who adjusts particular or general average losses of vessels or cargoes if the adjuster paid an occupation tax of \$200 for the year in which the adjustment is made, or a practicing attorney at law in this state, acting in the regular transaction of the person's business as an attorney at law, who is not a local agent and is not acting as an adjuster for an insurer;

~~(2) [a full-time home office salaried employee of an insurer authorized to engage in the business of insurance in this state, other than an employee who solicits or receives an application for the sale of insurance through an oral, written, or electronic communication in accordance with Subchapter G, Chapter 4051;~~

~~(3)~~ an attorney in fact or the traveling salaried representative of a reciprocal or interinsurance exchange admitted to engage in the business of insurance in this state as to business transacted through the attorney in fact or salaried representative;

~~(3)~~ the attorney in fact for a Lloyd's plan;

~~(4)~~ the group motor vehicle insurance business or the group motor vehicle department of a company engaged in that business; or

~~(5)~~ a salaried employee who is not involved in soliciting or negotiating insurance in the office of an agent and who devotes the employee's full time to clerical and administrative services, including the incidental taking of information from customers and receipt of premiums in the office of an agent, if:

(A) the employee does not receive any commissions; and

(B) the employee's compensation is not varied by the volume of premiums taken and received.

SECTION 8. Section 4001.003(1), Insurance Code, is amended to read as follows:

(1) "Agent" means a person who is an authorized agent of an insurer or health maintenance organization [~~— a subagent.~~] and any other person who performs the acts of an agent, whether through an oral, written, electronic, or other form of communication, by soliciting, negotiating, procuring, or collecting a premium on an insurance or annuity contract, or who represents or purports to represent a health maintenance organization, including a health maintenance organization offering only a single health care service plan, in soliciting, negotiating, procuring, or effectuating membership in the health maintenance organization. The term does not include:

(A) a regular salaried officer or employee of an insurer, health maintenance organization, or agent who:

(i) devotes substantially all of the officer's or employee's time to activities other than the solicitation of applications for insurance, annuity contracts, or memberships;

(ii) does not receive a commission or other compensation directly dependent on the business obtained; and

(iii) does not solicit or accept from the public applications for insurance, annuity contracts, or memberships;

(B) an employer or an employer's officer or employee or a trustee of an employee benefit plan, to the extent that the employer, officer, employee, or trustee is engaged in the administration or operation of an employee benefits program involving the use of insurance or annuities issued by an insurer or memberships issued by a health maintenance organization, if the employer,

officer, employee, or trustee is not directly or indirectly compensated by the insurer or health maintenance organization issuing the insurance or annuity contracts or memberships;

(C) except as otherwise provided by this code, a depository institution, or an officer or employee of a depository institution, to the extent that the depository institution or officer or employee collects and remits premiums or charges by charging those premiums or charges against accounts of depositors on the orders of those depositors; or

(D) a person or the employee of a person who has contracted to provide administrative, management, or health care services to a health maintenance organization and who is compensated for those services by the payment of an amount computed as a percentage of the revenues, net income, or profit of the health maintenance organization, if that method of compensation is the sole basis for subjecting that person or the employee of the person to this title.

SECTION 9. Section 4001.051(b), Insurance Code, is amended to read as follows:

(b) Regardless of whether the act is done at the request of or by the employment of an insurer, broker, or other person, a person is the agent of the insurer for which the act is done or risk is taken for purposes of the liabilities, duties, requirements, and penalties provided by this title or [;] Chapter 21 ~~or a provision listed in Section 4001.009~~] if the person:

- (1) solicits insurance on behalf of the insurer;
- (2) receives or transmits other than on the person's own behalf an application for insurance or an insurance policy to or from the insurer;
- (3) advertises or otherwise gives notice that the person will receive or transmit an application for insurance or an insurance policy;
- (4) receives or transmits an insurance policy of the insurer;
- (5) examines or inspects a risk;
- (6) receives, collects, or transmits an insurance premium;
- (7) makes or forwards a diagram of a building;
- (8) takes any other action in the making or consummation of an insurance contract for or with the insurer other than on the person's own behalf; or
- (9) examines into, adjusts, or aids in adjusting a loss for or on behalf of the insurer.

SECTION 10. Section 4001.106(b), Insurance Code, is amended to read as follows:

(b) The department shall issue a license to a corporation or partnership if the department determines that:

- (1) the corporation or partnership is:
 - (A) organized under the laws of this state or another state; and
 - (B) authorized by its articles of incorporation or its partnership agreement to act as an agent;

(2) at least one officer of the corporation or one active partner of the partnership and all other persons performing any acts of an agent on behalf of the corporation or partnership in this state are individually licensed by the department separately from the corporation or partnership;

(3) the corporation or partnership will have the ability to pay any amount up to \$25,000 that it might become legally obligated to pay under a claim made against it by a customer and caused by a negligent act, error, or omission of the corporation or partnership or a person for whose acts the corporation or partnership is legally liable in the conduct of its business under this code;

(4) if engaged in the business of insurance, the corporation or partnership intends to be actively engaged in that business as required under Section 4001.104(a);

~~(5) [each location from which the corporation or partnership will engage in business in this state under authority of a license issued by the department is registered separately with the department];~~

~~[(6)]~~ the corporation or partnership has submitted the application, appropriate fees, and any other information required by the department; and

~~(6) [(7)]~~ an officer, director, member, manager, partner, or other person who has the right or ability to control the corporation or partnership has not:

(A) had a license suspended or revoked or been the subject of any other disciplinary action by a financial or insurance regulator of this state, another state, or the United States; or

(B) committed an act for which a license may be denied under Subchapter C, Chapter 4005.

SECTION 11. Section 4001.153, Insurance Code, is amended to read as follows:

Sec. 4001.153. APPLICATION FOR AND ISSUANCE OF TEMPORARY LICENSE. (a) Except as provided by Subsection (b), the [The] department shall issue a temporary license immediately on receipt of a properly completed application executed by the applicant in the form required by Section 4001.102 and accompanied by:

(1) the nonrefundable filing fee set by the department; and

(2) a certificate signed by an officer or properly authorized representative of an agent, insurer, or health maintenance organization stating that:

(A) the applicant is being considered for appointment by the agent, insurer, or health maintenance organization as its full-time agent;

(B) the agent, insurer, or health maintenance organization desires that the applicant be issued a temporary license; and

(C) the applicant will complete training as prescribed by Section 4001.160 under the agent's, insurer's, or health maintenance organization's supervision.

(b) The department may deny a license application under this subchapter if the department determines that any of the grounds exist for license denial or disciplinary action under Section 4005.101 of this code or Chapter 53, Occupations Code.

SECTION 12. Section 4001.155, Insurance Code, is amended to read as follows:

Sec. 4001.155. TERM OF TEMPORARY LICENSE. A temporary license is valid for 180 ~~[90]~~ days after the date of issuance.

SECTION 13. Section 4001.352, Insurance Code, is amended to read as follows:

Sec. 4001.352. AUTHORITY TO ISSUE PROVISIONAL PERMIT.

(a) The department may, in conjunction with a license application under Section 4001.102, issue a provisional permit to an applicant who is being considered for appointment as an agent by another agent, an insurer, or a health maintenance organization.

(b) The department may suspend the issuance of a provisional permit under this subchapter if:

(1) the department's processing time for license applications has not exceeded 21 days in any month in the preceding 90 days before the suspension; and

(2) the department provides notice both on its Internet website and to applicants for provisional licenses that the provisional license applications are temporarily suspended because sufficient processing time for permanent licenses is available to allow for those licenses to be processed in not more than 21 days for a completed application.

SECTION 14. Section 4002.003(a), Insurance Code, is amended to read as follows:

(a) The department may not require a person to take an examination under this chapter if the person is:

(1) an applicant for the renewal of an unexpired license issued by the department;

(2) an applicant whose license issued by the department expired less than one year before the date of the application, if the previous license was not denied, revoked, or suspended by the commissioner;

(3) a partnership, corporation, or depository institution;

(4) an applicant for a life, accident, and health license who is designated as a chartered life underwriter (CLU);

(5) ~~an applicant for a life and health insurance counselor license who is designated as a chartered life underwriter (CLU), chartered financial consultant (ChFC), or certified financial planner (CFP);~~

~~(6)~~ an applicant for a property and casualty license who is designated as a chartered property casualty underwriter (CPCU);

(6) ~~(7)~~ an applicant for a specialty license issued under Chapter 4055;

~~(7)~~ ~~(8)~~ a nonresident individual who is exempt from the examination requirement under Chapter 4056; or

(8) ~~(9)~~ an applicant for a general life, accident, and health license or a life agent license who was authorized to solicit or procure insurance on behalf of a fraternal benefit society on September 1, 1999, if the applicant:

(A) solicited or procured insurance on behalf of the fraternal benefit society for at least 24 months preceding September 1, 1999; and

(B) does not, on or after September 1, 1999, solicit or procure:

(i) insurance for any other insurer or a different fraternal benefit society;

(ii) an insurance contract from anyone other than a person who is eligible for membership in the fraternal benefit society; or

(iii) an interest-sensitive life insurance contract that exceeds \$35,000 of coverage on an individual life, unless the applicant is designated as a "Fraternal Insurance Counselor" at the time the contract is solicited or procured.

SECTION 15. Section 4004.053(a), Insurance Code, is amended to read as follows:

(a) An individual who holds a general life, accident, and health license, a life agent license, ~~a life and health insurance counselor license,~~ an adjuster license, a managing general agent license, a general property and casualty license, or a personal lines property and casualty license must complete 24 hours of continuing education during the license period. If the individual holds more than one license for which continuing education is otherwise required, the individual is not required to complete more than 24 continuing education hours for all licenses during the license period. An individual who is required under rules adopted under Chapter 4008 to hold a certificate to sell a designated product or product line may use continuing education programs administered under Section 4004.151 to satisfy the continuing education requirements under this subsection.

SECTION 16. Section 4004.054, Insurance Code, is amended to read as follows:

Sec. 4004.054. ETHICS REQUIREMENT. Each individual who holds a license issued by the department shall complete three ~~two~~ hours of continuing education in ethics during each license renewal period.

SECTION 17. Section 4051.051(a), Insurance Code, is amended to read as follows:

(a) A person is required to hold a general property and casualty license if the person acts as:

(1) an agent who writes property and casualty insurance for an insurer authorized to engage in the business of property and casualty insurance in this state; or

~~(2) a subagent of a person who holds a license as an agent under this chapter who solicits and binds insurance risks for that agent; or~~

~~(3)~~ (2) an agent who writes any other kind of insurance as required by the commissioner for the protection of the insurance consumers of this state.

SECTION 18. Section 4051.401, Insurance Code, is amended to read as follows:

Sec. 4051.401. PERSONAL LINES PROPERTY AND CASUALTY LICENSE; LICENSE REQUIRED. A person is required to hold a personal lines property and casualty license if the person acts as~~[-~~

~~(1)~~ (1) an agent who writes property and casualty insurance sold to individuals and families primarily for personal or household use for an insurer authorized to engage in the business of property and casualty insurance in this state~~[-or~~

~~[(2) a subagent of a person who holds a license as an agent under this subchapter who solicits and binds insurance risks for that agent].~~

SECTION 19. Section 4056.052, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) A license issued under this section shall be automatically suspended, canceled, or revoked if the licensee's home state suspends, cancels, or revokes the licensee's corresponding resident license.

SECTION 20. Section 4056.059(b), Insurance Code, is amended to read as follows:

(b) A nonresident agent may apply to the department for a comparable license for residents of this state. An application must include:

(1) a notification of the agent's change of address and contact information; and

~~(2) [a clearance letter from the state authority of the state that issued the agent's prior resident license demonstrating the agent's good standing with that authority; and~~

~~[(3)]~~ fingerprint forms in the format prescribed by the department, which may be electronic.

SECTION 21. Section 4102.054(a), Insurance Code, is amended to read as follows:

(a) The commissioner may issue a nonresident license to an applicant for a public insurance adjuster license who is not a permanent resident of this state on determining that the application meets the requirements of this chapter, the nonresident license application fee has been paid, and the applicant is an individual who:

(1) is at least 18 years of age;

(2) except as provided by Section 4102.058, has passed, to the satisfaction of the commissioner, an examination approved by the commissioner and of sufficient scope as prescribed by Section 4102.057;

(3) is self-employed as a public insurance adjuster or associated with or employed by a public insurance adjusting firm or other public insurance adjuster;

(4) is trustworthy and of a moral character that reasonably ensures that the applicant will conduct the business of a public insurance adjuster fairly and in good faith without detriment to the public;

(5) has never been convicted of a felony or, if convicted of a felony, has received a full pardon from that conviction and is otherwise relieved from any disabilities connected with that conviction;

(6) has sufficient experience or training relating to the assessment of:

(A) real and personal property values; and

(B) physical loss of or damage to real or personal property that may be the subject of insurance and claims under insurance;

(7) is sufficiently informed as to the terms and effects of the types of insurance contracts that provide coverage on real and personal property;

(8) possesses knowledge and experience adequate to enable the applicant to engage in the business of a public insurance adjuster fairly and without injury to the public or any member of the public with whom the applicant may have business as a public insurance adjuster;

~~(9) [if currently licensed as a resident public insurance adjuster in the applicant's state of residence, provides with the application a certificate or letter of authorization from the licensing authority of the applicant's state of residence that:~~

~~[(A) states that the applicant holds a current or comparable license to act as a public insurance adjuster; and~~

~~[(B) meets the requirements of Subsection (b);~~

~~[(10) if the applicant's state of residence does not require licensure as a resident public insurance adjuster and the applicant has been licensed as an adjuster, agent, broker, or other insurance representative in the applicant's state of residence or any other state within the past three years, provides with the application a certificate or letter of authorization from the licensing authority that:~~

~~[(A) states that the applicant holds or has held a license to act as an adjuster, agent, broker, or other insurance representative; and~~

~~[(B) meets the requirements of Subsection (c);~~

~~[(11)] files proof of financial responsibility in accordance with Section 4102.105; and~~

(10) ~~[(12)]~~ complies with any other requirements under applicable state law, including provision of a complete set of fingerprints on request, as provided by Section 4001.103.

SECTION 22. The following provisions of the Insurance Code are repealed:

- (1) Section 4001.003(9);
- (2) Sections 4001.009 and 4001.109;
- (3) Section 4001.156(a);
- (4) Section 4001.205;
- (5) Subchapters D and G, Chapter 4051;
- (6) Chapter 4052;
- (7) Section 4056.004;
- (8) Sections 4102.054(b) and (c); and
- (9) Section 4102.114(d).

SECTION 23. (a) In this section, "department" means the Texas Department of Insurance.

(b) On the effective date of this Act, the department shall convert all active insurance services representative licenses issued before June 1, 2021, to general property and casualty insurance agent licenses. Licensees must comply with all requirements of the converted license to keep the license active and in good standing. Any insurance services representative licenses issued on or after June 1, 2021, through the effective date of this Act may not be renewed on expiration of the license and may not convert to another license type.

(c) On the effective date of this Act, the department shall convert all active life and health insurance counselor licenses issued before June 1, 2021, to general life and health agent licenses. Converted licensees must comply with all requirements of the converted license to keep the license active and in good standing. Any life and health insurance counselor licenses issued on or after June 1, 2021, through the effective date of this Act may not be renewed on expiration of the license and may not convert to another license type.

(d) On the effective date of this Act, any existing home office salaried employee registration is void and ceases to exist. Any former home office salaried employee registrant engaging in the business of insurance after the effective date of this Act must follow the requirements of the Insurance Code and any other applicable laws of this state.

SECTION 24. This Act takes effect September 1, 2021.

HB 3442 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3442, A bill to be entitled An Act relating to complaints filed with the State Board of Veterinary Medical Examiners.

Representative Anderson moved to concur in the senate amendments to **HB 3442**.

The motion to concur in the senate amendments to **HB 3442** prevailed by (Record 1347): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; 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 — Coleman; Price; Vo.

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

Amend **HB 3442** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill, amending Section 801.207, Occupations Code (page 1, lines 22 through 24), strike "Subsections (b-1), (b-2), and (b-3)" and substitute "Subsection (b-1)".

(2) In SECTION 1 of the bill, in amended Section 801.207(b), Occupations Code (page 1, line 25), strike "Subsections (b-1) and (b-2)" and substitute "Subsection (b-1)".

(3) In SECTION 1 of the bill, strike proposed Sections 801.207(b-1), (b-2), and (b-3), Occupations Code (page 1, lines 35 through 51), and substitute the following:

(b-1) Not later than the 14th day before the date of an informal proceeding under Section 801.408, the board shall provide to the license holder who is the subject of the complaint a copy of the record of any review conducted under Section 801.2055 of a complaint requiring medical expertise. The board shall redact the name of each veterinarian who conducted the review.

**HB 1603 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1603, A bill to be entitled An Act relating to the use of individual graduation committees and other alternative methods to satisfy certain public high school graduation requirements.

Representative Huberty moved to concur in the senate amendments to **HB 1603**.

The motion to concur in the senate amendments to **HB 1603** prevailed by (Record 1348): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; 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; 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 — Coleman; Price; Vo.

Absent — Hernandez.

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

Amend **HB 1603** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.057(a), Education Code, is amended to read as follows:

(a) The commissioner may authorize special accreditation investigations to be conducted:

(1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;

(2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;

(3) in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;

(4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;

(5) when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;

(6) in response to an allegation involving a conflict between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;

(7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);

(8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section;

(9) when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under Section 39.0241(a) on assessment instruments administered under Section 39.023(a), (c), or (l);

(10) when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;

(11) when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation;

(12) when a disproportionate number of students of a particular demographic group is graduating with a particular endorsement under Section 28.025(c-1);

(13) when an excessive number of students is graduating with a particular endorsement under Section 28.025(c-1);

(14) in response to a complaint submitted to the agency with respect to alleged inaccurate data that is reported through the Public Education Information Management System (PEIMS) or through other reports required by state or federal law or rule or court order and that is used by the agency to make a determination relating to public school accountability, including accreditation, under this chapter;

(15) when 10 percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an individual graduation committee under Section 28.0258;

(16) [~~15~~] when a school district for any reason fails to produce, at the request of the agency, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification; or

(17) [~~16~~] as the commissioner otherwise determines necessary.

HB 1382 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1382, A bill to be entitled An Act relating to the availability of certain information regarding early voting.

Representative Bucy moved to concur in the senate amendments to **HB 1382**.

The motion to concur in the senate amendments to **HB 1382** prevailed by (Record 1349): 145 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; 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.

Nays — Sanford.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Price; Vo.

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

Amend **HB 1382** (senate committee report) in SECTION 1 of the bill by striking added Subsection 86.015(c), Election Code (page 1, lines 41 through 53), and substituting the following:

(c) An online tool used under this section must:

(1) for each election, record:

(A) each application for a ballot to be voted by mail received by the clerk; and

(B) each carrier envelope sent to a voter by the clerk;

(2) for each carrier envelope, record or assign a serially numbered and sequentially issued barcode or tracking number that is unique to each envelope; and

(3) update the applicable Internet website as soon as practicable after each of the following events occurs:

(A) receipt by the early voting clerk of the person's application for a ballot to be voted by mail;

(B) acceptance or rejection by the early voting clerk of the person's application for a ballot to be voted by mail;

(C) placement in the mail by the early voting clerk of the person's official ballot;

(D) receipt by the early voting clerk of the person's marked ballot; and

(E) acceptance or rejection by the early voting ballot board of a person's marked ballot.

HB 2080 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2080, A bill to be entitled An Act relating to taxpayers' suits.

Representative Leman moved to concur in the senate amendments to **HB 2080**.

The motion to concur in the senate amendments to **HB 2080** prevailed by (Record 1350): 141 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; 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; 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; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Hefner; Murr; Swanson; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Price; Vo.

STATEMENTS OF VOTE

When Record No. 1350 was taken, I was shown voting no. I intended to vote yes.

C. Bell

When Record No. 1350 was taken, I was shown voting no. I intended to vote yes.

Hefner

Senate Committee Substitute

CSHB 2080, A bill to be entitled An Act relating to taxpayers' suits.

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

SECTION 1. Section 403.202(a), Government Code, is amended to read as follows:

(a) If a person who is required to pay to any department of the state government an occupation, excise, gross receipts, franchise, license, or privilege tax or fee, [~~other than a tax or fee to which Subchapter B, Chapter 112, Tax Code, applies~~] or another [a] tax or [~~other~~] amount imposed under Subtitle A, Title 4, Labor Code, contends that the tax or fee is unlawful or that the department may

not legally demand or collect the tax or fee, the person shall pay the amount claimed by the state, and if the person intends to bring suit under this subchapter, the person must submit with the payment a protest.

SECTION 2. Subchapter J, Chapter 403, Government Code, is amended by adding Section 403.222 to read as follows:

Sec. 403.222. APPLICABILITY. This subchapter does not apply to a suit under Chapter 112, Tax Code.

SECTION 3. Subchapter A, Chapter 112, Tax Code, is amended by adding Section 112.003 to read as follows:

Sec. 112.003. ATTORNEY'S FEES. Except for a sanction under Chapter 10, Civil Practice and Remedies Code, or the Texas Rules of Civil Procedure, attorney's fees may not be awarded in a suit seeking legal or equitable relief against the state, a state agency, or an officer of the state relating to the applicability, assessment, collection, constitutionality, or amount of a tax, fee, or penalty imposed by this title or Title 3 or collected by the comptroller under any other law.

SECTION 4. Section 112.051, Tax Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) If a person who is required to pay a tax ~~[or fee]~~ imposed by this title or collected by the comptroller under any law, including a local tax collected by the comptroller, contends that the tax ~~[or fee]~~ is unlawful or that the public official charged with the duty of collecting the tax ~~[or fee]~~ may not legally demand or collect the tax ~~[or fee]~~, the person shall pay the amount claimed by the state, and if the person intends to bring suit under this subchapter, the person must submit with the payment a protest.

(d) This section and Section 112.052 are not severable from the other provisions of this subchapter. If this section or Section 112.052 is held invalid for any reason, the entire subchapter is invalid.

SECTION 5. Section 112.052, Tax Code, is amended to read as follows:

Sec. 112.052. TAXPAYER SUIT AFTER PAYMENT UNDER PROTEST.

(a) A person may bring suit against the state to recover a ~~[an occupation, excise, gross receipts, franchise, license, or privilege]~~ tax ~~[or fee]~~ required to be paid to the state if the person has first paid the tax under protest as required by Section 112.051 ~~[of this code]~~.

(b) A suit under this section must be brought before the 91st day after the date the protest payment was made, or the suit is barred~~[-except that for the tax imposed by Chapter 171 for a regular annual period, if an extension is granted to the taxpayer under Section 171.202(e) for filing the report and the taxpayer files the report on or before the last date of the extension period, the protest required by Section 112.051 may be filed with the report to cover the entire amount of tax paid for the period, and suit for the recovery of the entire amount of tax paid for the period may be filed before the 91st day after the date the report is filed. If the report is not filed on or before the last date of the extension period, a protest filed with the report applies only to the amount of tax, if any, paid when the report is filed].~~

(c) The state may bring a counterclaim in a suit brought under this section if the counterclaim relates to taxes ~~[or fees]~~ imposed under the same statute and during the same period as the taxes ~~[or fees]~~ that are the subject of the suit and if the counterclaim is filed not later than the 30th day before the date set for trial on the merits of the suit. The state is not required to make an assessment of the taxes ~~[or fees]~~ subject to the counterclaim under any other statute, and the period of limitation applicable to an assessment of the taxes ~~[or fees]~~ does not apply to a counterclaim brought under this subsection.

(d) A taxpayer shall produce contemporaneous records and supporting documentation appropriate to the tax ~~[or fee]~~ for the transactions in question to substantiate and enable verification of a taxpayer's claim relating to the amount of the tax, penalty, or interest that has been assessed or collected or will be refunded, as required by Section 111.0041.

SECTION 6. Section 112.053, Tax Code, is amended by amending Subsections (a) and (c) and adding Subsections (d) and (e) to read as follows:

(a) A suit authorized by this subchapter must be brought against the public official charged with the duty of collecting the tax ~~[or fee]~~, the comptroller, and the attorney general.

(c) A copy of the written protest as originally filed must be attached to the original petition filed by the person paying the tax ~~[or fee]~~ with the court and to the copies of the original petition served on the comptroller, the attorney general, and the public official charged with the duty of collecting the tax ~~[or fee]~~.

(d) The attorney general shall represent the comptroller in a suit under this subchapter.

(e) A person may not intervene in a suit under this subchapter.

SECTION 7. Section 112.058, Tax Code, is amended by amending Subsection (a) and adding Subsections (b) and (c) to read as follows:

(a) ~~Payments made under protest are to be handled as follows:~~

~~[(1) An officer who receives payments made under protest as required by Section 112.051 shall each day send to the comptroller the payments, a list of the persons making the payments, and a written statement that the payments were made under protest.~~

~~[(2)] The comptroller shall, immediately on receipt of a payment made under protest under Section 112.051, deposit each portion of the payment to the credit of the account or fund ~~[payments to each fund]~~ to which the tax ~~[or fee]~~ paid under protest is allocated by law.~~

~~(b) [(3)] The comptroller shall maintain detailed records of payments made under protest under Section 112.051.~~

(c) An amount paid ~~[(4) A payment]~~ under protest under Section 112.051 bears pro rata interest. The pro rata interest is the amount of interest earned by the amount paid under protest ~~[protected funds].~~

SECTION 8. Section 112.059, Tax Code, is amended to read as follows:

Sec. 112.059. DISPOSITION OF PROTEST PAYMENTS BELONGING TO THE STATE. If a suit authorized by this subchapter is not brought in the manner or within the time required or if the suit is properly filed and results in a final determination that an amount paid under protest ~~[a tax payment or a portion~~

~~of a tax payment made under protest~~, including the pro rata amount of interest earned on the amount ~~[payment]~~, belongs to the state, the comptroller shall ensure that the proper amount is ~~[has been]~~ deposited to the credit of the appropriate state account or fund.

SECTION 9. Sections 112.060(c) and (d), Tax Code, are amended to read as follows:

(c) Each ~~[tax]~~ refund warrant shall be drawn against the accounts or funds [each fund] to which the amounts [taxes] paid under protest are allocated by law. If there are not sufficient funds in an account or fund ~~[each fund to which the taxes paid under protest are allocated by law]~~ to pay a refund required to be paid under Subsection (a) ~~[of this section]~~, ~~[then]~~ the comptroller shall draw the warrant against the General Revenue Fund or other account or fund [funds] from which refunds [refund appropriations] may be made, as the comptroller determines appropriate.

(d) The comptroller shall issue each ~~[tax]~~ refund warrant and shall deliver it to the person entitled to receive it.

SECTION 10. Chapter 112, Tax Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. SUIT AFTER REDETERMINATION

Sec. 112.201. SUIT AFTER REDETERMINATION. (a) A person may sue the comptroller to dispute an amount of tax, penalty, or interest assessed in a deficiency redetermination or jeopardy redetermination under Chapter 111 if the person has:

- (1) filed a request for redetermination under Chapter 111;
- (2) obtained a redetermination under Chapter 111 that includes a finding by the comptroller of the disputed and undisputed amounts; and
- (3) filed a motion for rehearing of the redetermination that complies with Chapter 2001, Government Code, and that states the specific grounds of error and the disputed amounts associated with the grounds of error.

(b) A person bringing a suit under this subchapter shall pay, as provided by Chapter 111, the redetermination amounts that are not disputed in the motion for rehearing. The failure to pay an undisputed amount does not affect the jurisdiction of a court to consider a suit that complies with Subsection (a).

(c) A person bringing a suit under this subchapter may pay the disputed amounts as provided by Chapter 111. A disputed amount that is not paid as provided by Chapter 111 and that is determined to be due in a final judgment accrues penalties and interest as provided by Chapter 111. After the comptroller has been timely served in a suit that complies with this subchapter, the comptroller and the attorney general are enjoined from collecting disputed amounts from the person bringing the suit during the pendency of the suit but are not enjoined from asserting tax liens. Damages may be awarded under Chapter 65, Civil Practice and Remedies Code, if the court determines that all or part of the enjoined collection amounts were disputed solely for delay.

(d) A suit under this subchapter must be brought against both the comptroller and the attorney general.

(e) A suit under this subchapter must be filed before the expiration of 90 days after the issue date of the denial of the motion for rehearing or it is barred.

(f) The disputed and undisputed amounts of the redetermination must be set out in the original petition. A copy of the motion for rehearing must be attached to the original petition filed with the court and to the copies of the original petition served on the comptroller and the attorney general.

(g) A person may not intervene in a suit under this subchapter.

Sec. 112.202. RECORDS. A person shall produce, in connection with a suit under this subchapter, contemporaneous records and supporting documentation appropriate to the tax for the transactions in question to substantiate and enable verification of the person's claim relating to the amount of the tax, penalty, or interest that has been assessed or collected, as required by Section 111.0041.

Sec. 112.203. COUNTERCLAIM. (a) The state may bring a counterclaim in a suit under this subchapter if:

(1) the counterclaim relates to taxes imposed under the same statute and during the same period as the taxes that are the subject of the suit; and

(2) the counterclaim is filed not later than the 30th day before the date set for trial on the merits of the suit.

(b) The state is not required to make an assessment of the taxes subject to the counterclaim under any other statute, and the period of limitation applicable to an assessment of the taxes does not apply to a counterclaim brought under this section.

Sec. 112.204. ISSUES IN SUIT. (a) The grounds of error contained in the motion for rehearing are the only issues that may be raised in a suit under this subchapter.

(b) A suit under this subchapter applies only to a tax liability period considered in the comptroller's redetermination.

Sec. 112.205. ATTORNEY GENERAL TO REPRESENT COMPTROLLER. The attorney general shall represent the comptroller in a suit under this subchapter.

Sec. 112.206. TRIAL DE NOVO. In a suit under this subchapter, the issues shall be tried de novo as are other civil cases.

Sec. 112.207. JUDGMENT. (a) The amount of a judgment refunding disputed taxes, penalties, or interest paid to the comptroller shall be credited against any tax, penalty, or interest imposed by this title and due from the plaintiff.

(b) The remainder of the amount of a judgment not credited against a tax, penalty, or interest shall be refunded to the plaintiff.

(c) The plaintiff is entitled to interest on the amount of tax refunded in a judgment for the plaintiff equal to the amount of interest that would be due if the tax had been deposited in the suspense account of the comptroller. The interest accrues beginning from the date that the tax was paid until:

(1) the date that the amount is credited against the plaintiff's tax liability; or

(2) a date determined by the comptroller that is not sooner than 10 days before the actual date on which a refund warrant is issued.

Sec. 112.208. RES JUDICATA. The rule of res judicata applies in a suit under this subchapter only if the issues and the tax liability periods in controversy are the same as were decided in a previous final judgment entered in a Texas court of record in a suit between the same parties.

SECTION 11. The following provisions are repealed:

- (1) Section 403.212(e), Government Code;
- (2) Sections 112.058(d) and (e), Tax Code; and
- (3) Subchapter C, Chapter 112, Tax Code.

SECTION 12. The changes in law made by this Act apply only to a suit to dispute an amount of tax, penalty, or interest that becomes due and payable on or after the effective date of this Act. A suit to dispute an amount of tax, penalty, or interest that became due and payable before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 13. This Act takes effect September 1, 2021.

REMARKS ORDERED PRINTED

Representative Hefner moved to print remarks by Representative Schaefer on **HB 1927**.

The motion prevailed.

Representative Minjarez moved to print remarks by Representative Goodwin on **HB 1927**.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

At 12:18 a.m. Monday, May 24, Representative Harris 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. today.

The motion prevailed.

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 - May 24.)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:27 a.m. Monday, May 24, adjourned until 10 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 1034 (By Hinojosa), Honoring the participants in the 2021 Texas Folklife Apprenticeships in the Folk and Traditional Arts Program.

To Resolutions Calendars.

HR 1357 (By Cook), Congratulating Chris Fletcher on his election as mayor of Burleson.

To Resolutions Calendars.

HR 1358 (By Swanson), In memory of Ruth Lorena Mason of Houston.

To Resolutions Calendars.

HR 1359 (By Price), Congratulating Larry Payne on his retirement as chief of the Dumas Independent School District Police Department.

To Resolutions Calendars.

HR 1360 (By Krause), In memory of Roy Hayden Kinslow.

To Resolutions Calendars.

HR 1361 (By Ortega), Congratulating Sabrina Bustillos on receiving a 2021 Top Ten Seniors Award from the UTEP Alumni Association.

To Resolutions Calendars.

HR 1362 (By Ortega), Congratulating Sandra Navarrete on receiving a 2020 Top Ten Seniors Award from the UTEP Alumni Association.

To Resolutions Calendars.

HR 1363 (By Ortega), Congratulating Jozelyn A. Rascon on receiving a 2020 Top Ten Seniors Award from the UTEP Alumni Association.

To Resolutions Calendars.

HR 1364 (By Ortega), Congratulating Aiyana Ponce on receiving a 2020 Top Ten Seniors Award from the UTEP Alumni Association.

To Resolutions Calendars.

HR 1365 (By Ortega), Congratulating Marlon Picado on receiving a 2020 Top Ten Seniors Award from the UTEP Alumni Association.

To Resolutions Calendars.

HR 1366 (By Ortega), Congratulating Mariscal Quintana on receiving a 2020 Top Ten Seniors Award from the UTEP Alumni Association.

To Resolutions Calendars.

HR 1367 (By Ortega), Congratulating Nohemi Lopez Valdez on receiving a 2020 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1368 (By Ortega), Congratulating Yeshey Lham on receiving a 2020 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1369 (By Ortega), Congratulating Isaac Noel Gándara on receiving a 2020 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1370 (By Ortega), Congratulating Bryn Ireland Birdwell on receiving a 2020 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1371 (By Ortega), Congratulating Ruben Aguirre on receiving a 2020 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1372 (By Ortega), Congratulating Flor Alejandra Urbina Araiza on receiving a 2021 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1373 (By Ortega), Congratulating Carla M. Rodriguez on receiving a 2021 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1374 (By Ortega), Congratulating Alejandra Isabel Nevarez on receiving a 2021 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1375 (By Ortega), Congratulating Danielle S. Narimissaei on receiving a 2021 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1376 (By Ortega), Congratulating Diana Laura Moreno on receiving a 2021 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1377 (By Ortega), Congratulating Andrea Daniella Mata on receiving a 2021 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1378 (By Ortega), Congratulating Jessica Marie Martinez on receiving a 2021 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1379 (By Ortega), Congratulating Luis Gustavo Hinojos on receiving a 2021 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1380 (By Ortega), Congratulating Sara Zareei Chaleshtori on receiving a 2021 Top Ten Seniors Award from the UTEP Alumni Association.
To Resolutions Calendars.

HR 1381 (By J. Turner), Commending Robley Cash of Jack Lowe Sr. Elementary School in Dallas for his service during the COVID-19 pandemic.

To Resolutions Calendars.

HR 1382 (By J. Turner), Congratulating Nina Canales of Hillcrest High School in Dallas on her receipt of the 2021 Media/Virtual Presence Award by the Texas Association of School Librarians.

To Resolutions Calendars.

HR 1383 (By J. Turner), Congratulating the Merriman Park Elementary School Solar System Bosses team on qualifying for the Destination Imagination Global Finals 2021.

To Resolutions Calendars.

HR 1384 (By J. Turner), Congratulating the Lake Highlands High School football team on a successful 2020 season and commending Coach Lonnie Walker on being named a finalist for the Landry Coach of the Year award.

To Resolutions Calendars.

HR 1385 (By J. Turner), Congratulating Jack Lowe Sr. Elementary School in Dallas on its selection as a 2019 National Blue Ribbon School by the U.S. Department of Education.

To Resolutions Calendars.

HR 1386 (By J. Turner), Congratulating Walnut Hill Elementary School in Dallas on its selection as a 2019 National Blue Ribbon School by the U.S. Department of Education.

To Resolutions Calendars.

HR 1387 (By J. Turner), Congratulating Jose Armendariz of John J. Pershing Elementary School on being named the 2021 Primary Teacher of the Year by the Dallas Independent School District.

To Resolutions Calendars.

HR 1388 (By J. Turner), Commending Heart House for 20 years of service to refugee children in the Vickery Meadow community in Dallas.

To Resolutions Calendars.

HR 1389 (By J. Turner), Commending Literacy Achieves for its outstanding contributions to the Vickery Meadow community in the wake of Winter Storm Uri.

To Resolutions Calendars.

HR 1390 (By J. Turner), Commending United to Learn for its support of the Dallas Independent School District during the COVID-19 pandemic.

To Resolutions Calendars.

HR 1391 (By J. Turner), Congratulating Curtis Jenkins on his promotion to the position of relationship specialist for Richardson ISD.

To Resolutions Calendars.

HR 1392 (By J. Turner), Congratulating The Friends of Northaven Trail on the groundbreaking for the Northaven Trail Bridge in Dallas.

To Resolutions Calendars.

HR 1393 (By Price), Commending the Texas A&M Veterinary Medical Diagnostic Laboratory, the Amarillo Pathology Group, LLP, and APG's Physicians Preferred Laboratory, Ltd., for their work to ensure timely, accurate COVID-19 testing to the Texas Panhandle at the height of the pandemic.

To Resolutions Calendars.

HR 1394 (By Swanson), Commending Gautham Metta for his service as a legislative intern in the office of State Representative Valoree Swanson.

To Resolutions Calendars.

HR 1395 (By Swanson), Commending James Mills for his service as a legislative intern in the office of State Representative Valoree Swanson.

To Resolutions Calendars.

HR 1396 (By C. Turner), Commemorating the 75th anniversary of Lincoln Technical Institute.

To Resolutions Calendars.

HR 1397 (By Allen), Congratulating Dr. Patrice Lanette Allen on her receipt of a master's degree in business administration from Lamar University.

To Resolutions Calendars.

HR 1398 (By Price), In memory of Officer Patrick Eugene Sloan of the Sunray Police Department.

To Resolutions Calendars.

HR 1399 (By Price), Paying tribute to the late Donald Teague for his service and sacrifice during World War II.

To Resolutions Calendars.

HR 1400 (By Muñoz), Congratulating the Pharr-San Juan-Alamo Southwest Early College High School theatre troupe on winning the 5A championship at the 2021 University Interscholastic League One-Act Play state contest.

To Resolutions Calendars.

HR 1401 (By Darby), In memory of Sergeant Stephen Jones of the Concho County Sheriff's Office.

To Resolutions Calendars.

HR 1402 (By Darby), In memory of Deputy Samuel Alexander Leonard of the Concho County Sheriff's Office.

To Resolutions Calendars.

HR 1403 (By Kacal, Craddick, Ashby, T. King, and Morrison), In memory of Charlotte Han Sharp of College Station.

To Resolutions Calendars.

HR 1404 (By Jetton), Congratulating Dr. Thomas Randle on his retirement as superintendent of Lamar CISD.

To Resolutions Calendars.

HR 1405 (By Jetton), Honoring Grayle James for her service as a trustee of Fort Bend ISD.

To Resolutions Calendars.

HR 1406 (By Perez), In memory of Concha Ramos of Alpine.

To Resolutions Calendars.

HR 1407 (By Neave), Congratulating Lesley Frohberg on being selected as a Real Texas Service Champion by the City of Mesquite.

To Resolutions Calendars.

HR 1408 (By Neave), Congratulating Thalia Guaida on being selected as a Real Texas Service Champion by the City of Mesquite.

To Resolutions Calendars.

HR 1409 (By Neave), Congratulating Officer Dennis Arnold of the Mesquite Police Department on being selected as a Real Texas Service Champion by the City of Mesquite.

To Resolutions Calendars.

HR 1410 (By Neave), Congratulating Rocky King on being selected as a Real Texas Service Champion by the City of Mesquite.

To Resolutions Calendars.

HR 1411 (By Neave), Honoring the Valle family of Garland.

To Resolutions Calendars.

HR 1412 (By Martinez Fischer), Honoring Martha Martínez-Flores for her artwork SA is Amor and for her contributions to the San Antonio community.

To Resolutions Calendars.

HR 1413 (By Jetton and Reynolds), Commending the Houston chapter of the Asian Pacific Islander American Public Affairs Association for hosting the Unity Against Hate Rally on May 15, 2021.

To Resolutions Calendars.

HR 1414 (By Metcalf), Commending the House Research Organization staff for its work during the 87th Legislative Session.

To Resolutions Calendars.

HR 1415 (By Jetton), Congratulating Edee Sinclair for receiving a Lifetime Achievement Award for Volunteerism and Defending Conservative Values from the Fort Bend County Republican Party.

To Resolutions Calendars.

HR 1416 (By Metcalf), Commending the House Business Office staff for its work during the 87th Legislative Session.

To Resolutions Calendars.

HR 1417 (By Jetton), Congratulating Yvonne Ramsey for receiving a Lifetime Achievement Award for Volunteerism and Defending Conservative Values from the Fort Bend County Republican Party.

To Resolutions Calendars.

HR 1418 (By Jetton), Congratulating Dave Vrshek for receiving a Lifetime Achievement Award for Volunteerism and Defending Conservative Values from the Fort Bend County Republican Party.

To Resolutions Calendars.

HR 1419 (By Toth), Congratulating St. Luke's Health-The Woodlands Hospital on its designation as a Level III Maternal Facility by the Texas Department of State Health Services.

To Resolutions Calendars.

HR 1421 (By Reynolds), Congratulating Houston mayor Sylvester Turner on being named president of the African American Mayors Association.

To Resolutions Calendars.

HR 1422 (By Hull), In memory of David Anh Vu.

To Resolutions Calendars.

HR 1423 (By Anderson), In memory of Robert Pearson of Waco.

To Resolutions Calendars.

HR 1424 (By Crockett), Congratulating Justin Henry on his reelection to the Dallas Independent School District board of trustees.

To Resolutions Calendars.

HR 1425 (By Crockett), Congratulating Jaime Resendez on his reelection to the Dallas City Council.

To Resolutions Calendars.

HR 1426 (By Crockett), Congratulating Paula Blackmon on her reelection as the District 9 representative on the Dallas City Council.

To Resolutions Calendars.

HR 1427 (By Crockett), Congratulating Omar Narvaez on his reelection to the Dallas City Council.

To Resolutions Calendars.

HR 1428 (By Crockett), Congratulating Casey Thomas II on his reelection to the Dallas City Council.

To Resolutions Calendars.

HR 1429 (By Crockett), Honoring Youth Revive in Dallas for its work in promoting civic education and engagement.

To Resolutions Calendars.

HR 1430 (By Crockett), Commending T.R. Hoover Community Development Corporation for its record of service to House District 100.

To Resolutions Calendars.

HR 1431 (By Crockett), Commending the organization Miles of Freedom for its service to individuals impacted by incarceration.

To Resolutions Calendars.

HR 1432 (By Crockett), Commending Catholic Charities Dallas for its service to House District 100.

To Resolutions Calendars.

HR 1433 (By Crockett), Congratulating Millie Titus of Dallas on her 100th birthday.

To Resolutions Calendars.

HR 1434 (By Crockett), Honoring the Dallas Urban Debate Alliance.

To Resolutions Calendars.

HR 1435 (By Crockett), In memory of Emma Ruth Turner of Dallas.

To Resolutions Calendars.

HR 1436 (By Crockett), Honoring Vikki J. Martin for her service as founder and executive director of the Ferguson Road Initiative.

To Resolutions Calendars.

HR 1437 (By Crockett), Honoring Dallas Fire-Rescue for the assistance it provided to the community during Winter Storm Uri.

To Resolutions Calendars.

HR 1438 (By Campos), Honoring La Prensa Texas for its contributions.

To Resolutions Calendars.

HR 1439 (By Schofield), Congratulating Morgan K. Register on graduating from The University of Texas at Austin.

To Resolutions Calendars.

HR 1440 (By E. Morales), In memory of Francisco A. Martinez of Eagle Pass.

To Resolutions Calendars.

HR 1441 (By Smithee), In memory of Mayor Phillip Hass of Dalhart.

To Resolutions Calendars.

HR 1442 (By Dean), Honoring Ed Moore for his service as a member of the Longview City Council.

To Resolutions Calendars.

HR 1443 (By Dean), Commemorating the fifth anniversary of Oil Horse Brewing Co. in Longview.

To Resolutions Calendars.

HR 1444 (By Smithee), In memory of William Cline Pratt of Canyon.

To Resolutions Calendars.

HR 1445 (By Cook), Honoring Fort Worth ISD on a successful 2020-2021 academic year.

To Resolutions Calendars.

HR 1446 (By Cook), Honoring Mansfield ISD on a successful 2020-2021 academic year.

To Resolutions Calendars.

HR 1447 (By Cook), Honoring Arlington ISD on a successful 2020-2021 academic year.

To Resolutions Calendars.

HR 1448 (By Cook), Honoring Burleson ISD on a successful 2020-2021 academic year.

To Resolutions Calendars.

HR 1449 (By Canales), Congratulating James M. Bass on his retirement as executive director of the Texas Department of Transportation.

To Resolutions Calendars.

HR 1450 (By Jetton), Commending Steve Porter for his service on the Sugar Land City Council.

To Resolutions Calendars.

HR 1451 (By Jetton), Congratulating Zach Lambert of Rosenberg on his election to the Lamar CISD Board of Trustees.

To Resolutions Calendars.

HR 1452 (By Dutton), Congratulating Herma Glynn of Houston on her 99th birthday.

To Resolutions Calendars.

HR 1453 (By E. Morales), In memory of Roberto M. "Red" Soto of Del Rio.

To Resolutions Calendars.

HR 1454 (By E. Morales), In memory of Alfonso M. Soto Jr.

To Resolutions Calendars.

HR 1455 (By Fierro), In memory of Ricardo V. Aranda of El Paso.

To Resolutions Calendars.

HR 1456 (By P. King), Congratulating Donald Eugene Schnebly on his retirement as Parker County district attorney.

To Resolutions Calendars.

HR 1457 (By P. King), In memory of Phillip John Barnett of Weatherford.

To Resolutions Calendars.

HR 1458 (By Noble), Congratulating Sarah Fuller on being the first woman to play in a Power 5 conference football game.

To Resolutions Calendars.

HR 1459 (By Cook), Honoring Kennedale ISD on a successful 2020-2021 academic year.

To Resolutions Calendars.

HR 1460 (By Cook), Honoring Crowley ISD on a successful 2020-2021 academic year.

To Resolutions Calendars.

HR 1461 (By Price), Congratulating Cathy Ann Shofner on her induction into the Tascosa High School Hall of Fame.

To Resolutions Calendars.

HR 1462 (By Price), Congratulating Dr. Richard Weinberger on his selection to the 2021 Tascosa High School Hall of Fame.

To Resolutions Calendars.

HR 1463 (By Price), Commending C. E. Williams for his 30 years of service with the Panhandle Groundwater Conservation District.

To Resolutions Calendars.

HR 1464 (By Price), In memory of Ollie Pearl Chandler of Amarillo.

To Resolutions Calendars.

HR 1465 (By Price), In memory of William Cline Pratt.

To Resolutions Calendars.

HR 1466 (By Raney), Congratulating Colonel Jay O. Brewer on his retirement as senior associate director and announcer for the Aggie Band at Texas A&M University.

To Resolutions Calendars.

HR 1467 (By Fierro), Honoring R&B singer Khalid for his philanthropic and charitable work in El Paso.

To Resolutions Calendars.

HR 1468 (By Muñoz), In memory of Hector Gandaria of Mission.

To Resolutions Calendars.

HR 1469 (By Fierro), Honoring college basketball coach Nolan Richardson for his professional accomplishments and civic engagement.

To Resolutions Calendars.

HR 1470 (By Bucy), In memory of David Neemidge of Round Rock.

To Resolutions Calendars.

HR 1471 (By Dominguez), Congratulating The University of Texas Rio Grande Valley chess team on winning the 2021 President's Cup tournament.

To Resolutions Calendars.

HR 1472 (By Neave), Congratulating Mary Ann Thompson-Frenk of Dallas on her 44th birthday.

To Resolutions Calendars.

HR 1473 (By Neave), Commemorating Women Veterans Day on June 12, 2021.

To Resolutions Calendars.

HR 1474 (By Price), Congratulating Eddie Edwards on his retirement as Borger city manager.

To Resolutions Calendars.

HR 1475 (By Howard), In memory of Stephen Avery Warren of Austin.

To Resolutions Calendars.

SB 183 to Insurance.

SB 608 to Urban Affairs.

SB 1003 to State Affairs.

SB 1083 to Public Education.

SB 1200 to Public Health.

SB 1311 to Public Health.

SB 1386 to Homeland Security and Public Safety.

SB 1412 to Ways and Means.

SB 1451 to Pensions, Investments, and Financial Services.

SB 1486 to Juvenile Justice and Family Issues.

SB 1630 to Human Services.

SB 1741 to Homeland Security and Public Safety.

SB 1745 to House Administration.

SB 2037 to Human Services.

SB 2214 to Urban Affairs.

SB 2237 to Natural Resources.

SB 2242 to Natural Resources.

SB 2244 to Urban Affairs.

SCR 31 to Judiciary and Civil Jurisprudence.

SCR 52 to Resolutions Calendars.

SCR 53 to Resolutions Calendars.

SCR 54 to Resolutions Calendars.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 25

HB 159, HB 315, HB 699, HB 781, HB 840, HB 1005, HB 1011, HB 1049, HB 1069, HB 1080, HB 1133, HB 1213, HB 1227, HB 1228, HB 1257, HB 1264, HB 1276, HB 1296, HB 1297, HB 1372, HB 1387, HB 1397, HB 1401, HB 1403, HB 1419, HB 1434, HB 1484, HB 1543, HB 1544, HB 1571, HB 1693, HB 1728, HB 1752, HB 1777, HB 1792, HB 1799, HB 2048, HB 2094, HB 2112, HB 2167, HB 2223, HB 2748, HB 3041, HB 3395, HB 3496, HB 3514, HB 3615, HB 4080, HCR 106

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 20

Appropriations - **SB 1232**

Elections - **SB 1761**

Higher Education - **SB 1888, SB 1963**

Homeland Security and Public Safety - **SB 2247**

Human Services - **SB 1079**

Judiciary and Civil Jurisprudence - **SB 156, SB 247, SB 275**

Juvenile Justice and Family Issues - **SB 185**

Natural Resources - **SB 1008**

Public Health - **HCR 2, SB 239**

State Affairs - **SB 3, SB 4, SB 149, SB 576, SB 966, SB 968, SB 1020, SB 1541, SB 1580**

Ways and Means - **SB 113, SB 734**

May 21

Agriculture and Livestock - **SB 1772**

Elections - **SB 1112, SB 1675**

Human Services - **SB 225, SB 500, SB 1628**

Judiciary and Civil Jurisprudence - **SB 1458**

Pensions, Investments, and Financial Services - **SB 202, SB 483, SB 604, SB 1984, SB 2230**

Public Education - **SB 203, SB 279, SB 348, SB 801, SB 1095, SB 1109, SB 1171, SB 1351, SB 1696, SB 1716, SB 2026, SB 2050**

Public Health - **SB 442, SB 640, SB 970, SB 1616, SB 2013**

State Affairs - **SB 1254**

Transportation - **SB 935**

Ways and Means - **SB 248, SB 1413, SB 2089**

May 22

Culture, Recreation, and Tourism - **SCR 22**

Elections - **SB 1418, SB 1572, SB 2232**

Human Services - **SB 452, SB 1059, SB 1921**

Judiciary and Civil Jurisprudence - **SB 41**

Pensions, Investments, and Financial Services - **SB 1071**

Public Education - **SB 123, SB 2081, SB 2094**

State Affairs - **SB 507**

ENROLLED

May 20 - HB 315, HB 699, HB 781, HB 840, HB 868, HB 1005, HB 1011, HB 1049, HB 1069, HB 1080, HB 1133, HB 1213, HB 1227, HB 1228, HB 1257, HB 1264, HB 1276, HB 1296, HB 1297, HB 1372, HB 1397, HB 1401, HB 1403, HB 1419, HB 1434, HB 1484, HB 1543, HB 1544, HB 1545, HB 1571, HB 1572, HB 1606, HB 1618, HB 1680, HB 1728, HB 1752, HB 1777, HB 1792, HB 1799, HB 1904, HB 1936, HB 1939, HB 1958, HB 2004, HB 2083, HB 2093, HB 2094, HB 2106, HB 2167, HB 2223, HB 3041, HB 3395, HB 3615, HCR 106

May 21 - HB 159, HB 1387, HB 1693, HB 2048, HB 2112, HB 2748, HB 3496, HB 3514, HB 4080

SENT TO THE GOVERNOR

May 20 - HB 569, HB 574, HB 654, HB 918, HB 1071, HB 1147, HB 1197, HB 1322, HB 2152, HB 2404, HB 2533, HB 2723

May 22 - HB 180, HB 189, HB 365, HB 374, HB 375, HB 402, HB 690, HB 725, HB 763, HB 766, HB 785, HB 837, HB 851, HB 868, HB 871, HB 876, HB 914, HB 1510, HB 1545, HB 1572, HB 1606, HB 1618, HB 1680, HB 1904, HB 1936, HB 1939, HB 1958, HB 2004, HB 2083, HB 2093, HB 2106, HB 2301, HB 2343, HB 2374, HB 2530, HB 2669, HB 2698, HB 2819, HB 2840, HB 2841, HB 2847, HB 2920, HB 2941, HB 3130, HB 3132, HB 3165, HB 3394, HB 3644, HB 3689, HB 3721, HB 3769, HB 3786, HB 3788, HB 3794, HB 3799, HB 3856, HB 4436, HB 4577, HB 4579, HB 4585, HB 4610

RECOMMENDATIONS FILED WITH THE SPEAKER

May 21 - HB 4662, HB 4663, HB 4665, HB 4666, HB 4668